

JAN 10 2013

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Meeting

January 9, 2013

REMEDATION DIVISION

Issues and Comments Concerning a Proposal by Exide Group, Inc. to Dredge Lead-Contaminated Sediment from the Mill River and Southport Harbor

As Discussed by Representatives of the Fairfield Harbor Management, Conservation, and Shellfish Commissions

Prepared by Geoffrey Steadman, Mary von Conta, and James Harman¹

On January 7, 2013, a committee consisting of representatives of the Fairfield Harbor Management, Conservation, and Shellfish Commissions met in John J. Sullivan Independence Hall to discuss the pending proposal by Exide Group, Inc. (the Applicant) to dredge lead-contaminated sediment from the Mill River and Southport Harbor. That sediment would be pumped via a pipeline to a temporary processing facility on the site of the former Exide Battery plant adjoining the Mill River. The sediment would then be de-watered and trucked to out-of-state landfills for disposal. The drained water would be treated and discharged back to the River. The Applicant's proposal requires receipt of several approvals from the Connecticut Department of Energy and Environmental Protection (DEEP) and will be the subject of a public informational meeting to be convened by the DEEP on January 10, 2013.

Each of the commissions represented on the committee have specific municipal authorities and interests relevant to review of the Applicant's proposal. During its January 7, 2013 meeting the committee discussed a number of issues concerning the Applicant's proposal. It was the sense of the committee that a summary should be prepared of the issues discussed and the committee's comments, and that the summary should be provided to the Applicant and DEEP. The Harbor Management Commission's representatives agreed to prepare the summary which is presented below.

SUMMARY OF ISSUES AND COMMENTS

1. The Applicant's proposal is described in three separate documents submitted for DEEP approval. These are: 1) a "Remedial Action Plan (RAP) for Lead Impacted River Sediments"; 2) an "Office of Long Island Sound General Permit Registration Form"; and 3) a "Permit Application for Wastewater Discharges." The Public Notice issued by the DEEP for the January 10, 2013 public information meeting concerning the Applicant's proposal states that the meeting is to be held regarding the RAP. In addition, the Notice mentions that the General Permit and Application for Wastewater Discharges will also be discussed. It is not entirely clear how the DEEP's regulatory process for reviewing and hearing public comments on the three separate documents will proceed following the informational meeting, although the committee understands that the DEEP intends to provide a 30-day public comment period following the meeting. It is unclear if there will be an opportunity for public review of any amendments to the

¹ Geoffrey Steadman is the Fairfield Harbor Management Commission's planning consultant and serves as staff to the Commission; Mary von Conta is Chair of the Commission; and James Harman is a Commissioner.

Applicant's proposal that may be made in response to comments received during and following the public meeting.

2. According to the proposed RAP, some details of the project methodology will be left up to the selected contractor. According to the wastewater discharge permit application, specific methodologies, equipment, and operating procedures described in the application are subject to change by the selected contractor. This raises the issue of whether or not sufficient detail is now included in the Applicant's proposal, and if perhaps too much of the project design would occur after any project approvals are issued by the DEEP. Since detailed implementation plans are not included in the Applicant's proposal, it is unclear what, if any, additional approvals, including inland wetlands approvals, may be required for project implementation. It is also unclear if there will be an opportunity for Town review of the Applicant's detailed implementation plans.
3. The Applicant is aware that re-suspension of sediment during the proposed dredging operations may cause adverse impacts on environmental conditions in the River and Harbor. As a result, the Applicant proposes best management practices, including placement of turbidity curtains, to minimize sediment re-suspension. The Applicant believes that those curtains, which to minimize bottom disturbance will not come in contact with the River and Harbor bottom, will allow the dredging of all but one project area to be conducted during periods of anadromous fish migration and shellfish spawning. Dredging is normally prohibited by the DEEP during these periods. It is the sense of the committee that dredging during the migration and spawning periods may cause significant adverse impacts on shellfish and anadromous fish, especially if dredging occurs over more than one migration or spawning season. It is also the sense of the committee that additional consideration should be given to the use of cofferdam cells and alternative dredging methods in one or more of the project areas to minimize the adverse impacts caused by re-suspension of sediment.
4. An optical monitoring approach is proposed in the RAP to identify issues concerning the re-suspension of sediment in the water column during dredging operations. It is the sense of the committee that additional discussion of the effectiveness and appropriateness of this approach is needed, including consideration of the position of the monitor relative to the dredging cell, and the specific actions to be taken if the monitor detects any problems related to the re-suspension of sediment.
5. The RAP does not adequately describe plans by the Applicant to monitor water quality downstream of the remediation area in Southport Harbor prior to, during, and after the proposed project. It is the sense of the committee that such monitoring, of a range of water quality parameters, may be appropriate for the purpose of helping to ensure that the project does not result in any significant pollution entering the Harbor as a result of work in the upstream remediation areas.

6. The RAP describes a proposed project that would dredge 21,400 cubic yards of lead-impacted sediment. However, the General Permit Registration Form and Permit Application for Wastewater Discharges call for the dredging of 27,600 cubic yards, a 29% increase in the anticipated volume. There is no explanation for the increased volume and how this may affect the RAP.
7. The RAP describes the Applicant's project to remove lead-contaminated sediments from the River in 1983 and states that the River was subsequently re-contaminated with lead. It is the understanding of the committee that the re-contamination was caused by additional discharges from subsurface drainage pipes on and near the Applicant's property. It is unclear if all sources of potential re-contamination, including subsurface drainage pipes, have been properly investigated by the Applicant to ensure that no future re-contamination will occur. In addition, it is unclear who will be responsible for any future contamination that may be detected following completion of the Applicant's proposed remediation project.
8. As currently described in the RAP, the proposed remediation project would begin in April 2012 and be completed by December 2013. A revised schedule has not been provided.
9. Built in the early 1700s, the Tide Mill Dam at Harbor Road marks the upstream boundary of Southport Harbor. The structure of the dam and its concrete spillway have been damaged and repaired several times. The RAP includes no assessment of the existing structural integrity of the dam; of how any diminishment of that integrity may affect the RAP; and of how implementation of the RAP may affect the integrity of the dam.
10. The Applicant states that the benthic resources of the River and Harbor will be unavoidably affected by the proposed remediation project but will recover within one to three years. The RAP, however, does not include any detailed information concerning the existing living aquatic resources and habitat. It is unclear how the recovery of affected resources can be determined without baseline data concerning existing conditions in the areas to be affected. In addition, the applicant apparently does not intend to conduct any restoration of the benthic habitat affected by the proposed dredging operations. The committee recognizes that chromium contamination in Mill River sediments may be subject to future remediation actions by other parties, although the timing of such actions is currently not known. As a result, it may not be effective or appropriate to require the Applicant to immediately restore the benthic habitat affected by the proposed dredging project. It is the sense of the committee that in lieu of such restoration, consideration should be given to other types of mitigation, including but not limited to, establishment of a mitigation fund for future restoration projects. In addition, it is the sense of the committee that the effectiveness and appropriateness of immediate restoration and mitigation projects should continue to be evaluated.
11. Details of the dredging operation, including how dredging equipment would access the project areas bounded by the Tide Mill Dam, Post Road, railroad, and I-95, and how the hydraulic pipeline would be employed to pump dredged material to the processing site are not included in

the RAP. As a result, it is not possible at this time to completely assess the potential impacts of the proposed project on the nearby neighborhoods, including nuisance impacts and property impacts.

12. It is understood that the Mill River is identified by the State of Connecticut as an impaired water body, but it is unclear to what extent the proposed project will contribute to removal of the River from the State's list of impaired water bodies. Also, the River is currently deemed unsafe for fishing and swimming and it is unclear how it will be determined when the area will be safe for those activities.
13. It is reported in the RAP that the applicant owns underwater lands in the Mill River adjoining the proposed processing site. This raises the question of whether or not there are other private owners of underwater lands that would be affected by the proposed project, and if permission or special notification of those owners is required or appropriate in order to conduct the proposed remediation work.
14. The proposed sequence of work in the RAP shows that the most upstream project area, identified as Area V, will be the last area to be dredged. It is not clear why this area, upstream of I-95, would not be dredged earlier in the process, to avoid any potential downstream impacts to project areas where remediation has already been completed.
15. It is the sense of the committee that a period of time greater than 30 days may be needed in order for each of the interested Town commissions to: a) review information presented during the public meeting concerning the Applicant's proposal; b) review any necessary amendments to the Applicant's proposal following the meeting; and c) formulate each commission's findings and recommendations concerning the proposal. As a result, it is the sense of the committee that a comment period of 90 days following the public meeting is an appropriate period of time prior to any final decision by the DEEP regarding the Applicant's proposal.

End of Summary
01-09-13