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WATER PROTECTION AND LAND REUSE  
REMEDATION DIVISION

**Sent:** Tuesday, February 19, 2013 5:10 PM

**Subject:** Mill River Fairfield Cleanup - Exide- DEEP Action Needed

MAR 12 2013

February 19, 2013

SITE NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TOWN \_\_\_\_\_  
FILE TYPE \_\_\_\_\_ REM \_\_\_\_\_

Via email only to: [daniel.esty@ct.gov](mailto:daniel.esty@ct.gov)

Daniel C. Esty, Commissioner  
State of Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106

RE: Exide/Mill River Cleanup- Fairfield, CT

Dear Commissioner Esty:

The undersigned residents of the Town of Fairfield, Connecticut are concerned about the proposed cleanup of Mill River, the largest river in Fairfield, which flows into Southport Harbor and Long Island Sound. Mill River has been polluted by lead, chromium and other toxins for over 50 years.

We ask that you intervene into the permitting process and ensure that DEEP adheres to the permitting sequence set forth in its Consent Order dated October 20, 2008, which states that the remediation action plan ("SED/RAP") was to be approved *prior to* applications being filed for various required permits. The Consent Order was recorded in the Land Records of the Town of Fairfield, and has been relied upon by the public since 2008. However, it appears that Exide has filed applications for coastal permits ("OLISP") and discharge permits ("NPDES") simultaneous with the SED/RAP. We believe this has resulted in inadequate review and participation by the public and the Town of Fairfield.

On behalf of our Town, and Mill River, an important natural resource of the State, we ask that you require that the permitting sequence set forth in the Consent Order be followed and that any permitting activity be suspended and/or terminated and re-submitted after the SED/RAP has been fully evaluated and approved by DEEP, pursuant to the Consent Order.

We also ask that you ensure that DEEP seriously considers the substantive recommendations it is receiving from the Fairfield Conservation Commission, Fairfield Shellfish Commission, Fairfield

Harbor Management Commission and from other public officials, in its final review and approval of the SED/RAP and related State permits.

Signed by (note: the following residents are members of Fairfield's Representative Town Meeting, although they are supporting this letter as private citizens):

*Peter Ambrose, Edward J Bateson III, David M. Becker, Kathryn L. Braun, Thomas P. Conley, Heather Dean, Joseph M. DeMartino, Francis Ference, Michael Herley, Jennifer Hochberg, Arthur G. Hug, Ellen Jacob, Amy M. Jennings, Dana Kery, Jay Lipp, G. David Mackenzie, Allen Marks, Sheila H. Marmion, Thomas E. McCarthy, Mary I. McCullough, Amy Mezzoff, Gaylord Meyer, Nicholas D. Mirabile, Eric S. Newman, Joseph J. Palmer, Carol Pontrelli, Harold G. Schwartz, Ann Stamler, Jeffrey R. Steele, Jeffrey Stopa, Eric G. Sundman, Carol J. Way, Jay G. Wolk*

cc: Fairfield First Selectman Michael Tetreau; Fairfield Selectmen Christin Mcarthy-Vahey and Kevin Kiley; Fairfield Conservation Department Director Thomas Steinke and Administrator Annette Jacobson; State Legislators John McKinney, Brenda Kupchick, Kim Fawcett and Tony Hwang; DEEP contacts Carolyn Fusaro and Donald Gonyea