

## **NEWHALL ADVISORY COMMITTEE**

### **Final Meeting Summary**

**September 15, 2005**

**6:30 pm – 8:45 pm**

**Members Attending:** Herman Alexander, Henry Blue, Sheila Epps, Donald Eaton, Dr. Abdul Hamid, Elizabeth Hayes, Rhonda Hayward, Scott Jackson, Pamala Moore, Henry Platt, Roosevelt Young, LaNorma Webb, Bill Wilson

**Alternates Attending:** Willa Taylor

**Absent:** Pastor George Bulgin, Mike Colaiacovo, Luther Cooper, Loydon Henry-Phillip, Rev. Keith King, Deloris McNair, Leonardo Melendez, Carolyn Smith, Rep. Peter Villano,

**Ex-Officio Members Attending:** Eileen Barnes, Tom RisCassi (DEP); Leslie Balch, Quinnipiac Valley Health District; Meg Harvey, Kenny Foster, Department of Public Health (DPH); Jimmy Young (Olin); Tom Chaplik (RWA),

**Others Attending:**

**Technical and Public Participation Assistance:** Kevin Hood, ERI; David Scotti, Loureiro Engineering Associates (“LEA”); Jill Barrett (FHI)

**Facilitator:** Kathleen Conway

### **Action Items for the October 20, 2005 Meeting**

- Regional Water Authority (RWA) and the Town (Scott Jackson) to provide sample protocols for utility and road construction in contaminated areas.
- RWA to provide copies of the submittal to DEP regarding the SCCRWA property located to the north of the Hamden Middle School site.
- Outstanding NAC requests to DEP
  - DEP requested calculations from Olin: estimated quantity of fill from residential properties that would meet elevation intent of Consent Order.
  - DEP requested calculations from Olin regarding estimated number of truck trips: 1) removal of 175,000 cy of fill from residential area; 2) replacement with clean fill; and. 3) other construction related activities.
  - Description of specific cleanup and restoration activities being proposed on a property by property basis.
  - Written summary of the DEP review of the Supplemental Investigations to date
  - A written report on the properties sampled outside the Consent Order

### **Agenda**

**Introduction and Meeting Summaries.** The NAC approved the draft meeting summaries for August 18, and August 29, 2005 meetings.

## Old and New Business.

**NAC New Member Subcommittee** (Donald Eaton, Leonardo Melandez, Pamela Moore) Pamala Moore reported that the prospective new member from the Hamden Middle School did not believe her schedule would allow her to attend most of the meetings; and that, while she remained very interested, at this time she could not participate.

**NAC Town Subcommittee** (Herman Alexander, Mike Colaiacovo, Sheila Epps, Dr. Hamid, Scott Jackson, Reverend Keith King, Leonardo Melandez, LaNorma Webb). Chair, Scott Jackson, had prepared a draft outline of questions for the Town and is awaiting comments from the sub-committee members and the Town.

**NAC DEP Decision Making Process Subcommittee.** (Dr. Hamid, Elizabeth Hayes, Rita Hayward, Pamala Moore, Willa Taylor, Representative Villano, Roosevelt Young, Henry Blue) The subcommittee is awaiting a response to Representative Villano's letter to the Commissioner of DEP.

**NAC Community Outreach Subcommittee** (Sheila Epps, Elizabeth Hayes, Pamala Moore, Willa Taylor). The subcommittee will be meeting to discuss outreach planning.

**Announcement.** The Town Neighborhood Enhancement Planning Committee has scheduled a site walk on Saturday, September 24<sup>th</sup> in the Highwood neighborhood starting at the Keefe Center.

## DEP discussion and documents: response to NAC's requests and action items.

### *Handouts*

- Letter dated September 15, 2005 from DEP Commissioner Gina McCarthy to Representative Villano in response to requests for the NAC
- Summary of Site Investigations and Interim Remedial Measures by Loureiro Engineering Associates, Inc ("LEA")
- Draft Summary of Properties Assessed, Non-Public Properties (structural assessment) dated September 16, 2005 (107 properties)
- Draft Summary of Non-Public Properties Preliminary Settlement Evaluations dated September 16, 2005 (107)
- Draft Summary of the Extent of Fill, Non-Public Properties Within the Consent Order Boundary
- Draft Summary of the Extent of Fill, Non-Public Properties Outside the Consent Order Boundary

### *Repositories and Website*

- Summary of the Supplemental Investigation Reports placed in binders in the Town repositories, including the Newhall Project Office and the website.
- Drawing 1, Extent of Fill, LEA, 9/15/05

**DEP discussion.** NAC's request for information outlined in Representative Peter Villano's memo to Commissioner McCarthy the Commissioner's response.

**Written summary of the DEP review of the Supplemental Investigations to date in "plain language."** DEP has not completed its evaluation of the supplemental investigations yet but will provide the summaries hopefully by the November meeting.

The NAC asked whether there was a summary of data on individual properties and an interpretation in layman's terms. DEP stated that residents may call DEP if they do not understand their reports. Members asked what should sellers of properties with fill tell a buyer about the environmental condition. They

requested that DEP prepare a summary in writing. DEP said it would provide a written summary if requested by individual property owners. DEP said staff has talked with realtors and property owners over the years concerning disclosure.

Some NAC members suggested that it would be helpful if residents could bring their individual reports to a scheduled community meeting where DEP or the consultants would be available to interpret the findings. DEP stated it would assist if a meeting is scheduled.

**Contaminant Levels.** Kevin Hood, ERI, commented that the levels of contaminants on properties with up to 4 feet of fill are not really relevant when considering the proposed alternative of removal since the fill would be completely removed regardless of the levels. DEP said that if there is any contaminated fill, there will be some remedial action.

**How was 4 feet for cleanup established rather than 3 or 5 feet?** The Remediation Standard Regulations (“RSRs”) require removal to 4 feet in a residential setting because that depth has been determined as being the most protective of human health and the environment.

**Recontamination of clean fill by remaining contaminated fill.** NAC members questioned the impact of contaminated fill on adjacent properties with clean soils. DEP stated that there was no contact between the fill and groundwater in the residential area because of the depth of groundwater. Groundwater was shallowest in the northernmost portion of the Hamden Middle School and Rochford Field sites where there is some groundwater impact. In the residential area, groundwater was 20 to 25 feet deep. When asked about soil contaminating contiguous clean soil, DEP stated that the contours of the fill were not a straight line or an absolute vertical but rather a sloped depression. Properties would be grouped logically for cleanup rather than addressed separately.

**Contaminated fill under the streets.** NAC members were concerned about the condition of the roads and the utilities. DEP considers roads as permanent structures. DEP stated that sidewalks and driveways were not considered permanent remedies and so contaminated fill up to 4 feet under sidewalks and driveways would have to be removed. It was DEP’s understanding that the proposed remedies did not include removing roads or the fill beneath the road. NAC members questioned how the fill surrounding the roads could be removed without further impact on the roads, many of which are in poor condition now.

NAC members expressed their concern about on-going utility construction and the apparent lack of any measures to prevent exposure to workers, residents or passer-bys. DEP said that the crews were supposed to have OSHA training, to contain the fill and dispose of it properly. DEP did not a protocol for utility construction. The Regional Water Authority and Scott Jackson for the Town offered to provide the NAC with sample protocols.

**Commercial and Other Properties within the Consent Order.** Commercial and industrial properties are handled by property owners. The properties are not included in the Consent Order. NAC members stated that these properties were still in their neighborhood. What was being done about them? DEP has no orders against the property owners. DEP said that property transactions drive cleanup under the Transfer Act. Cleanups are also driven by buyer due diligence. Abandoned properties are a town issue. There are many abandoned properties in Connecticut with delinquent taxes.

NAC members asked about the Regional Water Authority property outside the Consent Order. The RWA ex-officio member representative stated that the swamp area, an important water resource, was being investigated and reports had been submitted to DEP. The reports were public information and

there was no claim of confidentiality by the RWA. The RWA would forward copies to DEP and Fitzgerald & Halliday, Inc. for distribution to the repositories and the Newhall Project Office.

**Structural Issues.** DEP provided a map depicting properties in green that had been assessed for structural issues and in purple if structural issues were observed. A list of the properties with structural assessments was also provided.

Homes are considered a permanent structure. The RSRs do not require the removal of fill from under permanent structures. There will be a determination of structural impact property by property for homes built on fill. Potential structural impact as a result of the remediation will also be considered property by property.

The removal of over 4 feet around the house may impact the integrity of the house or adjoining structures. There are stabilization techniques to protect structures from damage during construction and also to protect structures from future settling impacts.

If all the fill were removed from properties with deep fill over 4 feet, the homes may have to be demolished. There are approximately 90 homes with over 4 feet of fill. Some NAC members questioned what the neighborhood would look like if many homes had to be demolished.

**Residential Properties outside the Consent Order.** DEP states that no fill has been found north of Mill Rock Road; to the west, the rail line built in the 1850s is the farthest that fill could have been placed; to the east, fill has been found up to Prospect Street, generally up to 2 feet; and to the south, the municipal boundary. If any additional fill is in the boundaries of New Haven, the investigation will be on a different track.

**Hamden Middle School (“HMS”).** NAC members had requested that DEP provide the elevation of the mound at the HMS if fill taken from the residential properties was disposed of at the HMS. DEP explained that the Consent Order allows for fill removed from residential properties to be taken to the Hamden Middle School provided that the elevation would not be above the surrounding neighborhood unless the Town otherwise approved. Therefore, DEP asked Olin to determine how much fill could be placed at the HMS if the same elevation as the surrounding streets was maintained. DEP stressed that it had not made a decision regarding where the fill would go. DEP was merely responding to the questions from the NAC about what the site would look like if all the fill from the residential properties was brought there.

NAC members asked whether one can build on leveled fill; how this was done; and what structures could be built. DEP stated that structures could be and are built on fill, using vertical pilings, steel beams and other engineering methods.

**DEP Process for Final Decision Making.** DEP continues to gather and evaluate sampling data. DEP states that it will select a proposed cleanup remedy using the same nine criteria as the Environmental Protection Agency (“EPA”) by the end of the year. One of the criteria is acceptance of the proposed cleanup by the community. The criteria are explained in the Commissioner’s letter. There will be a public notice. The NAC and community will have an opportunity to comment on the proposed plan. Some NAC members said that they thought they would have an opportunity to comment before DEP made a decision; they said it would be difficult for the NAC to comment before the end of the year because DEP is still evaluating additional sampling data within and outside the Consent Order. The NAC does not have all the information it needs to inform the community.

A NAC member said that the community had stated from the very beginning that it does not want any fill brought to the Hamden Middle School from the residential properties and that has not changed. The

residents he talks to do not want fill taken from their front yards and placed in their back yard. He further said that all the fill should be removed from their neighborhood. Some NAC members questioned the impact on the neighborhood if all fill were removed and homes had to be demolished.

DEP stated that there are 2 basic regulatory goals. The cleanup must be permanent and protective of human health and the environment.

Another NAC member asked about the same remedies conducted at other sites in Connecticut. DEP stated staff was not aware of an exact one in Connecticut but there was a residential site in Massachusetts where 400 properties were investigated and 178 were remediated. In Connecticut, a similar cap remedy was constructed at the University of Connecticut and another at a residential area, a trailer home park in Branford.

### **Department of Public Health (“DPH) Discussion: Evaluation of Supplemental Soil Data**

#### ***Handouts***

- Power Point Presentation Outline
- List of Properties with Exceedances of RSRs in Surface Soil

***New Data.*** Thirty-one (31) properties were identified with contamination higher than immediate action levels in surface soils. Most of the exceedances are lead. Of the 31, 7 are outside the Consent Order. DPH has met with many of the property owners and will continue its outreach. DEP put interim cover on 10 properties and plans to cover an additional 9 more. The health impact is the potential for increased blood lead levels in children. Most of the homes do not have children under 6 years old. DPH may recommend blood level screening if young children live in these homes and play in the yards.

***Neighborhood Outreach to Property Owners identified earlier with contamination higher than immediate action levels in surface soil.*** Initially, 100 properties were identified. In June through August 2005, DPH met with 55 residents to review soil results, address concerns, inspect yards to see current conditions, encourage participation in the cleanup process through the NAC and administer questionnaires. Most residents felt fairly well informed and were aware of recommendations to reduce soil exposure. Most residents receive a quarterly newsletter but have no access to the internet. Seven (7) sites were referred to DEP for interim soil cover and additional soil sampling. DPH will continue to meet with residents of newly sampled properties and continue attempts to meet with remaining residents of the initial 100 properties and tenants. DPH will prepare a report summarizing results, conclusions and recommendations.

A buyer with young children purchased one of the additionally identified properties without prior knowledge of the contaminated fill. NAC members questioned what protocol was in place for notifying buyers of the environmental conditions and concerns. They asked whether mechanisms could be established to inform realtors and buyers. DEP stated that they have spoken with realtors who called regarding the environmental issues. The Town noted that there is a realtor disclosure law that requires notice to buyers.

The meeting adjourned at 8:45 pm.

**NEXT MEETING: October 20, 2005**

