

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
JANUARY 19, 2012**

The Conservation Commission of the Town of Fairfield held a meeting on January 19, 2012, in the Roger Ludlowe Middle School Auditorium, 689 Unquowa Road, Fairfield, CT.

MEMBERS PRESENT: Stanton Lesser, Chairman; Milan Bull, Vice Chairman; Kevin Gumper, Secretary; Frank Rice; Joan Neiley; and Catherine O'Donnell. **ALTERNATES:** Elizabeth Jones. **ABSENT:** Kathleen Maxham (*Note – Commissioner Maxham arrived shortly after the start of the meeting during the presentation on Exide; Ms. Maxham attended the meeting but did not participate as a Commissioner*); Douglas Jones and Philip DiGennaro, Jr. Also Present: Thomas Steinke, Conservation Director; Edward Jones, Wetlands Compliance Officer/Open Space Manager; Annette Jacobson, Conservation Administrator; representatives from Exide Group, Incorporated: Kenneth Money, Vice President, Exide Group, Ralph Klass, P.E., LEP, Director of Environmental Engineering, CCA, LLC, Attorney John Fallon, local counsel. State of Connecticut DEEP Representatives: Peter Hill, Tracy Iott, Tonia Selmeski, Steve Gephardt, and Carolyn Fusaro, and several members of the public and press.

I. CALL TO ORDER: The meeting was called to order at 7:33 p.m. by Stanton Lesser.

II. APPOINTMENT OF ALTERNATES: Elizabeth Jones was appointed to sit as a full member.

III. CONSERVATION:

A. Bills and Communications:

1. Approval of Conservation Commission Special Meeting Minutes of January 5, 2012: Joan Neiley *moved*, and Milan Bull *seconded* to approve the Conservation Commission Special Meeting Minutes of January 5, 2012. *Motion passed unanimously.*

2. Approval of Secretary's Bill for January 5, 2012: Milan Bull *moved*, and Joan Neiley *seconded* to approve the Secretary's Bill for January 5, 2012. *Motion passed unanimously.*

IV. OLD BUSINESS:

A. Exide Group Incorporated, Remedial Action Plan for lead-impacted sediments in the Mill River; Presentation by representatives of Exide Group, Incorporated. Public discussion immediately following presentation: Representatives from Exide Group, Incorporated provided the Commission and the public with a presentation concerning the status of its clean-up efforts relative to the lead-impacted sediments in Mill River. Kenneth Money, Vice President of Exide Group, Inc. was present to report that Exide had basically completed remediation of the upland areas in 2006, although two or three areas still require remediation. The work conducted in 2006 included removal of the buildings, removal of the underground piping, structures, storage tanks, equipment, and contaminated soils. Exide

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY
THE CONSERVATION COMMISSION OF THE TOWN OF FAIRFIELD**

anticipates coordinating the remediation efforts with the State DOT next week relative to the sidewalk area, as well as inspection and videotaping of the two storm sewers which run parallel to Post Road, from the Exide facility to the Mill River. Mr. Money further indicated that remediation efforts relative to Mill River are expected to begin in the late Spring of 2012; although there will be black-out periods in order to protect fish species. These black-out periods will result in the limited ability to conduct the work for only a few months out of the year. It is anticipated that completion will be late 2013.

Ralph Klass of CCA noted that he has been working on the Exide matter since 1983. Mr. Klass provided a brief history of the site, noting aluminum plant operations from the 1920's through the late 1940's, and following its purchase of the site, operations by Exide Battery as a battery manufacturing facility from the 1950's through 1981. Mr. Klass noted that several permit approvals will be required, including those from the CT DEEP OLISP, US Army Corps of Engineers, State of Connecticut Department of Aquaculture, and State of Connecticut Department of Health. Mr. Klass provided a brief history of the testing that has been conducted over the years, information concerning the elevated levels of contamination found at the site, the toxicity studies conducted of the Mill River, and efforts for remediation.

Tracy Iott of the CT DEEP noted that the proposed Remedial Action Plan (RAP) is currently under review and that upon the submittal of a formal application for the remediation operations, a public hearing will be conducted in Fairfield, likely in late February or early March. In response to Commission inquiry, Mr. Klass noted that the dredging will be done by a single hydraulic dredge – this is due to the physical handling of the material and narrowness of the river. In response to concern expressed by Commissioners Joan Neiley and Milan Bull, Tracy Iott indicated that communications are on-going to encourage Superior Plating to coordinate the clean-up of the chromium at the same time Exide Group, Incorporated proceeds with its clean-up of the lead contaminants. The extent of chromium contamination by Superior Plating was not characterized, although there are some areas where lead and chromium are co-located. Tracy Iott noted that Superior Plating is under an Order to remediate the chromium, and failure to do so would result in enforcement activities. Following inquiry by Kathy Braun, John Fallon indicated that Exide would not be conducting any regulated activities that would require an inland wetland permit. Ralph Klass noted that the current inland wetland permit relates to activities done in connection with the upland areas, and not the proposed remediation activities. Kathy Braun noted her concern for the 144 foot setback established by the Inland Wetland Agency in this area, and concern that Superior Plating is not doing the remediation of the chromium at the same time Exide is performing its remediation activities. Tracy Iott indicated that certain areas of the site will be remediated at a level of 220 ppm below I-95 and others at 400 ppm above I-95; Ms. Iott noted that protective standards for human health exposure issues were reviewed, which include touching of contaminated sediments, recreational activities, and fish consumption – the protective standard of 400 ppm was found to be an acceptable level. The protective standard for ecological health issues, including birds, fish species and benthic insects in the stream is 220 ppm. Ms. Iott noted that it is expected that upon completion of the remediation activities, the contamination levels remaining will

be at or below the required standard. Geoffrey Steadman spoke on behalf of the Fairfield Harbor Management Commission, and inquired as to Exide Group obtaining local approvals. Mr. Steadman noted that the project must come before the Harbor Management Commission, in accordance with State Statutes. John Fallon indicated that the Harbor Management Commission will be provided with an opportunity to formally comment on the project. Following public inquiry, John Fallon indicated that he will have the Remediation Action Plan and copies of the plans available for public review upon the filing of a formal application. It was recommended that these documents be available at the local libraries as well as the Conservation Department in order to allow for sufficient public access. The Conservation Department will prepare Staff comments on the environmental impacts of the proposal, once the final document is received.

Mary von Conta, Chairman of the Town of Fairfield Harbor Management Commission inquired why to date, that board had been by-passed in the review process. Attorney Fallon indicated that the applicant is willing to review the matter at the Harbor Management Commission and Shellfish Commission meeting(s). Mr. Fallon further noted that the presentation this evening was done at the suggestion of the First Selectman. Following inquiry by Paul Nelson of the Shellfish Commission, Ralph Klass of CCA noted that the consultant will be conducting the monitoring of the dredging activities. Following a request by Stuart Manley, former Chairman of the Land Acquisition Commission, Attorney Fallon indicated that he will attempt to have the RAP documents available on the Town website.

Public comments included concern that the remediation efforts of Superior Plating for the removal of chromium should be conducted at the same time that Exide performs its remediation activities of the lead. The coordinated remediation efforts by these two parties would avoid disturbance of the river a second time. Representatives of the CT DEEP-OLISP will continue to encourage Superior Plating to coordinate the timing of these activities. Other public comments included a concern regarding the sufficiency of the 400 ppm standard to be utilized in some of the areas, and whether that was protective of the public and habitat.

The public and local boards will be kept apprised as a final Remediation Action Plan is developed.

V. NEW BUSINESS: None noted.

VI. OTHER: None noted.

VII. ADJOURNMENT: There being no further business to come before the Commission, Milan Bull *moved* and Joan Neiley *seconded* to adjourn at 8:55 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel