

## **NEWHALL ADVISORY COMMITTEE**

### **Final Meeting Summary**

**May 18, 2006**

**6:35 pm – 8:45 pm**

***Members Attending:*** Herman Alexander, Sheila Epps, Dr. Abdul Hamid, Scott Jackson, Leonardo Melendez, Pamala Moore, Henry Platt, Willa Taylor, LaNorma Webb, Roosevelt Young

***Alternates Attending:***

***Absent:*** Henry Blue, Mike Colaiacovo, Luther Cooper, Donald Eaton, Elizabeth Hayes, Rhonda Hayward, Rev. Keith King (alternate for Herman Alexander), Deloris McNair, Loydon Henry-Phillip, Rep. Peter Villano

***Ex-Officio Members Attending:*** Robert Bell, Eileen Barnes, Edith Pestana, Department of Environmental Protection (DEP); Leslie Balch, QVHD; Jimmy Young (Olin); Tom Chaplik, Regional Water Authority (RWA); Arthur Bogan, Town of Hamden.

***Others Attending:*** Willie Mewborne, Council Member; Keith Darden, Kelly McCarthy, residents; Lane Driscoll, Whitneyville Civic Association/Hamden Middle School Reuse Committee

***Public Participation Assistance:*** Jill Barrett (FHI)

***Facilitator:*** Kathleen Conway

### **New Action Items**

- **NAC.** DEP will provide two copies of DEP's response to Rep. Villano's request for budget information for the NAC's review.

### **Old Action Items**

- **DEP.** NAC request to DEP for independent technical and financial consultants to assist them in understanding impact of Proposed Decision on individual properties
- **DEP.** Provide lists of properties that have had structural assessments and those with structural damage.
- **DPH.** Provide brief explanation of the memorandum on health studies at the May meeting.
- **Town.** Provide sample protocol for utility and road construction in contaminated areas
- **Town.** NAC FOI request to Town.

### • **Outstanding NAC Information Requests to DEP**

1. Estimated amount of waste fill outside the Consent Order: 1) under 4 feet; 2) over 4 feet.
2. Written summaries in layman's terms of the DEP review of the Supplemental Investigations to date
3. A written report on the properties sampled outside the Consent Order
4. Master list identifying all properties within and outside Consent Order: those with waste fill less than 4 feet and deeper than 4 feet, those that have structural assessments and those that have structural damage.

## Agenda

**Introduction, Groundrules, Draft Meeting Summaries.** Members and other attendees introduced themselves. NAC members approved the April 20, 2006 meeting summary.

### *NAC Updates*

- **Hamden Middle School Reuse Committee.** Regional Growth Partnership was awarded the HMS Reuse contract. The committee is meeting June 1, 2006 to review the schedule. Four public meetings are planned, one of which is planned to be held at a NAC meeting.
- **Change in Next NAC Meeting Date.** Due to a conflict in the facilitator's schedule, the next NAC meeting will be on the 2<sup>nd</sup> Thursday in June, **JUNE 8<sup>th</sup>**.

### *Old Business*

- **Environmental Research Institute.** The Attorney General's Office provided 4 documents relating to the investigation of ERI in 2002-2003. Two copies of the documents will be placed in the Newhall Project Office for the community's review.
  - 1) The Interim Report of the Office of the Attorney General on the Investigation Conducted Pursuant to Section 4-61dd of the Connecticut General Statutes dated September 4, 2003. An Assistant Attorney General, Steve Parks, stated that based on: 1) the resolution of issues with the federal government and the University of Connecticut; and 2) the University following through on the Attorney General's recommendations in the Interim Report, that the department does not expect any additional reports. The AG's investigation related to allegations of mismanagement (while being paid full time to manage and supervise ERI, the director established a private consulting business.
  - 2) Hartford Courant News articles dated January 9 and 10, 2006 on the federal government and University's settlement of the case involving federal research grants – "UConn to pay \$2.5 million to settle overbilling case."
  - 3) Settlement Agreement between the United State of America and UCONN
  - 4) Final Report from UCONN: Ad Hoc Investigation Committee for Alleged Scientific Misconduct at ERI dated August 29, 2003 (alleged manipulation of data to achieve values that fell within acceptable QA/QC limits).
- **Draft NAC Progress Report.** NAC members offered no further changes. A NAC member commented that no progress had been made since we still have no decision and cleanup has not begun. It was noted that progress was identified by the NAC's activities, i.e. understanding the results of the investigations, the proposed remedial alternatives and evaluation criteria, community outreach initiatives and recommendations on the cleanup to the Commissioner.

### *DEP Discussion*

- **NAC Request for DEP Budget Information on the Newhall Project.** On May 8, 2006, DEP sent a response to Representative Villano's two requests for budget information dated April 7 and April 26, 2006. The NAC requested that DEP provide two copies of the response to the Newhall Project Office for public

review. DEP commented that it had also received additional requests for financial information and that it was taking significant time to gather the information in the format requested.

A NAC member noted that his request on behalf of the NAC had not been fully responded to. DEP's letter response dated March 16, 2006 noted that some information would take 3 weeks to assemble. It was now 2 months later. The NAC member said that we need to be able to tell people when they ask where and how the money is being spent. We want everything itemized. DEP said it has utilized 3 primary consultants. Loureiro, the current consultant, contracts with subcontractors. Loureiro Contractors provided temporary response measures in the fall and spring of last year. Spectrum Analysis did the lab work; Fitzgerald & Halliday, the public outreach; and the Law Offices of Kathleen M. Conway, LLC, facilitation for the NAC. DEP asked that the NAC review the response to Representative Villano and advise DEP whether that is responsive to the NAC's Freedom of Information Request.

A NAC member questioned whether the time DEP is spending to respond to these requests have delayed the release of the Proposed Decision. DEP stated that the responses were taking considerable time because they requested information in different ways. There is some impact because staff is focusing on responding to a state representative and complying with Freedom of Information timing requirements.

- **Structural Assessment and Damage.** DEP stated that 300 property owners were contacted and 86 granted access for assessment. There were only a few with significant damage. Gauges were placed in those homes with observable damage to measure movement of cracks. As of May 2005, it was determined that there had been no or minimal movement and no imminent threat from settling. DEP contractors continue to check gauges to assess movement. The NAC again requested a list of properties that had been assessed and those with property damage.
- **Scope of Proposed Decision, Timetable and Process.** The NAC members asked when the Proposed Decision would be released. DEP said that there was no timetable. DEP had provided dates before and did not meet them. The Proposed Decision has high profile public relations implications. It is a very important and complex matter that is on DEP's front burner. A NAC member asked if the mediation attempt that broke down in March delayed the release. A NAC member noted that we were told if we don't sign the Consent Order, this could go on for 20 years; if we do, it would be 6 years. Something would happen in 2006; now planning will not start until 2007. DEP stated that the plan would have a time line.
  - A 60-day Public Comment period would follow the release of the Proposed Decision. There may be extensive comments. DEP will consider the comments and a Final Decision will be issued.
  - The Final Decision addresses the 3 Responsible Parties. There are no appeal rights for other parties.
  - The design phase will include detailed plans for each property owner.
  - Remediation will probably start in 2008 and last for many years.

NAC members expressed their concern that after all these meetings we have nothing to show for time spent. We cannot do anything until we have a decision. The Attorney General said we would have a plan in 2005. We hear the same things over and over. Is this just spin? Is there a plan?

A NAC member asked what the stumbling blocks to releasing the Proposed Decision were? DEP stated the scope of detail is one of the issues. The Proposed Decision gives a general, broad overview. It is a large document. NAC members asked whether property owners would know specifically what was proposed for their properties? DEP asked how detailed the NAC members would want the Proposed Decision to be. The majority of members stated that they want it to be specific. People want to know the details about their

properties and those properties around them. They should be able to see where their property fits in the plan and where disposal takes place. A NAC member said the community does not have 100% consensus about the cleanup. But we want to know whether there would be dumping at the HMS for some and not for other properties. Where will it go? DEP said that you will not know where each shovel full goes but you will know in general.

Several members suggested an executive summary would be helpful. There was some concern expressed about property owners learning by release of the Proposed Decision or in a letter that their homes may have to be demolished. A member suggested that DEP visit these people personally. DEP said that over 300 houses are involved. The plan has to be fair and feasible. The goal is to have a good, together community at the end of the process.

DEP said that it is discussing how the decision should be made public – with advance notice of the Proposed Decision to property owners, copies at the Newhall Project Office or general notice of the DEP Informational Meeting with copies available that evening. Fitzgerald & Halliday asked how much notice NAC members would want and when an informational meeting should be held? After much discussion NAC members requested:

- 1 week advance notice to the NAC of the date of the public release of the Proposed Decision so they could conduct community outreach about the coming mailing and the Informational Meeting
- Mailing to property owners: letters to each property owner with an Executive Summary and the Proposed Decision
- 2 weeks between the mailing and the evening DEP Informational Meeting to cover the broad overview of the Proposed Decision
- a Saturday scheduled at the Keefe Center for one on one property owner meetings with DEP

A Town ex-officio member commented that if there was too much time between the mailing and the meeting, there could be misunderstandings that are unable to be addressed immediately. NAC members said that they need the time to plan their schedules and understand the Proposed Decision. A NAC member noted that some people work evenings and may not be able to reschedule work for an evening meeting.

DEP said that there would be staff members available at the DEP Informational Meeting for one on one discussions. Members said that people may not be able to stay late and thought that there should be the opportunity to sign up for appointments at a Saturday meeting. DEP said that the written materials will be user friendly and the mailings will go out to everyone at the same time.

- **Community Outreach.** NAC members discussed ways to reach out to the community: phone calls, at least 3 newspapers, flyers left in doorways, knocking on doors, loudspeaker. A member suggested card tables with flyers on the corners of different blocks on a Saturday.
- **NAC Membership Subcommittee.** The subcommittee was not able to meet due to vacation and work schedules but will meet concerning the two residents who had asked to be considered; the resignation or non-attendance of others; and lack of representation for some areas and categories. They will report back to the NAC at the next meeting.
- **NAC News.** A NAC member provided a flyer from the Newhall Coalition noticing a meeting held with Mayor Craig Henrici regarding reduction of taxes. He stressed this was not about the revaluation. There were several meetings with the Mayor and the discussions went well.

**8:45 pm. Meeting Adjourned.**

**Next Meeting. June 8, 2006, 6:30 – 8:30 pm. Keefe Center.**

***Handouts.***

- ERI: Memo listing documents regarding the investigations
- Letters from Representative Villano to DEP requesting budget information with attached bonding spreadsheet listing amounts awarded for the Newhall Project
- NAC Membership List and Block Areas
- Newhall Coalition: Notice of Meeting with the Mayor on April 26, 2006 to discuss reduction of taxes