

Wayland Wastewater Management District Commission

2014 Annual Report

The Wayland Wastewater Management District Commission (WWMDC) operates a sewer system that serves business and residential properties along Route 20 from Route 27 to the Town Center development. Wastewater discharged into the system flows to a treatment plant located on Town property within the Town Center development. The treated wastewater is discharged to the Sudbury River.

Wastewater Treatment Facility: The new Wayland Wastewater Treatment Facility (WWTF), which began initial operation in November 2012, was officially declared completed on February 12, 2014. At the time of completion, Waterline—the lead contractor—had failed to complete a number of punch list items that did not directly impact plant operation. The WWMDC subsequently declared the company in default of the contract. Completion of outstanding punch list items will be arranged by the WWMDC, and costs will be covered either by the bonding company or through funds held back on Waterline invoices.

During its initial period of operation, the WWTF has experienced some operational problems. The Supervisory Control and Data Acquisition (SCADA) system failed just outside of the one-year warranty period, but was repaired by the vendor under warranty. Additionally, bearings have been replaced on two air intake fans in an effort to resolve external noise issues. If noise continues to be a problem, the WWMDC will consider installing noise mitigation equipment on the plant and making landscaping changes to provide sound buffers.

Discharge Permits and System Usage: The WWTF continues to operate under permits issued jointly by the Federal Environmental Protection Agency (EPA) and the State Department of Environmental Protection (DEP). The permits allow discharge of an annualized average limit of 52,000 gallons per day (GPD) into the Sudbury River. An application pending with the EPA for renewal of the permit seeks an increase in discharge capacity to 80,000 GPD.

When Twenty Wayland, the system's largest user, applied for an individual sewer extension permit, the DEP expressed concern about the WWMDC's ability to meet all subscribed user demand. To mitigate prospective damages in a lawsuit by Twenty Wayland, the WWMDC applied for and received an additional permit that allows for 17,000 GPD of groundwater discharge. If this additional capacity were needed, which is not anticipated by the WWMDC, it would require the construction of a leaching field on property adjacent to the Town Building.

In FY2014, the average discharge from the plant rose to approximately 21,300 GPD, up from approximately 16,000 GPD in FY2013. Growth in flow resulted from the completion and occupancy of both commercial and residential buildings in the Town Center development. Flow is expected to continue to increase with additional construction at the Town Center development, although the average flow is expected to remain well below the current limit.

Groundwater Leakage: Late in FY2013, a compromised pump housing at the Town Public Safety Building was identified as a major source of groundwater infiltration into the system. The Town of Wayland contracted with Tighe and Bond to design a repair, which was completed by a vendor in the Fall of 2013. Preliminary indications are that the repair has held, but some additional cracks have developed and will be repaired. If the problem persists, the Town would need to consider alternative remedial measures.

Administration and Finances: Due to ongoing staffing turnover, time-consuming legal issues, and the Commission being short one member, the WWMDC continued to experience delays in issuing bills to users and processing abatement applications for sewer usage charges. By the end of the fiscal year, however, all billing was current and all outstanding abatement requests had been processed. In addition, the Commission adopted a formal abatement procedure based on best practices from other towns, which was slated to go into effect at the start of FY2015.

Income for FY2014 was \$717,812, and expenses were \$646,713. The Commission's undesignated fund balance at the end of FY2014 was \$324,489. The WWMDC developed a budget for FY2015 with income and expenses of \$654,905.

A total of \$5.0 million remained to be paid on the bonds issued for the construction of the new WWTF. There was extensive discussion as to whether this amount should be recovered through a betterment or surcharges. As of the end of the fiscal year, the Commission was moving forward with recovering costs through a betterment to be apportioned on the basis of assigned Title V design flow.

Legal Issues: The WWMDC and the Town of Wayland remain subject to a June 2013 Middlesex Superior Court jury decision that awarded Town Center developer Twenty Wayland, LLC \$1,227,484 in damages, pre-trial interest, and costs, and required the WWMDC to perform per existing agreements. The Town and Commission filed two appeals of the verdict to the Trial Judge, both of which were denied. The Town and WWMDC subsequently filed a notice of appeal with the State Court of Appeals, and expected to submit a brief to the Court before the deadline in mid-July 2014.

A number of system users formed a group to act on their shared concerns with the potential financial impact of the Twenty Wayland judgment, as well as how capital costs for the WWTF would be allocated in a potential betterment. The group hired counsel to advise them on a potential lawsuit and submitted a formal records request to the WWMDC. The WWMDC made a good faith effort to comply with the request, with administrative costs to be paid by the group of system users.

The WWMDC worked with the Board of Selectmen to seek a negotiated settlement with both Twenty Wayland and the User Group. Initially there was optimism that an agreement could be hammered out through mediation involving all the parties, but by the end of FY 2014 no agreement on the form or substance of negotiation had been reached.

Commission Membership and Staffing: The Wastewater Management District Commission operated with two members for much of FY2014: Fred Knight, chair, and Sam Potter; in May 2014, Rick Greene was appointed as the third member. There was significant turnover in staff support for much of FY2014. Stability was restored in March 2014 when the Commission hired Cynthia Cincotta as its Administrative Executive.