

Newhall Remediation Project

A newsletter provided by the Connecticut Department of Environmental Protection

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The 60-day public comment period for the Connecticut Department of Environmental Protection (DEP) proposed plan to clean up Hamden's Newhall neighborhood will be coming to a close October 20.

On August 17, DEP Commissioner Gina McCarthy presented the proposal at a meeting attended by 200 Newhall property owners, residents and elected officials held at the Southern Connecticut State University Student Center.

The proposed plan recommended removing and replacing contaminated waste fill in the upper 4 feet on 236 residential properties and placing environmentally secure "caps" on publicly-owned land at the former Hamden Middle School and two town parks.

Following the public meeting where the plan was announced, DEP held office hours at the Keefe Community Center where property owners could come in and ask questions and share comments about the proposed plan. Staff was available to talk with property owners days, evenings, Saturdays and at an Open House program on September 19.

More than 75 property owners have talked with DEP since the plan was announced.

The questions mostly frequently raised by the public are about ELURs (Environmental Land Use Restrictions), how the remediation proposal will affect owners and residents, the lead standard DEP uses to determine if soil is contaminated, and what a "cap" is.

Commissioner McCarthy encourages citizens to get involved in the discussion about the cleanup plan. She said, "The cleanup of the Newhall neighborhood offers a window of



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opportunity to go beyond removing or capping contaminated soil to make real and lasting improvements in the area." Commissioner McCarthy said, "This could be the moment to revitalize the Newhall neighborhood and make it an even more vibrant part of the town of Hamden. DEP is committed to fully exploring all possibilities with residents, property owners and all of the responsible parties."

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Comments can also be submitted through the project Internet site at www.newhallinfo.org.

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Questions have been raised about what is the appropriate cleanup standard for lead in the Newhall Street neighborhood. Connecticut's current standard sets the safe level for residential use of land at 400 parts per million (ppm) of lead. Some people in the community have said that there is an EPA standard of 1,200 ppm and that standard is more reasonable for the Newhall neighborhood cleanup.

It is important to understand the facts about EPA's lead standard of 1,200 ppm.

This standard was developed for lead in soil that comes from lead-based paint in homes and not from hazardous waste as found in the Newhall neighborhood.

Also, this standard is meant to apply only in those portions of a yard where children **Xc' bch** play. In portions of the yard where children **Xc** play,

U' a cfY' gh]Wh' 9D5' ghUbXUfX' cZ' (\$\$' dd a' Udd']Yg. Most people would agree that an entire yard should be safe for children to play. Plus, even if children do not use a yard now, future owners of a home may have children who play in the yard.

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For hazardous waste sites, EPA uses a [i]XY]bY of 400 ppm for lead in residential soils. If lead levels are below 400 ppm, no further action is typically needed. However, if lead levels exceed 400 ppm, EPA looks more closely at exposures and risks at the site and sets a site-specific cleanup level.

Most cleanup levels for residential sites across the US are set at levels near 400 ppm.

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Yes. Most states use 400 ppm like Connecticut, or a

value near 400 ppm. For example, Massachusetts uses 300 ppm, Pennsylvania uses 500 ppm and Wisconsin uses 250 ppm.

<http://www.mass.gov/dep/cleanup/laws/pubnot04.htm#tex>



<http://www.depweb.state.pa.us/landrecwaste/cwpview.asp?A=1243&Q=464033>

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Some community members have said that cancer risks from contaminated soil in the neighborhood are extremely low, so low in fact that cleanup is not necessary.

It is true that cancer risks are very low from exposure to arsenic and PAHs (the main cancer-causing chemicals found in the soil) when compared to our overall lifetime cancer risk.

Government agencies try to limit potential cancer risks from environmental contamination as much as possible, so that not very much environmental risk is added to the already high background cancer risk.

In the Newhall Street neighborhood, the chemical we are most concerned about is lead, and WUbWYf']g' bch' U'

WcbWYfb' Zfc a' Yldcg i fY' hc' YUX. With lead, we are most concerned about harmful effects on childrens' growth, learning and development, not cancer.

DEP's cleanup proposal is driven by the need to clean the soil enough to protect children from harmful exposure to lead, not for cancer risks.

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Yes. Soil is not necessarily the only source of lead exposure to children. Children may be exposed to lead from other sources including: drinking water (from lead pipes or lead solder used to connect pipes), lead-based paint and paint dust materials used in some hobbies (ceramics and pottery making, stained glass making, jewelry making) and some ethnic and folk remedies. Because children may be exposed to lead from sources other than soil, we want to keep their exposure to lead from soil as low as possible.



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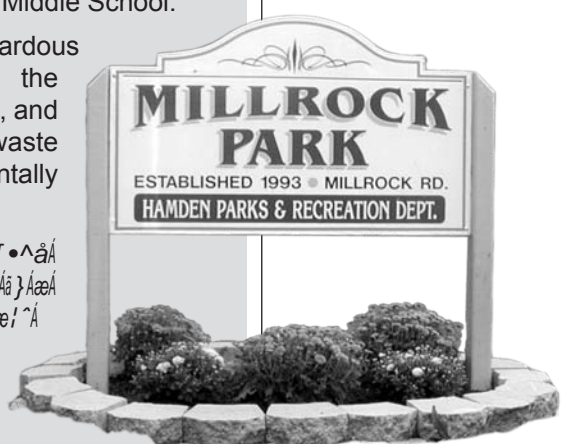
- Contaminated waste fill would be removed down to a depth of 4 feet at 236 privately-owned properties. Properties would be backfilled with clean, natural soil. Excavated areas would be restored. Examples of restoration include replacement of driveways, sidewalks and landscaping. Of these 236 properties:
 - At 99 properties that have waste fill only within the top 4 feet, the waste would be removed and replaced with clean soil.
 - At 137 properties that have waste fill greater than 4 feet – the first 4 feet of waste would be removed and replaced with clean soil. An Environmental Land Use Restriction (ELUR) would be recorded on land records, if the owner gives consent. The ELUR would allow for any activity in the top 4 feet. But, future excavation below 4 feet – for projects such as a home addition – would be required to follow a DEP-approved soil management plan.
- 34 homes in the Consent Order area – further sampling and analysis are necessary to determine if removal of waste is warranted.
- 43 homes in the Consent Order – no cleanup work is required.
- The State and the Town of Hamden will immediately work together to identify funding to purchase residences with extensive, severe structural damage.
- During the cleanup phase, some relocation of residents, on a temporary basis, may be needed. A detailed plan will be made for each property in consultation with the property owner that will determine if temporary relocation is required.

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- Environmentally secure controls or “caps” would be placed over waste fill at the Hamden Middle School and Community Center, Rochford Field and Mill Rock Park. These “caps” would be designed to prevent people from being exposed to the waste and prevent any contamination in the waste from spreading.
- “Caps” at Hamden Town properties would be designed to maintain much of the current topography of the area. Design would also be coordinated with community decisions on future use for these properties.
- An ELUR will be recorded on all Town properties that will allow recreational and other uses.
- No hazardous waste will be disposed behind the former Hamden Middle School.
- Material taken from residential properties and classified as non-hazardous waste could not be placed at the middle school site unless the Responsible Parties to the Consent Order (Town of Hamden, Olin, and Regional Water Authority) agree. Even then, no non-hazardous waste could be placed there unless DEP determined it was environmentally appropriate and all authorizations and permits are obtained.

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Using Connecticut's cleanup standards, when contamination is found in soil, it can remain in place below a depth of 4 feet if the top 4 feet of soil is removed and replaced with clean soil, and if an ELUR is recorded on the land records. When this happens a property is considered "cleaned up" and owners can use the top 4

certain areas or depths, and allows excavation that would expose contamination only if done according to a DEP-approved soil management plan.

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It is understandable that people are concerned about the impact of an ELUR on the value of their home. There are ELURs pending on projects involving private homes and luxury condominiums at other locations. DEP has no data, however, on how an ELUR might affect property value.

While some factors might possibly subtract value - like removing large trees, if necessary, during cleanup - it is important to keep the following in mind when considering the issue of ELURs:

- The recording of an ELUR would require DEP approval of a soil management plan before a property owner could dig below 4 feet for a project like an addition or swimming pool. The ELUR does not, however, restrict normal day-to-day activities, such as gardening, installing a fence or playing in the yard.
- Waste on a property with an ELUR will be removed to a depth of 4-feet, eliminating health or safety risks that the waste poses for current activities on the property.

- The remediation of properties to a 4-foot depth may provide benefits that will add to current land values. First, the property will be cleaned and safe for normal, everyday use. In addition, restoration activities that will occur after contaminated fill is removed may include: installation of new driveways, sheds, steps, shrubs and lawn. Finally, property values could also benefit as the result of "re-use" planning that could bring other improvements to the neighborhood.

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For the Newhall Street neighborhood site, an ELUR is proposed for properties where waste fill is more than 4 feet deep. After the top 4 feet of waste fill is removed and replaced with clean soil, the ELUR would be recorded in Town land records. Any and all activities in the top 4 feet would be allowed. Excavation deeper than 4 feet in the area where waste remains would be allowed only if done in accordance with an approved soil management plan.

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Homeowners will not have to pay for the ELUR. DEP and Olin will share these costs. Olin will draft property-specific information into the ELUR form and associated documents. The owner will review the draft ELUR. After Olin and the owner have

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feet in any way they choose. Digging below 4 feet can occur only with DEP approval of a soil management plan.

The 4-foot standard is used because the frost zone for Connecticut is less than 4 feet deep. Soil that is 4 feet or deeper will not move up through freezing and thawing to where people will come into contact with it. Also, insects and animals do not commonly enter these deeper soils.

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An ELUR is a binding agreement between a property owner and the Commissioner of DEP, which is recorded on the Town's land records. It notifies a landowner and future owners that contamination exists on the property in

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At a recent open house meeting at the Keefe Community Center in Hamden, Ron Curran of the DEP demonstrated how an engineered control or "cap" works.

People gazed at a terrarium that mimicked layers of a "cap" including topsoil, sand, drainage layer, plastic or clay cap material and waste. The terrarium also had a cushion layer below the cap for gas collection.

They touched different samples of common capping materials used as an underground barrier. A "cap" is designed to isolate the waste from people, animals and rainwater and to keep the waste from spreading. They also handled a jar of clay used in a type of clay cap. This showed how the clay would keep water from passing into waste buried below.

Ron said one should think of a cap as an "umbrella." It keeps water off the waste below.

Here are some of the questions people have about caps.

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No. Caps will only be installed at the former Hamden Middle School and town parks.

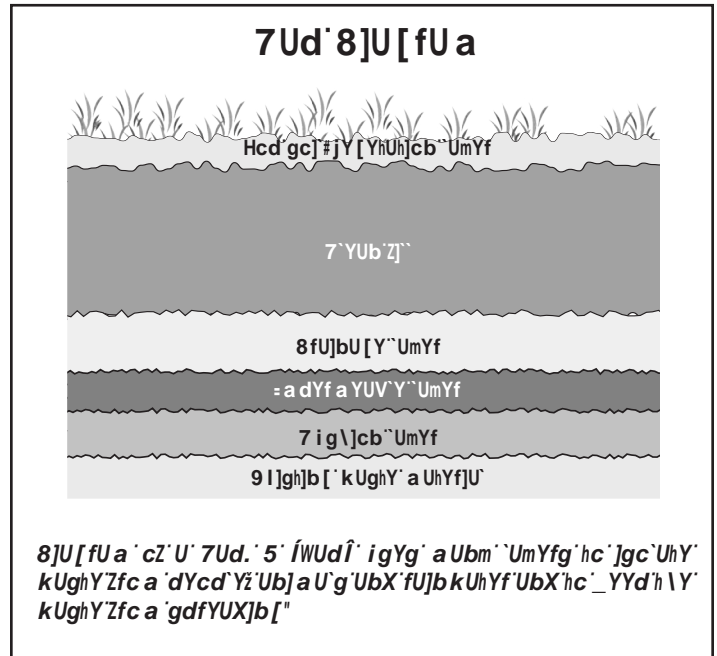
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No. The purpose of the marker is to give a warning to stop digging, not to physically isolate the waste. Unlike a cap, a marker material is intended to allow rainwater to flow through.

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Some years ago a soil cover was placed at the school. This was a temporary cover designed to prevent direct contact (touching) the waste. The proposed "cap" would be permanent. It would be designed to prevent rainwater from reaching the waste, while preventing direct contact.

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The ground surface above the cap will have a slight grade to it to allow water to drain into a stormwater collection system that will be designed as part of the cap.

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A cap is designed to be permanent and the property owner or Responsible Party will be required to monitor it on an on-going basis for any needed repairs.

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No, not yet. But any proposed cap must meet the standards defined by law.

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Yes. The use of the parks need not change.

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A cap can be designed for a variety of uses at the former school site. The DEP will work with the Town of Hamden as it develops a plan for the reuse of the school property.

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We're on the web!
www.newhallinfo.org

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 agreed to a draft ELUR, Olin will submit it to DEP for review and approval.

Homeowners will not pay for transaction costs associated with completing and recording the ELUR (such as the costs of a title search, recording fees, and required notifications).

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 DEP is committed to developing a financial mechanism and process for Olin and DEP to pay for the costs associated with handling and disposing of waste fill.

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 ELURs have been recorded so far for a park and for a future residential development. Parks have to meet residential cleanup standards for soil under Connecticut remediation law. There are several ELURs for housing that are planned to be recorded in the near future for cleanups currently underway at various sites around the state. About 80 ELURs have been recorded for current commercial and industrial properties.

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During the course of its investigation, DEP's contractors evaluated 119 homes built over fill to evaluate the extent of the damages due to settling. They found the structural stability of some homes had been compromised as a result of being built on loose fill and soft organic deposits.

DEP stated in its proposed cleanup plan "the State and Town of Hamden will lead an effort to identify funding to allow the purchase, at fair market value, of those residences with extensive, severe structural damage that result from construction on top of the waste."

In a recent press release, Hamden Mayor Craig B. Henrici said the issue of structural damages in the Newhall neighborhood is "of great importance to neighborhood residents and I have worked with the Legislative Council to pass a capital improvement plan that provides seed money for a fund to address these issues. Not because of a legal requirement, but simply because it is the right thing to do."