

**NEWHALL ADVISORY COMMITTEE**

**Final Meeting Summary**

**June 8, 2006**

**6:35 pm – 9:00 pm**

**Members Attending:** Donald Eaton, Scott Jackson, Leonardo Melendez, Pamala Moore, Henry Platt, Rep. Peter Villano, LaNorma Webb, Roosevelt Young

**Alternates Attending:** Willa Taylor

**Absent:** Herman Alexander, Henry Blue, Sheila Epps, Dr. Abdul Hamid, Mike Colaiacovo, Luther Cooper, Elizabeth Hayes, Rhonda Hayward, Rev. Keith King (alternate for Herman Alexander), Deloris McNair, Loydon Henry-Phillip,

**Ex-Officio Members Attending:** Patrick Bowe, Thomas RisCassi, Edith Pestana, Department of Environmental Protection (DEP); Meg Harvey, DPH; Leslie Balch, Quinnipiac Valley Health Department; James Young (Olin); Tom Chaplik, Regional Water Authority (RWA); Arthur Bogan, Town of Hamden.

**Others Attending:** Willie Mewborne, Council Member; Keith Darden, Kelly McCarthy, Mark Yeckel, Karen Duval, residents; Lane Driscoll, Whitneyville Civic Association/Hamden Middle School Reuse Committee; Kevin Hood, University of Connecticut; Sharon Bass, Hamden Daily News

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

**Facilitator:** Kathleen Conway

**New Action Items**

- **NAC.** Email written request to DEP for an independent consultant to assist the NAC in evaluating the Proposed Decision.
- **NAC Membership Subcommittee.** Continue to evaluate existing membership and interview prospective new members.
- **NAC.** Notice to inactive members of removal from the NAC.

**Old Action Items**

- **Town.** Provide sample protocol for utility and road construction in contaminated areas
- **Town.** Provide a summary analysis of budget information in response to the NAC FOI request.

• **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 and Draft Meeting Summaries.** Members and other attendees introduced themselves. A NAC member questioned whether a specific number of members needed to be present to approve the minutes. The facilitator noted that the groundrules do not require any specific number. NAC members approved the May 18, 2006 Draft Meeting Summary.

## *NAC Updates*

- **Hamden Middle School Reuse Committee.** Regional Growth Partnership (“RGP”) was awarded the HMS Reuse contract. The committee met with RGP and Vita Nuevo on June 1, 2006 to discuss the planning schedule. Vita Nuevo is a consultant experienced in public outreach and finding financing. Public meetings are being planned for July, September and December with a public hearing following the meetings. An architect will be present as well. While RGP has no preconceived ideas, the architect may indicate that the building is not suitable or could not be accommodated for certain uses. Members were asked to provide 3 – 5 names of people for personal interviews, including NAC members. RGP is tentatively planning on attending the August NAC meeting.

The Town does not want the HMS to be a vacant building for safety and security reasons. It is tentatively planned that a police substation and the Hamden Youth Center will relocate there when the school is closed.

## *Old Business*

## *DEP Updates*

- **Proposed Decision Release Date.** DEP stated it is closer but still has no specific date for release of the Proposed Decision. The homeowners will have a plan that identifies the remedy for their property and in their area. There will be a 60 day Comment Period. Representative Villano stated that the community is going to keep pushing for a date. On June 7<sup>th</sup>, The Commissioner’s office emailed a response to Representative Villano’s request on June 5<sup>th</sup> for an update on the timing of the announcement of a remediation proposal. The response stated that key staff were busy working on responses to extensive FOI requests and complaints. Given that control of staff time is difficult as it relates to these responses, DEP cannot pinpoint a specific date for release.

DEP stated that it was continuing to consider information and comments from the NAC meetings. There will be no circumstance where the community will not receive fair warning. DEP plans to identify the date when it will be released and copies mailed to property owners and the NAC.

A NAC member asked whether there will be an interim plan for structurally damaged homes. DEP stated there has been considerable internal discussion concerning this issue. DEP is determining the root cause of the damage. If it relates to shifting of the foundation, will it be cost-effective to jack up the house and repair. Can the foundation be fixed? What is the remedy if waste surrounds or is underneath the home. If waste is underneath the home, will it be fixed or demolished. There has been no firm resolution yet. Any forward motion depends on the remedy selected. The NAC member asked what happens if there is an emergency. DEP stated that if an emergency does occur, the situation would be evaluated.

DEP said that homes are being structurally evaluated. Crack gauges have been installed. Monitoring is being conducted to see if the cracks are progressing. DEP will provide a list of homes that have had structural assessments.

- **NAC FOIA Request for DEP Budget Relating to the Newhall Project.** A resident reviewed the DEP response to Representative Villano's FOIA Request for budget information on the Newhall Project and highlighted some of the line items on the spreadsheet showing how bond funds have been spent. Bonding allocations total \$2,455,000 and \$1,775,000 has been spent. He noted that it is significant that only about \$40,000 has been spent on remedial action and that was for interim remedial action. Only a minor amount has been spent for soil disposal. Most of the interim remedial work has been done by the Town and Olin, not DEP. A NAC member questioned the amount of money spent on the project by DEP without any cleanup accomplished.

DEP has used several consultants. GZA received about \$350,000. Since 2003, Loureiro has received \$1,200,000.

The original contract for Fitzgerald & Halliday was in August, 2003. Since then Fitzgerald & Halliday has been awarded approximately \$400,000 for public outreach. A Fitzgerald & Halliday representative explained that their activities included reviews and summaries of site documentation, designing and maintaining a web site, extensive meetings, production of materials, presentations and preparing public information meetings. In 2006, they have not been as actively involved. Health Risk Consultants assisted the Newhall Coalition.

A NAC member asked Representative Villano what was the purpose of the FOIAs and audits. What outcomes were expected? Discussion centered on the reasons why these requests were made. The resident stated that the goal was to ascertain what value had been received for the money spent. After all the money spent here, there was still no remedial plan. The community should know where their tax dollars are going.

A NAC member questioned whether staff time spent on the complaints and FOIAs were delaying the Proposed Decision. DEP responded that staff was very busy responding to the FOIA requests. He explained that there were also 2 ongoing audits in response to joint requests for information and complaints from residents and their elected representatives, Senator Looney and Representative Peter Villano: 1) an external audit by state auditors and the Attorney General's Office looking into the entire project, assuring that the contracts had proper authorizations and the funds were properly spent; and 2) concurrently, DEP is conducting an internal technical review of the investigation of the "Eastern Perimeter Properties."

The resident asked whether Louriero was still working on remediation projects. DEP said that the agency has Louriero assisting on various components of the requested information as it needs engineering assistance. Also, they are currently working on properties where contaminants in soil at elevated levels create risk of exposure.

DEP stated that audits are a normal function. They are a check and balance on projects. Auditors conduct record reviews and interviews followed by conclusions and recommendations. Errors are corrected and, malfeasances, if any, are addressed. Representative Villano replied that these were not routine audits; they were something different. They were a result of serious questions of how the tax dollars were being spent on this project. He said he was not convinced that the money had all been well spent. So much money has been spent without any result.

If response to questions, DEP stated that resolution of the audit and internal review are not needed for release of the Proposed Decision. A resident noted that DEP promised that a Proposed Decision would be out in December 2005 prior to any complaints or audit requests. A DEP representative said he was new in his position and that he can not explain what was promised and why. He does know that staff is working diligently. Another DEP representative said that the Commissioner at her visit to the NAC meeting in March expressed her concern about not releasing the Proposed Decision until she was confident that it was comprehensive and addressed all the issues. A NAC member noted that the request for mediation by the Newhall Coalition also played a role in delaying a decision. A NAC member noted that some responsible parties met but there had been no follow through.

Representative Villano said he had an observation and a suggestion. His observation was that there seemed to be an inability of the Commissioner to come to a decision. The site work was completed in 2003-2004. Supplementary work was completed in 2005. The only unknown is costs. There is no reason not to release a draft plan. DEP has the info. It's time to make a decision.

His suggestion was to hire a contractor to do the other work. A NAC asked Representative Villano: what would you do if you were the Commissioner? He said I would release the decision and it would say that I looked at everything and selected Option 2 or whatever. People are turned off by not having a plan. Residents have individual needs. They need to get on with their lives. It's time for a decision.

### ***Town Response to NAC FOIA Request.***

The NAC Town representative said that he had requested that the Town provide a simpler and easier to understand response to the FOIA request for the next meeting. The response generally overstated the amount spent because of the way contracts are treated at the end of the fiscal year. Every dollar is counted as spent if unspent but still available under the contract. He has asked the Finance Office to state what was spent and what remains. Generally, \$1.5 million was spent on the investigative studies; \$1.5 million on the defense of the class action suit; and the remainder on a feasibility study and a response to a PRP letter from EPA.

### ***NAC Discussion.***

- **NAC Membership Subcommittee.** A member attendance list was provided to all the members. The members stated that they talked with several prospective members and asked them to attend and tell the members about themselves and why they wanted to be members. Keith Darden attended. Carolyn Smith was unable to attend because of family illness. The Subcommittee asked that after the general meeting adjourns that the NAC have a member only meeting to discuss membership.
- **DPH Summary.** DPH said there are very few studies that have found a link between exposures at contaminated sites and illness. Most involve drinking contaminated water. Newhall's drinking water is not affected by the landfill waste. DPH provided 6 health studies and a summary in response to a NAC member request for health studies that studied a relationship between exposure and disease: 1) radon and lung cancer in Iowa; contamination of drinking water with arsenic in Bangladesh; drinking water and solvents in Toms River, NJ and Woburn, Ma; and a review of studies about lead in soil and elevated blood levels in children.
- **Request for Technical Advisor.** NAC members discussed their prior requests for an independent technical advisor. A NAC member asked whether it was because the members thought that DEP did not have the staff or the time. A NAC member commented that DEP had said it was busy now. DEP stated that while it was

working hard to be responsive to all the requests, staff would be available to residents. It was noted that DEP had said at the last NAC meeting that it would have staff available at the DEP Informational Meeting on the Proposed Decision and staff available for one on one meetings with property owners. The NAC had asked for a Saturday meeting for individual appointments.

It was noted that the NAC had first asked for an independent consultant in August 2005 and the Commissioner had said that ERI/UConn and Loureiro would be available to the NAC. However, ERI/UConn has a Memorandum of Understanding with the Newhall Coalition and was not offering an MOA to the NAC at this time. Some NAC members said they did not want Loureiro because it was not independent of DEP; they wanted a fresh face. They wanted a say in the choosing of the independent consultant.

There was a consensus that the facilitator email a request for an independent contractor that is not currently or recently a contractor for DEP to assist the NAC and the community in understanding and evaluating the impact on their properties and the community.

- **Community Outreach.** DEP said that there had been no final decision as to how and when the Proposed Decision would be noticed. The NAC discussed ways of community outreach via flyers, knocking on doors and informational tables on key corners in the neighborhood. This will be taken up at the next meeting.

*Full Meeting adjourned at 8:25 pm.*

**NAC Only Meeting.** The NAC Membership Subcommittee discussed membership criteria, the prospective members and current membership. They requested that the facilitator send letters to certain members that had never attended and were known to be in poor health. The Subcommittee would contact other members as to their interest in remaining on the NAC. The NAC voted to accept the two new full voting members representing areas adjacent to the Consent Order: Keith Darden and Carolyn Smith. Another name was offered for membership. The Subcommittee will contact and interview the party.

*NAC Meeting adjourned at 9:00 pm*

**Handouts.**

- DEP Response dated May 8, 2006 to FOIA letter from Representative Villano dated April 7, 2006 for budget information (2 copies in Newhall Project Office) and spreadsheet handout
- Email response from DEP dated June 7, 2006 to Representative Villano's email dated June 5, 2006 requesting a firm date for release of the Proposed Decision.
- Town Response to the NAC FOIA Request

**Addendum to June 8, 2005 NAC Meeting Summary Requested by NAC Member**

A NAC member noted that it is significant that so much money had been spent by the DEP since the responsible parties under the Consent Order were fully responsible for the costs of the investigation. State Bond Funds to the DEP total \$2,455,000. State Bond funds to the Town of Hamden for the Hamden Middle School total \$1,500,000.