



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## **BOARD OF SELECTMEN MEETING MINUTES November 9, 2015 9:00am**

### **PRESENT:**

Nancy Rollins, Chairman  
Peter Bianchi, Selectman  
Janet Kidder, Selectman  
Kim Hallquist, Town Administrator  
Wendy Johnson, Finance Officer

### **ALSO PRESENT:**

Erin Lambert and Naomi Praul, Nobis Engineering  
Paul Currier, Formerly with DES and Former Road Agent in New London  
Colin Campbell, New London Resident  
Rob Thorpe, Springfield-New London Water Precinct  
Tommy Miller, Former Sewer Commissioner  
John Wilson, Budget Committee member  
Lucy St. John, Planning & Zoning Administrator  
Peter Stanley, Former Planning & Zoning Administrator  
Mike Rainey, NH Department of Environmental Services  
Richard Lee, Public Works Director

Chair Rollins called the meeting to order at 9:00am. She explained that the meeting is specific to the sewer lagoon topic. She said she would like to know the threat of the lagoons and what could be in them. Secondly, what is the absolute immediacy with regards to the timeframe of what needs to be done?

Peter Stanley attended at the request of the Board to discuss his knowledge of the sewer lagoon issue. Mr. Stanley explained that the issue arose because of the second lawsuit against the Town by people living around Kezar Lake in Sutton. The judge ordered that the towns do certain things and that New London pay for certain treatments of the lake, which the Town did. All involved in this issue were focused on identifying and correcting the problem. The Conservation Commission created a study group, which he was involved in. They were taking static sampling at certain times of the year. Samples were taken during the summer when the levels were low, showing high concentrations of phosphorous. A selectman from Sutton was very concerned with the lagoons. Mr. Stanley came up with a better approach with the sampling. Jody Connor of DES, a limnologist, came into the mix and worked with them to figure out this approach. This was in the mid-90's; Mr. Stanley was on the Conservation Commission and was not a town employee at that time. They studied to determine where the phosphorous was coming from. They were able to determine not only the flow rate and take samples to determine the quantity of phosphorous in any location, they also could determine within reason how much phosphorous was actually on its way to Kezar Lake from that location. Over a year of sampling was done and it was always done in the rain. Readings above and below the lagoons were essentially the same. There was no differential showing that the lagoons were contributing anything to the lake. A little water did come out of the smallest of the three ponds that were currently open. Phosphorous readings were high coming from that lagoon in the amount of 1,600 mc/liter. 6-10 is normal. They wouldn't want what is in those pools to get into Lyon Brook. The

Messer Pond, Clark Pond watershed was bringing in the phosphorous and it wasn't anything that had to do with the lagoons. That was the end of the lawsuit and they hadn't revisited it. Immediately after that he felt they needed to do something to maintain the lagoons differently than they had been and work towards a final closure.

Mr. Stanley said that when he worked for the Town that was something he focused on under the direction of the Town Administrator. He worked with Richard Lee on figuring out ways to deal with the issue. Mike Rainey at the State was contacted. There were two lagoons above which were filled by the sewer department superintendent at the time without any permitting; they just filled them in. They dug test trenches in these filled ponds and found no existence of sludge in the westerly pond. The easterly pond showed a foot of sludge. That lagoon was filled with stumps and fill that was not ideal.

Chair Rollins said a report was issued following the testing of the lagoons. It appears that in 2007 the Town submitted a plan for closure. Mr. Stanley said it was a preliminary concept they went to DES with. This was a unique situation and there wasn't a model to follow. Mr. Stanley said the State needed more information which is why the testing was done. This is when they started a capital reserve knowing that at some point the Town would need to deal with this. He had no idea of what the status of that reserve is since he left. They had not worked with any engineering firms to move further. He feels the threat in that area is if they had a microburst; or some other catastrophic event, the lagoons could fail and flush a significant amount of phosphorous into Lyon Brook which could cause blooms which would flow into Kezar Lake.

Mr. Stanley said he designed, and Mr. Lee installed, a second berm ditch in the back of the upper lagoons to divert storm water from up-hill. This was one step to protect them. He recommended that they at least go and cut the trees within 20' of the embankment. Spend \$200-\$300 a year to weed-whack the area to prevent a situation that would flush phosphorous down into Lyon Brook. He said not to let this become a problem that doesn't need to be. Save up in the capital reserve until a reasonable plan can be made and completed. The outflow of the small pond to the westerly should be armored to make sure that if some of the embankment is eroded it doesn't flow into the brook. He didn't recall a huge amount of material in the bottom of the lagoons. Mr. Rainey confirmed they found 6-8" of material. Mr. Stanley said if they end up in court again, the Town would look pretty stupid. He estimated that it would take 5,000-6,000 of cubic material to fill the lagoons but first they have to get rid of what is in there.

Selectman Bianchi said according to the analytical results, sludge is acceptable for land application and doesn't meet the standards for groundwater contamination, etc. He assumes that the test done in 2006 is what the state reviewed. He assumes that Nobis also reviewed these results. Selectman Bianchi went on to say he feels there are two issues: the water inside, which is rain water, and sludge. The sludge he feels is built up by leaves and other materials. Mr. Rainey responded that because sewage sludge had been in the lagoons, anything that goes into it is then considered sewage sludge. The tests would need to be redone because the quality of the sludge can change over time.

Selectman Bianchi said it seemed to him that before the Town gives any thought to fixing the lagoons, they have current analysis of the sludge. He believed the lagoons were cleaned out after they started pumping to Sunapee. Paul Currier said they pumped the lagoons out and had to keep them dried. The top water was pumped into the woods. There should be no sludge in them. They trucked the materials from the lagoons to the drying beds and disposed of it.

Mr. Currier said it wasn't sewage sludge but was the treated affluent to which alum was added to precipitate the phosphorous, which was put into the lagoons. It is alum sludge so it has been treated and

disinfected. The tanks and ditches were cleaned out for storage and they used MacMillian's pump to do this.

Mr. Stanley said to avoid a catastrophe, they should maintain the area and retest if they need to, and plan accordingly from there. It might be that what is in the lagoons can be used right on the site and doesn't have to be trucked anywhere. They had talked about making slurry out of what was in the lagoons and putting it into tanks and taking it into another facility to have it treated. He advised not to do the testing if they aren't going to act on it for another 10 years. They need to come to a conclusion and also protect themselves from potential liability that exists there.

Selectman Bianchi said his concern is the term of "Bio-A" and "Bio-B" which sounds like it is sewerage sludge. They are predicating the closure plan on trucking it all away. Before they do anything they need to sample and see what is in the lagoons. He agrees with Mr. Stanley about maintaining the area and coming up with a plan to fix it.

Mr. Rainey said DES's interpretation is that the material in the lagoon is sludge. It can be called alum sludge or wastewater sludge, but it is sludge that must be handled in a certain way. The results are useful to them for planning. His guess is that the material is relatively benign and would be acceptable for land application. Most could probably be used on site. Before they do that they have to have sufficient data to have sludge quality certification and it has to be less than a year old to be issued. That is the law. The old tests are useful for their planning and multiple options are available to them. They could leave it there and cover it, requiring groundwater testing for many years into the future. He said there is so little material there that monitoring doesn't make economic sense; the Town may be able to use the material to re-vegetate the area. The cost he doesn't know but he knows they have time. They have to give him a plan with a good faith schedule for implementation. He would let them set the schedule. If they can't stay with the schedule he needs to be notified and they can reset the schedule. The work they have done already does have some value for their plan. But it is sludge, and has to be managed in accordance with regulations.

Mr. Stanley said they talked about ways to de-water the ponds to protect downstream flows, etc. There are lots of ways to accomplish this. He urged the Board of Selectmen to have the trees on the slope and within 20' of the lagoons cut. This will help buy them some time. He suggests appointing a group to deal with this to keep it from being on the backs of the Selectmen. The committee should work towards a plan and a timetable. This land could conceivably be used for something else if they clean it up. Otherwise, they will have to keep monitoring it for contamination.

Selectman Bianchi asked about the timeframe for testing if they created a 5-year project. Mr. Rainey said he would get the material out of there and segregated and treated. Once it is ready to be land-applied he would test it. The Town would then submit the data to him and he would issue the certification, which is good for five years. Based on the previous results from Eastern Analytical, he would be surprised if the material wouldn't be able to be used. There are ways to manage the material if it needs more work to get it in safe condition. He is willing to work with the town and may even be able to pay for the cost of the sampling at the State's cost.

Selectman Bianchi said a plan from Mr. Stanley involved a culvert. Mr. Rainey said they have had closures in the past with varying materials. They will segregate a portion of the wastewater lagoon and pump the septage into it. They will then put wood ash in that area to dry it out and let it be spreadable. Those are the logistics the Town will need to determine will work best for them. How they get the

material to the point that it can pass the test for being certified as safe for land application is the Town's decision.

Mr. Rainey noted that when measured, the sludge will decrease in height as it dries.

Mr. Miller said the ditch is at a "V" and they were pumped dry so there was never any sewerage dumped in there. He wondered where the sludge has come from. It isn't out of the septic system of New London. Mr. Rainey said they verify after sludge is removed and test the soil to make sure the soil is unaffected by whatever material is above it.

Ms. Lambert from Nobis said there is a variability of the depth of the material in the lagoons. That is the information they were given (6-8" of sludge). Leaves have fallen in there. They ran numbers with 1' and 1.5' and they do so to make sure enough funding is set aside to finish the project. They could run the costs for less than 1.5'. Mr. Rainey said no sludge estimates use by towns in these kinds of projects have been over-estimated but rather vastly underestimated. He feels this estimate is ok as it shows what the top end would be.

To date, there is no testing of the buried lagoons. Mr. Rainey said DES did test that and the results were unremarkable. Ms. Lambert said they went back and forth with Mr. Lee working on the buried lagoons. They assumed they could remove 2' of the lagoon and the lower 2' would be considered sludge and removed/treated.

Selectman Bianchi wondered about the liquid. What could be done? Mr. Rainey said a permit would need to be acquired by Mitch Locker to spread it over the land. Mr. Stanley said those phosphorous levels would be considerably higher than those occurring naturally. Selectman Bianchi wondered if the liquid could be pumped into the Sunapee wastewater treatment plant. Mr. Rainey said that would be fine if it was OK with Sunapee.

Ms. Lambert said they could pump the water into another pond on the premises and it could infiltrate into the ground.

Mr. Wilson asked about levels of contaminants. Mr. Rainey said their tests include testing for 170+ contaminants. The material in the lagoons includes many of these contaminants but they are not over the limits allowed. If the material is rated "Class A," it can be used anywhere in town.

Ms. Praul noted that the high number for disposal cost for Class B, assumed it was a wet ton. RMI is a contractor that specializes in this type of work. They came out and looked at the site with Mr. Lee. They had the test results from 2006 and came up with a cost estimate for them. They had the assumption that it would be 1' to 1.5' so if it is less, the costs would be less.

Selectman Bianchi agrees that if they come up with a plan and submit it to the state they could, relatively soon, come up with a scheduled plan to mitigate the whole problem with a thoughtful, scientifically safe solution. Mr. Rainey said they need to try to come up with a best guess on the amount of material they have. Next, how long will it take to accumulate the funds? Lastly, consider the budget and ways to keep the work local (using town employees). It is more costly to have RMI take the sludge away but then the town doesn't have to deal with it. Doing it in-house would cost less. They are not talking about an environmental disaster; they are dealing with some fairly benign material.

Chair Rollins recommends that they follow up with Mr. Stanley's suggestion to work with Mr. Lee to take down trees and manage the area to prevent a potential disaster. If they could have a small group come up with a mitigation plan proposal for the board, they could then get the cost estimate to get it done.

Mr. Rainey said the department wants to work with them to get this done in a cost effective manner and he welcomes them to contact him with questions.

Mr. Lee said they have been talking about this since 2007 and wants to get it done. Nobis was hired to find out how much it would be to take care of this, as prompted by those budgeting for the town.

Selectman Kidder said she doesn't know why they would need another group to decide what to do. They have a proposal from Nobis. She thinks they should continue with them and make a recommendation to the Planning Board with regards to CIP funds. They don't need another committee. The time is now to go ahead and decide how they will deal with this.

Chair Rollins said she welcomes the input from those who came to the meeting and noted that any committee appointed wouldn't need to work for long to come up with estimates in cost to maintain the area.

Mr. Rainey noted that Nobis provided options and not a definite amount. Ms. Lambert said now that they have more knowledge, they could tailor the proposal a bit to make it fit the project better. They wanted to give a high end but could also figure out a middle-ground. Chair Rollins said she would like Mr. Lee's input on what the Town employees could do to cut down on costs.

Mr. Stanley said when establishing capital reserves, they need to make sure the funds are dedicated and keep moving towards the end goal. Don't give in to the tendency for a budget committee to stop funding it.

**IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to adjourn the meeting.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 10:09am.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London