

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
SPECIAL MEETING MINUTES OF AUGUST 1, 2013**

A special meeting of the Harbor Management Commission (HMC) was held on Thursday, August 1, 2013 at 7:00 p.m. in the SECOND FLOOR Conference Room, Board of Education offices, 501 Kings Highway East, Fairfield, CT. This was a joint meeting with the Fairfield Conservation and Shellfish Commissions.

MEMBERS PRESENT: Mary von Conta , Chairman, Nelson North, James Harman, Louis Schueler, Hugh Smith, Norman Marsilius, Benjamin Baker, John Zygmant

MEMBERS ABSENT: none

ALSO PRESENT: Geoff Steadman, HMC Consultant; First Selectman Michael Tetreau, ex officio member; Fairfield Conservation Commission Members; Fairfield Shellfish Commission Members; representatives of Exide Group, Inc. (Exide); representatives of Connecticut Department of Energy and Environmental Protection (DEEP); Stanton Lesser, Town Attorney; Cindy Cook, facilitator; Conservation Department staff; members of the public; members of the press.

The meeting was called to order at 7:08 p.m. by Chairman Von Conta. Chairman Von Conta *moved* and Mr. North *seconded* a motion to appoint Mr. Tetreau Chairman of the joint meeting. *The motion passed unanimously.* Similar motions were approved by the Shellfish and Conservation Commissions.

I. Proposed Mill River Lead Remediation at the former Exide Battery Site, 2190 Post Road, Fairfield

Mr. Tetreau thanked DEEP, Exide, and Ms. Cook for conducting the recent facilitated discussions regarding this project. He also thanked the State Representatives for their support in setting up the discussions.

Ms. Cook presented an overview of the proposed project and the discussions that have led to beneficial revisions to the Sediment Remedial Action Plan (SedRAP) and reviewed the issues discussed regarding possible contamination in the Post Road and railroad drains adjoining the Exide property. DEEP is satisfied that Exide has discharged its responsibility to investigate these drains, and believes that any further cleanup of these drains would be unrelated to this project. Ms. Cook said that if the requests for intervention regarding the wastewater discharge (NPDES) permit are not withdrawn, the revisions to the SedRAP that have resulted from the facilitated discussions may be withdrawn.

There being no questions or comments from the commissions, Mr. Tetreau requested comments from the public. The public comments, including comments expressed by representatives of Fairfielders Protecting Land and Neighborhoods (FairPLAN), focused on concerns regarding the possibility of any remaining contamination in and near the drains, and responsibility for any further remediation that might be required. Representatives of FairPLAN distributed copies of correspondence regarding the drains. Kathryn Braun, attorney for FairPLAN, asked if the Town has received any correspondence from the Department of Transportation acknowledging DOT's responsibility for the drains.

Mr. Tetreau called on Patrick Bowe, Director of the DEEP Remediation Division, to comment further on the issue of the drains. Mr. Bowe summarized the remediation work that has already been performed on these drains and the adjacent soil. He stated that the likelihood of any significant contamination remaining in the drains is very low, and that there is no evidence to enable the DEEP to require Exide to investigate

them further. He said that he has discussed this matter with the DOT within whose right-of-ways the drains are located and the DOT is satisfied that no further investigation is necessary. Mr. Bowe said that based on his experience he does not believe that the DOT will confirm this in writing.

There being no further discussion, Mr. Harman *moved* the following motion:

Concerning the proposal to dredge lead-contaminated sediment from the Mill River and Southport Harbor by Exide Group, Inc. (Exide), the Harbor Management Commission (HMC) moves to:

- A) Support withdrawal of the Notice of Intervention filed by the Town concerning the Exide application for a Department of Energy and Environmental Protection (DEEP) permit to discharge wastewater from a temporary dredged sediment processing facility proposed by Exide for development at 2190 Post Road, Fairfield, Connecticut.
- B) Affirm that the HMC's support for withdrawal of the Notice of Intervention is based on a number of specific understandings, with which the DEEP concurs, set forth in the HMC's July 8, 2013 document "Harbor Management Understandings Regarding the Proposal by Exide Group, Inc. to Dredge Lead-Contaminated Sediment from the Mill River and Southport Harbor"; and
- C) Affirm the HMC's intent to provide a formal statement regarding the consistency of the proposal with the Town's Harbor Management Plan for Southport Harbor following the next regularly scheduled meeting of the HMC.

Mr. North seconded the motion. Motion passed unanimously.

The other Commissions also passed motions to request that the Town withdraw its Notice of Intervention.

There being no further business to come before the Commission, Mr. Harman *moved* and Mr. North seconded a motion to adjourn the meeting at 8:15 p.m. Motion passed unanimously.

The full content of all remarks at this public meeting is available in the recording of this meeting, available for review at the Fairfield Conservation Department, 725 Old Post Rd, Fairfield, CT.

Respectfully submitted,

James Harman
Secretary