

**Wastewater Management
Commission
November 12, 2014
Regular Meeting
~ Minutes ~
FINAL**

I. CALL TO ORDER

The meeting was called to order at 6:00 PM by Chairman Thomas M. Ferrio

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Thomas M. Ferrio	Chairman	Present	
Robert D. Frost	Commissioner	Present	
Barbara Lutzell	Commissioner	Present	
Peter Ogle	Commissioner	Present	
Elizabeth V. Richardson	Vice-Chairman	Present	

Motion to move Agenda Item #1299 Cesspool Phase-Out Temporary Hardship Waiver Application Hearing - SMITH, KEVIN, 26 SAGAMORE DRIVE to here in meeting

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth V. Richardson, Vice-Chairman
SECONDER:	Barbara Lutzell, Commissioner
AYES:	Ferrio, Frost, Lutzell, Ogle, Richardson

Cesspool Phase-Out Temporary Hardship Waiver Application Hearing - SMITH, KEVIN, 26 SAGAMORE DRIVE, Cesspool Phase-Out Zone 5 (May 2014) WAIVER REQUEST (CWZ5-14-006)

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The applicant was present for the meeting and was sworn in by Attorney Brochu. Mr. Dowling presented the applicant's waiver request to the commission. Mr. Smith presented his information to the commission.

The Wastewater Management Commission, hearing the Applicant's testimony and the report of the On-Site Wastewater Manager in the application for a Cesspool Phase-Out Temporary Hardship Waiver, makes the following findings:

- a) The Property contains a single family dwelling owned by the Applicant,
- b) The dwelling is the year-round residence for one person, the Applicant,
- c) The Property utilizes a cesspool to manage wastewater from the Applicant's dwelling,
- d) The cesspool is located in Zone 5 of the Charlestown Cesspool Phase-Out Prioritization Overlay, required by Town Ordinance to be removed and replaced with an on-site wastewater treatment system (OWTS) suitable for the Wastewater Management District before June 1, 2014,
- e) Town records indicate the cesspool was last pumped and inspected on August 23, 2011 which is out of compliance with the annual pumping and inspection required by Town Ordinance 210: however, the Applicant indicated that the dwelling has not been occupied for four years, until very recently,
- f) No drinking water tests were made available to the Commission,
- g) The Applicant expressed plans to apply for CSSLP low-interest loan funding, when the system design is complete,
- h) The Applicant presented his hardship case based on financial hardship and disability,
- i) The review of financial records provided by the Applicant indicates that the Applicant meets the HUD Low Income Limits,
- j) The cesspool for this dwelling is well-separated from other dwellings and the river,

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The Wastewater Management Commission makes the following determination in this case:

- a) The owner has demonstrated an undue hardship,
- b) That hardship is undue because the owner's financial resources are limited and he is disabled,
- c) The WWMC grants the waiver request for two years from the replacement deadline, to expire June 1, 2016,
- d) The Town of Charlestown On-Site Wastewater Manager is directed to inspect the cesspool and set a next inspection and pumping date,
- e) If the cesspool is deemed a failed system, pursuant to Rule#7 of the RIDEM rules, it will nullify this waiver and the Applicant will be subject to the RIDEM and the Town of Charlestown repair requirements,
- f) This waiver is applicable exclusively to the Applicant for the subject Property, is non-transferable and does not run with the land.

Motion to grant the hardship waiver request.

Motion to grant the hardship waiver request

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth V. Richardson, Vice-Chairman
SECONDER:	Peter Ogle, Chairman
AYES:	Ferrio, Frost, Lutzel, Ogle, Richardson

III. REVIEW AND APPROVAL OF MINUTES

Review and Approval of WWMC September 10, 2014 Regular Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth V. Richardson, Vice-Chairman
SECONDER:	Barbara Lutzel, Commissioner
AYES:	Ferrio, Frost, Lutzel, Ogle, Richardson

IV. COMMUNICATIONS AND REPORTS

1. Wastewater Manager's Report

Wastewater Manager's report was received and placed on file.

RESULT:	NO VOTE TAKEN
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2. Solicitor's Report

RESULT:	NO VOTE TAKEN
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V. OLD BUSINESS

Review, Discussion and Potential Action Pertaining to the Siting of On-Site Wastewater Treatment Systems Relating to the Planning Commission's Proposed Zoning Ordinance Revisions

Discussion ensued regarding the Quonochontaug East Beach/Central Beach Fire District CWWPA MANAGE Assessment.

Mr. Ogle explained that a meeting was held on November 5, 2014 between Atlantic States Rural Water Association and East Beach/Central Beach Water Association stakeholders as recommended by the Department of Health after recent testing showed increasingly elevated nitrate levels in the groundwater.

Mr. Ogle further stated that there are potential solutions to the problem and they need to be quantified and laid before the stakeholders.

Discussion ensued regarding the MANAGE Assessment of Charlestown Wastewater Management Zones 1, 2 and 3 done by URI.

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Mr. Ferrio stated that the low contribution of elevated nitrate levels by fertilizers information surprised him.

Mr. Ogle stated that when you read through it, the amount of nitrogen that gets into the groundwater is variable, that if the lawn fertilizing is done in an orderly manner at the right time of day and is not immediately followed by a 2" rainfall, then the amount of nitrogen can be fairly low. If the lawn fertilizing is done by your average homeowner and you get a downpour the next day or within a week before it has time to be absorbed by the plant life, or the homeowner puts down too much, then a lot of it will go down into the groundwater. A strong effect is shown if a denitrification system is put in but a very small effect is shown if you stop fertilizing. Mr. Ferrio stated that it seems to him that the pounds of nitrogen are so much higher with fertilizing unless the plant matter captures it all.

Mr. Dowling stated that another consideration may be that a lot of the nitrogen from fertilizer is washed off with storm water rather than permeating the ground.

Mr. Ferrio's second point is the amount of inches of rain of runoff, which seems high for an area that is not storm-sewered and does not have ditches. Mr. Ogle stated that it makes sense to him because when he looks at the levels of nitrate in his area, one of the things that has changed significantly over the last ten years that we have seen the level of nitrate rise, has been the number of homes that have well- manicured lawns, sprinkler systems, etc.. This may be one of the things that has changed over the past ten years that is contributing to the nitrate problem. Mr. Frost commented that the storm water runoff, if it is running off into the wells, first before running into the wells it runs into the fresh ponds and the wetlands and then that gets distributed directly into Quonochontaug Pond.

Mr. Dowling stated that he thinks the commission should bring together some questions for Lorraine Joubert, of URI, and schedule a time to meet with her.

Mr. Ogle stated that the commission's role in this should be just, at least from the septic system point of view, exploring various options such as community package systems, running a sewer line from Westerly, mandating denitrification systems; these are all options along with coming up with a new water supply and then not having to worry about the nitrogen. So, there is that range of options and the commission can at least help them understand the cost and maybe what the regulatory hurdles are for the septic system options. Then, the commission can leverage whatever work is done here and how it may be applicable in the Charlestown Beach Road area.

Mr. Ogle asked Mr. Dowling if he could find out how much community systems cost, like the one at the condo community in Charlestown (Castle Rock) and what it amounts to in size, how many bedrooms it covers, how much surface area it takes up, etc... Mr. Dowling stated that he would do this.

Mr. Ferrio plans to prepare draft correspondence to Lorraine Joubert, URI, regarding comments/questions on the MANAGE Assessment of Charlestown Wastewater Management Zones 1, 2, and 3 and the Quonochontaug East Beach/Central Beach Fire District CWWPA MANAGE Assessment.

Regarding how this relates to the Planning Commission; the Planning Commission was asking this commission a year and a half ago for their input regarding changing the setback rules for OWTS in the draft revisions of the zoning ordinance. This issue has now been overrun by the state legislation of a year ago. Meetings have occurred since, with the determination that the state is going to mandate any setbacks or any specifics about septic systems, with the understanding that if there are specific local issues that could be understood with science, that could change the standards for that area and other areas that are deemed to be the same, RIDEM could establish areas of different standards based on scientific means.

If Charlestown has some issues, some things it feels it has to protect, things that are unique to Charlestown, the commission needs to start thinking about this, it could be this commission, it could be another commission, who thinks there might be a requirement for more stringent septic system control than now exists.

Mr. Dowling stated that it is his understanding that RIDEM is only considering the rules and regulations pertaining to the siting of septic systems with relation to buffer zones and setbacks only. There is no discussion right now other than setbacks.

Mr. Dowling further explained that there is enabling legislation that allows the Wastewater Management District to implement its own rules and regulations pertaining to OWTS management. The State's proposal right now, what the

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state is talking about, is taking the right away from towns to control the siting of septic systems in relationship to wetland setbacks and managing that at a state level only.

Ms. Richardson stated that we no longer need to see this particular item on the agenda. Mr. Ferrio stated that we need to get a new statement from the Planning Commission as to what they are looking for once it becomes clear at the state level what is going to happen.

RESULT:	NO VOTE TAKEN
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VI. NEW BUSINESS

Cesspool Phase-Out Temporary Hardship Waiver Application Hearing - SMITH, KEVIN, 26 SAGAMORE DRIVE, Cesspool Phaseout Zone 5 (May 2014) WAIVER REQUEST (CWZ5-14-006)Hardship Waiver for 26 Sagamore Drive Map 28 Lot 104

Please see above narrative immediately following roll call

RESULT:	APPROVED [4 TO 0]
MOVER:	Elizabeth V. Richardson, Vice-Chairman
SECONDER:	Peter Ogle, Chairman
AYES:	Robert D. Frost, Barbara Lutzel, Peter Ogle, Elizabeth V. Richardson
RECUSED:	Thomas M. Ferrio

VII. PUBLIC COMMENTS

Ron Meneo introduced himself to the Commission and stated that he lives in Quonochontaug and came to observe the meeting tonight. He further stated that he attended the meeting on November 5, 2014, having been invited to it at the last minute. He commented that he feels the community should be more included in these discussions.

Mr. Ogle explained that last January (2014) the DOH first suggested that Atlantic States Rural Water Association conduct a source water protection program for just the two private water systems, Central Beach and Quonochontaug. Nothing happened until a meeting in the first week of July because the two water systems were in the phragmites battle, and then there was a shake-up at Atlantic States and the whole process had to be re-started again, hence, the Nov 5 meeting. The managers of these private water systems then thought that since they were going to have Lorraine Joubert, URI, and RIDEM there, why not invite the public because it is more than just a local water company problem.

Mr. Meneo stated that he lives outside the water district and that he belongs to a group of concerned homeowners in the area who have private wells.

Mr. Meneo also stated that Atlantic States Rural Water Association is a trade association for water systems and sewage disposal systems, partially supported by state funding, and he believes that some of their funding runs out in April 2015 so there is perhaps a push to come up with a final product/solution for this area by April.

He further stated that it is not clear to him whether the nitrate levels are a concern, a problem, or approaching crisis mode. He questions "What are the water system operators telling their members about the high nitrate levels?" He stated that if he were a homeowner in this public water system, he would want to know this information.

Mr. Meneo, later in the meeting, asked for an explanation of the relationship between the model done by URI, and this consideration by the Planning Commission for the OWTS zoning revisions. Mr. Ferrio stated that many months ago, the Planning Commission came to the Wastewater Management Commission asking about putting into place, more restrictive zoning regulations regarding the layout of build-able lots and the placement of septic systems. These revisions to the zoning ordinance were also going to affect the size of lots and could have made some lots un-build-able. The Planning Commission came to the Wastewater Management Commission with this as a proposal and there wasn't any science behind it. It has taken such a long time because the WWMC has been unable to find

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the science to support it. This model done by Lorraine Joubert, URI, was done to try to understand how these densely populated areas might develop in terms of their groundwater nitrate over time.

VIII. ADJOURNMENT

The meeting was closed at 7:27 PM

Attest:

Bonnie J. Langlois, WWMC Recording Secretary