

CITY OF NORWALK
WATER POLLUTION CONTROL AUTHORITY
October 21, 2013

Attendance: Darren Oustafine, Chairman
Lewis Clark, Vice Chairman
Dave McCarthy
Galen Wells
Doug Hempstead

Staff: Hal Alvord, DPW Director
Lisa Burns, DPW Operations Manager
Ralph Kolb, DPW Waste Systems Manager

Others: John Ahern, CH2MHill, OMI, INC.
Ed Hynes

1. CALL TO ORDER

Chairman Oustafine called the meeting to order at 5:38PM

4. REPORTS

- a. FY12/13 Revenues/Expenditures Report (MUNIS report included)
Mr. Kolb said that overall everything is tracking as anticipated, and that \$181,000 has been collected in septage disposal fees to date this fiscal year. He said that some of that was monies that should have gone into last fiscal year but due to Kaiser-Battistone's late payments those monies were deposited into this fiscal year.

- b. Draft NPDES Permit Status (petition letter included)
Ms. Burns said that staff has submitted the NPDES permit renewal application to the DEEP to operate the Wastewater Treatment Plant in 2010, and the State recently issued a draft permit and staff has been negotiating the permit. She said that the DEEP had advertised a notice of tentative determination and in doing so they have received a public notification, and the petitioner gathered the required number of signatures to have a hearing on the issuance of the permit. She said that the petitioner is Diane Lauricella and she is representing those that signed the petition, and that they have no stated issue. She said that this has now triggered a lengthy adjudication process because they are not an interested party, and under the Connecticut statute they are not a party to the matter and the way the petition was filed it cannot be withdrawn and now needs to go through the entire adjudication process. She said that staff has a meeting scheduled for tomorrow with the Attorney and that the burden of proof is now on the applicant and now need to prove that the permit should be issued. Mr. McCarthy asked in the end what the cost will be between staff time and outside counsel. Mr. Alvord said that is unknown at this time and that according to the DEEP they have never seen this in the time that they have been there and that they will also need to retain outside counsel.

c) WWTP Main Lift Pumps Failure (letters included)

Mr. Kolb said that on September 6, 2013, he received a letter from Flowserve and it stated in their conclusion that based on the information that the pump station found the pumps air bound and that they also had an issue with their wet well level system malfunctioning and it is apparent that the pump that was inspected ran dry for an extended period which caused the primary mechanical seal to catastrophically fail and allowed the coolant system to be contaminated with sewage, and that Flowserve does not consider this to be a warrantable claim and will not cover the charges for the repair of the pumps. Ms. Burns said that each time a pump needs to be taken out it requires a crane and is approximate \$3,000 each way, and the first pump repair cost is almost \$40,000 and that the pumps are only 1-½ years old and should be covered under the full warranty. She said that she had called Mr. Wantz who is with their warranty group and he has never returned her call and she cannot get answers from anyone. She also said that the main lift pump has been at their facility since August and that staff has been in contact with the Attorney and that he had helped craft a letter to Flowserve and Mr. Kolb had obtained the SCADA data showing that the pumps could have never run dry because the wet well levels were never down, and that their premise was flawed and that they should cover these pumps under warranty and that they have not responded. She said in receiving no response staff is now looking at going into litigation and will have the pumps repaired at a cost of approximately \$300,000. She said that she will also be retaining CDM Smith based on time and material, and that she has spoken to a pump expert who if needed will be providing testimony during litigation and that they will be going to look over the pump before it gets repaired to protect the position. Mr. Outstfine asked if the pumps are proprietary. Ms. Burns said that they could be. Mr. Oustafine asked if there is anyone else that can work on a Flowserve pump who is independent of them. Ms. Burns said that would void the warranty and that extended warranties were purchased. Mr. Clark asked if there is any contingency plan if the pumps are not available. Ms. Burns said that the State has been notified. Mr. Ahern said that bypass pumping can be set up. Mr. Kolb said that it can be set up pump that it takes time to get the pumps on site.

Mr. Hempstead arrived at 6:00PM

d. Sammis Street Pump Station and Ann St Siphon Project Update (invitation for construction included)

Mr. Kolb said that there was a mandatory pre-bid meeting held on October 17, 2013, and that the project is now out to bid and that the bids are due back on November 7, 2013. Mr. Hynes asked if the easements will be discussed in the executive session. Ms. Burns said that all the land records were reviewed by the Attorney and that they believe the pump station as is on the plans complies with all the existing land record requirements and that there is no reason the pump station cannot be constructed as presented on the plans. Mr. Hynes asked if he can receive that in writing because it seems to him in reading the records that it is obvious there is an easement that needs to be respected. Ms. Burns said that the Attorney stated that the WPCA has reviewed the matter and believes the construction of the Sammis Street Pump Station is in accordance with all legally enforceable obligations. Mr. Hynes requested that be sent to him in writing. Ms.

- e. Burns said that she had previously e-mailed that to him but that she will resend it.
GIS Position- Steven Birney
Mr. Alvord said that 75 applications were received, 35 were deemed qualified by the Personnel Department and that 4 were selected to be interviewed. He said that the position was offered to Steven Birney who is currently the GIS analyst in Newtown. He said that he will start on November 12, 2013, and that he comes highly recommended.
- f. Sewer Use Bill Appeals/Adjustments Update
 - 1. Appeal Status
Mr. Kolb said that the adjustments to date are \$35,971.
- g. Information Copies
 - 1. OMI Monthly Operating Report- September 2013 (copy included)
Mr. Kolb reported on the maintenance and said that there was an HVAC repair in the secondary building. He reported on the pump stations and said that the pump was rebuilt at the Devils Garden pump station, and that the rental generator at the Sammis Street pump station has been sent out to be repaired. He reported on the collection system and said that AJ Penna had replaced 26' of clay pipe at Bettswood Road.

**2. APPROVE THE MINUTES FROM WPCA MEETING HELD ON SEPTEMBER 16, 2013
(COPY INCLUDED)**

Mr. Oustafine said on Page 1, Item 3, to change "approve the minutes" to Approve Item 3"
Mr. Oustafine said on Page 2, Item 4, to change "Recondation" to "Recommendation"
Mr. Oustafine said on Page 2, Item 4, to change "approve the minutes" to Approve Item 4"
Mr. Oustafine said on Page 3 Item 5, to change "at" to "and"

**** MR. MCCARTHY MOVED TO APPROVE THE MINUTES AS AMENDED
** MOTION PASSED UNANIMOUSLY**

3. AUTHORIZE STAFF TO RETAIN CDM SMITH FOR PROFESSIONAL SERVICES RELATED TO POTENTIAL LITIGATION FOR A SUM NOT TO EXCEED \$7,500 IN ACCORDANCE WITH EMAIL DATED OCTOBER 18, 2013. (EMAIL ATTACHED)

**** MR. MCCARTHY MOVED TO APPROVE THE ITEM
** MOTION PASSED UNANIMOUSLY**

5. EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION WITH FLOWSERVE ABOUT MAIN LIFT PUMPS FAILURE

**** MR. MCCARTHY MOVED TO ENTER INTO EXECUTIVE SESSION
** MOTION PASSED UNANIMOUSLY**

Executive session began at 6:25PM
No action was taken

**6. EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS RELATED TO THE SAMMIS
STREET PUMP STATION RECONSTRUCTION**

Executive session ended at 6:40PM
No action was taken

7. ADJOURNMENT

**** MR. WILMS MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**
The meeting adjourned at 6:45PM

Respectfully Submitted,

Dilene Byrd