

**McROBERTS, ROBERTS & RAINER L.L.P.**

ATTORNEYS AT LAW

December 9, 2005

By Fax (860-424-4051)

Ms. Gina McCarthy  
Commissioner  
Connecticut Department of Environment  
79 Elm Street  
Hartford, CT 06106

Re: Newhall Community

Dear Ms. McCarthy:

Our firm, together with the firms of Cohen & Wolf in Bridgeport and Thornton & Naumes in Boston, represent a group of residents in the Newhall neighborhood of Hamden. Newhall is the subject of a D.E.P. Consent Decree (No. SRD-128) entered on April 16, 2003. The decree arose from the historic filling of properties in the neighborhood with contaminated fill by the Winchester Repeating Arms Company, and thereafter by Olin Corporation. Under the terms of the Consent Decree, the responsible parties – which include Olin, the Town of Hamden, South Central Connecticut Regional Water Authority, and the State of Connecticut – have made proposals for the remediation of the numerous contaminated properties in the area. These include not only the residential properties of our clients, but also the Hamden Middle School, the Rochford athletic field, and Millrock Park. As we understand it, you are expected to make decisions about which remedies will be required on these properties in the very near future.

As you may be aware, however, there has been considerable concern raised by the Newhall neighborhood about whether the proposed remedies will be fully protective of the residents. The residents are particularly concerned about proposals to impose environmental use restrictions on their properties and to change the groundwater classifications in the area in order to avoid the need to remediate contamination at depth. They also seek binding assurances concerning what costs will be covered if they are required to vacate their homes either permanently or during a period of remediation. Finally, the residents are concerned about the effects of the remediation on their neighborhood.

**McRoberts, Roberts & Rainer, LLP**

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At same time as the remediation is going forward, the residents have pending before the United States District Court in Hartford claims against Olin and the Town of Hamden for loss in property value, for interference with the use and enjoyment of property, and for the recovery of response costs. From the residents' perspective, among the issues affecting the resolution of these claims are the nature and extent of the remediation to be implemented on their properties and at the school and parks in their neighborhood, the location of the disposal site for excavated materials, as well as the need to negotiate access agreements and terms of any environmental use restrictions that may be sought from them.

Due to the overlapping nature of the issues raised by any decision on remedies and the resolution of the residents' pending claims, we are writing to request a meeting with you. We also want to specifically propose the initiation of a mediation process sponsored by the Department of Environmental Protection in which the substantial issues of concern to residents, as well as the concerns and interests of the State, the Town, the Water Authority and Olin can be fully aired and, hopefully, constructively resolved. We believe that such a mediation process could result in a win-win solution for all involved, resolving the residents' claims, ensuring a smooth implementation of the selected remediation, and generating community support for the remedy selected during the mediation process.

As you may know, there have been successful public mediations of this sort in other communities. There are also precedents in which residents have been excluded or ignored in remedy selection with regrettable results. One such precedent involved the clean-up of contaminated fill from residential properties in Pittsfield, Massachusetts – a situation quite similar to the situation presented by the Newhall neighborhood. Since the residents were excluded from the negotiations over the selection of a remedy in Pittsfield, they challenged the selected remedy in court delaying the implementation of the remedy. Moreover, when the remedy litigation was finally resolved, the residents were left to litigate their damage claims for another three years until these claims were finally settled on the eve of trial. This was a classic lose-lose situation of a kind that we sincerely hope can be avoided in Newhall.

We therefore ask that you meet with us at your earliest convenience and that, before making any decision on a remedy, you take the lead in setting up a process for mediation of the important interests at stake in the Newhall neighborhood, so that the remediation can go forward and the residents are made whole with the least amount of litigation. We are willing to meet as soon as you are able, so that this mediation proposal does not significantly delay the selection and implementation of the remediation of the Newhall neighborhood in Hamden.