

**Wastewater Management  
Commission  
December 10, 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 | Absent  |         |

**Motion to move NEW BUSINESS Item #1 to here in meeting**

Hardship Waiver Hearing moved to here in meeting.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Peter Ogle, Commissioner                                       |
| <b>SECONDER:</b> | Barbara Lutzell, Commissioner                                  |
| <b>AYES:</b>     | Thomas M. Ferrio, Robert D. Frost, Barbara Lutzell, Peter Ogle |
| <b>ABSENT:</b>   | Elizabeth V. Richardson  |

**Cesspool Phase-Out Temporary Hardship Waiver Application Hearing - LYNCH NEIL D, 279 ROSS HILL ROAD, Zone 5 (May 2014) WAIVER REQUEST #CWZ5-14-007**

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. Lynch 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 two adults and two children,
- 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 June 25, 2010, which is out of compliance with the annual pumping and inspection required by Town Ordinance 210,
- f) The Applicant believes he has had the cesspool pumped more recently,
- g) No drinking water tests were made available to the Commission,
- h) The Applicant started the temporary hardship waiver request process after a court appearance in November 2014,
- i) The Applicant has submitted an application for a Community Development Grant Loan (deferred) to replace the cesspool,
- j) The Applicant presented his hardship case based on financial hardship,
- k) The review of financial records provided by the Applicant indicates that the Applicant meets the HUD Low Income Limits,

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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,
- c) The WWMC grants the waiver request for two years from the replacement deadline, to expire June 1, 2016,
- d) The WWMC directs the Town of Charlestown On-Site Wastewater Manager to initiate enforcement procedures to resolve the inspection and pumping of the existing cesspool,
- e) The cesspool must be pumped and inspected annually until its replacement,
- f) 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,
- g) 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.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Thomas M. Ferrio, Chairman                                    |
| <b>SECONDER:</b> | Peter Ogle, Commissioner                                      |
| <b>AYES:</b>     | Thomas M. Ferrio, Robert D. Frost, Barbara Lutzel, Peter Ogle |
| <b>ABSENT:</b>   | Elizabeth V. Richardson                                       |

### III. REVIEW AND APPROVAL OF MINUTES

#### 1. Review and Approval of WWMC November 12, 2014 Regular Meeting Minutes

WWMC November 12, 2014 - Minutes approved with corrections

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                   |
| <b>MOVER:</b>    | Barbara Lutzel, Commissioner                                  |
| <b>SECONDER:</b> | Robert D. Frost, Commissioner                                 |
| <b>AYES:</b>     | Thomas M. Ferrio, Robert D. Frost, Barbara Lutzel, Peter Ogle |
| <b>ABSENT:</b>   | Elizabeth V. Richardson                                       |

### IV. COMMUNICATIONS AND REPORTS

#### 1. Wastewater Manager's Report

Wastewater Manager's report was received and placed on file

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| <b>RESULT:</b> | <b>NO VOTE TAKEN</b> |
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#### 2. Solicitor's Report

No report

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| <b>RESULT:</b> | <b>NO VOTE TAKEN</b> |
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### V. OLD BUSINESS

None

### VI. NEW BUSINESS

1. Cesspool Temporary Hardship Waiver – This item was moved to the start of the meeting – see above.

2. URI Water Quality Model: Discussion of Factors Affecting the Computation and Plans for Adjustments

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Upon receiving additional information about the MANAGE Assessment study areas from the Wastewater Management Office, Ms. Joubert indicated that URI can analyze the new scenarios by modifying the assumptions by the end of December.

Mr. Ron Meneo spoke regarding the MANAGE Assessment models prepared by URI. Discussion ensued regarding maximum pumping rates, fertilizer usage assumptions, year round residency of households, density of households, and the accuracy of these assumptions. These assumptions, coupled with the summer dry season, would mean that the effluent coming out is actually much greater because the population on the peninsula is much greater during the summer months. Would this affect the analysis as well? Additionally, the MANAGE model reads "Nitrate-nitrogen levels greater than five mg/L are considered an indicator of extreme risk". This statement really jumped out at Mr. Meneo, because although he was aware that there were alert levels, he didn't know that the levels indicated an extreme risk. Are the levels an indicator of extreme risk or is that an overstatement? Mr. Ferrio stated that he wasn't sure what Lorraine meant by that. Mr. Meneo also questioned the holding tank, which was clarified by Mr. Dowling as a zero discharge system, approved by RIDEM in certain circumstances.

Mr. George Pryor spoke as a representative of the Central Beach Water Association. He stated that they have never monitored other than once per year, usually in the winter. He further stated that they haven't really monitored in the summer months and so they haven't had any data from the summertime period before, hence, maybe the levels haven't really changed that much at all.

Mr. Ferrio ended the discussion by stating that they are trying to better understand this MODEL because they have some concerns about the MODEL itself; the cycle of things is not trying to do a final number but wanting to try to get a better comparison of the MODEL output to what they are seeing in the wells today, not as a prediction thing, just trying to understand the factors in the MODEL.

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| <b>RESULT:</b> <b>NO VOTE TAKEN</b> |
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### 3. Discussion and Potential Action of Proposed Town Council-Authorized Water Quality Working Group

Town Council Agenda item was introduced to the Commission regarding scheduling a workshop of the Town Council, Planning Commission, Wastewater Management Commission and appropriate Staff members to define, educate, and consider potential next steps in continuing to have clean potable water in Charlestown.

Motion made by Mr. Bob Frost to recommend Mr. Tom Ferrio to serve as the representative of the Wastewater Management Commission on the Potable Water Town Council Working Group. Motion seconded by Peter Ogle. VOTE: Mr. Peter Ogle - aye, Mr. Tom Ferrio - aye, Mr. Bob Frost - aye, Ms. Barbara Lutzel - aye, Ms. Beth Richardson - absent. All in favor. Motion passed with four (4) concurring votes.

Motion made by Mr. Bob Frost to recommend Mr. Peter Ogle to serve as the alternate representative of the Wastewater Management Commission on the Potable Water Town Council Working Group. Motion seconded by Ms. Barbara Lutzel. VOTE: Mr. Peter Ogle - aye, Mr. Tom Ferrio - aye, Mr. Bob Frost - aye, Ms. Barbara Lutzel - aye, Ms. Beth Richardson - absent. All in favor. Motion passed with four (4) concurring votes.

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| <b>RESULT:</b> <b>APPROVED [UNANIMOUS]</b>                                 |
| <b>AYES:</b> Thomas M. Ferrio, Robert D. Frost, Barbara Lutzel, Peter Ogle |
| <b>ABSENT:</b> Elizabeth V. Richardson                                     |

### 4. Discussion of Status and Likely Results of State Legislative Taskforce on Wetland and OWTS Setbacks

Mr. Ogle and Mr. Dowling attended the latest State Legislative Taskforce meeting. Mr. Ogle stated that the discussion seemed to focus mainly on setbacks, which he thinks is good. He doesn't believe this is a problem for the Wastewater Management Commission, although he's not sure what the Planning Commission will think.

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Mr. Ferrio stated that the WWMC tends to normally trust RIDEM to be responsive to the specific needs of the jurisdiction. Special Use Permits for OWTS setbacks for the 100 foot wetlands buffer will no longer be required. Twenty-five towns have tighter setback rules than RIDEM and they want to have some time to work hearings through on these situations. Mr. Dowling does not believe this will have a large effect on Charlestown as a whole.

The State has also said repeatedly that they are not going to do special cases for Towns anymore, the special cases are going to have to be based on science and geology within the jurisdictional area. Mr. Dowling stated that there will be a DRAFT report submitted by this Legislative Taskforce to the Governor by the end of the month. This report will also indicate that RIDEM will have to hire additional staff.

### **VII. PUBLIC COMMENTS**

None

### **VIII. ADJOURNMENT**

The meeting was closed at 7:14 PM

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Attest:

Bonnie Langlois, WWMC Recording Secretary

Minutes approved as written January 14, 2015 - bjl