

**Raymark Advisory Committee**  
**DRAFT Meeting Summary**  
January 20, 2005  
6:30 PM to 8:45 PM  
Birdseye Complex Conference Room

**Members Attending:** Michelina Buchino, Robert Connolly, Bob DelBuono, Edwin Fordham, John Goodsell, Ron Mazzeo, Charles Perez, Veronica Peters, Paul Rohaly, Bob Osbourne

**Government/Agencies Attending:** Elaine O’Keefe, Town of Stratford Health Department, Andrea Boissevain, Health Risk Consultants

**Others Attending:** Kurt Sendlein, Airport, Allison Dodge. Congresswoman DeLauro’s Office, Steve Scarpa, CT Post,

**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 December meeting summary was approved.

**Agreements Reached**

None at this meeting.

**Review of Action Items**

Action items include.

1. RAC will reach out to constituencies to keep them informed of RAC activities.
2. CBI to clarify with the Council the role of the Council vis-à-vis the RAC and the feasibility study alternatives to be forwarded to the EPA.
3. The RAC will hold a pre-February RAC conference call.

Discussion of action items from previous months included:

1. *GeoInsight to review EPA responses to comments on OU9 RI and share with the RAC.* Comments due to EPA on February 14. Next steps are the review for RAC by Geo, then Geo will provide the memo for review by the RAC, and then will discuss at the February RAC meeting. The RAC asked: is OU9 part of the feasibility study? Geo noted that it is still separate, but if it dovetails with cleanup options for OU6 in some way, then it may be folded into this FS and Proposed Plan .
2. *DEP will look into home teardowns and implications for subslab systems responsibilities (from July).* DEP has been apprised of issues and will address property owner questions. The question is: who pays for the replacement of the system and who is then responsible

for O&M costs going forward. Concern was raised that some of these future issues were not dealt with prior to the installation of the systems.

## ***Town Council Debriefing***

Major points from the Council briefing included.

- The meeting was well run, focused, and constructive. GeoInsight presented. The Council members had many questions.
- Concern was raised about Short Beach Park and having a cap constructed on it many years ago. A RAC member noted that after this cap, which was believed to be permanent, a new soccer field, a lacrosse field, and other work was done. But, then the Town was told recently, it was a temporary cap; EPA has found surface hits, including on the golf course, where clean material was thought to be 8 to 12 feet deep above the waste— how could hits be found if there was so much clean fill?
- It was noted only two of twelve Council people were on the Council when the RAC was created. This will make it difficult for them to absorb the complexities of the multi-year issues.
- One of the big problems RAC members mentioned and hoped that the Council understood was: what to cleanup is an ever-moving target. When the USEPA did first 35 residential homes, they dug down 4 feet, hauled away, then put down 4 feet of fill. This cost some \$38 million. Then, OU9 comes out of the blue when we thought we had already done the work. Then, along Housatonic Avenue, were going to condemn 500 homes. Finally, consolidated to 108 homes with air systems. The initial cost estimate was some \$2,000 per system but ended up as high as \$8,000 to \$16,000. It is a ball you can never catch and an ever-escalating cost.
- The Council expected the RAC to solidify answers to key legal questions. The Town Council was also looking to see what the RAC consensus is given the various alternatives on the table to date. It was not clear if the Council would endorse the RAC alternatives or seek its own final approval. Is the goal to inform and educate the Council? Seek their concurrence? Recommend an alternative or range of alternatives so that the Council can discuss, modify as needed, and decide? The RAC asked CBI to follow-up on this issue for clarification of objectives.
- EPA made clear at the meeting that the final decision-making rests with the EPA. However, the EPA also noted they would work closely with the Town and the RAC as much as possible.
- The RAC continues to ask: “Is this window dressing only? Or, is there meaningful dialogue and agreement-seeking going on?”
- What is a temporary versus a permanent cap, or even an acceptable one? The general answer is an RCRA-acceptable cap with various layers of clean fill, liners, etc. The State made the point that there is no definition of a permanent cap under its regulation – all caps are considered temporary and effective only as long as they are properly maintained and monitored

## ***Liability Questions***

Geo reported on a conference call on liability issues held in the last week. Kevin Ryan participated in the call with the Town, the EPA, the DEP, and GeoInsight. The following was noted:

- Reviewed basic Superfund issues already discussed.
- Little new, specific information was revealed. Specific questions about choices for alternatives and liability implications remain unanswered. The agency cannot or will not answer details at this time.
- The State was also not prepared to offer specific answers until each property is considered in the context of alternatives and its specific circumstances.
- EPA made clear that every current property owner does have current Superfund liability. Individual settlement discussions will involve resolving this liability – for cleanup costs, including O&M. Liability remains because of commercial versus residential owners (no get out of jail card for commercial owners). Likely to be some kind of on-going O&M responsibility as part of the settlement. GeoInsight noted that DEP has responsibility for O&M, but USEPA expects that negotiations with property owners will be three-way and include DEP.
- The lack of answers is not respectful to the RAC, especially when asked to make choices now without fuller information.
- As one instance of concern, if a property is capped, a settlement is reached with EPA and the property owner, does the state still retain the ability to “go back” and hold the property owner liable for State-regulated wastes or impacts?
- Two cities and one state entity are involved as owners as well. What will be the approach toward these government entities in settlement negotiations? One idea for caps is to put money toward a trust or municipal waste authority that could manage O&M, insurance, etc. on both public and private properties.
- What one property owner was required to do was to set up a trust fund for O&M for a RCRA cap. Maybe this will be required for all. (see trust idea above)
- Why did they never address the OU6 commercial property owners when OU1 was still open to accept waste? It is likely that within the time-critical removal action time frame, EPA was probably not prepared to negotiate liability issues with the commercial property owners.

## ***Alternatives Discussion***

The RAC discussed alternatives. They had the following comments:

- The “fair share” alternative has some potential.
- It should be remembered that whatever the amount of waste to move around, that’s not all of it. There will need to be additional truckloads of clean fill and the fact that for every cubic yard of “compressed waste” removed; there will be more than one cubic yard of loose fill need to replace it. That’s a lot of trucks.
- Why not an alternative that caps the largest volumes in place and moves the rest out of Town. What if the EPA funded \$10 million, the Town took out a \$20 million bond, and the State kicked in \$10 million? That’s almost \$40 million, or the cost of out-of-town disposal.

- The idea of a Town Waste Authority to manage the monitoring, liability, insurance, and even maybe operations and maintenance of the caps make good sense and sounds promising. This should be explored further.
- What about off-ramping the three Ferry Boulevard sites (250, 280, and 300 Ferry Boulevard). You would be able to pilot the Matcon application, see how much it costs, try to get settlements to explore liability questions in detail, see how neighbors react, and so forth. Then, you would have more information to make better decisions about the remaining sites.

In discussions, the RAC identified a set of principles that ought to inform any of the alternatives that would be put forward by the Town. These potential principles include:

- No open dump should be left in Town. If the EPA opens up a site for consolidation, it must ensure it has the money and the resources to consolidate and cap that site within an allotted time frame. Opening a site up for consolidation and leaving it open for years to come to await further money and action is absolutely unacceptable.
- The EPA may require additional bonding above and beyond existing requirements in order to ensure that monies are available to close out any dumpsites that are created during phases of the cleanup.
- Maximize waste in place. There is no imminent health hazard and capping is a viable alternative and a reasonable alternative.
- Commercial property owners should be cleaned up first.
- Wooster Park should be cleaned up early.
- In phasing action, cap non-consolidation sites in place first. We know it's least expensive, mostly affects private property owners, will then allow settlements to release owners of the debilitating stigma of Superfund, and ensure some action will be taken to assist the Town with limited and scarce dollars.
- Establish a Stratford Waste Maintenance Authority. This Authority can provide the financial assurance for on-going and long-term monitoring and other activities regarding in-Town caps. The Authority might be seeded with some of the Raymark monies. It could coordinate monitoring, buy and hold environmental insurance, perhaps hold liability, and even conduct operations and maintenance on caps on private and public properties.
- Specific liability implications for each alternative MUST be spelled out during the final FS process. Without that information, it is impossible for property owners and the Town to make informed decisions about the choices. If the EPA is not able to spell out liability implications of choices at this time, the RAC may recommend to the Town its preferences for such.
- No one neighborhood should have to bear the brunt of any consolidation of waste in Town that is required. Such burden would be unfair, unjust, and politically unviable. The RAC may want the final ROD to consider a total "capped" volume of waste that can go into any one consolidation site (e.g. "cap the cap"). . This would not prevent the EPA from reopening the ROD to address unexpected conditions, but such a change would require another public process.
- As committed to in the earlier RAC-Agency Consensus Agreement, construction will require an independent monitor accountable first to the Town and its Citizens.

- The EPA and the RAC need to commit to a public comment period during the FS when alternatives are developed, before the Proposed Plan. Most of the public thinks the Raymark Superfund site is already cleaned up (i.e., OU1).

### **Next Steps and Adjourn**

The RAC asked for the following:

- Geo to prepare a simplified version of a “package” of alternatives for the RAC to consider in February, including one page of text per alternative along with a soil volume spread sheet, and associated costs, if possible.
- CBI to schedule a call with Geo and the RAC to discuss further before next RAC meeting.
- The next RAC meeting will include the agencies and will seek to develop alternatives at the meeting or shortly after, if possible.

The meeting adjourned at 9:00 PM.