

WATER POLLUTION CONTROL AUTHORITY  
**Town of Trumbull**  
CONNECTICUT

TOWN HALL  
(203) 452-5048



5866 MAIN STREET  
TRUMBULL, CT 06611

**MARCH 24, 2021  
MINUTES**

Call to Order: The Chair called the meeting to order at 7:04 p.m.

Roll Call: The clerk called the roll and recorded it as follows:

Present: Richard Boggs, Chairman, Jon Greene, Vice-Chairman, Frank Regnery, Andrew Palo, Charles Berezin and Scott Thornton, alternate

Also

Present: William Maurer, Town Engineer/Sewer Administrator, Town Attorney James Nugent, and Christine Kurtz of Wright Pierce

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Approval of Minutes: Moved by Palo, seconded by Regnery to approve February 24, 2021 meeting minutes as submitted.

VOTE: Motion CARRIED 4-0-2 (ABSTENTION: Greene and Berezin)

New Business:

- (MIU GP) General Permit for Discharges from Miscellaneous Industrial Users Ordinance  
Mr. Maurer explained this is a permit the state handled but have given it to the municipalities to administer. This needs to be added to the ordinance under Chapter 19, it will be a new section, Division 5.

Ms. Kurtz explained the Miscellaneous Industrial Users are smaller commercial users (i.e. commercial pools, printing shops, car washes, oil grease separators, DPW). The municipalities are now required to administer the permit v. DEEP. It's a series of paperwork similar to other permits, depending on the discharge they have to fill out any number of attachments A through D or E. The dischargers are required to inform the people in the collection system and the treatment plant, if anything is exceeded, (flow quantity). The permit change has been in the works for approximately for a year, the schedule slowed due to COVID.

The proposed ordinance attached to the agenda puts in the language into the existing Chapter 19 of the Town Code, similar to what happened with F.O.G.

Mr. Maurer indicated there are not many Miscellaneous Industrial Users and the users already know about, it's a permit issued every five (5) years. Ms. Kurtz stated they have a requirement to report to the Town by April 29, 2021

Mr. Maurer confirmed the F.O.G ordinance is already in effect, the violation fees are being added to the ordinance.

Ms. Kurtz explained the users need to notify both Bridgeport and Trumbull. Mr. Maurer is in communications with Bridgeport to see what their program looks like to make sure our version doesn't need to accommodate theirs. Unless something different is learned from Bridgeport the attached ordinance would be the final version. It will be a coordinated effort with Bridgeport regarding the fines. Chapter 19, Section 108 is the F.O.G. portion. Division 5 is the MIU-GP new division.

Page 128 of the agenda packet has a table that identifies which notification form and attachments to be filled out based on what kind of discharger. The quantity of wastewater will drive that. There are approximately 12 known users of this type in town. The language in the ordinance came from the state, it was modified to the fact that they would have to work with both Bridgeport and Trumbull. Our code had a handful of parameters that dischargers were not allowed to exceed. In one of those the town was more stringent, in that case it was kept more stringent.

Mr. Maurer confirmed for Attorney Schopick emergency legislation would be necessary at the Council level since this is to be in effect April 29, 2021.

Moved by Palo, seconded by Regnery to approve (MIU GP) General Permit for Discharges from Miscellaneous Industrial Users Ordinance, (inclusive of the F.O.G. violation fees) as submitted.

VOTE: Motion CARRIED by unanimous consent.

- F.O.G. Ordinance Amendment – See MIU GP motion and vote above.
- Transfer \$2,017.57: From Maintenance/Repair Service Contract 20100000-578801 to Transportation-Vehicle Repair 20100000-567702

The vacall had an electronic control issue, the repair account ran short which is why the transfer is necessary, this will give the account a cushion until the end of the fiscal year.

Moved by Regnery, seconded by Palo to approve the transfer *From Maintenance/Repair Service Contract 20100000-578801 to Transportation-Vehicle Repair 20100000-567702* in the amount of \$2,017.57.

The clerk called the roll and recorded it as follows:

	Aye	Nay	Abstain
Richard Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jon Greene	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Frank Regnery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andrew Palo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles Berezin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Thornton, Alt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VOTE: Motion CARRIED unanimously.

- *Bridgeport City Council 03-15-2021 Meeting:*

Mr. Maurer explained the Bridgeport WPCA went for approval for \$395 million for treatment plant upgrades, it was a very disputed item and the City Council tabled it. Trumbull’s Director of Public Works George Estrada spoke at their meeting. There is quite a bit of work Bridgeport has to do to improve their plant, it will cost more than \$395 million over the years, this is something to pay attention to. He has a meeting with Bridgeport WPCA General Manager tomorrow. The Chair stated it would be nice to get a handle on what the future holds with them.

Commissioner Greene stated there is a report people can download on the Bpt. WPCA website. This money is just for the treatment plant, not the massive bill they are facing for separating the collection systems. There are \$100’s of millions more in total. Bridgeport is under a consent order to upgrade the plants. Ms. Kurtz explained \$395 million is for only one of the plants, the total for both is over \$500 million. There is close to one billion dollars’ worth of work in total. Trumbull represent 16% of that, which is \$160 million more than what Trumbull is already paying. Years ago, they used high gross numbers of \$110 or \$120 million as an estimate for Trumbull to build a new plant, it would easily be \$140 million now. That is one of the next things they plan to look at, updating those estimates. The Chair noted it is a comparable order of magnitude. Commissioner Regnery noted there are other options of building a plant, public-private partnerships and questioned if an exploratory committee should be formed to speak to those that offer those type of solutions.

Ms. Kurtz stated some of the exploratory work has been done:

- Feasibility Study to look at building a treatment plant. It was determined to be feasible.
- Alternatives – Going to Stratford and Fairfield were looked at. Ultimately, they recommend the best for Trumbull is a fair and equitable arrangement with Bridgeport.

If that can’t be achieved to look at the other alternatives. At the time Stratford wasn’t as interested so they focused on Fairfield and looked at the next level, what would need to be constructed and what the cost would be if they were to go to Fairfield. There were some conversations had. All of these things have to be updated.

The fair and equitable arrangement with Bridgeport is still the most cost effective for Trumbull knowing what we know now although 16% is not fair. The Commission

questioned how successful they had been to date with fair and equitable. Commissioner Greene and the Chair indicated that Trumbull is 16% of their flow but not 16% of their problem or processing.

Bridgeport is at the phase where they are trying to get approval from DEP and the various state agencies, if approved they will start the design process.

Trumbull's flow goes to the plant that needs the \$395 million. Commissioner Palo questioned what it would cost them to build a new plant. Ms. Kurtz stated they have a much larger flow in Bridgeport. Sometimes rehabs are more expensive than a new plant. Their flow number are maybe 30 million gallons per day and they want to upgrade to 200. Mr. Maurer confirmed this information, because of their combined sewers they don't want the over flow.

Commissioner Greene noted the distribution is off because their peaks are massive compared to their regular flow. Ms. Kurtz indicated Trumbull doesn't know if Bridgeport will need an interceptor, their long term control plan from 10+ years ago addressed the collection system primarily and now this is more treatment. The question is how much both of those still need to be constructed, is it half of what was projected before, is it just the treatment plant and none of what was projected in the long term control plan? It may be a piece of both, treatment and collection. That still has to be vetted out. It is unknown what treatment is being added.

Commissioner Berezin indicated he had read they were doing more so they didn't have to do anything on the collection system and take the additional capacity from the plant. Ms. Kurtz stated we still have to know if that was reported correctly. Commissioner Regnery questioned how well would a plant function of it goes down from 200 to 30, does that affect the operation of the sewer plant if the flows are different by 80%. Ms. Kurtz stated it is accommodated in the treatment processes and design to handle the full range of flows.

Attorney Schopick noted Trumbull's allocation is 4.2 million gallons per day that is a very small part of the total. Ms. Kurtz explained that is the flow but it's ambiguous in the IMA what that flow actually represents. An order of magnitude 4 million to 5 million gallons v. their current 30 million. It is unknown what kind of funding they will be getting or the percentage. The 395 million represents the project not necessarily the grant portion. Commissioner Regnery indicated the newspaper article said they expected over \$100,000 from the state.

Ms. Kurtz confirmed Bridgeport was projecting high numbers in rates, there have been similar projections with regard to past plans. It depends on how much funding which would impact their users, including Trumbull plus what we put out for our own collection system. The Chair stated the numbers put out included a longer-term projection that equated to an annualized percentage that was significantly lower than the shorter-term projections, it was almost as if they were front loading it. Mr. Maurer stated what they really meant to say was that it was actually 2.7% not the 1.7% of the today cost. The magnitude they were quoting was off.

The Chair stated he had figured an annualized inflation rate and it was significantly higher for the short term than it was for the longer term and didn't understand why they would put most of the pain in the first few years or if the numbers were accurate. Commissioner Regnery interpreted it as they would be spending more money in the future in capital improvements. Ms. Kurtz noted it is unknown if the numbers they give was the use now plus the capital minus the bonds coming off of it from old projects being paid for or just the capital. We have to get into more of the details of what is being proposed. The Chair stated nobody knows because there wasn't enough detail provided and thought it was strange they would present the numbers that way, it was alarming and the numbers were so extreme the way it was stated.

Mr. Maurer explained the current contract with Bridgeport is through 2026 with a three (3) year extension, no negotiation has started. This will affect us before the contract is up. The Chair explained we are still bound by the contract and tied to their rates, however if their rates move we will be affected by the increases just like all of their customers.

Commissioner Thornton questioned the numbers referred to earlier in the meeting, the 16%, and whether it should be less or more and who is negotiating that number on our behalf. Ms. Kurtz stated there had been previous attempts that Bridgeport didn't agree to which is why the current agreement is the way it is now. There is a decreasing percentage discount over eight (8) years. This is an ongoing process that has been happening by various steps over the years. Mr. Maurer stated we are contractually bound to the agreement in place now. Ms. Kurtz said they continue to look at the alternatives at the next level of detail. Mr. Maurer noted there is a notification clause and have the right to pull out of the contract. Attorney Schopick stated we are not obligated to send all of Trumbull's sewage to Bridgeport but for the sewage we send the rates are set pursuant to the contract.

Commissioner Regnery questioned whether the WPCA should be looking at this and looking at alternatives or is someone else doing that. Attorney Schopick explained the first selectman's office, Mr. Maurer and Wright Pierce are exploring the possibilities. Once there is greater insight as to what the options are it will certainly be a committee that includes members of the WPCA, BOF. There are many constituencies that are important. Ms. Kurtz stated they have done this in the past, and there are a handful of newer commissioners, they can give them an overview of what work has occurred to date and what the next planned steps are. Attorney Schopick stated Wright Pierce has been hired to do the evaluations but the timing is such that if Trumbull was going to build a plant it wouldn't be ready before the contract is up. Permitting is longest part of the project. Ms. Kurtz explained the discharge site will be the most important thing to get permitted by the state. Trumbull will discharge their wastewater to a different spot than Bridgeport. That will take time, sampling and understanding of how that would impact the watercourse. In the first feasibility study there were three (3) options but the state indicated they would only allow one (1) of them. It is downstream of the impoundment of Beardsley Zoo, and would be in Bridgeport. Much of this exploratory work was done during legal action occurring. It was part of mediation and arbitration. Ms. Kurtz explained there is political,

legal, environmental, engineering, and agenda answers to why 4 years ago they did not aggressively pursue this.

Commissioner Greene clarified the \$140 million would not be over 4 or 5 years, we are talking about numbers that would be bonded over decades, this is something as a town we need to take seriously, but it is not quite the catastrophe it sounds like. It is an imminent problem that will ultimately get worse, but it won't hit tomorrow with a doubling or tripling of bills. Commissioner Regnery explained in future value more than \$140 million when interest is added. You have to start somewhere, how much a plant cost, maybe \$160 million and the state would may cover 30%, and with the new infrastructure bills at the federal level, it may be a good time to be prepared to seek the money in grant. The money will be there.

Ms. Kurtz stated the commission/town has a five (5) year period ahead of them where they will have to come to a decision, if a fair and equitable agreement can't happen with Bridgeport. There is permitting, planning of discharge and design all of that would take five (5) years and then construction for three (3). It would be 7-8 years before Trumbull had a plant or infrastructure to go to Fairfield, if everyone agreed to things relatively quickly in the next year or so, which is not an easy task.

Attorney Schopick stated discussions are taking place. The first selectman has been convening various constituencies to have discussions, ultimately this would have to go to a referendum, and there are many steps that would have to happen. The alternatives are being explored. When negotiating another contract anything could be negotiated. Trumbull will not be out of the contract, but does have the right to extend it for another three (3) years, from that point of view the contract is in our favor. We can pull out and are not be obligated to send our sewage to the Bridgeport plant; if we were to have another treatment plant in place prior to that we would pull out prior to that. Whatever is done if we don't have another place to send our sewage DEEP wouldn't allow Trumbull to be cut off by Bridgeport. Bridgeport has taken a position for years that Trumbull isn't paying its fair share, that is where we are every time we have gotten into a lawsuit. Their position has been despite the fact they are inefficient Trumbull is a user like everyone else and we have to pay for their inefficiencies. Ms. Kurtz added Trumbull could say to Bridgeport, let us help with your large flows and leave Bridgeport that would be a positive. Attorney Schopick explained when the TBI (Trumbull Bridgeport Interceptor) was built Trumbull paid 50% of the local cost. Trumbull has participated in a great extent in the upgrades over the years.

Ms. Kurtz confirmed a reroute to Fairfield could be on a parallel timeframe, there is a lot of pipe to put in the ground to get to Fairfield and Fairfield would have to upgrade their plant.

Attorney Schopick explained in terms of more exploration there would be a need for representation from WPCA, the committee should be led by the first selectman.

Commissioner Thornton questioned whether the WPCA should make a recommendation on this because they see what is coming down the road. Attorney Schopick stated that

would not be inappropriate to put it on record that this needs to happen. Commissioner Greene noted he has had calls with the first selectman's office and they are well aware and suggested having a discussion with them before a vote and/or recommendation. Palo agreed that they should notify the first selectman of their consensus first, possibly through Mr. Maurer and put something out there officially. Attorney Schopick will bring that message back. Mr. Maurer has a meeting with the first selectman on Monday of next week on alternate flows. The commissioners agreed to put their consensus on the record. The Chair agreed but noted this is not something that has to happen this month or in the next six (6) months. Commissioner Greene noted he would be available to set a meeting up with the first selectman. Attorney Schopick suggested the Chair designate himself or someone else to be the representative. Commissioner Regnery stated the commission wants to be proactive and wants to know something is being done, and if they have an obligation as commissioners to make sure something is being considered and agreed someone should be designated as a representative to start initial discussions so they are in the loop, future discussions may have to be taken in executive session.

Ms. Kurtz explained the WPCA as a whole has not been not doing anything, and offered a workshop to give a back history. COVID has made this topic somewhat stagnant. Attorney Schopick stated no one new about the Bridgeport upgrade. Commissioner Greene will forward the Bridgeport Engineering Report to the clerk for distribution to the full commission.

The Chair likes the idea of getting everyone better informed on what has happened in the past and also having direct conversations with the first selectman's office, he would like himself and Commissioner Greene to represent the commission. (As long as they don't have three commissioners present it would not establish a quorum), and will share those discussions with the commission at a regular meeting during Executive Session. Commissioner Greene will discuss this with Mr. Maurer and then contact the first selectman's office to schedule the meeting. The Chair noted they wanted Mr. Maurer to be part of the meeting. Attorney Schopick clarified that the commission would not assume the discussion would be held in Executive Session it would depend on what the substance is of whether it would be appropriate for executive session.

#### Old Business:

##### *FY2022 Budget Update:*

Mr. Maurer met with the BOF last Tuesday. They agreed on everything and put back \$50,000 removed by the first selectman for the alternative flow line item. The budget will go to Town Council in April.

##### *2021 CIP Capital Improvement Plan Bond Authorization Update :*

Mr. Maurer reported everything included in the bond authorization was approved, including the Whitney Avenue pump station and the force main.

##### *Old Town and Reservoir Avenue Pump Stations Update:*

Mr. Maurer reported there was a pre-bid meeting, with at least ten (10) contactors present, which is significant. He didn't think there would be ten (10) bidders but there will be more than one (1). The bid opening is scheduled for tomorrow. It will be reviewed and then

brought to the WPCA. They are both tight sites and have obstacles, they did get a lot questions and they were all answered.

Beardsley Force Main Update:

Mr. Maurer reported they had gone to Stelson to mark potential test sites. They are not sure where the pipe is exactly, they will have to do borings to find it, the force main is between the state DOT fence at RT. 25 and the guardrail in Stelson. They tried to pick it up with the locator but there was too much interference with telephone poles, overhead wires, fences and guardrails, they couldn't get an exact location. There is an air release valve there and it is known where that is. They will try to locate the force main with less invasive ways to get their test pits tighter. They are hoping to get this done in April although it may be not until the end of April before they locate the force-main. They are moving forward with the design, he hasn't seen anything more since the last meeting. He hasn't discussed with Bridgeport yet, he wants something on paper to show them, they will bring it up at tomorrow's meeting with Bridgeport.

Commissioner Palo suggested adding Public Comment to the agenda. Attorney Schopick explained it is not a requirement but a number of boards and commissions do have public comment as well as the Town Council and BOF. The Town Council's and BOFs public comment is only on items on the agenda, in the WPCA's case it could be more. Under FOI rules the commission has the right to ask people when they speak to identify themselves with name and address and the right to limit the time for speaking. The parameters for public comment could be put on the next meeting agenda, if the commission wants to add to their agenda at this meeting a 2/3 vote is required to add an item to the agenda. Commissioner Palo stated when people have wanted to speak before they never denied them and wants to make it more official. Attorney Schopick explained in public comment you don't have to get into a dialogue or debate, it's to give them an opportunity to say what is important to them. It's helpful to have a time limit, it can always be extended. Commissioner Palo thinks the BOE is 2 minutes and BOF is 3 minutes. Attorney Schopick added the BOE doesn't necessarily let everyone who wants to speak speak, they make certain determinations as to whether it is appropriate which he doesn't agree with, if you are going to allow the public to speak it should be open to the public. The Commission would decide on the parameters, the public could speak about sewer related issues that are germane to WPCA, a lot boards do say public comment is based on what is on the specific meeting agenda. The Chair stated the commission's area of responsibility are largely technical, and spoke in favor of not engaging the public on the spot. Attorney Schopick stated there are certain constraints under FOI, any business conducted by the commission has to be related to the agenda, the public can speak but the commission can't take votes or make policy based on something brought up that wasn't on the agenda, it could be put on the agenda for a subsequent meeting. It would be appropriate to put on "Public Comment Parameters" on the agenda. The Chair stated this isn't all that different than what they have been doing, this could be on the next agenda. The general consensus was favorable. Discussion of placement of public comment on the agenda was discussed, whether it would be at beginning or end. To be determined at a late date.

Adjournment:

There being no further business to discuss and upon motion made by Palo, seconded by Regnery the Trumbull Water Pollution Control Authority adjourned by unanimous consent at 8:25 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, WPCA Clerk