

Rec'd 1/10/13
@ Public Info
Meeting

PUBLIC INFORMATIONAL MEETING
CONCERNING A PROPOSAL BY EXIDE GROUP, INC.
TO DREDGE LEAD-CONTAMINATED SEDIMENT FROM THE MILL
RIVER
AND SOUTHPORT HARBOR

WATER PROTECTION AND LAND REUSE

JAN 10 2013

January 10, 2013

REMEDIATION DIVISION

REMARKS BY MARY VON CONTA
CHAIRMAN, FAIRFIELD HARBOR MANAGEMENT COMMISSION

My name is Mary von Conta. I'm Chairman of the Fairfield Harbor Management Commission which has jurisdiction over Southport Harbor at the mouth of the Mill River. Members of the Commission are here tonight.

I'd like to make a statement concerning the responsibility of the Harbor Management Commission to review the Exide proposal and then I'd like to submit some comments specific to the proposal.

According to the Town Code and Connecticut General Statutes, it is the responsibility of the Commission to review all proposals affecting Southport Harbor so that we may determine the consistency of those proposals with the Town's Harbor Management Plan. The Plan has been adopted by the Representative Town Meeting and approved by the State of Connecticut.

It's our job to transmit our findings and recommendations on any proposal to the appropriate regulatory agencies. According to the General Statutes, a recommendation that we make pursuant to the Harbor Management Plan shall be binding on any state official making a regulatory decision affecting the Harbor, unless that official shows cause why a different course of action should be taken.

The Exide proposal, because some of it would occur in the Harbor and the rest of it may affect the Harbor, is subject to our project review authority. We will continue our review of the proposal following tonight's meeting, with the benefit of the knowledge we gain tonight.

I might mention that in completing our review we will give particular attention to the provisions of the Harbor Management Plan that call for the protection and enhancement of water quality, the conservation of aquatic resources such as shellfish and finfish, and the preservation of the quality of life in the residential neighborhoods near the Harbor.

I think I can speak for other members of the Harbor Management Commission when I say that we support the removal of lead-contaminated sediment from the Mill River and Southport Harbor, provided removal is accomplished in the most effective and environmentally sound manner. Our principal concerns are: 1) that work upstream in the River does not cause pollution downstream in the Harbor; 2) that fish and shellfish are not significantly harmed; and 3) that the work does not unduly disturb the neighborhoods that surround the Harbor.

In the course of our review, a committee of representatives of the Harbor Management Commission, Shellfish Commission, and Conservation Commission met to consider the Exide proposal and prepare a summary of issues and comments that we believe should be addressed by Exide and the DEEP. We've already provided a copy of our summary to Exide and the DEEP and I will submit a copy for the public record of tonight's meeting. The summary is posted on the Town website and we have some extra copies with us if anyone is interested.

Some of our main issues are:

1. We are concerned that too much of the details of the project's implementation method seem to be left up to the selected contractor, so that we're not able to evaluate all of the potential impacts at this time.
2. We are also concerned about the potential for re-suspension of sediment during the dredging operations, especially since the applicant proposes to work during fish spawning and migration periods when dredging is usually prohibited by the DEEP.
3. We are not aware of any plans to continually monitor water quality downstream of the project areas for the duration of the project in order to help ensure that the Harbor is not being adversely affected.
4. The Remedial Action Plan calls for dredging about 21,000 cubic yards of sediment. The other project documents call for over 27,000 cubic yards. We can't find the explanation for this increase.
6. It is unclear if all sources of potential re-contamination, including all subsurface pipes, have been thoroughly examined to ensure that no re-contamination occurs as it apparently did after the Applicant's 1983 remediation work.

7. The Applicant states that the ecology of the River bottom will naturally restore itself in one to three years but no baseline of existing ecological conditions has been presented against which to judge future restoration.
8. We recognize there is chromium contamination in the River that may be subject to future remediation, but the timing of that is unknown. As a result, we don't know if it makes sense to require the Applicant to restore the bottom ecology of the dredged areas now, or provide for some sort of future mitigation of adverse impacts.
9. No assessment of the structural integrity of the Tide Mill Dam is included, and we don't know how the project will affect that integrity or vice versa.
10. The proposed schedule of work in the documents we reviewed is outdated and requires revision.
11. We'd like the DEP to address how this project will help remove the Mill River from the State's list of impaired water bodies.
12. Are there any private owners of underwater lands in the River that must be notified before the project proceeds?
13. We are concerned that the proposed sequence of work shows that the most upstream project area will be the last area dredged, which seems to leave open the possibility of downstream impacts in areas already remediated.
14. And finally, we are concerned that the DEEP's proposed 30-day comment period may not be sufficient to allow the Applicant to respond to our questions and for the Harbor Management Commission and other Town agencies to review the response and prepare their final recommendations. As a result, a reasonable extension of the comment period may be appropriate.

Thank you for the opportunity to provide these comments.