

## **NEWHALL ADVISORY COMMITTEE**

### **Final Meeting Summary**

**April 20, 2006**

**6:40 pm – 8:40 pm**

***Members Attending:*** Henry Blue, Sheila Epps, Scott Jackson, Leonardo Melendez, Pamala Moore, Henry Platt, Willa Taylor, Rep. Peter Villano, LaNorma Webb

***Alternates Attending:*** Carolyn Smith

***Absent:*** Herman Alexander, Mike Colaiacovo, Luther Cooper, Donald Eaton, Dr. Abdul Hamid, Elizabeth Hayes, Rhonda Hayward, Rev. Keith King (alternate for Herman Alexander), Deloris McNair, Loydon Henry-Phillip, Roosevelt Young

***Ex-Officio Members Attending:*** Patrick Bowe, Robert Bell, Tom RisCassi, Department of Environmental Protection (DEP); Leslie Balch, QVHD; Jimmy Young (Olin); Tom Chaplik, Regional Water Authority (RWA); Arthur Bogan, Town of Hamden.

***Others Attending:*** Willie Mewborne, Council Member; Mark Yeckel, Keith Darden, Venus Walker, residents

***Technical and Public Participation Assistance:*** Marianne Latimer (FHI)

***Facilitator:*** Kathleen Conway

### **New Action Items**

- **Representative Villano.** Bonding Commission DEP Budget Information
- **DEP.** NAC request to DEP for independent technical and financial consultants to assist them in understanding impact of Proposed Decision on individual properties
- **DEP.** Information on the Final Decision process including possible legal challenges/rights following a Final Decision.
- **DEP.** Lists of properties that have had structural assessments and those with structural damage.
- **DPH.** Provide brief explanation of the memorandum on health studies at the May meeting.
- **Town.** Provide sample protocol for utility and road construction in contaminated areas
- **Town.** NAC FOI request to Town.
- **Facilitator.** Request ERI information.
- **Facilitator.** Revise the Draft NAC Progress Report

### • **Outstanding NAC Information Requests to DEP**

1. Estimated amount of waste fill outside the Consent Order: 1) under 4 feet; 2) over 4 feet.
2. Written summaries in layman's terms of the DEP review of the Supplemental Investigations to date
3. A written report on the properties sampled outside the Consent Order

4. Master list identifying all properties within and outside Consent Order: those with waste fill less than 4 feet and deeper than 4 feet, those that have structural assessments and those that have structural damage.

### Agenda

**Introduction, Groundrules, Draft Meeting Summaries.** Members and other attendees introduced themselves. The NAC welcomed Patrick Bowe, interim Director and Robert Bell, Assistant Director of the newly organized Bureau of Water Protection and Land Reuse. NAC members approved the February 16 and March 16 meeting summaries.

### *NAC Updates*

- **Hamden Middle School Reuse Committee.** Several NAC members provided an update. The Committee met to discuss the applications in response to the RFP. Three or four consultants will be interviewed on April 26, 2006. The consultants will be asked to guide the public participation process. At least 4 public meetings will be conducted. After community input, the ideas generated will be turned over to the architects. Several suggestions for reuse from committee members included temporary housing for residents displaced by the remediation; police sub-station; youth center, senior housing and a senior center. The building has a \$300,000 elevator that works well allowing for handicapped access. The Community Center needs a lot of work on its boiler and roof. Significant leaks in the roof were discovered in December 2005. The Youth Center and Boxing group were relocated.

### *NAC Deferred News and Business from March 16, 2006 Meeting*

- **Environmental Research Institute.** Kevin Hood, ERI, emailed the NAC that ERI is not seeking a MOU with the NAC at this time. ERI has a MOU with the Newhall Coalition and questions of potential conflict of interest may have been an issue for some members. In response to the NAC's questions, he stated that ERI does not specifically allocate a set amount of money for a particular project. It receives an annual amount from EPA that is allocated between projects based on time spent on services.

A community resident had requested that information regarding an investigation of issues at ERI in 2002 - 2003 involving scientific and management misconduct be distributed to the NAC members. He requested information on the status of the investigation, whether the matter was closed and, if so, how it was resolved. He said that ERI had changed its name.

It was noted that, as a result, the NAC would not have an independent technical consultant that could provide assistance to the NAC in understanding the Proposed Decision. A NAC member requested that DEP provide an independent technical consultant to assist the members and the community.

- **DPH Memorandum on Health Studies.** The memorandum was distributed to the NAC members and copies of the 6 Health Studies are in the Newhall Project Office. A NAC member requested that the DPH give a short summary of the memorandum at the next meeting.

- **NAC Correspondence to the Commissioner.** It was noted that the letter from Environmental Compliance Services, Inc. (“ECS”) containing “Comments on Supplemental Investigation Report and Remedial Action Plan, Non Public Properties Study Area, Hamden, Connecticut” was not reviewed by the NAC nor was it sent on the NAC’s behalf. DEP said that the ECS letter on behalf of “more than 100 residents” was under consideration along with all correspondence and comment from the Newhall community and other interested parties.
- **Draft NAC Progress Report.** A NAC member requested that more detailed information on the work of the NAC be included. The draft report did not list the subcommittee work and various correspondences to DEP particularly from August through November. The facilitator will work on the draft for the next meeting.

### *NAC Discussion*

- **Commissioner’s attendance at NAC’s March 16, 2006 meeting.** NAC members felt the NAC and community’s comments reflected the feelings and mood of most residents. We think that there were a lot of good comments and that the Commissioner heard them. The residents want total cleanup and removal off-site. Many are upset at the delays in getting a proposed decision and starting the cleanup.

DEP said that staff is working diligently. The Commissioner wants the best quality plan and does not want to be driven by some artificial deadline. NAC members asked about the process of the notice and release of the Proposed Decision. DEP is still talking internally about how the Proposed Decision would be made available to the public (notice of a public information meeting to explain the decision, copy of the decision to every resident prior to the meeting, etc.). There would be 60 days for written comments. DEP said it was committed to public involvement of all property owners including those that did not have contamination.

The NAC asked: if community acceptance is one of the criteria for selection of a remedy, what happens if there is no community acceptance. What will happen if they reject the plan? DEP said the community should provide explanations and reasons for its rejection. The Commissioner would consider all comments before making a Final Decision. If the reasons make good sense, then the plan may be modified. But in the end, the Final Decision is the Commissioner’s. The plan must be protective of human health and the environment.

A NAC member said people want to know when the shovel will go in the ground. DEP said it was unlikely that any actual cleanup would occur until 2007. The next phase is designing the cleanup process. NAC members asked if funds were available to do the cleanup. DEP said the cleanup funds would be in its budget. The bonding commission must approve the DEP budget. Members of the legislature might hold hearings. Legislators would be concerned with overly restoring properties and excessive conditions. The bonding request may be blocked in the legislature. The Commissioner has no control over that. Two million (\$2 million) was the first award to DEP for the Newhall Project; and a \$455,000 request was awarded in March for existing and future invoices.

NAC members asked what the time frame for setting the budget was and when the funds would be available. NAC members asked if there were any other funds that could be used now for priority work on homes damaged from settling. They discussed emergency funds. DEP said

the budget is made up of line items and costs are committed to the line items. DEP is not able to take money from one project and put it in another. That would be illegal. NAC members asked Representative Villano how they could make a difference in getting funds. Can they get a printout of the current and proposed budget? Both DEP and Representative Villano said this information could be made available.

A resident noted that there was \$2 million available in the Emergency Fund. Some members asked why DEP had not sought the funding before since they knew that at least some of the homes needed immediate attention. There is a pressing public need. Houses are sinking now. You do not know what it is like to live there. Rain is coming in cracks and roofs. Kids are living in these terrible conditions. Money should have been set aside for the homes so they could be fixed first. They need relief now.

DEP said that it had had the houses assessed and those with settling damage had no immediate harm or risk of collapse. The weight of settling takes place over time. Investigating and planning the cleanup is a time consuming process. We are constrained by what is required by the law. It was determined that a preliminary action plan to repair the structural damage was not necessary to protect human health. DEP continues to monitor the homes. NAC members described the extreme damage to some of the homes from settling. There is no dispute about the damage. Some homes are leaking so badly, these people are exposed to the elements. Psychologically, these people are suffering. One member asked why the town had closed a house at Butler & Marlboro. DEP said it had not been notified and thus the closure could not have been due to damage from settling of contaminated fill.

NAC members asked why these homes could not be given priority. DEP said that it was important that it not focus on one house but work on a practical solution for all impacted properties. In 2000, only 3 houses had severe damage. It would be a defeating goal to work on just a few.

A NAC member said it felt like nothing had been done towards cleanup. DEP noted that a significant amount of work had been accomplished: investigation, sampling, emergency removal of surface contamination and structural assessments. A NAC member requested a list of homes that had been assessed for structural damage and those found to have structural damage.

**Community Outreach.** NAC members discussed community outreach when the Proposed Decision became available. They want the Proposed Decision before a meeting so they can understand the impact on not only their properties but on adjacent properties and be prepared to ask questions. They want an independent technical consultant to assist them in understanding the proposed cleanup.

A NAC member noted that it was also important to know what the proposed cleanup was for houses on your block and whether houses would be torn down.

The Town NAC member suggested that the NAC members go house to house to inform the community of the notice of the Proposed Decision and any meetings to learn more about the impact on them and their community. A resident commented that property owners should not

just get a post card informing them of a public information meeting. They should receive a letter informing them of the specific impact of the Proposed Decision on their properties.

- **NAC Membership.** It was noted that several members had not attended any meetings in 2005 and others had relocated or were unable to continue because of scheduling conflicts. The NAC had established a Membership Sub-Committee in 2005. They will meet and discuss new members and areas without representation. An alternate member for “Area Adjacent to Consent Order” asked to be made a full member. A resident east of the Consent Order area requested to made a member. The facilitator provided a subcommittee member a membership chart, map of the block areas and the criteria for selection of new members established by the NAC. She will mail an attendance spreadsheet to the Subcommittee members.

**8:35 pm. Meeting Adjourned.**

**Next Meeting. May 18, 2006, 6:30 – 8:30 pm. Keefe Center.**

*Handouts.*

- Resident: Email and News Articles regarding ERI from resident
- NAC Member: March 13, 2006 letter from Town regarding a NAC member mailing address
- NAC Listing of Members and Block Areas; and Member Selection Criteria
- Letter from Commissioner re thank you for invitation to NAC March 16, 2005 meeting
- Letter from Commissioner to DEP constituents dated April 10, 2006 describing staff changes