

**TOWN OF FAIRFIELD
SHELLFISH COMMISSION
MEETING MINUTES – February 8, 2012**

The Shellfish Commission of the Town of Fairfield held a meeting on February 8, 2012 at 7:30 PM in the Second Floor Conference Room of the Fairfield Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

MEMBERS PRESENT: Sanford J. Wakeman, Chairman; Gregory D. Lanute, Vice Chairman; David Thornton, Secretary; Edward Crowley, Acting Member; Paul Nelson; Cathy Raynor-Catropa

MEMBERS ABSENT: Sally Harold

ALSO PRESENT: Thomas J. Steinke, Conservation Director; Mike Ludwig, Engineer for Bradley Jack; Mary von Conta, Chair of the Harbor Management Commission

CALL TO ORDER: Sanford J. Wakeman, Chairman, called the meeting to order at 7:30 PM

I. BILLS AND COMMUNICATIONS

A. Meeting Minutes of January 11, 2012

Edward Crowley *moved*, Paul Nelson *seconded* to accept the minutes of January 11, 2012. *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Crowley – No report presented this evening
2. *Water and Habitat Quality:* Wakeman, Harold, Raynor-Catropa – No report presented this evening
3. *Permits and Access:* Thornton – No report presented this evening
4. *Commercial Shellfish Regulations:* Crowley, Wakeman, Harold – No report presented this evening
5. *Oyster Bed Development:* Lanute, Thornton, Harold – No report presented this evening

II. OLD BUSINESS

A. 2012-2013 Shellfish Commission Budget

Thomas J. Steinke reported that the budget is being reviewed with the First Selectman and that he expects the final figure for the next meeting.

B. CT DEEP-OLISP, COP Application of Bradley Jack for riprap revetment, retaining wall, seawall, seawall and terrace wall repair at 1155 Sasco Hill Road, Fairfield

Mike Ludwig of Ocean Coastal Consultants, the applicant's engineer, indicated that the applicant plans to replace a failed seawall at his property, and that they had been previously granted a COP in 2007 but were unable to complete the project at that time. Since then, the wall north of the previously broken wall failed. The existing seawall will be removed and replaced and the northern portion of the wall will be moved back from the existing spot by approximately 20 feet. The revetment in front of the wall allows for a gentle slope against the wall to reduce the force of waves against the wall.

Edward Crowley *moved*, Gregory D. Lanute *seconded* to endorse the proposal as presented. *Motion passed unanimously.*

C. CT DEEP-OLISP, Application No. 201102573-TS, Pequot Yacht Club, to conduct dredging for marine commercial use, at 669 Harbor Road, Southport

Thomas J. Steinke indicated that the response had been received from the yacht club for the Shellfish Commission's endorsement of the project.

E. (Item D skipped) Proposed remediation of the Mill River Estuary associated with the former Exide Battery site, 2190 Post Road, Fairfield

Thomas J. Steinke reported that the Conservation Commission held a meeting last month about Exide's proposed remediation plan for the Mill River. He presented maps indicating where the remediation will take place. Different areas will be dredged to different concentrations, and over 21,440 cubic yards of material are expected to be removed. During the dredging process, sediment must be de-watered. As a result, contaminated water could be discharged. A treatment site for contaminated water will be set up on the factory property and a pipe will be connected to take on most of the water, but contaminated water may find its way back into the Mill River. He then explained the monitoring system for the dredging and testing.

Thomas J. Steinke further described some of the different areas of the project and their different conditions, for example there are some areas that extend down several feet with only "black mayonnaise" or "black jelly," where no aquatic life can live. He expressed concern about the diminished productivity of some areas as a result of the holes dredged in the bottom. Superior Plating, which has caused chromium to contaminate the Mill River, in addition to Exide's lead, will not be dredging. DEEP is trying to get both companies to coordinate their cleanups, but as of now, only Exide is dredging. In areas where chromium is co-located with lead, Exide will dredge.

Aerial photographs show the track of lead and how currents and tides disseminate the pollution. Thomas J. Steinke described the connectivity of storm drain pipes to that area. He also presented slides of the insides of drainage pipes, include acid-proof pipes emanating from Exide. Over time, the concrete joints deteriorated and lead process wastes leaked into the soil, which necessitated soil remediation. He further described the dredging procedure and how the sediment is removed and pumped out, and will be screened. All the dredging equipment is hydraulic, so the pressure and pumping processes can be ramped up and toned down as needed. Part of the process will also include inspecting additional drainage pipes under the Post Road and railroad.

The polymer, or coagulator, that separates the water from the dredge effluent, can be toxic to aquatic life. Exide has not addressed the toxicity levels of returned water, especially during the spawning season. There are also concerns as to the location of monitoring devices to discharge and treatment areas.

Thomas J. Steinke further reported that Exide is attempting to complete all the work under the federal permit, which does not require local approvals. However, the town agencies will be able to receive full information on the project. He stressed the need for as much public information as possible. At least a month after the final plans become available, there will be a public meeting in town. He does not anticipate the project starting within the next few months due to the permitting process not being complete, and Exide's need to retain and mobilize a contractor. The project as planned is to take two years, including working through spawning periods. They are limited as to how many months per year they can work through the water, as opposed to constructing a coffer dam and working almost year-round. Previous factory clean up operations resulted in incomplete and botched results, plus soil cave-ins, poor coordination among contractors, improper removal of piping, etc.,. Past discovery of new sources of contamination and off-site drainage systems necessitates further remediation as part of the current project.

Suppl. Agenda A. CT DEEP-OLISP, Application No. 200802577-TS, Zecchi, to retain and repair existing timber bulkhead at 1774 Fairfield Beach Road, Fairfield

Thomas J. Steinke reported that the applicant has to wait for zoning approval.

Suppl. Agenda B. CT DEEP-OLISP, Application No. 201102573-TS, Pequot Yacht Club, to conduct dredging for marine commercial use at 669 Harbor Road, Southport

See Item B; additionally the yacht club has to wait for capping material for their sediment.

III. NEW BUSINESS

A. Town of Fairfield/State of CT DA/BA Management Plan and Memorandum of Understanding (MOU) - Conditionally approved Area B; Southport Harbor/Mill River conditionally restricted area

The MOU for Area A, where shellfishing was most recently allowed, has been completed and endorsed. Approvals for Area B are now ongoing. Area B is the commercial area and will need to undergo the same process as approvals for Area A.

IV. INFORMATIONAL

None

V. OTHER

Mary von Conta, Chair of the Harbor Management Commission, indicated that that commission will be meeting on February 21, 2012 to discuss the feasibility of the accommodations for the Ye Olde Yacht Yard project.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

There being no further business to come before the Commission, Edward Crowley moved, Gregory D. Lanute seconded to adjourn at approximately 9:50 PM. Motion passed unanimously.

Respectfully submitted,
Anthony Monelli