

**UTILITIES COMMISSION MEETING
OCTOBER 21, 2013**

Acting Mayor Linda Kuiper called the meeting to order at 7:33 p.m. In attendance were Council members James R. Gatto, Mabel Mumford-Pautz and Mauritz Stetson, Robert Sipes, Utilities Manager, W. S. Ingersoll, Town Manager, Jennifer Mulligan, Stenographer, and guests.

Acting Mayor Kuiper asked if there were any additions or corrections to the Utilities Commission meeting minutes of September 16, 2013. **Mrs. Mumford-Pautz moved to approve the minutes as submitted, was seconded by Mr. Stetson and carried unanimously.**

Acting Mayor Kuiper stated that cash on hand and in banks was \$866,957.57.

Mrs. Mumford-Pautz moved to pay the bills as submitted, was seconded by Mr. Gatto and carried unanimously.

Mr. Sipes stated that a pump was repaired at Washington Park Pump Station #2 and cost almost \$5,000.00.

Mr. Sipes stated that there was a large bill from Gillespie for CR6, which was used for street repairs after utility work..

Mr. Sipes stated that Phase I of the toxicity testing and bio monitoring was done for the renewal of the wastewater permit.

Mr. Sipes stated that a letter was received from MDE and the Hospital about the oil contamination on-site at Brown Street. He said that they were planning to inject a product called Ivey-Sol, a surfactant, which would dissolve the oil into a solution and it would carry with the water. Mr. Sipes stated that the plan was that water would then be pumped out and taken away.

Mr. Sipes stated that specific wells were identified for injection of Ivey-sol and extraction, one of which was too close to leaving the control zone at the hospital. Mr. Sipes stated that MDE agreed that well should not be used.

Mr. Sipes stated that the Town was told that they would be informed by MDE about what was going on with the Hospital and said that this letter was sent after the plan was approved by MDE. There were months of negotiation back and forth with the Hospital and MDE (July 2013 to October 2013) that the Town was unaware of.

Mr. Sipes stated that .41' of free oil was found in one of the wells and the Town was not informed, nor was MDE. There was no documentation provided to MDE that it has been cleaned as per an agreed upon plan. Mr. Sipes stated that the Town received no notice of the free-standing oil in the monitoring well, or that the recovery system was restarted or

why. He said Mr. Ingersoll received a phone call, from the Vice-President of the Hospital indicating that the system was started back up sometime in May of 2013.

Mr. Sipes stated that he could not find EPA approval for Ivey-sol, although he did see approvals for the process. He said that there was a significant lack of information as to what is actually in the product Ivey-sol. He said that if there was going to be something injected into the water that could negatively impact the Town he wanted to know exactly what it was and to be able to have input before it happened.

Mr. Sipes stated that at this point, what is keeping the oil from moving is that it was in with dirt and sand, but if it was dissolved into the water it was going to move and then there was a potential for the oil to migrate. Mr. Sipes stated that the contamination zone at the hospital has not been identified, so he did not know how it was going to be targeted.

Mr. Sipes stated that he spoke with George Ivey, who patented Ivey-sol, and told him that the Town needed to know what was in the formula. He said that he has not been told to date what the components of Ivey-sol were, noting that it was patent-pending product. Mr. Sipes stated that he also could not find where this product has been used in proximity to drinking water wells.

Mr. Sipes stated that this process was moving along at "full-steam ahead". He said that there was in the potential to impact the Town directly and the Town had to act. He suggested a letter to MDE and the hospital that insisted on a timely response.

Mr. Sipes stated that the priority should be the Town's drinking source and that over 50% of the daily water use comes from the Aquia aquifer.

Mr. Ingersoll stated that the Town wrote a letter to MDE in July 2012 and the Hospital expressing opposition to the shutdown of the recovery well systems. He said that the Town received an answer that if the oil ever began to cross Brown Street they would begin the recovery system up. Mr. Ingersoll stated that he received a phone call in May 2013 from the hospital indicating that the recovery system was started up because oil had moved across Brown Street. Mr. Ingersoll stated that adding detergent to the oil could make the oil move faster and would be hard to keep within the cone of influence.

Mr. Ingersoll stated that he would like to use the consultant that was used for Well #9, at Mr. Sipes' request. Mr. Sipes stated that the groundwater consultant has already been emailed the documents and would review them and give an opinion. Mr. Sipes stated that this consulting firm was selected because they were outside the State of Maryland and therefore had no conflict of interest.

Mr. Sipes stated that there was no start date for the injection process on the letter, but the Town would not be notified when it would happen. Mrs. Mumford-Pautz asked if there could be an injunction filed to stop them. Mr. Sipes stated that he would consult with Mr. Barroll for an opinion as to whose jurisdiction this falls under. He did not know if

groundwater was completely under the State of Maryland's purview or if the Town could step in because the Town has a right to protect the drinking water source.

Mr. Sipes stated that he was also getting assistance from Maryland Rural Water Association to find out exactly what Ivey-sol is, how widespread it has been used, or if it has been used in close proximity to drinking water sources and what the impacts were. Mr. Sipes stated that another thing he wanted to know was how Ivey-sol reacted with other chemicals and hydrocarbons.

Mr. Stetson asked why the hospital wanted to shut down the system in the first place. Mr. Sipes stated that he thought it boiled down to money, and how much it cost to keep the system running (which he thought was about \$50,000.00 per year). Mr. Sipes stated that the alternative could be much more expensive.

Mr. Gatto asked if baseline testing should be run by the Town. Mr. Sipes stated that the Town had historical data to rely on. Mr. Gatto stated that what came into the Town system has had to be closely monitored.

Mr. Sipes stated that he thought it would be worthwhile for the hospital to determine if they still had a leak. He said that .41' in one of the monitoring wells may indicate new free-product.

Mr. Sipes stated that the original leak was from an underground storage tank on the northwest side of the hospital, adjacent to the physician's offices and the estimate was that over 100,000 gallons of fuel oil was lost. He said that 83,000 gallons of fuel oil was recovered and once the free-product was gone, it should be gone, unless it was coming from another source.

Mr. Ingersoll stated that the Town should have been told in in May or June by official letter that that the recovery system was started back up. He said that he received an unofficial phone call only.

Ms. Kuiper stated that a reasonable request would be for the Town to do testing and compare it to the hospital's testing (split testing). Mr. Sipes agreed, stating that he was receiving their testing for a period of time, but that had stopped.

Mr. Sipes stated that anything that was going to be injected into a public water system should be public information, as everybody has the right to know. Mr. Sipes stated that he has to publish a consumer confidence report each year for the public.

Mr. Gatto asked if the hospital administration in Easton is in the loop on this situation. Mr. Sipes stated that he did not know. Mr. Gatto stated that a direct letter to the head administrator at the hospital should also be sent.

Mr. Ingersoll stated that it would cost the Town tens of millions of dollars to replace the wells if contamination occurred at the current well field. He said that he would try to contact Secretary Summers and the Governor's office to discuss this matter as well.

There being no further business, **Mrs. Mumford-Pautz moved to adjourn the meeting at 8:20 p.m., was seconded by Mr. Gatto and carried unanimously.**

Submitted by:


Jennifer Mulligan
Stenographer

Approved by:

Margo G. Bailey
Mayor