

**TOWN OF FAIRFIELD
SHELLFISH COMMISSION
SPECIAL MEETING MINUTES – January 30, 2013**

The Shellfish Commission of the Town of Fairfield held a SPECIAL meeting on January 30, 2013 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; Robert Bilek, Vice-Chairman; David Thornton, Secretary; Sally Harold; Paul Nelson; Cathy Raynor-Catropa

MEMBERS ABSENT:

ALSO PRESENT: Annette Jacobson, Conservation Department, members of the press and public

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

I. OLD BUSINESS

A. Proposed Remediation of the Mill River Estuary associated with the former Exide Battery Site, 2190 Post Road, Fairfield, CT

1. Proposed Mill River Remediation at the former Exide Battery Site, 2190 Post Road, Fairfield CT--Proposed Exide SedRAP for Mill River and Southport Harbor
2. CT DEEP Tentative Determination to issue a National Pollutant Discharge Elimination System (NPDES) Permit to the Exide Group, Inc. for the discharge into the waters of the State of Connecticut at 2190 Post Road, Fairfield.
3. Consider and act upon a petition for CT DEEP Public Hearing regarding the Exide National Pollutant Discharge Elimination System (NPDES) Permit Application.

SedRAP

Robert Bilek stated he believes that the Shellfish Commission should be up front with DEEP as far as what the commission's interests are and he presented a two page document of his concerns in addition to those expressed by Thomas J. Steinke in his December 28, 2012 Discussion Draft. Annette Jacobson presented a general summary of the conservation department's concerns with the proposal. Among the concerns are lack of baseline data, inappropriateness of a one size fits all method of dredging, re-suspension of contaminants to non-contaminated areas, and disruption of spawning concerns. Robert Bilek presented his concerns including the pre-remediation level of contamination sought by the proposal that is double the pre-remediation level, sampling during dredging, and protection of the shellfish beds.

CT DEEP has been invited to the next regular shellfish commission meeting to discuss the SedRAP, although we do not know if they will attend.

The commissioners reviewed Thomas J. Steinke's memo dated January 18, 2013 and the accompanying email on the NPDES and the Discussion Draft regarding the SedRAP dated December 29, 2012.

Annette Jacobson and the commissioners discussed the possibility of requiring a third party monitor to report to town or state officials. The commissioners then discussed the roles of town, state and federal regulators and jurisdictions.

Sally Harold discussed concerns over certain aquatic species that may be adversely affected by side effects of the dredging. Robert Bilek discussed issues relating to dredging methods, strongly preferring cofferdams for areas I, II and III, and responded to inconsistencies in Exide's reasoning not to use cofferdams.

Robert Bilek noted several of Thomas J. Steinke's concerns, and noted the distinct possibility that Hurricanes Irene and Sandy deposited contaminated sediment on dry land and the resulting necessity of new sediment contamination testing. Additionally, Robert Bilek noted Thomas J. Steinke's concerns over the dredging project's impact on recreational and commercial shellfish beds and the necessity for compensatory mitigation. Turbidity monitoring is also a concern. The main questions center around the procedures to stop dredging immediately when contamination re-suspension turbidity level become too high, and to locate monitors just outside silt curtains and to continuously monitor not just during action dredging.

The commissioners also discussed concerns over sampling of sediment on the bottom both within and outside of the remediation area.

Paul Nelson discussed the issue of leaving deep sumps on the river bottom. Exide does not want to level and cultch the bottom because there may be future dredging to remove chromium contamination from Superior Plating. Paul Nelson noted that it may be decades before that occurs and believes that the commission should request mitigation. The commissioners discussed various conditions and organism habitats on the bottom. Annette Jacobson noted that possible mitigation might include filling deep sumps with clean material, river bottom habitat, fish ladder passageway, public access, etc.

II. OTHER

None

III. PUBLIC COMMENT

Kathy Braun questioned the meaning of the term “black mayonnaise” which had previously been mentioned as a consequence of previous dredging. Black mayonnaise is the soft material that develops in deep sumps, notably in Southport Harbor, that does not enable any shellfish to grow as it is anaerobic and a drain on dissolved oxygen in adjacent areas.

David Sturges questioned whether there has been any consideration given to any deeply buried contamination, especially under abutments to the Connecticut Turnpike. Annette Jacobson responded that no land sediment testing had been conducted, as far as she was aware.

Linda Shellham Moore expressed concern over contaminated river sediment that may have been washed onto land during Hurricane Sandy. The river level was six feet above normal during Sandy at her property. She also questioned whether someone from DEEP was going to address the shellfish commission, which will occur on February 13, 2013.

David Sturges suggested that the chairmen of the town land use commissions meet with the first selectman, and together petition the governor to get DEEP to slow down to ensure the remediation is handled thoroughly and well.

Donald Peterson, also a member of the Economic Development Commission, opined that he supports remediation of the site and commercial development. He believes written comments should be submitted to DEEP rather than having another public hearing.

Jim Salce discussed a dredging project in the Housatonic River where dredging occurred on a 24 hour schedule. He expressed concern over turbidity with that sort of schedule. Annette Jacobson noted that under the NPDES, dredging itself would not occur for 24 hours, but discharge may, which would affect the spawning period for shellfish and disrupt spawning to river herring.

Sally Harold responded by noting and summarizing the inconsistencies in the testing plan for discharged sediment and water.

David Sturges and Jim Salce expressed concerns over clean water and federal jurisdiction in Southport Harbor. Annette Jacobson showed plans and discussed the proposed dredging and contaminated areas. The commissioners discussed the appropriateness of different dredging techniques for different areas of the river.

Annette Jacobson described the railroad drain and potential contamination resulting therefrom. Additional concerns arise over the condition of the Tide Mill Dam and the use of sand bags.

Robert Bilek summarized that the procedure going forward is to consolidate the commission's comments with Thomas J. Steinke's Discussion Drafts to present to DEEP, which would ask Exide to respond. From there DEEP will decide what to do. Specific questions still may not be answered.

IV. ADJOURNMENT

There being no further business to come before the Commission, Robert Bilek *moved*, Sally Harold *seconded* to adjourn at 9:21 PM. *Motion passed unanimously.*

Respectfully submitted,
Anthony Monelli