

**WLSD Planning Committee Meeting**  
**Monday, November 15, 2010 @ 3:00 pm**  
**Minutes**

Attending: Ray Turri, Chip Roraback, Jim Mersfelder, Bob Goldfeld, Charlie Ekstrom, Ken Green, and Paul Dombrowski of Woodard & Curran

**1. Approval of Minutes**

The Committee approved the minutes of previous Planning Committee meetings of August 30, September 13, September 20, September 27 and October 18.

**2. Discussion of DEP's November 8 response to WLSD's October 13 letter**

The Committee discussed at length the DEP's letter of November 8 responding to our October 13 letter summarizing the WLSD/DEP meeting of September 27. The key document used during the discussion was Paul Dombrowski's November 11 note assessing the DEP response.

The major points discussed were:

- a. The DEP essentially gives little credit for advanced plant treatment of wastewater instead focusing on in-ground treatment. This was viewed as a dated and limited view of best practice and will need to be addressed in future dealings with the DEP.
- b. The DEP was silent on the grandfathering of WLSD in Item 2 of our response and we will want to address this, most likely by referral to WLSD legal counsel.
- c. The DEP appears to be shifting its focus from using "guidelines" to "criteria" which has a more negative implication for WLSD.
- d. The introduction of "3 foot unsaturated separation" in the letter is significant and increases the hurdle level for WLSD. This is another example of undue reliance on in-ground treatment.
- e. It was noted that DEP's file on WLSD's history of compliance appears limited as the only examples of non-compliance produced were more than 15 years old. Paul will ask Ann Straut-Esden for copies of past DEP inspections to see what file information the DEP has on WLSD.
- f. The DEP indicated "no increase in permitted flow" if a non standard approach is used which will need to be addressed, partly by properly defining the measurement of permitted flow.
- g. The DEP was not able to identify any known impacts on the watershed below WLSD.
- h. Follow-up with the DEP on the November 8 letter, both informal and formal, will be required.

**3. Follow-up with DEP**

The Committee discussed and agreed the following:

- a. Paul will continue to pursue a meeting with Ann Straut-Esden to discuss both the DEP's November 8 letter and our draft Scope of Work.
- b. Following that meeting, Paul will brief the Committee and if there are no substantive changes to the SOW, we will begin the formal application for DEP funding of the SOW.
- c. The formal application will require a statement by WLSD that it has authority for its share of the SOW funding.
- d. Further follow-up by WLSD on DEP's letter of November 8 will need to be discussed and agreed.

#### **4. Retaining WLSD legal counsel**

The Committee discussed the various instances where advice from legal counsel would be important to the District in making informed decisions. The Committee recommended WLSD pursue interviewing and retaining environmental/regulatory counsel to assist the District in coming to a satisfactory result with the DEP. Paul Dombrowski will check with colleagues for W&C recommendations. It was felt that Chip Roraback would be best positioned to lead this exercise with Ray Turri and Bob Goldfeld involved.

#### **5. WLSD Approvals**

The Committee agreed:

- a. The WLSD Board should approve the draft SOW once we have feedback from the DEP
- b. The Planning Committee should take the draft SOW to the community for approval following WLSD Board approval.

There being no further business, the meeting was adjourned.

Respectfully submitted  
Ken Green, Chairman  
November 16, 2010