

## **Newhall Advisory Committee (NAC) Meeting Notes January 20, 2005**

### **Attendees:**

**Committee Members:** Rhonda Hayward, Pamala Moore, Henry Platt, Roosevelt Young, Donald Eaton, Leonardo Melendez, Sheila Epps, Scott Jackson, Rep. Peter Villano, Mike Colaiacovo, Jr., Pastor George Bulgin, Rev. Keith King, Loydon Henry-Phillip, Henry Blue, Valerie Cooper

**Alternates:** Herbert Randall, Willa Taylor

**Other Attendees:** Elsie Patton, Brian Cutler, Dave Scotti, Jill Barrett, Shannon Pociu

### **Absent:**

**Absent (no alternates):** Dr. Abdul Hamid, Elizabeth Hayes, Stephanie Kollet, LaNorma Webb, Deloris McNair

### **Agenda items:**

**1. Outside the consent order perimeter testing and structural testing:** An update was given by Brian Cutler of Loureiro Engineering Associates (LEA) with these highlights:

- 1. Testing of residential properties outside the consent order boundary** will begin as soon as LEA gets a sufficient number of signed access agreements to warrant mobilizing a testing crew. Forty owners of 52 properties were sent letters a month ago but only 7 have returned signed access agreements. The purpose of the testing is to extend testing outward beyond the known areas of historical landfill that is covered by the consent order so that the exact edge of fill in the neighborhood is found. DEP believes contamination extends beyond the current project area but decided to include only areas that everyone (DEP and Responsible Parties) could agree upon in the consent order. Once this assessment is completed, DEP will initiate discussions with the Responsible Parties to discuss the findings and how to proceed, just as was done with the original consent order area. The work plan for testing the new area is similar to the testing done by Olin. DEP's consultant LEA will be performing a visual inspection, bare spot examination and XRF screening with samples sent to an independent lab. Deeper soil sampling will be performed where warranted. Testing will take 4-6 weeks.
- 2. Structural assessment of homes** has been completed at 42 homes. Crack gauges were installed in a couple of homes. LEA is awaiting reports from the structural engineer. A report with map and photos will be sent to everyone who had the testing done.

### **2. Report by NAC subcommittee on hiring a facilitator for the Newhall Advisory**

**Committee:** The subcommittee met twice to review and discuss 10 proposals submitted by facilitators. The group established criteria to be used when evaluating candidates. They were not ready to make a recommendation on the top candidates to the NAC. It was decided the subcommittee would meet again and select the two top candidates who would then be interviewed by the whole NAC. Committee members are asked to forward interview questions to Pam Moore. NAC members participating in the subcommittee are Henry Platt, Pamala Moore, LaNorma Webb, Scott Jackson, Don Eaton, Deloris McNair, and Willa Taylor.

**3. Briefing on Remediation Standard Regulations and Olin's sampling data:** Elsie Patton gave an overview of the state's cleanup standards for soil remediation, which will be applied at the Newhall site. She also distributed a chart showing the metals tested for the Newhall

neighborhood indicating those that did or did not exceed state standards for cleanup. Committee members had several questions including:

**Q. What happens if people refuse to permit cleanup of their property? Can they be forced to allow it? Can the state use eminent domain?**

A. There are instances where DEP can enforce cleanup but not necessarily in private residential properties. DEP will look into this option only as a last resort and only if it had the support of the community to proceed – it's a very extreme measure.

**Q. Why is it taking so long to clean up this neighborhood when it takes 3 weeks to cleanup 5 millions gallons of oil spilled in Long Island Sound?**

A. There is no comparison. Unlike oil floating on water in Long Island Sound, the contamination in Newhall is not visible but buried underground. With the oil spill, it's pretty obvious what single source is responsible for it. In Newhall we're also dealing with hundreds of properties.

**Q. If the state cleanup standards make me put an environmental restriction on my property, what happens to the value of my home when I try to sell it?**

A. If the deed restriction lowers the value of your home, this is something that may need negotiated during the cleanup process. Perhaps the NAC will want to pull in experts to help the committee understand what the lost value might be.

**Q. How long does a cap last and is it regulated once it's put in the ground?**

A. A cap has to be designed to withstand storms and must be managed so water doesn't get through it and the soil around it doesn't erode. The regulations require the person who installs the cap to be responsible for monitoring it and maintaining it.

**Q. Will the direction of the groundwater flow change?**

A. Not likely.

**4. Organization of NAC:** Peter Villano suggested the NAC should designate a leadership structure, such as a chair, vice chair and secretary. Peter said the committee needs to set its own agenda for meetings. NAC members decided to table discussion on this item to the next meeting. Jill Barrett suggested the committee appoint a rotating chair for the next meeting in February. This item was also tabled and Jill was asked to chair the February meeting.

#### **Actions Taken/Decisions Made:**

1. DEP will distribute the complete Remediation Standard Regulations to the NAC.
2. DEP will give the committee more information on groundwater cleanup standards and deed restrictions at a subsequent NAC meeting.
3. DEP will send a copy of the Request for Proposals (RFP) for the facilitator to the NAC.
4. Questions NAC members would like to see the facilitator candidates asked will be sent to Pam Moore.
5. The subcommittee will meet again to review the criteria of the RFP for the facilitator, assess how well the candidates responded to DEP's criteria and the subcommittee's criteria. The subcommittee will select the two top candidates and notify DEP, which will arrange to have the candidates meet with the whole advisory committee at the February meeting.
6. An agenda was set for the February meeting as follows:
  - a. Discussion on organizational structure of the NAC
  - b. Interview of two facilitator candidates
  - c. Overview of groundwater standards