

**TOWN OF FAIRFIELD  
SHELLFISH COMMISSION  
MEETING MINUTES – July 18, 2013**

The Shellfish Commission of the Town of Fairfield held a special meeting on July 18, 2013 at 7:30 PM in the Basement 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; Richard Ferrari; Sally Harold; Paul Nelson

**MEMBERS ABSENT:** Cathy Raynor-Catropa

**ALSO PRESENT:** Members of the public and press

**CALL TO ORDER:** Sanford J. Wakeman, Chairman, called the meeting to order at 7:40 PM

**I. OLD BUSINESS**

A. Proposed Remediation of the Mill River Estuary associated with the former Exide Battery Site, 2190 Post Road, Fairfield, CT - Review of open issues, review of pertinent documents, including but not limited to, revisions to the Exide Sediment Remedial Action Plan (SedRAP) and the National Pollutant Discharge Elimination System (NPDES) Permit, and arrival at consensus regarding the remediation process.

Robert Bilek outlined the main issues facing the commission, including the railroad and Post Road Drains, inspection of the Mill River after Hurricane Sandy, testing for bacteria during dredging, and river bottom restoration. He explained that the commission should try to arrive at a general consensus regarding changes to the SedRAP and withdrawal of the town's intervention in the DEEP action. There will be a vote at a future meeting which the first selectman could take under advisement in deciding whether or not to withdraw the town's intervention with respect to the NPDES permit..

Robert Bilek explained that Exide believes the drain lines have been adequately investigated, and DEEP agrees with their finding. The pipe lies under railroad property, not town property and DEEP tested water discharge from the pipe in 2012 and 2013, finding that lead content was below limits. He noted Thomas J. Steinke's contention that the drain lines are possibly contaminated. An additional meeting was held at which Thomas J. Steinke presented his findings to Exide and DEEP. Robert Bilek noted that no concrete evidence of lead had been found in Exide's investigation. He spoke of the importance of getting a release of liability from the Department of Transportation on the chance that some lead may still exist in the pipes. Ultimate responsibility for obtaining any release would rest with the first selectman, not the shellfish commission. Robert Bilek then presented maps of the railroad drain and the commissioners conducted a general discussion.

Robert Bilek recommended that no action be taken on the issue of the drains. Several commissioners spoke in favor of further inspections of the drains, but not at the expense of delaying or scrapping the entire remediation project.

Robert Bilek stated that at the July 10, 2013 Shellfish Commission meeting, Linda Snelham-Moore asked why testing for heavy metals was not done along the banks of the Mill River after Hurricane Sandy. Based on a response from Cynthia Cook, meeting facilitator, it was determined that after Hurricane Sandy, Exide representatives inspected the river banks and found no sediment, therefore no testing was required. The heavy metal pollutants only move with the sediment.

Sally Harold recommended that the Shellfish Commission send a letter to Ms. Snelham-Moore to respond to her question. The commissioners arrived at a consensus to do this.

Robert Bilek then discussed DEEP bacteria testing of the water during sampling. The exact DEEP testing schedule is forthcoming, but DA/BA will respond to DEEP and outline its concerns. He noted that DA/BA's position is to ensure healthy shellfish and would close shellfishing before anyone became ill. DA/BA plans to close Recreational Area A when dredging begins, with testing at regular intervals during the project.

Exide has several safeguards in place to prevent pollution from dispersing down the river and into shellfish areas. Turbidity curtains and constant monitoring with the ability to shut down dredging will prevent major contaminants from spreading, additionally, the river empties toward Westport. At conferences with DA/BA, Robert Bilek and Sanford Wakeman expressed concerns to them about staffing. DA/BA responded that a new microbiologist on staff will enable them to complete all testing efficiently. Robert Bilek and Sanford Wakeman volunteered to take samples as needed. DA/BA also expressed concerns about dredging being done in warmer weather, not just in early spring; bacteria thrive in warmer waters.

Regarding restoration of the river bottom, Paul Nelson discussed at previous meetings his view that Exide should place cultch on the river bottom. He delineated the difference between asking Exide to create a habitat and asking them to restore a habitat damaged by the project. While he believes it is not reasonable to ask Exide to create new shellfish habitats, it is within reason to ask them to restore habitats. He particularly mentioned the areas below the dam as a candidate for restoration.

Robert Bilek discussed DA/BA's concerns that placing cultch will encourage oyster growth, but in an area that would not be regularly harvested. As a result, the entire area is more prone to disease. The commissioners also discussed relative habitats of oysters and clams, and that oysters and clams cannot grow and be harvested in the same spots.

Robert Bilek *moved*, Sally Harold *seconded* to table the idea of putting cultch down above the Tide Mill Dam until after the remediation process, at which point cultch or clam seeds can be pursued. *Motion passed unanimously.*

Robert Bilek *moved*, Sally Harold *seconded* to address compensatory mitigation with Exide in case the shellfish beds are closed for an extended period as a result of the dredging. *Motion passed unanimously.*

The commissioners unanimously arrived at a consensus to endorse the amended SedRAP and to withdraw the town intervention for the NPDES permit. The railroad drain issue would not be part of the NPDES permit because it does not involve discharge of the water being processed.

Sally Harold briefly discussed the issue of repairing Tide Mill Dam, and that when dams are repaired, fish ladders must be installed. Sally Harold agreed to investigate this further.

#### B. Clam Dig Report

Richard Ferrari presented a draft press release for the town website and the newspapers. The commissioners noted that a shellfishing permit would not be necessary to attend the event and made minor grammatical changes to the release.

The commissioners then discussed logistics of the event, including obtaining clam rakes from the Conservation Department Workshop.

## **II. OTHER**

None

## **III. PUBLIC COMMENT**

None

## **IV. ADJOURNMENT**

There being no further business to come before the Commission, Sally Harold *moved*, David Thornton *seconded* to adjourn at 9:00 PM. *Motion passed unanimously.*

Respectfully submitted,  
Anthony Monelli