



Gina McCarthy
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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PHONE: 860-424-3001



September 29, 2006

The Honorable Peter F. Villano
State Representative, 91st District
House of Representatives
State Capitol
Hartford, CT 06106-1591

Dear Representative Villano:

The Department of Environmental Protection is aware of your letter to Attorney General Richard Blumenthal dated August 29, 2006, and his response to you of September 14, 2006, concerning whether the Department has legal authority for assuming the costs associated with repairing homes that have been structurally damaged as result of having being built on contaminated soil in Hamden's Newhall neighborhood. The Department concurs with the Attorney General's opinion that it may provide monies from the state's superfund program to pay for repairs to those homes "if the Commissioner...determines as part of the remedial action that the repairs are necessary to mitigate the effects of hazardous waste." The Attorney General's letter does not, however, address the application of Conn. Gen. Stat. § 22a-133a, *et seq.*, to the particular facts with which we are faced in the Newhall neighborhood.

First, consistent with the Attorney General's interpretation of Conn. Gen. Stat. § 22a-133a, *et seq.*, the Department has determined that any remedy must be constructed in such a manner that it does not structurally impair the current conditions of any home. The Department has proposed to require Olin Manufacturing to perform any necessary engineering analysis and work to support homes and prevent damage during the construction of any remedy. In fact, the Department has proposed in its draft remedy selection plan that Olin address this engineering issue in the detailed remedial action plans that Olin must submit for each property.

Second, available information thus far indicates that some homes in the Newhall neighborhood have structural damage not from the effects of hazardous waste, but rather, because they were built on loose fill and soft organic deposits. If that is the case, then the Department does not have authority to require Olin to pay for repairs to those homes, nor can we utilize state superfund monies. In any event, the Department has been proactive in seeking funds to put toward the repair (or purchase) of homes that have been severely damaged as a result of having been built on loose fill and soft organic deposits, and will continue to be as this is a matter of utmost importance to the residents of the Newhall neighborhood, the Town of Hamden and the State. It is our hope that you will assist the Department in securing funds for this purpose, as well.

We look forward to receiving your substantive comments relative to the Department's Proposed Remedy Selection Plan. Please let me know if you would like to meet with us to answer any questions you may have or provide you with additional information. We are pleased that you are engaged on this issue.

Yours truly,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written in a cursive style.

Gina McCarthy
Commissioner

GM/mmd

Cc: The Honorable Richard Blumenthal, Office of the Attorney General
Mayor Craig Henrici, Town of Hamden
Senator Martin Looney
Senator Joseph Crisco
Representative Al Adinolfi
Representative Brendan Sharkey
Representative Cameron Staples