

Raymark Advisory Committee
DRAFT Meeting Summary
December 14, 2004
6:30 PM to 8:45 PM
Army Engine Plant

Members Attending: Bob DelBuono, Ron Mazzey, Charles Perez, Veronica Peters, Paul Rohaly, Ron Smith, Tom Fahy

Government/Agencies Attending: Elaine O'Keefe, Town of Stratford Health Department, Andrea Boissevain, Health Risk Consultants, Ron Jennings, EPA, Mike Jasinski, EPA, Jim Murphy, EPA, Ron Curran, DEP

Others Attending: John Turbeville, Haliburton-Dresser, Gavin Forrester, Town Council, Len Wisniewski, Property Owner, Kevin Ryan, Kurt Sendlein, Airport, Gavin Forrester, Town Council, Allison Dodge, Congresswoman Delauro's Office, CT Post Report, Rich Weizel, New Haven Register

Facilitators and Technical Assistance: Patrick Field, CBI, David MacLean and John Gilbert, GeoInsight

Convening of Meeting, Groundrules, and Summary Review

The RAC convened at 6:40 PM. The November meeting summary was approved with changes to spellings of names. The RAC briefly

Agreements Reached

Charles Perez, Ron Mazzey, Veronica Peters, Bob Delbuono and Ed Ward will attend the Council Briefing on Wednesday, January 5.

Action Items

The RAC and agencies identified the following action items in this or previous meetings.

1. GeoInsight to review EPA responses to comments on OU9 RI and share with the RAC.
2. CBI and GeoInsight to continue to talk with property owners and agencies regarding possible off ramping scenarios.
3. DEP will look into home teardowns and implications for subslab systems responsibilities (from July)
4. RAC will reach out to constituencies to keep them informed of RAC activities.
5. CBI and EPA will provide Town Council materials prior to the briefing.
6. EPA to provide further information on volume estimates and liability issues.

Council Briefing

The Town Council briefing is scheduled for 7:30 PM on Wednesday, January 5. The RAC asked to include copies of the RAC consensus agreement and RAC yearly updates and that all copies also addressed to the RAC members. EPA will provide copies of the most recent updated fact sheet to the Town Council once CBI provides the appropriate address. GeoInsight will prepare a briefing outline and share that with the RAC prior to the briefing. The RAC agreed that the purpose of the Council briefing would be educational and bringing the Council members up to speed. It was noted that only 2 of the 11 Council members were on Council when the RAC was created.

Outstanding OU6 Issues

The RAC discussed several issues related to moving forward on OU6 and related OUs.

Airport

GeoInsight noted that the glide path is a 1 to 20 requirement. That would affect the degree to which the landfill could be increased, it at all, given flight requirements. There is a town closure plan to the state DEP under review. Several comments and questions were made.

- *Is the landfill the likely site for consolidation at this point?* Not known at this time. It is one of many scenarios that are being considered.
- Scenario 4 could be the way people are leaning. This assumes that the surrounding neighborhood would be willing to receive waste. This would raise the exact same situation of four years ago at Paterson Avenue: one site bearing the entire burden. Understand that it is a fairly logical location; yet, there are many neighbors who don't know about it and should. Would like to voice opposition to assuming that this site is THE site. One can imagine the same vocal outcry could happen in this neighborhood. Must be very circumspect about any alternative given the challenges of moving waste, especially next to ball fields, the beach, and condominiums. Incumbent upon all of us that anyone affected by consolidation are aware of the choices and implications.
- Must talk about logistics and construction and handling of materials. There are many alternatives, all affected by how the work is actually done
- We are disappointed that all alternatives have dig and haul and thus raise the same concerns for any abutters.
- The strong feelings about not having action in ones' "backyard" could prevent any action and final cleanup for all. Thus, we'd all be left with Superfund indefinitely. This would not be acceptable either.
- *Who owns the airport property?* The airport property is owned by the City of Bridgeport within the City of Stratford.
- *Who owns the landfill?* The landfill is owned half by the Town of Stratford and half by Bridgeport. Bridgeport owns the piece where leaf-collection occurs. The southern portion is Stratford and the northern portion is Bridgeport. However, the operator of the

landfill is solely the Town of Stratford and the Town is the one who filed the closure report with DEP.

Ballfield Capacity for Fill

GeoInsight reviewed the fill volumes that might be needed to bring the area to proper grades for final capping. Initially GeoInsight believed that it might take up to 150,000 cubic yards to stabilize the area for a RCRA cap. However, GeoInsight's review suggests about 25,000 cubic yards for a RCRA cap with 4-foot cover, and 18,000 cubic yards for a low-permeability asphalt cover would be needed. EPA noted that the 150,000 number was an upper end estimate.

Costs for off-site disposal.

GeoInsight noted that EPA had estimated about \$100 for a cubic yard for disposal and \$25 for transport. These numbers would have to take into account such things as if it is a TOSCA waste (PCBs at certain levels). Such wastes are very expensive to dispose. Generally, out-of-town costs would depend on what the range of concentrations of what kind of waste, even within Raymark waste.

OU 3, 7, and 8 Volumes for Potential Removal

EPA noted that they do not have the final answer for 3, 7 and 8 volumes. The approach is to determine the cleanup level driven by ecological risk and then determine the area and depth extent. Note that when put together Fact Sheet 24 – it was determined that the whole volume on the site was 600,000 cubic yards for soil and sediment. Now, sediment only is somewhere between 60,000 and 100,000 cubic yards that may need to be addressed. More details to follow in January.

OU9 Volumes for Potential Action

For the OU9 RI, should be out in early January. The maximum amount of waste for OU9 regarding Short Beach Park is approximately 100,000 cubic yards. Bulletin 24 did not speak to this volume. A previous rough estimate was 75,000 cubic yards. Short Beach Park and OU9 is a landfill with sporadic Raymark Waste exceedance though state exceedances probably many places. If you dug down 4 feet and put in clean fill, this would likely reduce the volume to 40,000 cubic yards that would have to be removed.

Agency Views on Alternatives Developed To Date

The agencies were asked to give their initial reaction to the alternatives under development.

EPA Views

EPA noted that 3 and 4, and their variants, involve some form of excavation and consolidation. If you looked at the maximum grading analysis capping abutting lot along I-95 and CT Right of Way does not reduce the number of caps and leaves small amounts of waste in place. Don't think there is a problem with consolidation on Morgan Francis as a site for consolidation. The minimum grading analysis in figure 2 does seem more likely. Would still have reservations on Ferry Boulevard properties taking waste. Would have some reservations capping 326 Ferry Boulevard due to neighborhood directly abutting that site. If you had all three areas of Beacon

Point, 304 East Main Street, and Airport property capped in place, still seems too many separate caps. Lastly, have reservations regarding Lockwood Property. EPA has executive orders for floodplains and wetlands issued in 1977. The Lockwood Property is right in the 100-year flood plain and has significant wetlands. EPA's requirements state if practicable alternative can be found elsewhere, must be done. If not, then can take action. Any options that consolidate are better than those that don't. Capping all in place seems very unlikely. Where consolidation is taking place is the key question. Which options comply, how much they cost, and what people find acceptable, these are the questions. In our view, we need to find a medium approach.

The RAC asked the following questions.

- *What if the wetland is degraded?* Still, yes, have to consider practicable alternatives to leaving waste in place. However, if the practicable alternative is better to leave in place, that can be considered. If you do impact wetland in any number of ways, must mitigate there or elsewhere. Leaving the waste in place may increase risk for humans or for ecological waste. This must be considered. The Lockwood Property is different than the Boat Club in that Boat Club is an active facility where work has already been done.
- *What is practicable mean?* EPA noted that the language is: "The head of the agency may take into account environmental, economic, and other pertinent factors." So, take that as it is. This is meant property by property.

DEP Views

DEP also shared their initial responses. DEP wants to seek minimizing caps, especially with small properties. Also note that some properties would not qualify for engineered controls given other requirements. In these cases, you cannot use engineered controls if have another alternative. Noticed that low permeability asphalt is often preferred, and this would be the most restrictive for property owners and for all to deal with for the long-term. These are the key issues. DEP hasn't yet done a property-by-property analysis. If take waste from the one residential property, that would be essential to freeing that property, so please do note that.

- *Low permeability asphalt: is DEP not open to this technology? Is LPA a bad thing?* DEP notes that this type of technology has the most restrictions in regards to land use restrictions. The other concern is that if something happens to the cap, may be very hard to monitor since exposure would happen right on the surface. And, not a tried and true technology and currently only one vendor makes it, which poses long-term risks for finding new product should the company not be solvent. EPA noted that it is a viable option, just not a total solution. DEP noted that it does meet requirements for 10 -6 permeability for engineered controls.

Liability Issues Associated with the Actions

The facilitator noted that the RAC wants to understand the liability implications for if the waste is capped in place (and with what), if waste removed and waste consolidated and capped on-site, for both state and federal liability.

EPA noted that if waste is capped in place, the liability isn't the question as much as what are the maintenance requirements for the technology. The federal government does not maintain caps. The state does. This requires monitoring by the state and responsibilities by the property owner. If EPA takes waste off, it assumes liability if it took action. EPA would manifest the waste. EPA is the transporter and operator and thus must transport and dispose of properly. The only remaining liability is cost recovery if Superfund determines that liability as owner/operator remains. If an owner takes waste, harder question in terms of liability and compensation.

The following points were made.

- For clarity, liability is strictly legal liability and an on-going obligation for operations and maintenance and other costs.
- We should also look at the liability implications for the status quo (nothing is done).
- What about long-term liability? EPA's feet were put to the fire on residential properties for keeping company from suing residential owners. If take longer-term view. Say waste removed and consolidated on a property and a catastrophic event happened, would that consolidation site owner be liable? Would the original sources of the waste be liable?
- If a plane crashed into cap on landfill, is it designed to take this impact?
- Commercial properties are not covered by the EPA residential property policies. There are more complicated innocent landowner provisions under the law.
- *Question for EPA counsel. Would the arrangement between the Landowner and EPA be a contractual arrangement under Section 107 a 4 and others?*
- *Can you revisit technologies like leaving waste in place? If there are restrictions now, they could change if a new, technology occurs, yes?* EPA is required to do a five-year review every 5 years. If the remedy is not protective, EPA is obligated to do something. For instance, a property owner may choose to remove it later, and under regulations and if approved, might change restrictions.

The facilitator noted that GeoInsight and EPA will need to talk with EPA counsel to do the best they can to answer these questions at this point in the process, recognizing each individual property will have different circumstances that may affect liability.

The Cleanup Process Going Forward

The EPA stated that to put finality to cleanup, the best option is to do a final Record of Decision: not an interim ROD or EE/CA. The final ROD will lead to a final decision and certainty. EPA noted that if they did an IROD, they would still later have to do a ROD and final remedy.

- *Seems like things have changed? Thought we were doing an off-ramping scenario not a full ROD. Thought the cost would be too much? Where are we in the CFS approach?* It usually takes \$500 to \$1 million for a FS and PP. EPA writes the final ROD. We have determined that a final ROD is the best approach for certainty. We can get to the kind of off-ramping approach through phased funding after the ROD is signed during implementation. We would suggest keeping in mind volumes of 3, 7 and 8 but not

expected to do work on those OUs in this effort. The focus is on OU6, though will take into account other operable units.

- *What do we do in Ferry Creek? If tested dirty, what do we do now or later? Could choose properties that don't abut wetlands first and then later try to do abutting properties and Ferry Creek together. The thought process is to deal with OU6 and in so much as other choices affect OU6, to try and take those into account but not slow down action in OU6 as much within budget as possible.*
- Please keep in mind we don't have any good ideas. We have less bad ideas
- *Geo put together several modifications. The concerns from the agencies are predictable. It would behoove us to hear from agencies what is certainly out of the question. Give us even more detailed feedback. This would be helpful. We've been working this list. Geo noted that the RAC does need to further narrow down the alternatives on the table. EPA stated that they do not want to prescribe to RAC the alternatives for screening.*

GeoInsight noted that there are three choices that are unlikely: you can do cap it all (too many caps and too much O&M), remove all waste (too expensive), or consolidate all at one location (too expensive and unacceptable to the community). Thus, the challenge before the RAC is to put forward "mix and match" alternatives for consideration.

- *What about table with volumes, cost estimates, merits on the 3 screening alternatives from Geo? Something to get us going. GeoInsight stated that they could have this for the next RAC meeting.*

Adjournment

The RAC adjourned its meeting at 8:45 PM. The next RAC meeting will be scheduled via email due to the facilitator being absent the second Tuesday of January.