

# Wayland Wastewater Management District Commission

## Revised 2013 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. The wastewater that is discharged to 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.

**New Wastewater Treatment Facility:** Construction continued on the WWMDC's new Wastewater Treatment Facility (WWTF) and associated assets, including a pump station, connection pipes and a new outfall pipe to the Sudbury River. Additional work included the installation of new electric and gas connections, as well as the transfer in October 2012 of the back-up generator from the old Wastewater Treatment Plant (WWTP) to the new WWTF. The new plant began initial operation in November 2012. The old WWTP, originally built and operated by Raytheon, was subsequently demolished; the previous outfall pipe was removed.

The Commission sought bids for the operation of the new WWTF. Two bidders submitted proposals: Weston and Sampson (operator of the WHS plant) and Whitewater (operator of the WWTP). Both candidates were interviewed in August 2012. Following evaluation of the strengths of the respective bids, the contract was awarded to Whitewater.

**Discharge Permits:** A permit issued jointly by the Federal Environmental Protection Agency and the State Department of Environmental Protection (DEP) governs the operation of the treatment plant. The plant is currently permitted to discharge an annualized average limit of 52,000 gallons per day. The average discharge for FY2013 was approximately 16,000 gallons per day. An application for permit renewal for another five years, with an increase in discharge capacity to 80,000 gallons per day, was submitted on time in June 2013.

Due to DEP concerns with the ability to meet all subscribed capacity and legal issues related to a lawsuit brought by Twenty Wayland LLC, the WWMDC commissioned Tighe and Bond to develop a plan for additional groundwater discharge capacity at fields adjacent to the Town Building. The DEP issued an Administrative Consent Order in January 2013 that allowed the WWMDC to submit a permit application for an additional 17,000 gallons per day discharge capacity on the Town Building site. A general permit was issued by the DEP in April 2013. A group of residents appealed the permit on the basis that an individual—not general—permit was required. Following consultation with the DEP, the WWMDC withdrew its general permit application and submitted an individual permit application.

**Additional Connected Users:** In November 2012, major milestones were reached when the Stop & Shop at Town Center development opened for business. In the same time period, residences at Wayland Commons were connected to the new WWTF. Additional users continued to come online in FY2013 as new businesses opened at Town Center and new residences were sold. Wastewater discharge is expected to increase substantially as the Town Center development is completed, although the average is expected to remain well below the current limit.

**Groundwater Leakage:** The Commission continued with efforts to identify the source of excess flows into the WWTP, suspected to be the result of groundwater leakage. Inspections were conducted of all existing connections. A minor leak at one user facility were identified and repaired. In May 2013, a major source of groundwater leakage was identified at the Town Public Safety Building. Corrective action was initiated.

**Lawsuit by Twenty Wayland LLC:** A lawsuit filed by Twenty Wayland against the WWMDC and the Town of Wayland over the interpretation of development agreements, usage fees and discharge capacity continued in FY2013. In June 2013, a Middlesex Superior Court jury found in favor of Twenty Wayland, requiring WWMDC performance per existing agreements, and awarding Twenty Wayland \$989,774 in damages, \$234,298 in pre-trial interest and \$3,412 in costs. A notice of appeal was filed by Wayland.

**Finances:** Income for FY2013 was \$318,668, and expenses were \$599,182. The Commission's balance at the end of FY2013 was \$279,238. The WWMDC developed a budget for FY2014 with income of \$880,067 and expenses of \$687,880. A total of \$5.4 million had been borrowed through the end of FY2013 for the construction of the new WWTF. It is expected that these costs will be recovered from users through betterment fees and/or surcharges.

Due to staffing and operational changes, the WWMDC experienced delays in issuing bills to users. Bills issued in early November included usage charges for two quarters and surcharges to cover capital costs. Efforts were undertaken to rectify errors and develop administrative procedures for regularly quarterly billing.

**Commission Membership and Staffing:** The Wastewater Management District Commission operated with two members during FY2013: Fred Knight, chair, and Sam Potter. Bill Prendergast retired as the WWMDC executive in January 2013, and Ira Montague was hired in his place.

