EAST LYME WATER AND SEWER COMMISSION
PUBLIC HEARING AGENDA *AMENDED*
October 22, 2024
6:30 PM

Public Hearing Regarding a Request for Sewer Capacity – Parkers Place LLC
East Lyme Town Hall
(Upstairs Main Meeting Room)

1. **Call to Order / Pledge of Allegiance**
2. **Presentation on the Determination of Capacity for Parkers Place Proposed Development**
3. **Public Comment**
4. **Adjournment**

EAST LYME WATER AND SEWER COMMISSION
REGULAR MEETING AGENDA
Regular Meeting
Immediately Following the Public Hearing

RECEIVED FOR RECORD
EAST LYME, CT
2024 OCT 18 A 10:12
TOWN CLERK

1. **Call to Order**
2. **Approval of Minutes**
   a. **Regular Meeting Minutes – September 24, 2024**
   b. **Public Hearing Minutes – September 24, 2024**
3. **Delegations**
4. **Correspondence Log**
5. **Discussion and Possible Action on a Consideration of Sewer Capacity Allocation to Parkers Place, LLC Located at Park Place, East Lyme**
6. **Billing Adjustments/Disputes - None**
7. **Approval of Bills – None**
8. **Finance Director Report**
9. **Discussion on Proposed Water and Sewer Rates for FY25 and Set Public Hearing**
10. **Chairman's Report**

11. Staff Updates
    a. Water Department Monthly Report
    b. Sewer Department Monthly Report

12. Future Agenda Items
    a. Capital Projects Subcommittee
    b. Sewer Capacity Subcommittee

13. Adjournment

EAST LYME WATER & SEWER COMMISSION
REGULAR MEETING
Tuesday September 24, 2024
Minutes

PRESENT: Commission Members: Daniel Cunningham Chairman, Dave Murphy, Dave Bond, Lindsay Bollenbach, Dave Zoller, Ken Roberts, Roger Spencer, Carol Russell, Michelle Williams

CC: Joe Bragaw, Public Works Director
Matt Garneau, Utility Engineer
Ben North, Chief Operating Officer
Kevin Gervais, Finance Director (left at 8:25 PM)
Ann Cicchiello, Deputy First Selectman
Mark Zamarka, Town Attorney (left at 8:15 PM)
Tracy Collins, Town Attorney (left at 8:15 PM)
Rich Giusti, Property owner (135 Boston Post Rd)

Location: Town East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave. Niantic, CT

1. Call to Order/Pledge of Allegiance
Chairman Dan Cunningham called the Regular Meeting for the Town of East Lyme Water and Sewer Commission to order at 7:28 PM. The Pledge was previously observed.

2. Approval Minutes
a. Regular Meeting Minutes – August 27, 2024
Chairman Cunningham called for a motion to approve or any discussion on the Regular Meeting Minutes.

***MOTION (1)**
Mr. Roberts moved to approve the Regular Meeting Minutes of August 27, 2024
Mrs. Williams seconded
Vote: 9-0-0
Motion Passed.

RECEIVED FOR RECORD
EAST LYME, CT
2024 SEP 30 P 3:55
TOWN CLERK

3. Delegations
There were none.

4. Correspondence Log
The Commission Members had no Comments regarding the Correspondence Log.

5. Discussion and Possible Action on a Consideration of Sewer Capacity Allocation to Parkers Place, LLC Located at Park Place, East Lyme

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AGENDA# 2a

The Commission decided to postpone any decisions regarding this subject matter until next meeting (See Public Meeting Notes).

6. Billing Adjustment/Disputes

a. 135 Boston Post Road

Mr. North explained that this billing adjustment/dispute is a continuation of last month's meeting. This location was underbilled because of a meter programming error. The main meter for that building was reading 1/10th of the usage on the outside reader that is used to collect data for billing. When that meter was installed 20 years ago, it was programmed to read 1/1000 instead of 1/10,000 that the meter registered inside. During the meeting, the Commission asked for some more data and information to be able to make a more informed decision on the matter.

Mr. North said that one of questions was on how much water the above location had used throughout the years. Mr. North directed the Commission to the report shared as part of the supporting documents for the meeting.
Mr. North listed the following information:

- Data presented covered 10 years with usage and rates included
- Report used is a template that the office to calculate billing discrepancies
- Calculation of amount owed includes the deduction of amounts already paid
- Rates used for the calculations are the lowest Water and Sewer rates
- Amount owed at this address is $136,285.65 for 10 years
- For a period of 20 years, the amount would be double the above dollar amount

Mr. North explained that the second question that the Commission had was on the Statute of Limitations. He said that he had researched and sought legal counseling and, confirmed that the there is a one-year period on the Statue of Limitations for Utility bills. So, the original amount calculated for the last meeting, which covered the November/23 and May/24 bills is correct ($14,967.46).

Mr. Rich Giusti, property owner, thanked the department and the Commission for the information and for their cooperation during this dispute. He went on to reiterate that he was not aware of the reading issue prior to receiving a letter from the town. Mr. Giusti said that since receiving the notification, he has worked with the Town and, has had the meter replaced and added a second meter for the laundromat. He would like to request that instead of the one-year calculation, that the last bill (May/24) would be calculated from the last reading 04/11/24 to 07/23/24 (when he was notified of issue). Mr. Giusti said that this new calculation matched the Statute of Limitations.

Mr. North responded that there had been attempts to rectify the issue going back to March of 2023 when the technicians documented submeters in the building. There was a large discrepancy between the submeter readings and the reading outside. Mr. North noted that different attempts were made to access the meters.

Mrs. Williams asked guidance from Attorney Mark Zamarka on what the Statute of the Limitations says about timing for calculation. Attorney Zamarka clarified that the Statute does not reference notices of when the Commission became aware of an issue or notices to the customer. Attorney

Zamarka mentioned that he would like to do more research on the issue to find out when the one-year mark does start.

The Commission discussed different options on how to solve this dispute including changing the dates for the one-year calculation. At some point, a motion was made to table the issue until next month's meetings to give Attorney Zamarka time to research existing legal cases on start of timing related to the Statute of Limitations. The motion was revoked in order to find a solution that would resolve the dispute at this meeting. Attorney Zamarka noted that if the two parties agreed on a solution, there would be no need to follow the guidelines of the Statute of Limitations.

Chairman Cunningham facilitated the resolution of dispute by clarifying different dates – when the issue was documented, when the customer was notified and the bill calculation time frame that would be fair to both the Town and customer. Mr. Giusti proposed a $11,500 amount. The Commission and the Water and Sewer Department staff agreed that the amount was fair. Chairman Cunningham confirmed with Attorney Zamarka that a settlement could be made between the tow parties using a proposed dollar amount. The Commission agreed to accept Mr. Giusti's proposal.

***MOTION (2)**
Mr. Roberts moved to accept the settlement of the bill for 135 Boston Post Road to $11,500 with the option of a Payment Arrangement of equal payments ending in May of 2025.
Mrs. Williams seconded
Vote: 9-0-0
Motion Passed.

7. Approval of Bills
***MOTION (3)**
Mr. Murphy moved to approve the Tighe and Bond Invoice No. TB-1006642 for $19,405.00
Mr. Spencer seconded
Vote: 9-0-0
Motion Passed.

8. Finance Director Report
Mr. Gervais reviewed his reports. He first went over spreadsheet/graph that showed the Sewer Assessment Cash versus Investments. Next, he explained the Balance Sheet and status of both Water and Sewer Funds. Overall, both funds are under budget (both documents are attached to minutes).
Mr. Gervais also gave an update on Munis: Water and Sewer as well as the General Fund have transitioned the financial/accounts payable sides to Munis. Payroll will go live in Jan/2025 and Utilities in Q3 of 2025.
Mr. Gervais noted that the Town is establishing a Capital Improvement Committee.
Mr. Gervais left the meeting at 8:25 PM.

9. Project Updates
a. Preliminary Engineering Report – Well 1A/6 and Well 4 PFAS Removal Project

Mr. North mentioned that he and Mr. Garneau have been working with Tighe and Bond. Mr. North listed the key points of the Preliminary Engineering Report:

- The department will probably recommend a one-train PFAS filtration system at Well 4 and a two-train at Well 1A and 6.
- The costs are very high because the process in still in very early stage – in engineering report phase and not in a design phase yet.
- Notices have been sent to engineering firms to begin to turn in their qualifications to adhere to the Qualitative Bid Selection (QBS) process
- After the QBS process is completed, staff can begin to work with the design engineer to get a more in-depth understanding of cost and construction timelines.

Mr. Murphy asked if there were any notifications on State/Federal monetary help. Mr. North said that there is possibility of funds but there were no guarantees until the project gets started. Mr. Garneau mentioned that the funds would not be warranted until the project is designed and contracts are about to be signed. Mrs. Russell asked if the funds were grants or low-interest loans. Mr. North answered that it is usually a combination of both. Mr. Garneau responded to Mrs. Russell's question about potential lawsuits by affirming that the Town is looking into working with environmental law firms to hopefully recuperated some of the cost of the cleanup and maintenance. Chairman Cunningham mentioned that the Town decided to forgo class actions to be able to pursue future lawsuits.

10. Discussion on Proposed Water and Sewer Rates for FY25 and Set Public Hearing

Mr. Bragaw and W&S Staff tabled all discussions and decisions on the subject matter to next meeting (October 2024). He said that then, the Finance Committee will have a chance to participate. He noted that the Public Hearing will happen in November.

11. Chairman's Report

Chairman Cunningham expressed his appreciation on the success of the department and other units (police, traffic control, park management) in response to the Force Main break. He mentioned that the repair was done in a timely manner and, that the department was excellent in managing it. Mr. North thanked Chairman Cunningham for showing up at the site and the provision of nourishment to the field staff.

12. Staff Updates

a. Water Department Monthly Report

Mr. North reported that because of rain shortage and dwindling stream flows triggering well inactivation, fire hydrant flushing was put on hold. He mentioned that new water service installations are being scheduled before winter. Mr. Bragaw noted that staff is doing a great job on fire hydrant painting (almost 200).

Mr. Murphy concurred that the fire hydrants are looking great and, he also would like to know the status of the updates on the water tank on Boston Post Road. Mr. Garneau responded that the project went well and that during its first-year inspection, some spots were found where paint is chipping off and some algae growth (on the outside). The paint contractor will be scheduled to fix paint (this service will be under withing the warranty) and power washing should take care of algae issue. Mr. Garneau noted that power washing will probably be a recurring maintenance.

Mr. Bond questioned about the 84 remaining meters that have not been replaced under the Meter Replacement Project. Mr. North responded that the department has a list of customers that have not had their meter replaced for different reasons (i.e.: cancelled appointments, no response to communication attempts, refusal to replace for medical reasons). These accounts will be charged the $75 Manual Reading Fee again in November unless the Commission decides on a different tactic. Mr. Bond ask if any of these addresses had suspicious usage of water. Mr. North responded that the department does not have enough data for these addresses hence the need to replace the meters. He also mentioned that some addresses have medical concerns with the radio technology, Mr. Bond responded that the meter still should be replaced, and the Manual Reading Fee should be applied if radio not replaced. Mr. Bragaw noted that the department is willing to do after hours and weekend appointments to accommodate special schedule needs.
The Commission asked for a list of addresses before making other decisions on more drastic measures.

b. Sewer Department Monthly Report

Mr. Murphy asked for an update on the Rocky Neck Park connection plans. Mr. North responded that the department had just given the contractor, Weston and Sampson, the permission to start working on an alternative analysis.

Mrs. Russell commented that more research needs to be done on the causes of the Forced Main break, and she also would like to know how many gallons of wastewater was released. Mr. North responded that the amount estimated and shared with the State was 31,500 gallons (based on the average flow at that station for the period of time the station was releasing flows). Mr. Bragaw mentioned that the cost for repair will be between $50K to $60K which is less than previously expected. Mr. Garneau noted that because the department has material in stock, the repair time was reduced.
Chairman Cunningham asked if there is any other method of protection for the Force Main line. Mr. North and Mr. Garneau responded that further investigation was warranted as to the best remedy.

13. Future Agenda Items

a. Capital Projects Subcommittee

Mr. North noted that this subcommittee should be meeting soon since the PER for the PFAS Treatment is available.

b. Finance Subcommittee

Mr. North noted that this subcommittee would be meeting on September 25, 2024.

14. Adjournment

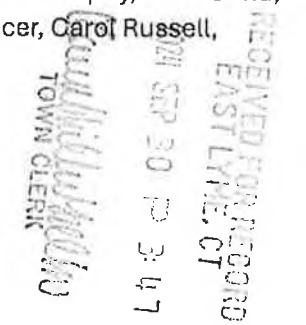
Chairman Cunningham called for a motion to adjourn.

***MOTION (4)**
Mr. Murphy moved to adjourn this Regular Meeting of the East Lyme Water and Sewer Commission at 9:00 PM.
Mr. Bond seconded the motion.
Vote:9-0-0
The motion passed.

Respectfully submitted,
Tania Ranelli
Recording Secretary

EAST LYME WATER & SEWER COMMISSION
PUBLIC HEARING
Tuesday September 24, 2024, 6:30PM
Minutes

PRESENT: Commission Members: Daniel Cunningham Chairman, Dave Murphy, Dave Bond, Lindsay Bollenbach, Dave Zoller, Ken Roberts, Roger Spencer, Carol Russell, Michelle Williams



CC: Attorney Harry Heller
Joe Bragaw, Public Works Director
Matt Garneau, Utility Engineer
Ben North, Chief Operating Officer
Ann Cicchiello, Deputy First Selectman
Mark Zamarka, Town Attorney
Tracy Collins, Town Attorney

Location: Town East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Ave. Niantic, CT

Pledge of Allegiance
The Pledge was observed.

Public Hearing

- Presentation on the Determination of Capacity for Parkers Place LLC Proposed Development

Chairman Dan Cunningham called this Public Hearing on the proposed Water rates to order at 6:30 PM. He read the Notice of Public Hearing and noted that it was published in the New London Day newspaper on 09/13/24 and 09/18/24 (Exhibit A).

Chairman Cunningham called for the applicant to present.
Attorney Harry Heller from Uncasville CT, representing the Applicant, Parkers Place LLC, stated that the application is for allocation of sewer capacity for 60 proposed affordable housing rental units in two buildings of 30 units each. If this allocation is granted, the applicant will request a second hearing to pursue the proposal of relocation of the sewer shed line to the property's edge to accommodate the second phase of the project for two more buildings.
Attorney Heller mentioned that the portion of the property proposed for development is map is in the Coast Management Area. A copy of the GIS System that show the sewer shed area and the Coast Management Area was introduced into the record (Exhibit E). There is a state policy to avoid development within the coastal zone that would need septic systems. The application to sewer with this project is consistent with the state's policies.
Attorney Heller also introduced a Location Guide Map and guidelines from the Connecticut Plan of Conservation and Development (Exhibit F) – the property, represented by a dot on the map, is

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WATER & SEWER COMMISSION

OCT 22 2024

AGENDA# 2b

located within a Priority Funding Area. Such areas are under the State Conservation and Development's prioritized for development and state funding.
Parkers Place LLC is a single member limited liability company, the principal of which is Jason Pazzaglia. Jason is also the sole member of the LLC know as Bride Lake LLC. Bride Lake LLC is developing a 100-unit affordable housing which has been granted a sewer capacity allocation of 33,500 gallons. As of June 30, 2024, 38 units in Bride Lake have been occupied for a period of six months. Statistical data of water usage was introduced to the record that lists the average usage of gallons of water per day (Exhibit G). Attorney Heller noted that an average of 82 gallons of water per day is used at Bride Lake with an average of 35 gallons of water per day per bedroom (2- and 3-bedroom units). Since 33,500 gallons has been allocated for sewer capacity, based on the usage data, the anticipation is that only 10K to 12K only will the needed at that location. Attorney Heller asked that Commission would consider shifting some of the allocation for sewer capacity from the Bride Lake location to the Parkers Place project. Attorney Heller also provided statistical data from the Groton Utilities for all water consumers for the town of Ledyard (Exhibit H). He noted that the average usage of water per household per day is 153 gallons (average of 53 gallons per day per bedroom) in Ledyard. This data was used in comparison to the Bride Lake usage to exemplify how the state's guidelines of 150 gallons per day per bedroom could be outdated.
Attorney Heller reiterated that based on all the data, the 60 units at Parkers Place would need about 12K gallon allocation for sewer capacity. Also, this development would help alleviate the scarcity of affordable housing in the area. He asked that the Commission would consider the request of allocation for Parkers Place.

Mr. Roberts asked for a summarization of the request. Attorney Heller responded that based on the statistical data provided to the Commission, the sewer usage at Bride Lake will probably be 15,000 gallons instead of the allocated amount of 33,500 gallons. Using that assumption, Parkers Place LLC is requesting the shifting of the allocation of 12,000 gallons to the new development.

Mrs. Russell asked if the EL Water and Sewer Dept. is legally bound to the State's guideline of 150 gallons per day per bedroom. Mr. North responded that the EL Water and Sewer Dept. has adopted the State's guidelines for assessing capacity, but the department is allowed to use real data to make or change decisions. The department requires data of 3 years from 3 similar developments that must be pre-approved, and that the applicant and Mr. North concur that data is applicable.
Mrs. Williams asked Attorney Zamarka what the legal implications are on developers requesting to shift approved allocations of sewer from one development to other planned development.
Attorney Zamarka responded that he would have to do some research into it before any decisions are made.
Mrs. Williams had concerns about the Bride Lake data since not all units are built or occupied.
Attorney Heller responded that 50 units are occupied but the data was collected for 38 units for six months.

Mr. Bond asked Mr. North if the Town has a method/regulation to recapture assigned sewer capacity that is not being used after years of usage. Mr. North responded that reallocation of sewer capacity is not something that has been considered before. Mr. Bond said that maybe reallocation would alleviate the impending sewer capacity limitation.

Mr. Murphy questioned that about 20% of the units of the Bride Lake Development used significantly more water than the rest. Attorney Heller agreed that the data at Bride Lake was limited therefore the data from Groton Utilities was also presented.

Mr. Roberts asked the Town Council what the options for would be for tonight. Atty Zamarka responded that the Public Hearing session's purpose was to turn in evidence and testimonies into the record which will form the basis for the Commission to make a decision. And, since Mrs. Wiliams and Mr. Bond had presented other questions, it is suggested that once the Public Hearing is concluded, that any deliberations should be postponed to the next meeting. Attorney Heller requested since Mr. North would like more statistical data, that the Public Hearing stays open.

Mrs. Williams asked for clarification if the request was for allocation or reallocation of sewer capacity. Attorney Heller responded that if there is available capacity to be assigned than it is an allocation. If the capacity is not available, then it is a reallocation from what had been assigned to Bride Lake.

Mr. North distributed the following exhibits:

- Notice of Public Hearing and noted that it was published in the New London Day newspaper on 09/13/24 and 09/18/24 (Exhibit A)
- Exhibit B – Application for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes §7-246a(a)(1).
- Exhibit C – East Lyme Sewer Department Sewer Capacity Allocations – August 2024 Update.
- Exhibit D – Letter and documents from Civil Engineer, Brandon Handfield in support of the request for determination of adequacy of sewer capacity for Parkers Place.

Mr. North went over the data on Exhibit C and explained how sewer capacities have been assigned in the Town of East Lyme. The Commission had questions and comments on such data that were explained by Mr. North.

Chairman Cunningham asked if there were any members of the public that would like to comment. There were none.

****Motion (1)**
Mr. Murphy made a motion to continue the Public Hearing to the next meeting (October 22nd, 2024, at 6:30PM)
Mr. Bond seconded it
Vote: 9-0-0
Motion Passed.

Chairman Cunningham concluded this session of this public hearing at 7:28 PM

Respectfully submitted,
Tania Ranelli
Recording Secretary

CORRESPONDENCE
LOG - OCTOBER 2024

DATE	TO	FROM	SUBJECT
10/8/2024	EAST LYME WATER & SEWER COMMISSION	CAROL RUSSELL	EPA WATER FLUORIDATION RULING CONCERNS W/ SUP DOC
9/23/2024	EAST LYME WATER & SEWER COMMISSION	VILLAGE FARM REALTY, LLC	RE: 135 BOSTON POST ROAD - WATER METER BILLING

EAST LYME
WATER & SEWER COMMISSION
OCT 22 2024
AGENDA# 4

October 8, 2024

To: Dan Cunningham

Fr: Carol Russell

Re: Recent Federal Court Ruling Against the EPA Regarding Water Fluoridation

Enclosed for your information are copies of a news brief (which appeared in the September 26th issue of The Day) and a related online article from Bloomberg News on September 25, 2024 which provides an overview of the above referenced ruling and a link to the full (80 page) court ruling document (Conclusions of Law). For your convenience attached are the first six pages of this court document which provide the Introduction and Summary portions of the ruling.

You will note the Summary concludes as follows:

Thus, the Court finds the Plaintiffs have met their burden in establishing, by a preponderance of the evidence, that community water fluoridation at 0.7mg/L presents an unreasonable risk of injury to health under Amended TSCA and that the EPA is thus obliged to take regulatory action in response. The Court does not in this order prescribe what that response should be.

As you are aware current CT law (CGS19a-38) requires community Public Water Systems (PWS) serving over 20,000 people to fluoridate the drinking water consistent with CDC recommendations. For PWS serving less than 20,000 people water fluoridation is optional. Based on my research of available census data (looking at both Town and local prison population information), our public water system serves less than 20,000 people – which would make water fluoridation voluntary.

In light of this Court ruling, should East Lyme, in an abundance of caution, consider a moratorium on water fluoridation pending completion of the EPA's required regulatory review and follow-up action? I believe the Town should contact the CT Department of Public Health for guidance on this matter.

Cc Joe Bragaw

Ben North

9/26/24

News in Brief

JUDGE: FLUORIDE IN WATER POSES ENOUGH RISK TO MERIT ACTION

New York — A federal judge has ordered the U.S. Environmental Protection Agency to further regulate fluoride in drinking water because high levels could pose a risk to the intellectual development of children. U.S. District Judge Edward Chen cautioned that it's not certain that the amount of fluoride typically added to water is causing lower IQ in kids, but he concluded that mounting research points to an unreasonable risk that it could be. He ordered the EPA to take steps to lower that risk, but didn't say what those measures should be. It's the first time a federal judge has made a determination about the neurodevelopmental risks to children of the recommended U.S. water fluoride level, said Ashley Malin, a University of Florida researcher who has studied the effect of higher fluoride levels in pregnant women. She called it "the most historic ruling in the U.S. fluoridation debate that we've ever seen."

Environment & Energy
Sept. 25, 2024, 9:46 AM EDT; Updated: Sept. 25, 2024, 11:04 AM EDT

EPA Must Reduce Fluoride's IQ Risks to Children, Court Says (1)

By Pat Rizzuto

Documents

- Food & Water Watch Inc. v. EPA
- Conclusions of Law

- EPA to decide what action to take, but it can't ignore risks
- Safe level nearly half amount health officials recommend

Adding fluoride to drinking water poses such a sufficient risk of lowering children's IQ that the EPA must respond in some regulatory way, a federal court has ruled.

"The court finds there is an unreasonable risk of such injury, a risk sufficient to require the EPA to engage with a regulatory response," ruled senior Judge Edward M. Chen with the US District Court for the Northern District of California on Tuesday.

Some kind of Environmental Protection Agency response is needed, because adding 0.7 milligrams per liter (mg/L) of fluoride to drinking water—the level presently recommended by US health agencies—is too risky, Chen said.

"It should be noted that this finding does not conclude with certainty that fluoridated water is injurious to public health," Chen said. But, the EPA must examine the mineral's harmful potential and decide how to respond.

"This order does not dictate precisely what that response must be," Chen said. That remains the EPA's decision under the 2016 Toxic Substances Control Act (TSCA) amendments, he said. But, "one thing the EPA cannot do, however, in the face of this Court's finding, is to ignore that risk."

'Vast' Population Exposed

The National Academies of Sciences, Engineering, and Medicine, the federal government's primary scientific advisory institute, recommended in 2006 that the EPA lower its enforceable maximum contaminant limit (MCL) of 4 mg/L of fluoride in drinking water to protect children. And the agency announced in 2011 that it would initiate a review of that limit. But, the MCL and non-enforceable public health goal, or maximum contaminant level goal (MCLG) remain 4 mg/L.

Groups led by Food & Water Watch and the Fluoride Action Network had sued the EPA after the agency denied a petition to outlaw the 75-year-old practice of adding fluoride to drinking water to prevent cavities, arguing it is an unreasonable public health danger due to scientific studies that fluoride lowers babies' IQs.

The size of the population exposed to fluoride in drinking water "is vast," Chen said. "Approximately two million pregnant women, and over 300,000 exclusively formula-fed babies are exposed," he said. That number far exceeds the population size the EPA has used as it determined whether regulatory action was warranted in other risk evaluations, he said. "EPA has found risks unreasonable where the population impacted was less than 500 people."

Yet, Chen previously ruled TSCA doesn't allow the benefits of a chemical to be considered as the EPA decides whether that chemical poses an unreasonable health risk. The agency considers a chemical's benefits, the cost of regulation, and other information as it decides how to regulate the substance.

"There is little dispute that there is a statistically significant association between IQ decrements in children and fluoride concentration levels at 4 mg/L," Chen said.

Even "the 'optimal' water fluoridation level in the United States of 0.7 mg/L is nearly double that safe level of 0.4 mg/L for pregnant women and their offspring," he said, referring to the large amount of scientific data he reviewed and questioned attorneys about during the litigation that began in 2017.

Dentists, water utilities, and chemical policy attorneys are among the groups that have tracked this case, which was enabled by a provision of the TSCA amendments that gave courts the obligation to determine—without deference to the EPA—whether a chemical poses an unreasonable risk. That provision applies to situations where the EPA has denied a citizens' petition to take action based on a chemical's unreasonable risks.

"The Court has done what EPA has long refused to do: applied EPA's risk assessment framework to fluoride," said Michael Connett, a partner with Siri & Glimstad LLP, which together with Nidel and Nace PLLC and Waters Kraus & Paul LLP represent the lead plaintiff, Food & Water Watch. "It's an historic decision. And, as we await EPA's rulemaking proceeding, policymakers would be well advised to ask: should we really be adding a neurotoxicant to our drinking water?"

The case is Food & Water Watch, Inc. v. EPA, N.D. Cal., No. 17-cv-02162, 9/24/24.

To contact the reporter on this story: Pat Rizzuto in Washington at prizzuto@bloombergindustry.com

To contact the editors responsible for this story: Maya Earls at mearls@bloomberglaw.com; Zachary Sherwood at zsherwood@bloombergindustry.com

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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FOOD & WATER WATCH, INC., et al.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,

Defendants.

Case No. 17-cv-02162-EMC

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. INTRODUCTION

In 2016, Congress amended the Toxic Substances Control Act ("TSCA"), empowering United States citizens to petition the Environmental Protection Agency ("EPA") to consider whether a chemical presents an unreasonable risk of injury to health. *See* Pub. L. No. 114-182, 114th Congress (Frank R. Lautenberg Chemical Safety for the 21st Century Act) (the "Act"). The Act addresses the modern day reality that "human beings and the environment are being exposed each year to a large number of chemical substances and mixtures," 15 U.S.C. § 2601(a)(1), and that, "among the many chemical substances and mixtures which are constantly being developed and produced, there are some whose manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk of injury to health or the environment," *id.* § 2601(a)(2).

To this end, under TSCA, as amended by the Act ("Amended TSCA"), a citizen is entitled to judicial review of the EPA's denial of the citizen's petition, wherein a court considers whether the chemical poses an unreasonable risk *de novo*, *i.e.*, without deference to the EPA's decision. *See id.* § 2620(b)(4)(B). Amended TSCA sets up a system of judicial review that is remarkably different from the usual scope of judicial review of administrative actions under the Administrative Procedure Act, which confers substantial deference to administrative agencies. *See id.* Under Amended TSCA, the Court owes no deference to the EPA in assessing the risk posed by chemical substances. *See id.* If the Court finds anew that the chemical at issue presents

an unreasonable risk, it then orders the EPA to engage in rulemaking regarding the chemical. *See id.* The EPA is afforded in the first instance the authority to respond; regulatory actions can range from requiring a mere warning label to banning the chemical. *See id.* § 2605(a)(1)-(7). The EPA, in short, has options. *See id.*

The issue before this Court is whether the Plaintiffs have established by a preponderance of the evidence that the fluoridation of drinking water at levels typical in the United States poses an unreasonable risk of injury to health of the public within the meaning of Amended TSCA. For the reasons set forth below, the Court so finds. Specifically, the Court finds that fluoridation of water at 0.7 milligrams per liter ("mg/L") – the level presently considered "optimal" in the United States – poses an unreasonable risk of reduced IQ in children. It should be noted that this finding does not conclude with certainty that fluoridated water is injurious to public health; rather, as required by the Amended TSCA, the Court finds there is an unreasonable *risk* of such injury, a risk sufficient to require the EPA to engage with a regulatory response. This order does not dictate precisely what that response must be. Amended TSCA leaves that decision in the first instance to the EPA. One thing the EPA cannot do, however, in the face of this Court's finding, is to ignore that risk.

A. Context

Water fluoridation has a long history in the United States and has been a source of political discord, at times. *See, e.g.*, Dkt. No. 429-3, Trial Ex. 13 at 15.[1] In 1975 the EPA recommended adding fluoride to water, with an optimal level up to 1.2 mg/L for its dental health benefits. *Id.* at 16. Between 1981 and 1984, fluoride's association with adverse effects including osteosclerosis, enamel fluorosis, and psychological and behavioral problems was contested. *Id.* at 17-18. Still, as of 1986, up to 1.2 mg/L water fluoridation was considered optimal, and the maximum level was 4 mg/L. *Id.* at 14-18. After evidence increasingly established fluoride's connection to adverse

[1] Controversy over fluoridation of drinking water has even found its way into Hollywood. *See* DR. STRANGELOVE (Columbia Pictures 1964) (General Ripper characterizing fluoridation as a threat to our "precious bodily fluids" and "the most monstrously conceived and dangerous communist plot we've ever had to face").

effects, including severe enamel fluorosis, risk of bone fracture, and potential skeletal fluorosis, recommended levels were lowered in 2006. *Id.* at 10. Community water fluoridation has since continued at levels believed to be safe for its dental health benefits. At present, fluoride is added to tap water in the United States, with an optimal level of 0.7 mg/L.

However, scientific evidence has increasingly identified a link between fluoride exposure and adverse cognitive effects in children (reduced IQ). Accordingly, Plaintiffs exercised their power under Amended TSCA and petitioned the EPA to consider whether fluoride in drinking water presents an unreasonable risk of injury to human health. Notwithstanding the growing and robust body of evidence indicating an association between fluoride intake and cognitive impairment in children, the EPA denied Plaintiffs' petition. Plaintiffs filed suit in this Court, arguing that the EPA was wrong and that community water fluoridation at 0.7 mg/L (the "condition of use") poses an unreasonable risk of injury to human health.

B. Summary

To succeed in a suit brought under the Amended TSCA, Plaintiffs must prove, by a preponderance of the evidence, that a risk of injury to human health is present and that such risk is unreasonable. For a risk to be present, Plaintiffs must show that some segment of the United States population is exposed to the chemical at issue at levels that either exceed, or are too close to the dosage at which the chemical presents a hazard.[2] The reasonableness of the risk is informed by several factors, including *inter alia*, the size and susceptibility of impacted populations, severity of the harm at issue, and the frequency and duration of exposure.

There is little dispute in this suit as to whether fluoride poses a hazard to human health. Indeed, EPA's *own expert* agrees that fluoride is hazardous at some level of exposure. And ample evidence establishes that a mother's exposure to fluoride during pregnancy is associated with IQ decrements in her offspring. The United States National Toxicology Program ("NTP") – the federal agency regarded as experts in toxicity – undertook a systematic review of all available literature near the time of publication considering whether fluoride poses cognitive harm,

[2] The level at which the chemical presents a hazard is known as the "hazard level." The level at which human populations are exposed to the chemical is known as the "exposure level."

reviewing 72 human epidemiological studies considering this question. The NTP concluded that fluoride is indeed associated with reduced IQ in children, at least at exposure levels at or above 1.5 mg/L (*i.e.*, "higher" exposure levels). And notwithstanding inherent difficulties in observing effects at lower exposure levels, explained in further detail below, scientists have observed a statistically significant association between fluoride and adverse effects in children even at such "lower" exposure levels (less than 1.5 mg/L).

Notwithstanding recognition by EPA's expert that fluoride is hazardous, the EPA points to technicalities at various steps of the risk evaluation to conclude that fluoride does not present an unreasonable risk. Primarily, the EPA argues the hazard level and the precise relationship between dosage and response at lower exposure levels are not entirely clear. These arguments are not persuasive.

Importantly, the chemical at issue need not be found hazardous at the exposure level to establish that a risk is present under Amended TSCA. Instead, the EPA requires a *margin* exist between the hazard level and exposure level to ensure safety; if there is an insufficient margin then the chemical poses a risk. The trial evidence in this case establishes that even if there is some uncertainty as to the precise level at which fluoride becomes hazardous (hazard level), under even the most conservative estimates of this level, there is not enough of a margin between the accepted hazard level and the actual human exposure levels to find that fluoride is safe. Simply put, the risk to health at exposure levels in United States drinking water is sufficiently high to trigger regulatory response by the EPA under Amended TSCA.

To this end, as mentioned previously, the NTP compiled and analyzed all relevant studies it could find and concluded that, at least at dosages of 1.5 mg/L or higher, fluoride is associated with reduced IQ in children. Subsequently, toxicology experts endeavored to put a finer point on the impact of fluoride on children's IQ at "lower" exposure levels, *i.e.*, those below 1.5 mg/L, and conducted a pooled benchmark dose analysis to define the precise hazard level of fluoride. For reasons described below, this pooled benchmark dose analysis benefited from increased statistical power relative to the NTP's assessment due to its methodology (*i.e.*, the benchmark dose analysis used individualized, continuous data, while the NTP assessment did not, due to quantity and variety

of studies the NTP reviewed in that assessment). The pooled benchmark dose analysis concluded that **a 1-point drop in IQ of a child is to be expected for each 0.28 mg/L of fluoride in a pregnant mother's urine**. This is highly concerning, because maternal urinary fluoride levels for pregnant mothers in the United States range from **0.8 mg/L** at the median and **1.89 mg/L** depending upon the degree of exposure. Not only is there an insufficient *margin* between the hazard level and these exposure levels, for many, the exposure levels *exceed* the hazard level of 0.28 mg/L.

The EPA challenges, for a variety of reasons, whether this 0.28 mg/L hazard level (measured in maternal urinary fluoride) is appropriate for this risk evaluation. The EPA argues, among other things, that the hazard and exposure levels should not be expressed in maternal urinary fluoride because that metric reflects total fluoride exposure – not just exposure resulting from drinking fluoridated water from one's community. Fluoride may also be ingested through, *e.g.*, tea, fish, toothpaste, and commercial food and beverage made with fluoridated water. Nonetheless, the risk analysis should consider the *additive* effect of the chemical under the subjected condition of use (here, fluoridated community drinking water), especially where, as here, the fluoridated drinking water is a significant (and likely primary) contributor to aggregate exposure to fluoride. Indeed, the Amended TSCA, expressly contemplates that the *aggregate* exposure to a chemical will be considered when conducting a risk assessment. *See* 15 U.S.C. § 2605(b)(4)(F). In this sense, maternal urinary fluoride is not just an acceptable metric, it is highly useful in assessing the real-world end result of exposure from drinking fluoridated water along with other sources.

Even if urinary fluoride were not the appropriate metric in assessing health risk, or even if the toxicologically determined hazard level of 0.28 mg/L were deemed insufficiently substantiated, evidence in the record still establishes with little doubt that fluoridated drinking water presents a risk of injury to health. Using a highly conservative estimate of the hazard level of 4 mg/L measured in drinking water fluoride (well above the 1.5 mg/L identified as hazardous to children by the NTP) based on the consistent and repeated observation of adverse effects summarized in the NTP's assessment, a risk is present. There is little dispute that there is a

statistically significant association between IQ decrements in children and fluoride concentration levels at 4 mg/L.

The EPA's default margin of error requires a factor of 10 between the hazard level and exposure level due to variability in human sensitivities. Put differently, only an exposure that is below 1/10th of the hazard level would be deemed safe under Amended TSCA, given the margin of error required. Here, an even greater margin (100x) is owed because the methodology (which yields the 4 mg/L hazard level) uses the lowest observed adverse effect level ("LOAEL"); this methodology adds an additional level of uncertainty (and hence the application of a 100x rather than 10x margin). But even if only the default 10x margin is required, the safe level of fluoride exposure would be 0.4 mg/L (4 mg/L (hazard level) divided by 10). The "optimal" water fluoridation level in the United States of 0.7 mg/L is nearly double that safe level of 0.4 mg/L for pregnant women and their offspring.

In all, there is substantial and scientifically credible evidence establishing that fluoride poses a risk to human health; it is associated with a reduction in the IQ of children and is hazardous at dosages that are far too close to fluoride levels in the drinking water of the United States. And this risk is unreasonable under Amended TSCA. Reduced IQ poses serious harm. Studies have linked IQ decrements of even one or two points to *e.g.*, reduced educational attainment, employment status, productivity, and earned wages. Indeed, the EPA recognizes that reduction of IQ poses a serious community health issue. Moreover, highly susceptible populations are impacted, including over two million pregnant women and babies, a number far exceeding population size the EPA has looked to in determining whether regulatory action was warranted in other risk evaluations (*i.e.*, 500 people or less).

Thus, the Court finds Plaintiffs have met their burden in establishing, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to health under Amended TSCA and that the EPA is thus obliged to take regulatory action in response. The Court does not in this order prescribe what that response should be.

Request for Water & Sewer Commission

TO: **Water & Sewer Commission**

FROM: **Ben North, Chief Operating Officer**

DATE: **October 16, 2024**

SUBJECT: Application for Sewer Capacity Allocation - Parker Place LLC

Summary of Agenda Item:
The East Lyme Sewer Department has received an application for sewer capacity allocation for a development to be located on Park Place, East Lyme by Parker Place LLC. The applicant is requesting capacity to build 60 residential units comprised of two-bedroom dwellings, for a total of 120 bedrooms. The applicant has followed the Sewer Department's procedure for requesting allocation according to the "Applications for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes §7-246a(a)(1)" and is requesting a sewer capacity allocation of 8,124 gallons per day of sewer capacity. The capacity request is a deviation from the standard 150 gallon/day per bedroom calculation and was performed using water consumption data over three years from three similar developments in the Town of East Lyme that were comparable in size and land use type. These developments have readings from individual meters to give accurate per unit sewer usage data. After deriving the average, a 1.5 times safety factor was also applied to the results of this analysis and is figured into the applicant's revised capacity request.

Potential Motion:
Motion to approve the allocation of 8,124 gallons per day of sewer capacity to Parker Place LLC (located on Park Place Map 11.1 Lot 11 on East Lyme Tax Assessor's Mapping) based on the application for capacity dated August 14, 2024.

Attachments: Parker Place LLC sewer capacity allocation application and related documents, "Applications for Determination of Adequacy of Sewer Capacity Pursuant to General Statutes §7-246a(a)(1)" regulations, a September 2024 analysis of available sewer capacity, revised from February 2023.

Prepared By: **Ben North, Chief Operating Officer**

W&S Agenda
Item No. 5
Date: 10/16/24

APPLICATIONS FOR DETERMINATION OF ADEQUACY OF SEWER CAPACITY PURSUANT TO GENERAL STATUTES §7-246a(a)(1)

Sewage treatment for the Town of East Lyme is limited. Pursuant to an agreement with the City of New London and Town of Waterford, East Lyme is currently entitled to a maximum of 1.5 million gallons per day of sewer treatment capacity at the New London Regional Water Pollution Control Facility. In order to ensure that there is adequate capacity for all customers, the Commission adopts the following regulation for applications for sewer treatment capacity pursuant to General Statutes §7-246a(a)(1).

I. Application. For all development projects that either (a) request a connection for more than 20 residential units or (b) require more than 5,000 gallons per day of sewage treatment capacity, an application, pursuant to General Statutes §7-246a(a)(1), for determination of adequacy of sewer capacity related to a proposed use of land, shall be submitted to the East Lyme Water and Sewer Commission ("Commission") on a form satisfactory to the Commission, and shall include all of the following:

1. A class A-2 survey of the property to be developed, showing the general layout of the proposed use of land;

2. Proof that the applicant owns the property to be developed, or has the right to develop the property, and

3. Documentation supporting the amount of capacity being requested.

    a. Documentation related to a proposed residential development shall include the number of residential units, the numbers of bedrooms per unit, and the methodology used in calculating the amount of capacity being requested.

    b. Documentation related to a proposed non-residential or commercial development shall include the methodology used in calculating the amount of capacity being requested, and any special circumstances (i.e. the type of sewage being treated, design specifications, etc.) that would affect the amount of capacity being requested.

    c. The Commission reserves the right to request from an applicant such other information that it deems necessary.

4. A non-refundable application fee of $500.00 shall be paid when an application is submitted. An additional public hearing fee of $450.oo may be assessed if applicable.

II. Duration.

1. Within 12 months after the expiration of the appeal period of a capacity allocation, the applicant shall (1) apply for all necessary land use approvals for the proposed use of land, and (2) provide proof of all such applications to the Commission. If an applicant fails to apply for all necessary land use approvals, or fails to provide proof of such applications to the Commission within this 12-month period, the sewer capacity allocated to the applicant shall terminate and be considered null and void.

2. If the applicant fails to obtain all land use approvals required for the proposed use of land, the sewer capacity allocated to the applicant shall terminate and be considered null and void.

3. The Commission will notify an applicant in writing when an allocation has terminated. The failure of the Commission to provide written notice in a timely manner shall not constitute or be construed as a waiver of the Commission's right to declare a terminated allocation null and void.

4. A capacity allocation shall be in effect for a period not to exceed 48 months from the expiration of the appeal period of the applicant's last land use approval with no appeal having been taken therefrom or an unappealed decision of a court of competent jurisdiction adjudicating such land use appeal. The Commission may extend an allocation of sewer capacity beyond 4 years if it determines, in its sole discretion, that good cause exists.

5. If the amount of sewer treatment capacity needed by an applicant decreases during the land use approval process, the applicant shall notify the Commission immediately.

III. Public Hearing. The Commission may, in its sole discretion, hold a public hearing on any application. Any such public hearing shall be in accordance with the provisions of General Statutes 8-7d.

IV. Criteria. In making a decision on an application the Commission may consider, without limitation, the following:

Need for service in the proposed development area

Other pending applications and areas in town designated for sewer service

Pollution abatement and public health

Limitations and policies for sewer service

Local and state Plans of Conservation and Development

Effect of inflow and infiltration on available capacity

Whether the proposed development area can be serviced by other means

Whether the proposed development area is within the East Lyme Sewer Service District

Size of property proposed to be developed

Remaining sewered and unsewered land area of town

Effect of the allocation on remaining capacity

Safe design standards of the East Lyme sewer system

V. Prior Regulation. This Regulation shall supersede the Interim Sewer Connection Procedure adopted by the Commission on September 25, 2018.

East Lyme Sewer Department

Sewer Capacity Allocations - September 2024 Update

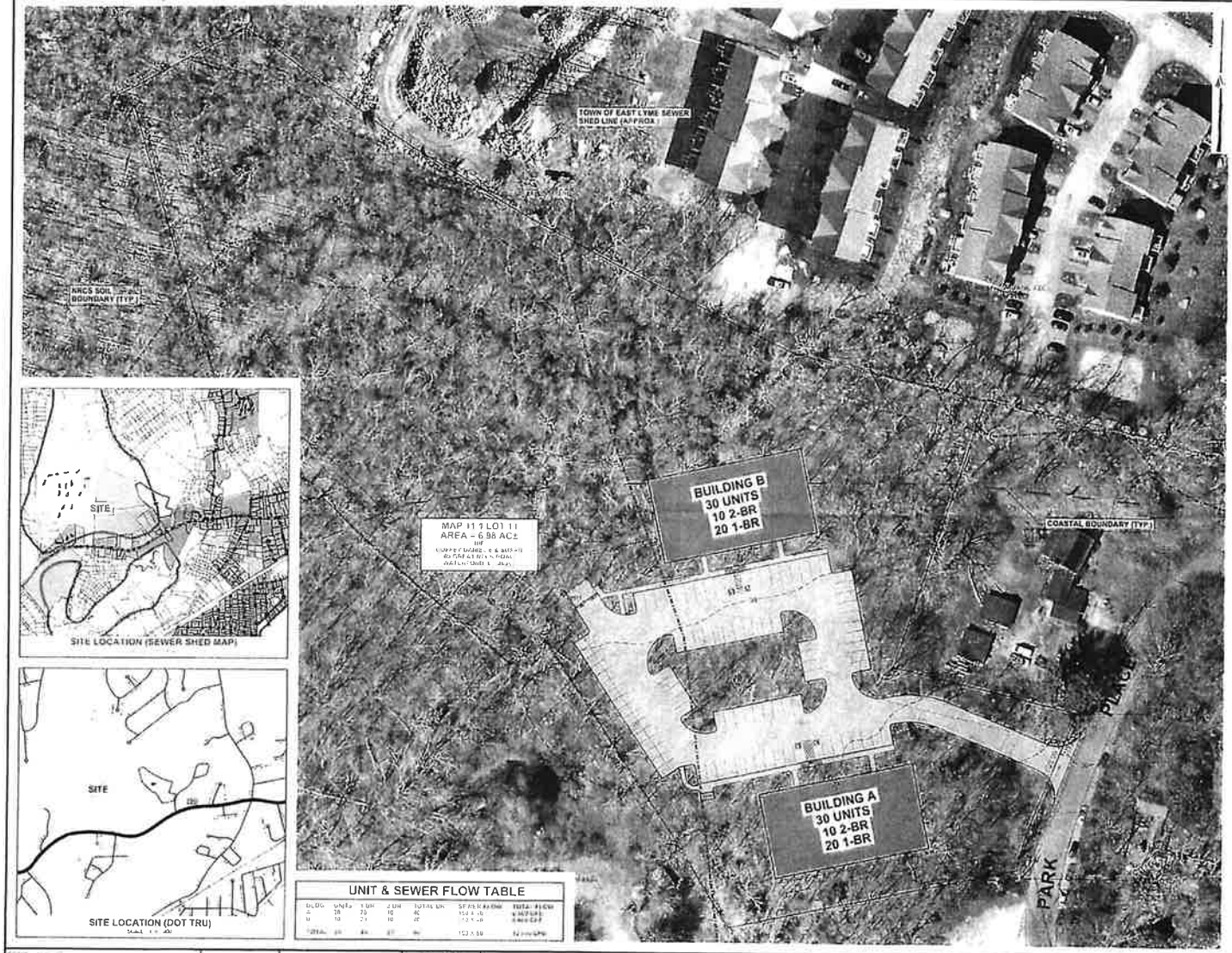
all figures in gallons

	Average Daily Flow Capacity Allocation					1,022,000
	Average Daily Flow - 2 Year Average					816,000
	Average Daily Flow Remaining - 2 Year Average					**206,000**
A	**Applicant/Development**	Type of Use	Additional Project Description		Sewer Capacity Requested or Need Anticipated	Sewer Capacity Allocated and Anticipated
1	Landmark Dev. Group	Residential	Apartments		118,400	118,400
2	Nehantic Village	Medical / Residential			75,000	75,000
	Subtotal Gallons Per Day (Group A)					**193,400**
B	**Prior Approved Projects Under Construction (>5,000 gpd and greater)**			Original Capacity Requested	Construction Completion to date %	
1	Village Crossing (Not Updated)	Residential	Condominiums	14,400	66%	4,752
2	Orchards Subdivision (Not Updated)	Residential	Single Family	42,600	81%	8,307
3	183-185 Main St (ZDM)	Residential	Condominiums	3,600	0%	3,600
4	Brookside Apartments - About 1/3 Occupied	Residential	Multi-family	35,400	31%	24,600
	Subtotal GPD (Group B)					**41,259**
C	**Estimated Future Development Needs Based on Previously Assessed Properties Not Presently Connected (Last Updated 2/2023)**					
1	Existing Buildings Assessed but not Connected	Res/ Comm/ Ind	Sewer		76,300	76,300
2	Vacant Properties in Assessed Areas	Res/ Comm/ Ind	Sewer		60,700	60,700
3	Pennslvania Ave Sewer Area	Res/ Comm/ Ind	Area to be		37,347	37,347
	Subtotal GPD (Group C)					**174,347**
D	**Sewer Capacity Requested by Parkers Place LLC (Group D)**					18,000
	Total Sewer Capacity Allocated, Anticipated, and Requested (A+B+C+D)					**427,006**
	Average Daily Flow Remaining 2 Year Average					**206,000**
	Sewer Capacity Remaining					**-221,006**

Parkers Place LLC Sewer Capacity Analysis

10/16/2024

Development	Data	Unit count	Bedrooms	Average /unit	Average/bdrm	1.5X Safety Factor	Parkers Place LLC
Pond Cliff	3 Years	95-Units	All 2 bedroom	90	45.0		2 bedroom units
Village Crossing	3 Years	23-Units	All 2 bedroom	76	37.8		120 Bedrooms
King Arthur	3 Years	99-Units	All 2 bedroom	105	52.5		
							Gallons Requested
			Total/Unit, Bedroom	90	45.1	67.7	8,124



UNIT & SEWER FLOW TABLE

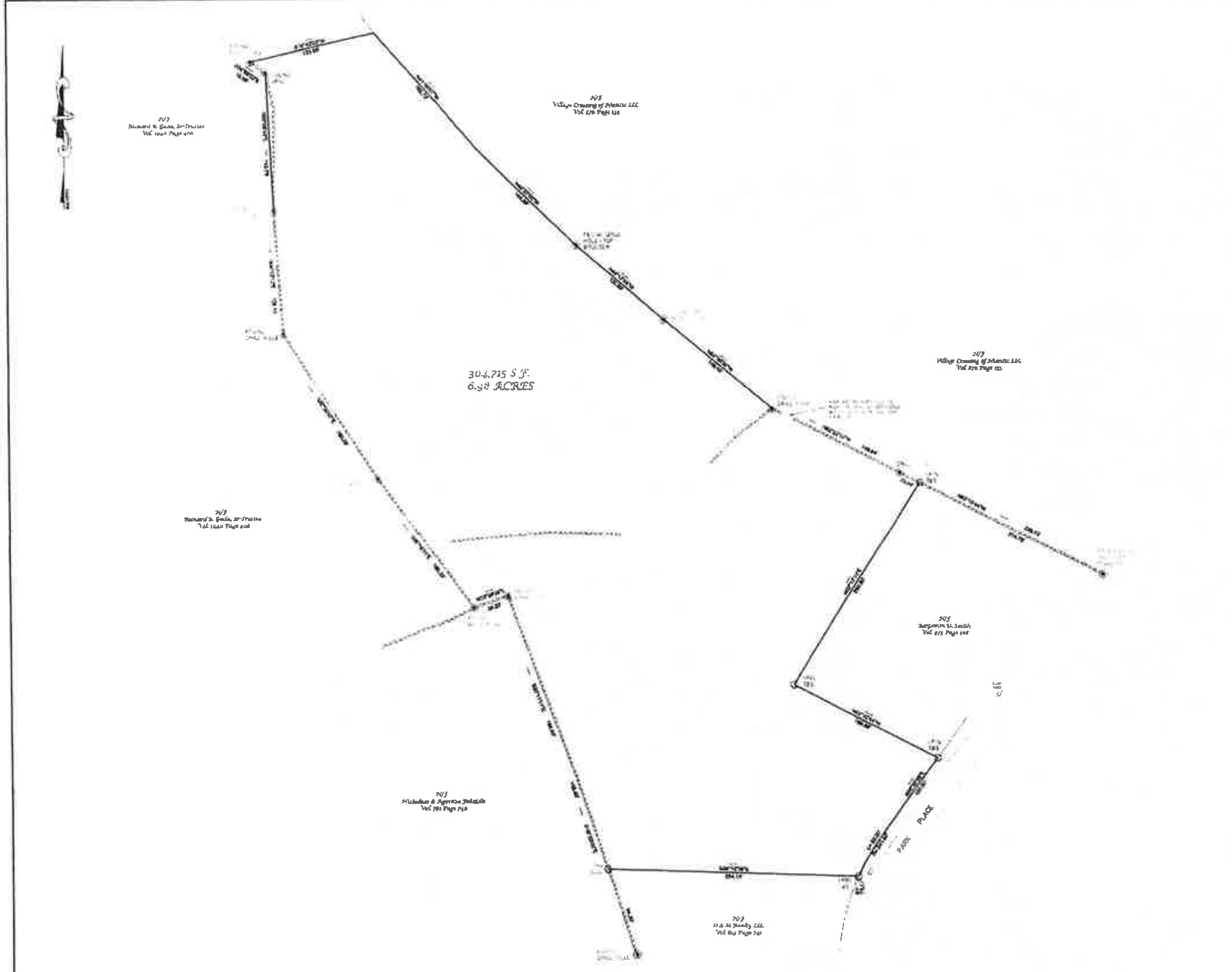
BLDG	UNITS	1 BR	2 BR	TOTAL BR	SEWER FLOW	TOTAL FLOW
A	30	20	10	40	150 GPD	4,500 GPD
B	30	20	10	40	150 GPD	4,500 GPD
TOTAL	60	40	20	80	150 GPD	9,000 GPD

SOIL TESTING SUMMARY

GENERAL NOTES

CONTACT INFORMATION
YANKEE RIVER CONSULTANTS, LLC
181 NORWICH AVENUE
LEBANON, CONN 06249

PARK PLACE
MULTI-FAMILY DEVELOPMENT
PREPARED FOR
PARK PLACE, LLC OWNER/APPLICANT
CONCEPT LAYOUT - SEWER ALLOCATION



NOTES

1. THIS SURVEY AND MAP HAS BEEN PREPARED [illegible] STATE AGENCIES [illegible] AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS [illegible] SEPTEMBER [illegible] BASED ON A DEPENDENT [illegible] CONFORMING [illegible] INTENDED TO SHOW THE [illegible]
2. [illegible]
3. SUBJECT PROPERTY [illegible]
4. SAID PREMISES ARE [illegible] TO A RIGHT OF WAY [illegible] ROMAGNA REFERENCE MAP [illegible]

REFERENCE MAPS

A. TOWN OF EAST LYME [illegible]

B. PLAN SHOWING SUBDIVISION OF PROPERTY OWNED BY GEORGE [illegible] EAST LYME CONNECTICUT–SCALE [illegible] PARK PLACE [illegible]

C. PLAN INDICATING PROPOSED BLDG. LOT OWNED BY STRUCTO [illegible] EAST LYME CONNECTICUT–SCALE 1"=40'–DATED AUG. 1962 BY [illegible]

D. PROPERTY LINE SURVEY [illegible] COFFEY–PARK PLACE [illegible] DATED SEPT. 14, 1964 BY [illegible] ENGINEERING ASSOC.

E. BOUNDARY SURVEY [illegible] BUILDING LOTS ON LAND OF JOSEPH ROMAGNA–EAST LYME [illegible] SHOWN AS ASSESSOR'S MAP [illegible] LOT 19 & ASSESSOR'S MAP [illegible] & PARK PLACE–EAST LYME [illegible]

F. IMPROVEMENT LOCATION MAP–PREPARED FOR THE BOOK BARN [illegible] WEST MAIN STREET–[illegible] CONNECTICUT SCALE [illegible] DATED AUGUST [illegible] 2018 BY [illegible] ROBERT FRANKER & ASSOCIATES, P.C.

G. PLAN OF PROPERTY OWNED BY JOSEPH ROMAGNA EAST LYME [illegible] SCALE [illegible] AUG. 1956 BY [illegible]

LEGEND

[illegible]

THIS MAP AND SURVEY CONFORMS TO [illegible] OF MY KNOWLEDGE AND BELIEF [illegible] AS NOTED HEREON (REF. NOTE 1)

DRAWN BY: RCS	DATE: AUGUST 14 2022	
ROBERT C. SIMONI LICENSED LAND SURVEYOR P.O. BOX 191 – OLD SAYBROOK, CONNECTICUT 06475 TEL 860-304-6920 simoni@jrpcivil.com	GRAPHIC SCALE	TITLE: PROPERTY SURVEY PREPARED FOR FAZ CONSTRUCTION LLC LOCATION: PARK PLACE-EAST LYME, CONNECTICUT
SHEET NUMBER	1 OF 1	

PUBLISHER'S CERTIFICATE

State of Connecticut
County of New London,

Personally appeared before the undersigned, a Notary Public within and for said County and State, Kelly Johnson, Legal Advertising Clerk, of The Day Publishing Company Classifieds dept, a newspaper published at New London, County of New London, state of Connecticut who being duly sworn, states on oath, that the Order of Notice in the case of

TOWN OF EAST LYME WATER AND SEWER COMMISSION Notice of Public Hearing

A true copy of which is hereunto annexed, was published in said newspaper in its issue(s) of

10/11/24, 10/16/24

Cust: TOWN OF EAST LYME - SEWER DEPT

Ad #: d01086611

Kelly Johnson

Subscribed and sworn to me

This Wednesday, October 16, 2024

Notary Public

My commission expires 5/31/29

d01086611

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
Notice of Public Hearing

The East Lyme Water and Sewer Commission will hold a Public Hearing on October 22, at 6:30 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT, to consider the following:

Application for determination of sewer capacity filed by Parkers Place LLC, regarding the properties set forth in the application and identified on the East Lyme Tax Assessor's Map as Map/Lot 11.1/11.

Copies of the application are available for public viewing in the offices of the Town Clerk and the Water and Sewer Department.

Daniel Cunningham,
Chairman

d01086611

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
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Daniel Cunningham,
Chairman

TO: **Water & Sewer Commission**

FROM: **Joe Bragaw – Director of Public Works**

CC: **Dan Cunningham – First Selectman/Chairman W&S Commission**
Kevin Gervais – Director of Finance
Ben North – Chief Operating Officer
Matt Garneau – Utility Engineer

DATE: **October 16, 2024**

SUBJECT: **2024 Sewer Rates Discussion**

Back when the sewer operating budget was created this past spring and approved at the April 2024 W&S Commission meeting, we were estimating an approximate 6% across the board sewer rate increase this coming fall. When we put together the budget, there are some assumptions with regards to expenditure and revenues that need to be made, so it is good to look at what has transpired since to have a better understanding of where the proposed rates need to be for the public hearing. Below are my comments:

- We are tracking well on our payments to New London for treatment in relation to what we budgeted. Since this budget line item is over 38% of our total operating budget, this is a very important line to track. We don't usually get New London's estimated treatment costs for the following year until after we approve the budget in April, so we appear to be in good shape at the present time.
- With regards to the treatment line, NL holds capital accounts for Waterford and East Lyme to contribute to capital projects for the NL Treatment plant. We need to start planning that we will have to add funds to this account in the coming years. I am projecting that we will have over $100k available in the treatment line by the end of this fiscal year. I would highly recommend that we create a capital account at the end of this year for this purpose.
- Last fiscal year, we were able to pay down the loan to sewer assessment by $105k, $55k more than what was budgeted. That brought down the loan to $324,806 from the original loan amount of $1.1M. We budgeted to pay down the loan by another $50k in this fiscal year which would bring the balance down to $274,806. If there are extra funds at the end of this fiscal year, we should look at making another larger payment than was budgeted

OTHER ISSUES COMING DOWN THE ROAD

We have some larger projects coming down the road including but not limited to the following:

- Underground Storage Tank Removals & Replacements - $700k
- Pattagansett Pump Station Rehabilitation – approx. $850k
- Replacement of the Bridebrook Pump Station – approx. $7.5M
- Niantic River Force Main Redundancy – approx. $2.5M

We have approximately $4.3M in the sewer assessment account, but we don't have enough to cover all these projects. Staff will be working with the CIP subcommittee to start vetting these projects and the timing of the funds needs so we will be able to better plan future capital outlays.

EAST LYME
WATER & SEWER COMMISSION

OCT 22 2024

AGENDA# 9

Over, please

RECOMMENDATIONS

1. We should make a small adjustment from our original estimate of a 6% rate increase to an 8% rate increase. This is due to a desire to start increasing our budget to handle upcoming capital costs that will be coming in the next year. I am attaching a proposed rate sheet for your information.
2. Create a capital account to keep up with upcoming NL Treatment plant and Waterford capital requests.
3. Continue to expedite paying back the sewer operations loan to sewer assessment until it is all paid off.
4. We should move the rate hearing next year and going forward to springtime to coincide with the approval of the budget. If we do this, we should look at the following things before the Spring 2025 rate hearing.
    a. Create a minimum rate for sewer. If we want to do this, we will need to amend the ordinance which requires a town meeting and BOS approval.
    b. If we want to change the rates for irrigation customers, we need to investigate the revenue impact on sewer operations.
    c. Approve a 10-year sewer capital plan that should be updated and approved annually.

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
NOTICE OF PROPOSED SEWER RATES

NOTICE IS HEREBY GIVEN of a public hearing to be held by the East Lyme Water and Sewer Commission on Tuesday **November 19, 2024**; to consider proposed revisions to the rates and charges for connection to and the use of the East Lyme Sewerage System. This hearing will occur at the East Lyme Town Hall at 108 Pennsylvania Ave in Niantic immediately following the water rates hearing which is scheduled for 6:30pm.

The proposed sewer rates and charges are as follows;

SCHEDULE I – RATES FOR USAGE based on meter readings at six-month intervals.

	Rate ***(8% Increase)***
Up to 200,000 gallons per six-month period	***($10.70)*** $9.90/1,000 gallons
Up to 2,500,000 gallons per six-month period	***($11.11)*** $10.27/1,000 gallons
2,500,000 gallons and over per six-month period	***($12.27)*** $11.15/1,000 gallons
Unmetered, per six-month period	***($281.02)*** $260.20

SCHEDULE II – MISCELLANEOUS SEWER CHARGES

Application for Connection Permit	
Class 'A'- Residential	$150
Class 'B'- Multi Family and Commercial	$300
Class 'C'- Industrial	$700
Demolition/Disconnect-Any Class	$100
Sale of Stocked Material	Cost, incl. shipping, plus 15% admin fee
Inspection Services	
During Normal Working Hours	**($120)** $110/hour
After Normal Working Hours	**($180)** $135/hour

These proposed rates and charges would become effective on **January 1, 2025** if approved. Rates for usage shall be payable at six-month intervals. All other rates shall be payable at the time services are rendered.

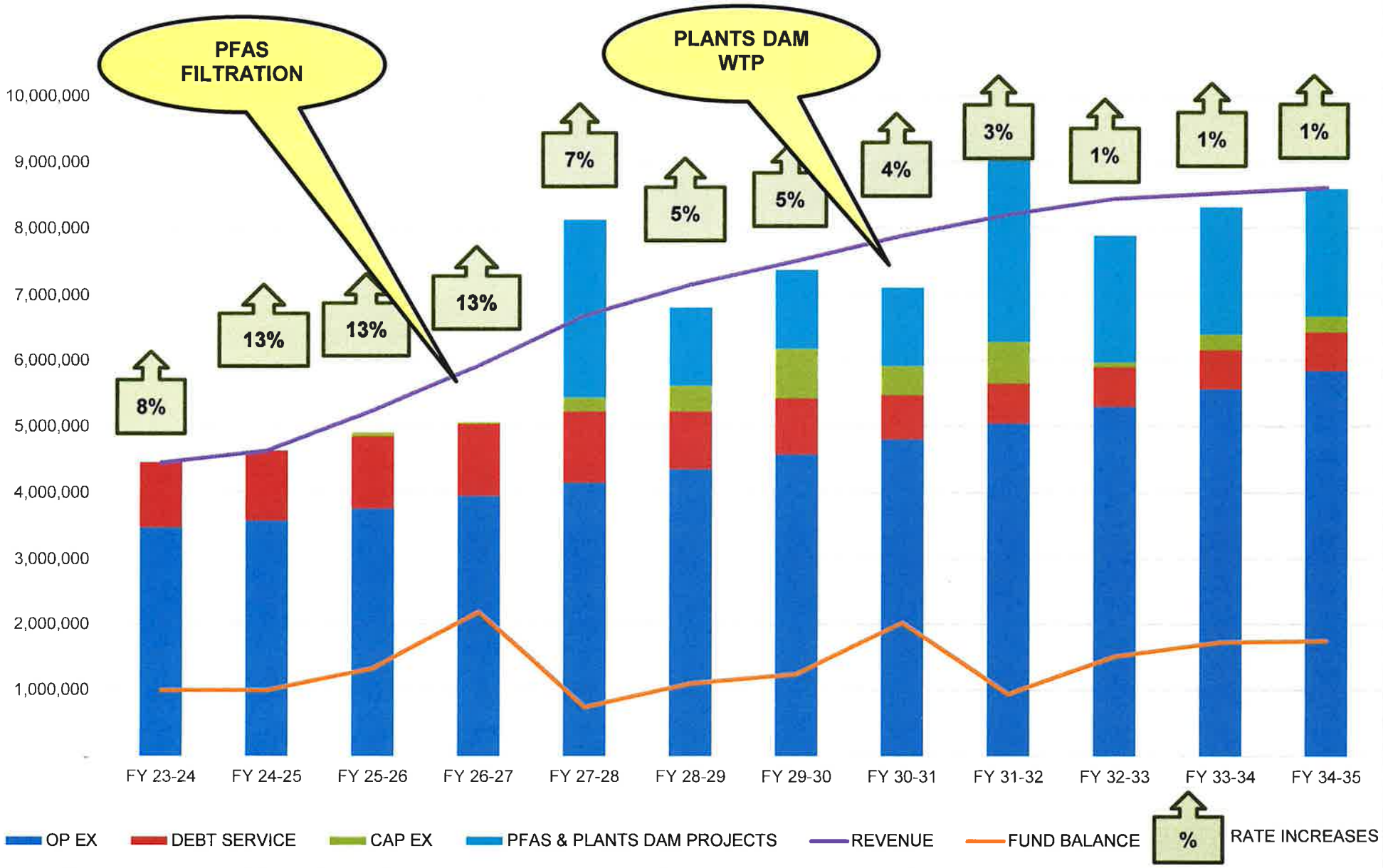
The owners of properties against which the proposed rates and charges are to be levied and other interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut on this **22nd day of October 2024**

EAST LYME WATER AND SEWER COMMISSION

Dan Cunningham, W&S Commission Chair

WATER DEPT EXPENSES AND REVENUE - 10 FY OUTLOOK



EAST LYME WATER FINANCIAL SUMMARY AND 10 FY OUTLOOK

	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29	FY 30	FY 31	FY 32	FY 33	FY 34	FY 35
Current Debt (incl SAF Payments)	$ 972,080	$1,050,544	$1,087,433	$1,084,713	$ 1,068,028	$ 860,865	$ 842,954	$ 661,919	$ 599,208	$ 597,997	$ 596,963	$ 596,044
PFAS and Plants Dam Debt	$ -	$ -	$ -	$ -	$ 2,700,000	$ 1,200,000	$1,200,000	$1,200,000	$ 3,000,000	$1,927,176	$ 1,927,176	$ 1,927,176
CIP 10 YR	$ -	$ -	$ 60,000	$ 20,000	$ 207,500	$ 387,500	$ 757,500	$ 442,500	$ 637,500	$ 67,500	$ 235,000	$ 237,500
Total Debt + CIP	$ 822,636	$1,050,544	$1,147,433	$1,104,713	$ 3,975,528	$ 2,448,365	$2,800,454	$2,304,419	$ 4,236,708	$2,592,674	$ 2,759,139	$ 2,760,720
Operating Expenditures @5%	$3,486,027	$3,584,876	$3,764,120	$3,952,326	$ 4,149,942	$ 4,357,439	$4,575,311	$4,804,077	$ 5,044,280	$5,296,494	$ 5,561,319	$ 5,839,385
Debt to Rev %	22%	23%	22%	19%	59%	34%	37%	29%	52%	31%	32%	32%
Cash Balance for debt service	$ 149,444	$ 0	$ 326,473	$ 861,930	$(1,437,036)	$ 350,820	$ 138,691	$ 781,682	$ (1,075,203)	$ 562,791	$ 216,021	$ 21,738
Proposed Rate Increases	**8%**	**13%**	**13%**	**13%**	**7%**	**5%**	**5%**	**4%**	**3%**	**1%**	**1%**	**1%**
Running Cash Balance	$1,000,000	$ 1,000,000	$1,326,473	$2,188,402	$ 751,367	$ 1,102,187	$1,240,878	$2,022,560	$ 947,357	$1,510,148	$ 1,726,169	$ 1,747,907
Expected Expenses	$4,308,663	$4,635,420	$4,911,552	$5,057,038	$ 8,125,470	$ 6,805,804	$7,375,765	$7,108,496	$ 9,280,989	$7,889,168	$ 8,320,458	$ 8,600,105
Expected Revenue	$4,458,108	$4,635,420	$5,238,025	$5,918,968	$ 6,688,434	$ 7,156,624	$7,514,456	$7,890,178	$ 8,205,786	$8,451,959	$ 8,536,479	$ 8,621,844
Notable Projects				**PFAS Treatment** ***broken out as loan***				**Plants Dam Project** ***broken out as loan***				

TOWN OF EAST LYME
WATER AND SEWER COMMISSION
NOTICE OF PROPOSED WATER RATES

NOTICE IS HEREBY GIVEN of a public hearing to be held by the East Lyme Water and Sewer Commission on Tuesday **November 19, 2024**; to consider proposed revisions to the rates and charges for connection to and the use of the East Lyme Water System. This hearing will occur at the East Lyme Town Hall at 108 Pennsylvania Ave in Niantic at 6:30pm.

The proposed water rates and charges are as follows:

SCHEDULE I – RATES FOR USAGE based on meter readings at six-month intervals.

		Rate
Minimum charge per six-month period, for usage up to a maximum of 3,500 gallons per six-month period	***($100)***	$85
3,501 gallons, to 40,000 gallons per six-month period	***($5.97)***	$5.58/1,000 gals ***7%***
3,501 gallons, to 150,000 gallons per six-month period	***($7.15)***	$6.25 /1,000 gals ***14.4%***
3,501 gallons to 2,500,000 gallons per six-month period	***($8.35)***	$7.30/1,000 gals ***14.4%***
3,501 gallons to over 2,500,000 gallons per six-month period	***($9.87)***	$8.63/1,000 gals ***14.4%***

SCHEDULE II – MISCELLANEOUS WATER CHARGES

Meter Service/Maintenance Fee divided equally over the billing cycles	$37.00 per customer/yr
Application for Connection Permit	
Class 'A'- Residential	$150
Class 'B'- Multi Family and Commercial	$300
Class 'C'- Industrial	$700
Demolition/Disconnect Inspection -Any Class	$100
ANNUAL PRIVATE HYDRANT CHARGE	$315
ANNUAL FIRE SPRINKLER CHARGE	$315
SALE OF STOCKED MATERIAL	Cost, incl. shipping, plus %15 administrative fee

METER CHARGES (FLAT RATE)

Frozen Meter & Misc Associated Equipment Repair *Normal working hours, new meter not included*	$150
Frozen Meter Repair *After normal working hours, new meter not included*	$300
Damaged Meter Radio Fee	$350
Uncover Buried Customer Curb Box – First Offense	$500
Uncover Buried Customer Curb Box – Second Offense	Cost + $500
All Meter Tests	$300
Manual Meter Reading Fee	$150/billing cycle
Lack of Access Fee (Daily) *Charged 10 calendar days after a certified letter is mailed to the property to gain access*	$50/day

INSPECTION SERVICES

During Normal Working Hours	$120/hour
After Normal Working Hours	$180/hour
Cross Connection/Backflow Preventer Test Up to 2"	$185/Unit

DELIQUENCY NON-PAYMENT FEE

Charged 13 calendar days after shutoff notice mailed to property and account is pending non-payment shutoff	$150/instance

*If account paid after working hours, an additional $150 charge will apply for after-hours turn on

SEASONAL TURN OFF / ON FEE

During Normal Dept. Working Hours	$150/instance
After Normal Dept. Working Hours	$300/instance

*Includes uninstall/reinstall meter as requested

CONNECTION CHARGES

All services up to 1"	$4,700 min or actual Cost (whichever is greater)
Water Tap Only up to 1" (Contractor Performs Excavation and Site Restoration)	$2700 min or actual cost (whichever is greater)

These proposed rates and charges would become effective on January 1, 2025 if approved. Rates for usage shall be payable at six-months intervals. All other rates shall be payable at the time services are rendered unless otherwise noted.

The owners of properties against which the proposed rates and charges are to be levied and other interested persons are invited to attend and be heard.

Dated at East Lyme, Connecticut on this **22nd October, 2024**

EAST LYME WATER AND SEWER COMMISSION

Daniel Cunningham, W&S Commission Chairman

East Lyme Water Department
Monthly Report for September 2024

1. General Statistics

TASKS PERFORMED BY WATER DEPT	September 2024	TOTAL THIS YEAR	TOTAL LAST YEAR (Jan 1 to Dec 30)
Meters Installed (New Accounts)	0	16	22
New Meters In System	25	472	New / Total 6811 / 6870 or 99.1%
New Service Connections Installed	0	3	18
Services and Mains Repaired[(1)]	No Mainbreaks / 2 Service Leaks	42	33
Total Gallons Pumped *Millions of Gallons*	55.774	504.168	676.364

(1) Repair or replacement of service line from main to curb stop.

2. Monthly Average Day Demand (MADD)

	September 2024	September 2023	% Difference LY
Water Produced *Millon Gallons Daily*	1.859	1.824	1.91%

MADD as a % of 3.16 MGD available water (24-hour pumping) = 58.83%
MADD as a % of 2.37 MGD available water (18-hour pumping) = 78.44%
Note: Available water based on 2005 Water Supply Plan and subsequent revisions approved February 20, 2007. Figures not adjusted for additional water available from New London during the summer months.

3. Significant Items

1.) Precipitation was 1.72 inches for the month.

2.) Ground water supplies remain low, as precipation was light for the month, but we are out of peak production period and our production is back to our average demand. We are 0.01% difference from our long-term running average for September.

3.) The field crew has painted 73 hydrants and flushed 50 hydrants in the month. We reached our goal of painting 1/4 of the system hydrants this year at 212 hydrants painted.

EAST LYME
WATER & SEWER COMMISSION
OCT 22 2024
AGENDA# 11a

EAST LYME WATER DEPARTMENT

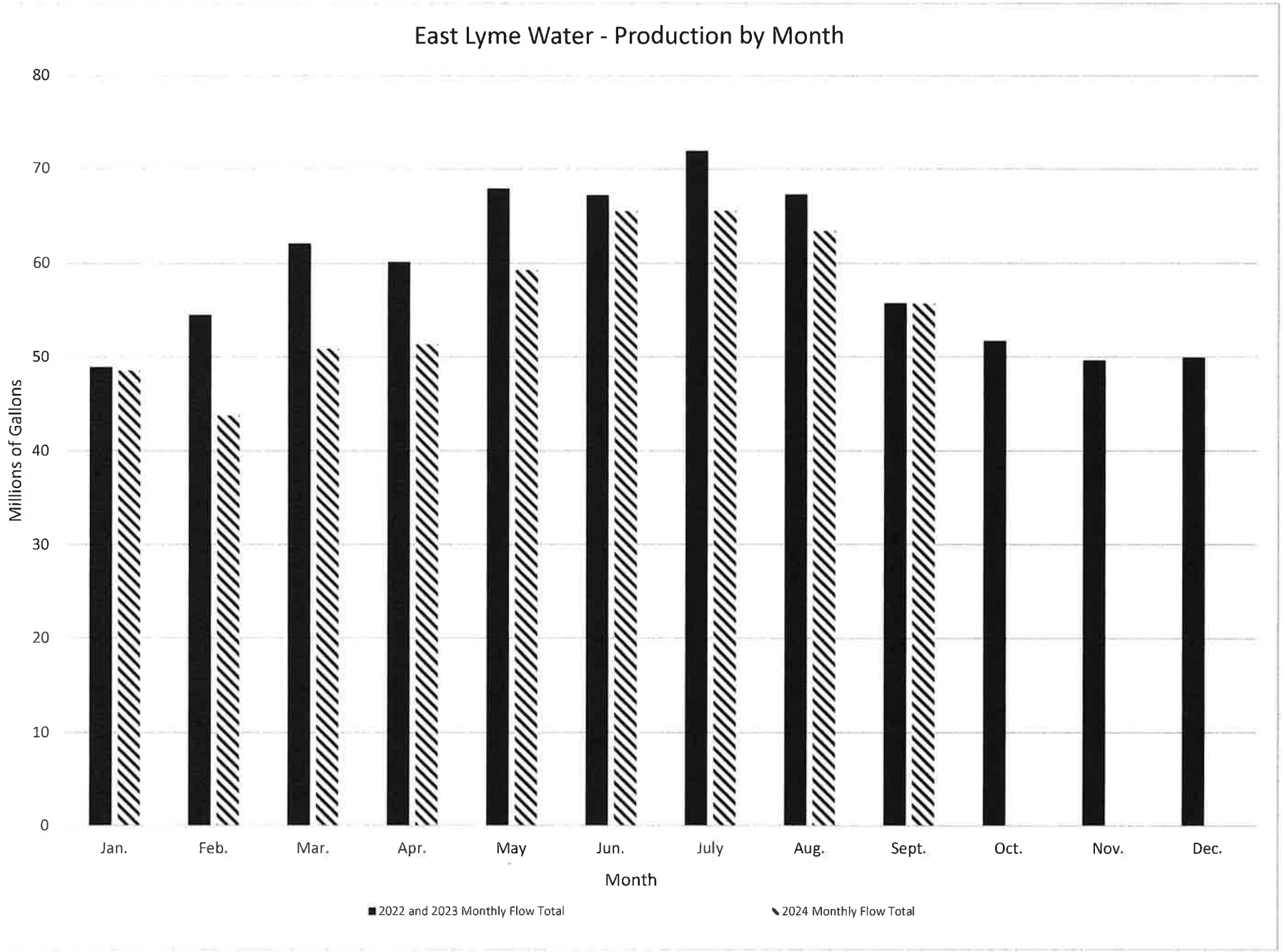
Historic Water Production in Million Gallons per Month

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	% +/- (Previous Year)	Monthly Precip. (in.)
Jan.	53.405	55.502	55.699	48.433	44.334	44.334	45.053	63.884	49.219	48.554	-1.35%	8.63
Feb.	50.538	58.426	56.887	41.951	44.733	47.832	41.912	61.236	47.891	43.782	-8.58%	1.98
Mar.	55.848	56.130	55.300	44.903	54.467	50.150	48.343	65.938	58.247	50.871	-12.66%	10.34
Apr.	54.891	56.931	49.606	46.231	52.493	48.753	49.554	60.322	59.939	51.362	-14.31%	4.75
May	68.621	65.388	58.395	51.915	57.692	55.327	57.411	65.009	70.825	59.312	-16.26%	6.82
Jun.	64.086	74.172	64.325	57.332	58.021	64.665	57.685	68.306	66.084	65.523	-0.85%	4.18
July	80.638	81.529	67.948	67.364	69.703	64.939	62.206	79.552	64.318	65.571	1.95%	6.75
Aug.	71.557	73.078	62.844	61.898	65.912	66.044	63.933	75.649	58.913	63.419	7.65%	4.42
Sept.	62.752	56.264	48.592	52.642	58.151	56.757	55.281	56.869	54.729	55.774	1.91%	1.72
Oct.	56.829	53.767	45.152	48.004	51.836	48.088	53.507	54.484	48.969			
Nov.	56.798	51.876	39.400	51.065	45.917	40.639	52.801	54.519	44.729			
Dec.	59.049	53.697	45.664	40.675	48.171	40.399	56.781	53.467	46.355			
Average	61.251	61.397	54.151	51.034	54.286	52.327	53.706	63.270	55.852	56.019		49.59
% +/- (Previous Year)		0.24%	-11.80%	-5.76%	6.37%	-3.61%	2.63%	17.81%	-11.72%			
% +/- Running Annual Average											-4.72%	

EAST LYME WATER DEPARTMENT

Historic Water Production in Million Gallons per Month

	2015	2016	2017	2018	2019	2020	2021	2022	2023	AVG. Previous Years	2024	% +/- (Previous Years)	Monthly Precip. (in.)
Jan.	53.405	55.502	55.699	48.433	44.334	44.334	45.053	63.884	49.219	51.096	48.554	-4.97%	8.63
Feb.	50.538	58.426	56.887	41.951	44.733	47.832	41.912	61.236	47.891	50.156	43.782	-12.71%	1.98
Mar.	55.848	56.130	55.300	44.903	54.467	50.150	48.343	65.938	58.247	54.370	50.871	-6.43%	10.34
Apr.	54.891	56.931	49.606	46.231	52.493	48.753	49.554	60.322	59.939	53.191	51.362	-3.44%	4.75
May	68.621	65.388	58.395	51.915	57.692	55.327	57.411	65.009	70.825	61.176	59.312	-3.05%	6.82
Jun.	64.086	74.172	64.325	57.332	58.021	64.665	57.685	68.306	66.084	63.853	65.523	2.62%	4.18
July	80.638	81.529	67.948	67.364	69.703	64.939	62.206	79.552	64.318	70.911	65.571	-7.53%	6.75
Aug.	71.557	73.078	62.844	61.898	65.912	66.044	63.933	75.649	58.913	66.648	63.419	-4.84%	4.42
Sept.	62.752	56.264	48.592	52.642	58.151	56.757	55.281	56.869	54.729	55.782	55.774	-0.01%	1.72
Oct.	56.829	53.767	45.152	48.004	51.836	48.088	53.507	54.484	48.969	51.182			
Nov.	56.798	51.876	39.400	51.065	45.917	40.639	52.801	54.519	44.729	48.638			
Dec.	59.049	53.697	45.664	40.675	48.171	40.399	56.781	53.467	46.355	49.362			
Total	735.012	736.760	649.812	612.413	651.430	627.927	644.467	759.235	670.218	676.364	504.168		49.59
% +/- (Previous Year)		0.24%	-11.80%	-5.76%	6.37%	-3.61%	2.63%	17.81%	-11.72%				
% +/- Running Annual Average												-4.49%	


East Lyme Water - Production by Month
80
70
60
50
40
30
20
10
0
Millions of Gallons
Jan.
Feb.
Mar.
Apr.
May
Jun.
July
Aug.
Sept.
Oct.
Nov.
Dec.
Month
2022 and 2023 Monthly Flow Total
2024 Monthly Flow Total

EAST LYME WATER DEPARTMENT
Well Production Report - September 2024

Withdrawals	Well 1A		Well 2A		Well 3A		Well 3B		Well 4A		Well 5		Well 6		Wells 3A/3B	Wells 2A/3A/3B	Daily Total (Wells)	Water From NL	Water To NL	Daily Total (Wells & NL)(3)	
	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(WL-ft)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)	(MGD)	
Max. Reg./Perm.(1,2)	1.160		0.864		0.560		0.993		0.547		0.780		0.440		0.993	1.857	4.784	1.000	1.000	5.784	
24-hr Pumping	1.160		0.648		0.446		0.993		0.324		0.619		0.440		1.439	2.087	4.630	0.500	NA	5.130	
18-hr Pumping	0.870		0.486		0.335		0.745		0.243		0.464		0.330		1.080	1.566	3.473	0.500	NA	3.973	
SFR 24-hr Pumping(2)	1.160		0.648		0.446		0.993		0.324		0.000		0.000		0.993	1.641	3.125	0.500	NA	3.625	
SFR 18-hr Pumping	0.870		0.486		0.335		0.745		0.243		0.000		0.000		0.745	1.231	2.344	0.500	NA	2.844	
Monthly Average	0.472		0.284		0.201		0.182		0.176		0.192		0.327		0.383	0.667	1.835	0.024	0.000	1.859	Precip
Date	"Alert" Trigger	12.0		4.0		15.0		20.0		6.0		18.0		22.0							inches
9/1/2024	0.478	13.1	0.298	8.0	0.205	13.0	0.221	31.5	0.192	5.70	0.234	10.7	0.330	31.2	0.426	0.724	1.957	0.000	0.000	1.957	0.00
9/2/2024	0.495	13.0	0.354	7.0	0.258	12.8	0.263	31.3	0.222	5.80	0.251	11.2	0.342	31.0	0.521	0.875	2.185	0.000	0.000	2.185	0.06
9/3/2024	0.491	12.9	0.308	8.0	0.187	35.8	0.207	36.4	0.146	5.80	0.228	32.7	0.339	31.0	0.394	0.702	1.906	0.000	0.000	1.906	0.00
9/4/2024	0.486	17.6	0.334	34.0	0.228	42.8	0.232	31.2	0.204	5.70	0.241	32.9	0.336	39.5	0.460	0.794	2.062	0.000	0.000	2.062	0.00
9/5/2024	0.501	17.6	0.310	32.0	0.209	42.6	0.274	36.7	0.197	13.70	0.250	11.1	0.346	39.2	0.483	0.793	2.087	0.000	0.000	2.087	0.00
9/6/2024	0.472	13.0	0.256	33.0	0.176	42.6	0.131	36.6	0.221	13.60	0.225	11.2	0.327	31.5	0.307	0.563	1.808	0.000	0.000	1.808	0.00
9/7/2024	0.475	12.8	0.308	8.0	0.210	13.3	0.225	31.6	0.135	5.70	0.229	11.4	0.328	31.0	0.435	0.743	1.910	0.000	0.000	1.910	0.00
9/8/2024	0.499	13.1	0.343	7.0	0.204	12.9	0.202	31.1	0.253	5.70	0.229	10.9	0.345	31.2	0.406	0.749	2.075	0.000	0.000	2.075	0.09
9/9/2024	0.474	12.8	0.274	7.0	0.217	15.5	0.223	31.6	0.134	5.50	0.243	32.7	0.327	31.2	0.440	0.714	1.892	0.000	0.000	1.892	0.00
9/10/2024	0.498	12.8	0.294	33.0	0.208	42.4	0.199	36.5	0.217	5.70	0.219	9.7	0.344	30.9	0.407	0.701	1.979	0.000	0.000	1.979	0.00
9/11/2024	0.475	12.8	0.294	33.0	0.223	42.6	0.212	31.8	0.187	13.60	0.277	10.2	0.328	30.8	0.435	0.729	1.996	0.000	0.000	1.996	0.00
9/12/2024	0.552	12.8	0.248	7.0	0.192	10.1	0.161	29.7	0.178	5.60	0.249	9.0	0.391	30.8	0.353	0.601	1.971	0.000	0.000	1.971	0.00
9/13/2024	0.439	12.1	0.318	8.0	0.213	40.8	0.189	36.3	0.158	13.60	0.256	32.6	0.304	31.5	0.402	0.720	1.878	0.053	0.000	1.931	0.00
9/14/2024	0.514	17.1	0.259	33.0	0.194	42.5	0.163	36.6	0.171	13.60	0.224	9.6	0.355	39.1	0.357	0.616	1.880	0.053	0.000	1.933	0.00
9/15/2024	0.486	16.9	0.325	34.0	0.230	10.9	0.202	31.1	0.184	5.70	0.257	9.6	0.336	38.9	0.432	0.757	2.020	0.028	0.000	2.048	0.00
9/16/2024	0.527	16.7	0.290	7.0	0.207	42.1	0.169	36.3	0.250	5.70	0.099	32.4	0.365	38.1	0.376	0.666	1.907	0.054	0.000	1.961	0.00
9/17/2024	0.487	11.7	0.331	8.0	0.225	10.5	0.193	31.5	0.097	5.60	0.000	33.6	0.337	30.9	0.418	0.749	1.670	0.079	0.000	1.749	0.00
9/18/2024	0.502	16.8	0.252	33.0	0.180	42.2	0.148	36.4	0.234	13.50	0.098	11.1	0.347	39.1	0.328	0.580	1.761	0.025	0.000	1.786	0.00
9/19/2024	0.474	16.7	0.264	33.0	0.190	11.4	0.164	36.5	0.149	5.50	0.201	9.6	0.328	39.0	0.354	0.617	1.769	0.051	0.000	1.820	0.00
9/20/2024	0.529	11.5	0.201	7.0	0.144	42.3	0.119	36.4	0.196	13.50	0.203	33.1	0.365	30.7	0.263	0.464	1.757	0.044	0.000	1.801	0.00
9/21/2024	0.410	11.5	0.304	8.0	0.219	10.6	0.190	31.5	0.149	5.70	0.224	9.5	0.283	30.9	0.409	0.713	1.779	0.029	0.000	1.808	0.00
9/22/2024	0.516	11.6	0.296	7.0	0.207	10.3	0.171	31.1	0.185	5.70	0.000	32.5	0.357	30.9	0.378	0.674	1.731	0.042	0.000	1.773	0.01
9/23/2024	0.505	11.3	0.369	7.0	0.254	10.4	0.215	30.9	0.172	5.70	0.000	33.8	0.349	30.5	0.469	0.838	1.865	0.050	0.000	1.915	0.00
9/24/2024	0.441	11.2	0.217	7.0	0.154	10.0	0.125	30.8	0.178	5.70	0.143	10.5	0.304	30.4	0.279	0.496	1.563	0.025	0.000	1.588	0.00
9/25/2024	0.407	11.4	0.347	8.0	0.240	10.4	0.202	31.3	0.145	5.70	0.229	9.8	0.281	30.9	0.442	0.788	1.850	0.050	0.000	1.900	0.00
9/26/2024	0.375	11.5	0.178	33.0	0.132	42.1	0.106	36.1	0.160	5.70	0.178	32.8	0.258	30.6	0.238	0.416	1.386	0.025	0.000	1.411	0.00
9/27/2024	0.358	16.8	0.272	8.0	0.188	10.3	0.154	31.6	0.139	5.80	0.209	33.4	0.247	38.9	0.342	0.614	1.567	0.024	0.000	1.591	1.42
9/28/2024	0.472	16.8	0.193	33.0	0.136	42.3	0.109	36.3	0.114	13.80	0.183	33.7	0.327	38.4	0.245	0.437	1.534	0.026	0.000	1.560	0.00
9/29/2024	0.489	11.9	0.273	8.0	0.224	10.8	0.183	31.3	0.100	13.90	0.138	33.9	0.339	30.9	0.407	0.680	1.746	0.028	0.000	1.774	0.12
9/30/2024	0.337	17.0	0.216	7.0	0.164	9.3	0.119	31.2	0.219	13.90	0.251	10.1	0.250	39.1	0.283	0.499	1.556	0.043	0.000	1.599	0.02
Average	0.472	13.8	0.284	16.9	0.201	24.5	0.182	33.3	0.176	8.35	0.192	20.2	0.327	33.6	0.383	0.667	1.835	0.024	0.000	1.859	0.06
Minimum	0.337	11.2	0.178	7.0	0.132	9.3	0.106	29.7	0.097	5.50	0.000	9.0	0.247	30.4	0.238	0.416	1.386	0.000	0.000	1.411	0.00
Maximum	0.552	17.6	0.369	34.0	0.258	42.8	0.274	36.7	0.253	13.90	0.277	33.9	0.391	39.5	0.521	0.875	2.185	0.079	0.000	2.185	1.42
Total	14.164		8.525		6.018		5.470		5.285		5.768		9.815		11.488	20.013	55.045	0.729	0.000	55.774	1.72

% Recvd. of Total Monthly Demand	1.31		Total Monthly Demand
% of Total Sent to NL (Wells)		0.00	55.774
Running Total (water received 2023)	1.244		
Goal	14.850		
% of Goal	8.38		
Running Total (water sent to NL 2023)		0.000	
Goal		25.074	
% of Goal		0.00	

Notes:

MGD = Million Gallons Per Day

WL = Water (in feet) above the airline or pressure transducer (set approximately 4 ft above the pump suction for each well; 17 ft above suction for Well 4A).

SFR = stream flow restrictions (Wells 5 and 6 not operating).

NR = No Reading Available

(1) A condition of the Well 3A diversion permit limits the combined maximum withdrawal from Wells 2A, 3A, and 3B to 1.857 mgd.

(2) Another condition of the Well 3A permit restricts the combined maximum withdrawal from Wells 3A and 3B to 0.864 mgd during "low" stream flow. If Well 3A is not pumped, Well 3B alone can be pumped at 0.993 mgd during "low" stream flow.

(3) Totals represent well production plus water from New London. Does not include water to New London.

October 2024

East Lyme Sewer Maintenance Report for September 2024

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1. Sewer tie-ins, inspections and CBYDs at various locations
2. Daily chemical machine checks and maintenance
3. Monthly alarm tests and meter readings
4. Daily station maintenance checks
5. General Sewer Pump Station Maintenance
6. General equipment maintenance
7. Monitor Odor Control System 31 Arbor Xing for H2s
8. Monitor Oder Control System. 170 Giants Neck Rd for H2S
9. Monitor H2S (Point O Woods)
10. O/M Maintenance

EAST LYME
WATER & SEWER COMMISSION
OCT 22 2024
AGENDA# 11b

Sewer Department Monthly Report

October 22 2024

Data For the Month of: **September 2024**

Monthly Running Avg:	**955,620 GPD**
Daily Avg:	**851,600 GPD**
Daily Max:	**956,000 GPD**
Daily Min:	**758,000 GPD**

Daily Average as a Percent of Monthly Running Average: **89.11%**

State CT Flows:

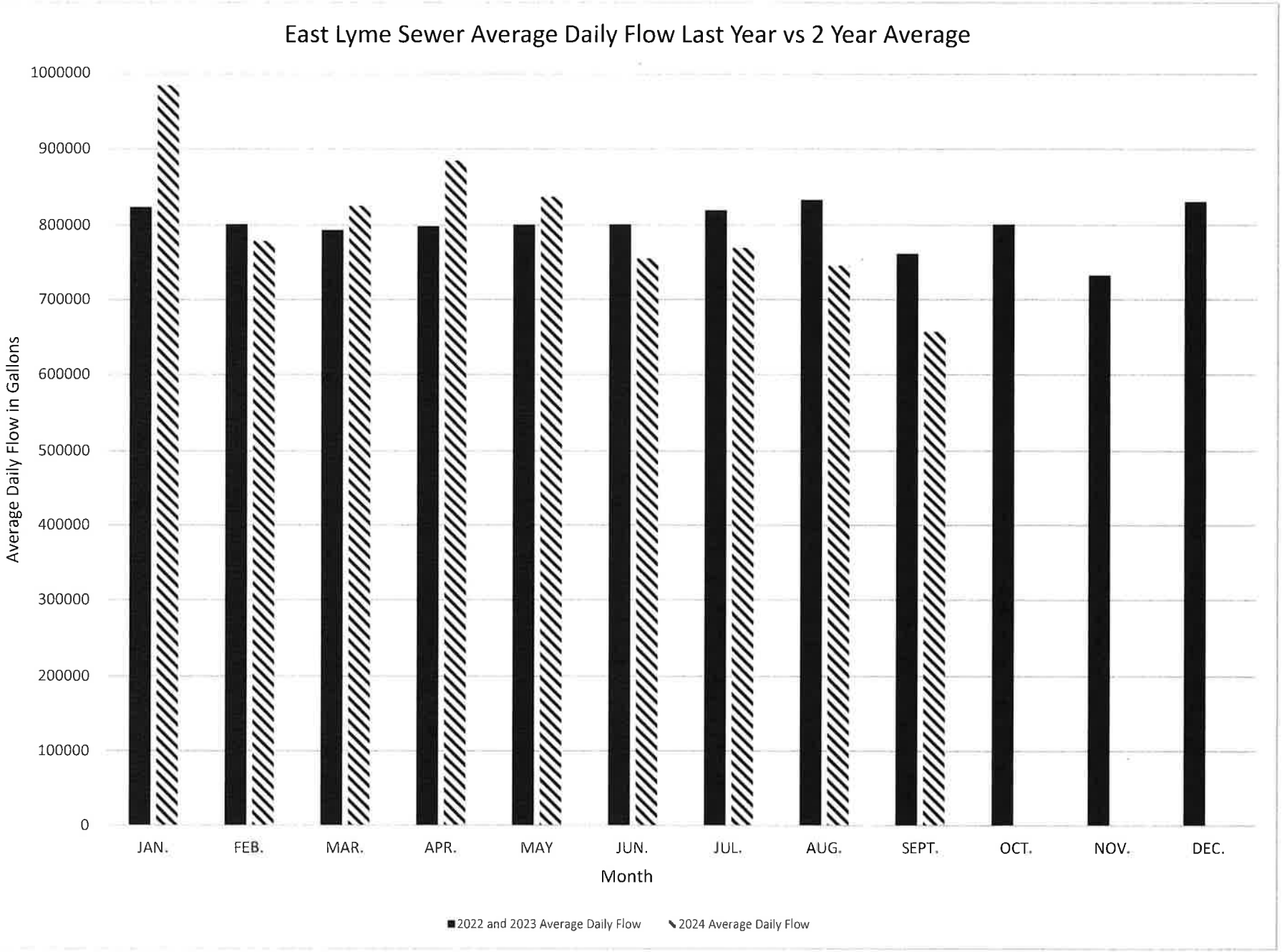
	DOC	Camp Nett	Rocky Neck	POW	Pine Grove	Total
Actual GPD AVG.	128,739	6,743	0	18,929	40,000	194,411
Design GPD AVG.	250,000	58,400	24,600	105,000	40,000	478,000
% of Design GPD	51.5%	11.55%	0	18.03%	100.00%	40.67%
% of East Lyme Average Daily Flow	15.12%	0.79%	0.00%	2.22%	4.70%	22.83%
% of East Lyme 1.5 MGD Allotment	8.58%	0.45%	0.00%	1.26%	2.67%	12.96%

EAST LYME SEWER FLOWS - HISTORY

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	% +/- Prev. Yr.	Precip. 2024 (in.)
JAN.	787,646	747,284	784,837	781,519	1,090,311	849,497	938,302	942,646	1,029,157	1,177,819	14.45%	8.63
FEB.	832,681	809,701	765,648	865,263	842,611	859,175	911,422	988,646	997,413	912,457	-8.52%	1.98
MAR.	1,017,280	790,851	777,452	927,771	893,805	832,803	886,441	948,873	984,116	1,048,941	6.59%	10.34
APR.	938,861	796,611	897,161	778,780	918,456	885,983	962,591	965,456	1,015,438	1,066,788	5.06%	4.75
MAY	913,816	777,446	872,268	746,049	947,042	900,485	951,501	922,857	1,061,763	989,756	-6.78%	6.82
JUN.	880,190	815,281	849,504	906,535	875,000	882,463	976,981	989,299	984,241	966,701	-1.78%	4.18
JUL.	1,048,427	879,952	883,851	1,026,307	977,552	853,930	1,047,771	995,433	1,086,674	991,582	-8.75%	6.75
AUG.	977,543	868,636	873,017	905,718	932,181	911,419	978,158	1,000,871	1,063,381	955,027	-10.19%	4.42
SEPT.	878,563	762,544	769,493	875,918	833,237	823,590	1,051,008	921,227	1,020,678	851,600	-16.57%	1.72
OCT.	861,521	738,247	752,273	903,915	806,576	812,506	917,384	905,482	1,053,620			
NOV.	803,842	709,481	732,848	871,111	815,129	786,482	937,414	864,223	954,365			
DEC.	788,121	728,649	728,437	894,050	927,335	896,694	895,121	950,524	1,057,605			
RUNNING AVERAGE	894,041	785,390	807,232	873,578	904,936	857,919	954,508	949,628	1,025,704		-2.94%	5.51
											Precip. Total	49.59

EAST LYME SEWER FLOWS - HISTORY

	2015	2016	2017	2018	2019	2020	2021	2022	2023	AVG. Prev. Years	2024	% +/- AVG. Prev. Years	Precip. 2023 (in.)
JAN.	787,646	747,284	784,837	781,519	1,090,311	849,497	938,302	942,646	1,029,157	865,255	1,177,819	36.1%	8.63
FEB.	832,681	809,701	765,648	865,263	842,611	859,175	911,422	988,646	997,413	859,393	912,457	6.2%	1.98
MAR.	1,017,280	790,851	777,452	927,771	893,805	832,803	886,441	948,873	984,116	884,410	1,048,941	18.6%	10.34
APR.	938,861	796,611	897,161	778,780	918,456	885,983	962,591	965,456	1,015,438	892,987	1,066,788	19.5%	4.75
MAY	913,816	777,446	872,268	746,049	947,042	900,485	951,501	922,857	1,061,763	878,933	989,756	12.6%	6.82
JUN.	880,190	815,281	849,504	906,535	875,000	882,463	976,981	989,299	984,241	896,907	966,607	7.8%	4.18
JUL.	1,048,427	879,952	883,851	1,026,307	977,552	853,930	1,047,771	995,433	1,086,674	964,153	991,582	2.8%	6.75
AUG.	977,543	868,636	873,017	905,718	932,181	911,419	978,158	1,000,871	1,063,381	930,943	955,027	2.6%	4.42
SEPT.	878,563	762,544	769,493	875,918	833,237	823,590	1,051,008	921,227	1,020,678	864,448	851,600	-1.5%	1.72
OCT.	861,521	738,247	752,273	903,915	806,576	812,506	917,384	905,482	1,053,620	837,238			
NOV.	803,842	709,481	732,848	871,111	815,129	786,482	937,414	864,223	954,365	815,066			
DEC.	788,121	728,649	728,437	894,050	927,335	896,694	895,121	950,524	1,057,605	851,116			
AVG.	894,041	785,390	807,232	873,578	904,936	857,919	954,508	949,628	1,025,704	878,404	995,620	11.6%	5.51
												Precip. Total	49.59


East Lyme Sewer Average Daily Flow Last Year vs 2 Year Average
Average Daily Flow in Gallons
1000000
900000
800000
700000
600000
500000
400000
300000
200000
100000
0
JAN.
FEB.
MAR.
APR.
MAY
JUN.
JUL.
AUG.
SEPT.
OCT.
NOV.
DEC.
Month
2022 and 2023 Average Daily Flow
2024 Average Daily Flow

East Lyme Sewer Department

Monthly Average Day Wastewater Flows (MGD)

October 22 2024
Sewer Flows for the Month of September

		Total Daily Combined Flows from East Lyme and State			State Average Daily Flows by Facility					State Allocation (0.478 MGD)			East Lyme Allocation (1.022 MGD)		
Year	Month	Niantic Sewer Pump Station Flows			DOC	Camp Nett	Rocky Neck	POW	Pine Grove	Daily Usage	Capacity Remaining	Percent Capacity Remaining	Daily Usage	Capacity Remaining	Percent Capacity Remaining
		Average	Max	Min	0.250	0.058	0.025	0.105	0.040						
2024	January	1.178	1.748	0.977	0.120	0.013	0.000	0.020	0.040	0.193	0.285	60%	0.985	0.037	4%
	February	0.912	1.076	0.619	0.080	0.007	0.000	0.007	0.040	0.133	0.345	72%	0.779	0.243	24%
	March	1.049	1.430	0.844	0.157	0.009	0.000	0.017	0.040	0.223	0.255	53%	0.826	0.196	19%
	April	1.067	1.544	0.925	0.110	0.015	0.000	0.017	0.040	0.182	0.297	62%	0.885	0.137	13%
	May	0.990	1.285	0.565	0.073	0.015	0.000	0.024	0.040	0.152	0.327	68%	0.838	0.184	18%
	June	0.967	1.145	0.571	0.137	0.006	0.000	0.028	0.040	0.211	0.267	56%	0.756	0.266	26%
	July	0.992	1.247	0.725	0.141	0.019	0.000	0.022	0.040	0.222	0.256	54%	0.770	0.252	25%
	August	0.955	1.163	0.726	0.138	0.005	0.000	0.026	0.040	0.209	0.269	56%	0.746	0.276	27%
	September	0.852	0.956	0.758	0.129	0.007	0.000	0.019	0.040	0.195	0.283	59%	0.657	0.365	36%
	October														
	November														
	December														
	Annual Avg. (Jan - Dec)	0.996	1.288	0.746	0.120	0.011	0.000	0.020	0.040	0.191	0.287	60%	0.805	0.217	21%

All figures reported in Million Gallons Daily (MGD)
**New Main Flow Meter installed - 2/24*
***Data during March and April was estimated using Waterford PS Data*

Rolling 2 Year Average	0.811	0.211	21%