

Raymark Advisory Committee
DRAFT Meeting Summary
Tuesday, February 13
Tuesday, March 14
6:30 PM to 8:45 PM
Birdseye Complex Conference Room

February 13 Attendees

Members Attending: Veronica Peters, Paul Rohaly, Ron Smith, Tom Fahy, Ed Ward, Bob Delbuono,

Government/Agencies Attending: Lisa LoBianco, Town of Stratford Health Department, Andrea Boissevain, Health Risk Consultants, Ron Jennings, EPA, Jim Murphy, EPA, Ron Curran, DEP

Others Attending: John Turbeville, Dresser, Mike Gross, Haliburton, Jane Warren, Ashcroft

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

March 14 Attendees

Members Attending: Veronica Peters, Paul Rohaly, Ed Ward, Bob Delbuono, Ron Mazzey, Charlie Perez

Government/Agencies Attending: Mayor Jim Miron, Lisa LoBianco, Town of Stratford Health Department, John Miranda, Town Council, Mike Julian, Town Council

Others Attending: Mike Gross, Haliburton, Len Wisniewski, Jane Warren, Ashcroft

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

Convening of Meeting, Groundrules, and Summary Review

The RAC convened at 6:30 PM. The January meeting summary was approved.

Agreements or Major Clarifications

None at this meeting.

2007 Schedule Review

The RAC discussed the short-term schedule of activities.

- Hold a property owners' meeting to inform them of the draft FS contents late March, with RAC attendance.

- Hold RAC meetings in March and April to begin to develop a range of package alternatives/options for consideration. The RAC recommended the Geo and CBI develop first drafts of options to get the conversation started.
- The Council stressed that the Town hopes to address the decision in late spring or early summer so encouraged fast action.

CAMU Analysis

GeoInsight presented on their analysis of the CAMUs as outlined in the Feasibility Study. The CAMUs, or waste disposal units analyzed, were:

- The Ballfield (OU4)
- Short Beach Park/Landfill (OU9)
- Lockwood Avenue
- Ferry Creek

GeoInsight noted that Lockwood Avenue would hold the least waste, given its capacity, at some 12,500 cy. The Ballfield could hold up to an estimated 100,000 cy, the Landfill, 70,000 cy including 11,000 cy that would have be removed from elsewhere on that site, and Ferry Creek, some 29,000 cy. The capital costs of the three larger-capacity CAMUs all came out, within the margin of error, at about the same at approximately \$5 million. GeoInsight noted that the Ballfield and the Landfill are in neighborhoods that are concerned. The Ballfield has some access issues and more importantly, some drainage issues. One design issue to be resolved would be how to construct the cap as to avoid pooling, or a depression, within the site. The Landfill has good access, but would require moving a road and replacing soccer fields. Both Lockwood and Ferry Creek have significant flood plain and wetlands issues that would have to be addressed. GeoInsight noted that Ferry Creek as a CAMU would pose numerous technical difficulties and uncertainties due to the wet nature of that area, its location in the floodplain, and the difficulty in creating stable infrastructure in saturated soils.

In the meetings, the RAC raised the question: who will ultimately own, or be responsible, for the two most likely CAMU properties once the work is complete? It was noted that it is possible the Town would end up the property owner at both sites.

Soil Stockpiling on East Broadway

At the February meeting, the agencies discussed a request from United Illuminating to use the East Broadway OU6 property for soil staging during digging for a power line. Soil would be stockpiled on the property during construction and ultimately removed. EPA noted that this was primarily a state and local permitting decision. However, EPA would require appropriate site preparation, including placing a liner down between the stockpiled soil and the property. The agencies noted that the soil was anticipated to not be or have Raymark waste, that it was coming from areas where testing had been completed for Raymark waste in the past, and that the utility would be required to test the soil in any case as it stockpiled it. The RAC raised several concerns:

- What happens if more Raymark waste is found? What happens to that waste then, once it is dug up?
- How can it be appropriate to use a Superfund site we are trying to clean up for stockpiling for fill that may be contaminated?
- Won't there be run-off and maintenance problems for the stockpiles, especially if they sit there for long periods of time?
- What if the piles are sitting there when we are ready to begin construction or a remedy?

Subsequent to the February RAC meeting, the Health Department pulled together a meeting of all Town agencies and met with the utility. The Town noted that wetlands permits, zoning permits, and other local efforts would have to be pursued and would not likely meet the scheduling needs of the utility. The utility has since begun seeking an alternative site.

Operations, Maintenance, and Remaining Waste Liability

During the two meetings, the RAC raised a number of outstanding questions regarding the selection of the remedy.

The RAC noted the possible O&M costs for the remedy would be:

- Groundwater monitoring and analysis (typically the single most expensive part of O&M);
- Cap monitoring and record keeping and filing;
- Cap repair and maintenance; and,
- Five-year reviews, an EPA requirement for Superfund sites.

The State noted that it would likely bear the cost of groundwater monitoring because it cuts across properties (the underlying OU2, or groundwater). EPA noted that it would bear the cost of the five-year reviews. Thus, if a cap were placed on a property, the remaining O&M responsibility and cost would rest with the individual property owner. The RAC expressed strong concern about this remaining liability. As noted above, the RAC also raised the question of property ownership of the likely CAMUs, how they would be held responsible for proper maintenance and monitoring going forward, and how DEP would fulfill its oversight obligations as it does on OU1.

Regarding land use restrictions, the RAC noted that:

- Properties where waste is below the water table will not receive a "clean closure" even when all above water table waste is excavated. A land use restriction would be put in place that would prohibit that and any future land owners from digging into or below the water table without suitable arrangements for protecting workers and managing excess impacted soil, subject to DEP approval.
- Properties where a cap was placed would have more intensive land use restrictions, such as not being able to dig or drill into the CAP without DEP review and approval.

The RAC raised strong concerns about the remaining liability posed by State-regulated waste after Superfund waste is addressed. RAC members stated that a universal settlement with the OU6 properties should be sought so that property owners don't "leap from the frying pan into the

fire” where once Superfund waste and liability is addressed, the property owner must still wrestle with State liabilities for State-regulated waste. A property owner noted on another site in CT, the State did refuse to sign off on the final federal remedy, leaving the property owners with two separate and difficult liability cases to resolve. The RAC noted their acknowledgement of the State’s Transfer Act, but argued that though this liability is imposed upon any property in the State, these properties are not typical because:

- They have been tainted generally by the designation of Superfund starting before the Transfer Act was passed, effectively preventing them from transferring their properties before the Act existed.
- The source of the waste is well known (Raymark/Raybestos).
- The data collected is far more extensive in many cases than would be typical on a property and gives the State potential “more ammunition” to place orders on these property owners.
- Since Superfund cleanup is already being planned for these properties, having a sequential, separate “State” cleanup, if necessary, is burdensome, likely expensive, and a kind of “double jeopardy.”

The RAC also raised continued questions, as did property owners, about what cost recovery or liability each property owner would bear as the federal and State governments sought to “exit” the property once the remedy was complete.

In conclusion, the RAC noted that until these issues are further clarified both property owners and the RAC are unlikely to be able to make definitive recommendations as to a preferred alternative.

Conceptual Alternatives

CBI began the March meeting with a review of the conceptual alternatives. These included the following alternatives that are not likely due to cost, technical, and political feasibility.

- Remove all Waste out of Town: this would involve approximately 100,000 cubic yards of waste. The cost would be \$72.5 million due to the high cost of out-of-Town disposal.
- Remove All Waste to in-Town CAMUs: this would cost an estimated \$20 to \$25 million.
- Cap All Properties: this would still required consolidating somewhere 50,000 cy of waste due to needing 2 feet of clean fill for caps constructed in and near the 100-year floodplain. The estimated cost of in-Town disposal would be \$20 million, approximately.

Another conceptual, partial alternative, would be to cap Ferry Creek (an operable unit, but not within OU6 because it is primarily a wetland, and not private property).

- This alternative could consolidate waste from properties around it (Ferry Blvd. for instance), minimize truck traffic, resolve the interface of Ferry Creek and private property (OU6) contamination. But, this would be expensive, only a partial solution, and has complicated engineering, floodplain, and wetlands issues.

The remaining conceptual alternative, which appears to be most viable for further consideration entails:

- Capping some properties in place with large amounts of waste;
- Excavating many properties to remove waste all together above the water table;
- Consolidate the waste on two or more CAMUs;
- Phase the actions into two phases because of cost limitations and construction implementability;
- Treat high concentration waste out of Town, as required by law (an estimated 10% of waste dug up).

Cap and Excavate Conceptual Alternative

GeoInsight offered detailed analysis of this alternative, laying out numerous data in several charts. In general, GeoInsight noted:

- One alternative could phase excavation and capping such that all or most private properties are tended to in Phase I at one CAMU location, for a cost approaching that remaining in the special account (some \$21 million). The remaining publicly held properties would be completed in Phase II.
- Another alternative could seek to achieve private property remediation in Phase I and focus primarily on capping in place the remaining publicly-owned properties. It is assumed that governments would have the capacity to monitor and maintain such caps.

The RAC discussed that the individual properties tend to fall into categories of complexity.

- Properties with relatively small amounts of waste fall relatively easily into the excavate category.
- Properties with very large amounts of waste (such as Ferry Boulevard properties) fall relatively easily into cap in place.
- Several properties with mid to relatively large amounts of waste fall into an uncertain category. They might be capped or excavated, they could have floodplain and wetlands issues, and they may have remaining State waste that would not be addressed.

The RAC asked the following questions:

- *Do the volume estimates account for the 10% of estimated waste that must be transported out of Town and treated due to RCRA standards for certain kinds of higher concentration waste?* GeoInsight noted they would review this.
- *How did EPA come up with the 10% estimate for this?* GeoInsight noted that this was estimated based on a review of all of the soil samples and that about 10% had waste constituent concentrations that would likely require treatment.
- *How does EPA during construction determine when to stop digging?* GeoInsight noted that in the final design a value-engineering analysis would have to take place. This would determine whether it was more cost effective to use existing data to begin excavation and to test soil “as you go” until clean edges are reached, or, whether it was more cost-effective to conduct further final design sampling to better estimate the extent of waste. The RAC noted that all of this still leaves a great deal of uncertainty.

- *When will the FS be finalized and does the new contractor/contractor change affect the schedule?* GeoInsight noted that the FS does not have to be officially finalized even to achieve a ROD and that it was not clear if this FS would be revised further or not. In any case, the agency should be able to move forward to a Proposed Plan with the existing technical information.
- *What year dollars are these estimates based on?* GeoInsight noted they are based on 2005 dollars, thus one does have to assume cost inflation at a CPI of about 3% per year.
- The RAC noted that any final agreement is going to have to address how construction impacts will be handled, how long the construction will take place, and certain assurances that once done, the project for a CAMU or property is truly done. The RAC raised the concern, with the experience of OU5, that in Superfund, it seems one is never for sure or certain ever done.
- *What can the State accept at the end of the day here?* The RAC emphasized needing to know what the State might accept in this case so that the RAC doesn't spin their wheels on choices the State would certainly veto.
- *Could the Lockwood property, if it paid for it, dredge the water in front of that property, dewater the spoils on the property, have these dried spoils excavated along with the landed property waste, and then have created additional wetlands and flood storage*
- *What is clean closure?* GeoInsight noted that if waste is all above the water table on a property and is excavated, that property would likely receive clean closure for Superfund waste. [COMMENT: For excavation alternatives 3 and 4, ELURs will only be required if waste remains below the water table. If all RW is removed, no ELUR is required and it is a clean closure. If RW extends below the water table, it will not be excavated and an ELUR will be required. It will thus not be a clean closure."]
- *Please pull out as a separate line item 251 East Main Street, which is currently "lumped" with the DPW because it is a private property.*

Adjournment

The RAC agreed that another RAC meeting with property owners in April, likely without the agencies, would be helpful. The RAC adjourned at around 9:00 PM.