

To Old Lyme Shores Residents, March 14, 2023

I wanted to provide a brief update regarding our efforts and communications with The Department of Energy and Environmental Protection, as well as, the other members of the Cost Sharing Alliance Miami Beach, Old Colony and the Town of Old Lyme. As was outlined in our letter to the association dated February 2, 2023, we requested a meeting with DEEP to discuss several elements and issues related to the sewer project. This meeting took place Friday March 10, 2023.

Some of the key points and messages related to Old Lyme Shores position include;

- The total project cost, economically not feasible
 - We have solicited proposals for the construction of the sewer system on two occasions. Cost proposals received were well beyond our bonding limit.
- DEEP, by issuing a Unified Consent Order to beach associations being led by a Board of Governors consisting of volunteers, is requiring OLS and other beach communities to undertake the design, construction, implementation, operation and maintenance of a complex sewer system. Our position is that OLS is not a fully staffed town or municipality and this sewer project is best undertaken by the town of Old Lyme.
- There is not a complete understanding of the requirements related to the implementation, operation and maintenance of the sewer system post construction.
- Questions exist as to the level of pollution created by OLS and our residents.

Based on the above, we formally requested that DEEP remove OLS from the Unified Consent Order and issue a Modified Consent Order separately to OLS. Our request detailed the following proposed efforts that we would undertake

- Characterize the extent OLS is polluting Long Island Sound
- Baseline the performance of our resident's on-site wastewater systems
- Baseline the performance of our storm drainage system
- Develop a program that would provide for pumps outs of on-site systems, as well as, a plan to perform testing to provide an early warning if/when conditions change
- Consider upgrades determined to be necessary to individual existing systems

The DEEP Response

We were informed by the DEEP officials present during the meeting that our request to be removed from the Unified Consent Order was denied. We were told that there would be no change in the status of the Consent Order or our obligations to comply with the Consent Order.

Regarding The Funding of The Sewer Project

The current structure of the funding of the sewer project includes a 25% grant to be applied to eligible costs, as well as, a low interest 2% loan for the balance of costs for 20 years. There are also costs that are related to other parts of the project that are in addition to the “eligible” costs such as storm drainage improvements, abandonment of septic systems and road improvements.

DEEP informed us that in addition to the 25% funding that has been granted by the Clean Water Fund, they have identified an additional \$17 Million in the form of a forgivable loan that would be applied to the total project. That would essentially bring the “grant portion” of the project to 50%. This \$17 Million must still go through a review and approval process and as of this date is not a firm commitment. DEEP did, however, express confidence that the funding would be approved. We expect that this review and approval process could possibly take months.

Bottom line

At this point in time, as outlined above, Old Lyme Shores remains party to the Unified Consent Order. Our obligations are unchanged. The DEEP does have the ability to employ various enforcement actions for non-compliance.

We will continue to explore alternatives

We will begin to model the cost scenarios so that we have an understanding of the impact of an additional \$17 Million in grant funding

We will continue to pursue additional sources of funding

We will continue to plan for improvements to our storm drainage system and roads

We will continue to provide fact-based updates as more information becomes available utilizing email, BOG & WPCA meetings and our website

Thank you very much,

Old Lyme Shores Board of Governors and Old Lyme Shores WPCA