

West Harbor Pond Siphon Resumes Operation (Board of Directors, WHPWA, *Boothbay Register*, December 2, 2019)

When the new West Harbor Pond siphon began operating in early March, drawing water from the bottom of the Pond and expelling it into the Harbor, there was an odor of hydrogen sulfide in the immediate vicinity of the siphon outfall. In mid-April, the West Harbor Pond Watershed Association (WHPWA) and the Boothbay Harbor Yacht Club agreed that the WHPWA would turn off the siphon on May 24th and leave it turned off until at least mid-August in order to strike a balance between the need to restore the water quality of the Pond and the recreational activities in the inner harbor during the summer season.

The Oak Grove Condominium Association (OGCA) contacted the WHPWA and the Maine Department of Environmental Protection (DEP) in May, alleging that the water discharged by the siphon violated Maine's clean water statutes and making two principal demands: 1) that the siphon remain shut down until the Town and the WHPWA could demonstrate "via laboratory testing" that the water discharged by the siphon no longer had any of the characteristics complained of by the OGCA, and 2) that the Town and the WHPWA reimburse the OGCA a substantial sum for its water testing and its legal fees.

On October 1, the DEP convened a meeting of the interested parties to examine the situation. In the meeting, the DEP promised to review the water quality data collected by the OGCA and the WHPWA and to decide whether the siphon could resume operations and, if so, under what conditions. The WHPWA promised to keep the siphon shut off until DEP issued its decision. After modeling the data, the DEP determined that no license is required in order for the siphon to operate. It ruled that the siphon could run year-round, but specified that between April 15th and October 15th it must operate at a reduced flow of 325 gallons per minute. For the remainder of the year, it can operate at its full flow rate of 400 gallons per minute.

Last month, the WHPWA wrote to the OGCA proposing that the siphon operate without objection from the OGCA from the present through May 15, 2020 and again from October 15, 2020 through May 15, 2021. According to the WHPWA's calculations, running the siphon during these two winter seasons should be ample time to remove all the heavily hydrogen sulfide-laden water from the Pond above the 25 ft. depth and to restore the Pond to the balance it enjoyed before the original (over 100-year-old) siphon failed in 2008. Prior to that time, the siphon continuously evacuated the salt water from the bottom of the Pond before the hydrogen sulfide concentration reached the point where the siphon discharge produced an odor. The WHPWA also explained that if the hydrogen sulfide-laden water is not removed from the Pond, it will continue to accumulate, eventually reaching the point where the odor of hydrogen sulfide becomes pervasive at the Pond's surface, affecting the entire area, including the residents of the Oak Grove Condominiums, located directly across the causeway.

In sending its proposal to the OGCA, the WHPWA made clear that with or without an agreement, the WHPWA would need to turn the siphon back on by December 2nd in order to ensure that the siphon did not freeze and suffer damage. Last week, the OGCA rejected the WHPWA's proposal, demanding instead that the siphon, which now extends just over 100'

into the inner harbor, be extended an additional 1,200' at the WHPWA and the Town's expense. It also demanded that DEP prohibit the siphon from resuming operations until that happens.

Having a letter from the DEP stating that from their point of view the siphon could be operated (within the limits mentioned above), lacking any agreement or meaningful proposal for resolution from the OGCA, and concerned about the potential of freezing damage to the siphon equipment, the WHPWA Board of Directors last week voted to restore the operation of the siphon on Monday, December 2nd. The Board of Directors remains hopeful that it can reach an amicable agreement with the OGCA that will permit the longer-term restoration of the Pond's water quality without interfering with the recreational use of the inner Harbor during the summer and early fall.

Published in *Boothbay Register*, <https://www.boothbayregister.com/article/west-harbor-pond-siphon-resumes-operation/127579>; reproduced courtesy of the *Boothbay Register*.