

Gonyea, Donald

From: Joy Shaw [jtsffd@gmail.com]
Sent: Tuesday, February 19, 2013 6:33 PM
To: Gonyea, Donald
Cc: Fusaro, Carolyn
Subject: Qualification of Exide lead removal proposal for NPDES & SedRAP permits

We find it completely unacceptable that the DEEP is proceeding with this project with total disregard for the schedule clearly spelled out in its own prior agreement with Inco/Exide, the 2008 Consent Order. This order stated that Exide would apply for all necessary permits for this project AFTER the DEP has approved a remedial action plan. However, to our dismay, Exide has somehow been allowed to apply for OLISP and NPDES permits at the same time as it is applying for a permit for its remediation (SedRAP) "plan," in total disregard for the 2008 Consent Order. Likewise, completely out order with this mutual agreement, the SedRAP public comment period is Scheduled to end AFTER the NPDES comment period! The terms of the 2008 Consent Order clarified that the SedRAP had to be approved, with ALL DETAILS of the project presented for public consideration, BEFORE the NPDES and OLISP permits could even be applied for.

We are dismayed and find unconscionable that the DEEP is apparently accepting issuance of an OLISP permit, to be issued as a "general permit," (for the proposed Exide "clean-up" of Fairfield, CT's upper Mill River estuary) without allowing any chance for a public hearing. An "individual permit" is what would seem appropriate for this project, supposedly designed to remedy 60 years of Exide's lead pollution in this river.

This deplorable, inexcusably improper way of proceeding against the stipulations of your own department's order has left the concerned public and local commissions responsible for all important activities on this abused section of this Mill River with minimal opportunity for input that is their right to have regarding this most seriously life-destroying operation on this river. Presented below are some of the most alarming inadequacies and major concerns regarding this so-called "plan."

Inequacy of so-called "plan" (SedRAP)

The SedRAP is only a rough outline of how Exide proposes to handle this sensitive project. It does not qualify as a plan because it lacks the most significant details. Absence of such detail has made it impossible for the Fairfield Conservation Commission to even determine whether an Inland Wetland permit should be required! (If it develops that one is needed after DEEP issues its permit, the situation would be extremely upsetting and difficult to deal with!)

Cooperative clean-up needed

We are still concerned that this project is being rushed through with no indication of any progress on getting Superior Plating's chromium pollution removed in conjunction with the lead removal. Lead removal should wait until lead and chromium can be removed simultaneously, so that the living river system would not have to be deeply disrupted all over again.

Selection of least damaging process for river & most efficient and effective for clean-up

The public has has no opportunity to speak for the living river system in regard to the way the lead (and other toxic materials) will be removed. A major swath of this community feels that coffer-dams would be far more effective in preventing the spread of resuspended contaminated sediments (as will result from the proposed hydraulic dredging with silt curtain

"containment"). It seems totally unconscionable that our supposed protective state agency is not assuring the local public and commissions the fullest possible opportunity for discussion of this concern with a public hearing. The DEEP will bear the shame of whatever impairment of the living river system results.

Restoration of river bottom and micro and macro habitats

The local community is equally concerned that there is no provision in the so-called "plan" for refilling of the excavated holes, which will pose an ecological hazard for the river ecosystem's recovery (anaerobic sumps/reduction of oxygen/prevention of stream-bottom repopulation). Nor does this "plan" include other habitat restoration intent regarding valuable stream-bottom habitat features such as stumps and boulders that will be moved or removed in the process of excavation. A back-hoe in a waterless coffer-dam cell would make tending to both of these vitally important habitat needs more feasible. The coffer-dam system would also allow spawning species to run upstream with the least toxic exposure.

This selection is just the highlights of our concern with a processing that reeks of dereliction of duty for your agency in regard to this supposed remedial action.

Sincerely yours,

Joy Shaw. 476 Old Mill Road, Fairfield, CT. 2/19/13

Sent from my iPad
