



TOWN OF FAIRFIELD

FILL PILE, REMEDIATION & PENFIELD HISTORY & OVERVIEW



SITES FOR TODAY'S DISCUSSION

- Fill Pile
- Julian Fill Sites
 - Penfield Pavilion
- Water Pollution Control Authority

Key Acronyms:

DEEP: Connecticut Department of Environmental & Energy Protection

EPA: U.S. Environmental Protection Agency

LEP: Licensed Environmental Professional

NOV: Notice of Violation



BACKGROUND – FILL PILE

- Julian Enterprises was awarded the bid to operate the Fill Pile from 2013-2016, with a focus on reducing the size of the Fill Pile.
- In 2016, neighbors reported heavy truck traffic and that the size of the Fill Pile instead increased.
- In Nov. 2016, Logical Environmental Solutions (Logical) was hired to perform tests on the Fill Pile and identified PCBs and other contaminants in loads accepted by Julian Enterprises.
- The Fill Pile was shut down in light of Logical's findings.
- In 2018, the berm was constructed by the Town without the DEEP-required permits.

FILL PILE

- Fill Pile regulated as “solid waste disposal area” and is subject to DEEP and EPA regulations
- DEEP issued NOV’s to the Town relating to environmental conditions at the Fill Pile
 - Oct. 31, 2019 – PCB concentrations identified at Fill Pile
 - Jan. 6, 2020 – Altering a solid waste disposal area (i.e., Fill Pile) without the required permit
 - Feb. 24, 2020 – Depositing dredge spoils without a permit at the Fill Pile
- The Town’s LEP, Weston & Sampson, coordinated with DEEP and EPA staff to investigate / sample the Fill Pile
 - The investigation of the Fill Pile is substantially complete
- The Town, DEEP and EPA staff continue to work together to develop the DEEP- and EPA-approved remedy to address the Fill Pile
 - The approved remedy requires concurrence from EPA and several DEEP Divisions (e.g., Solid Waste, Remediation, PCB Unit)



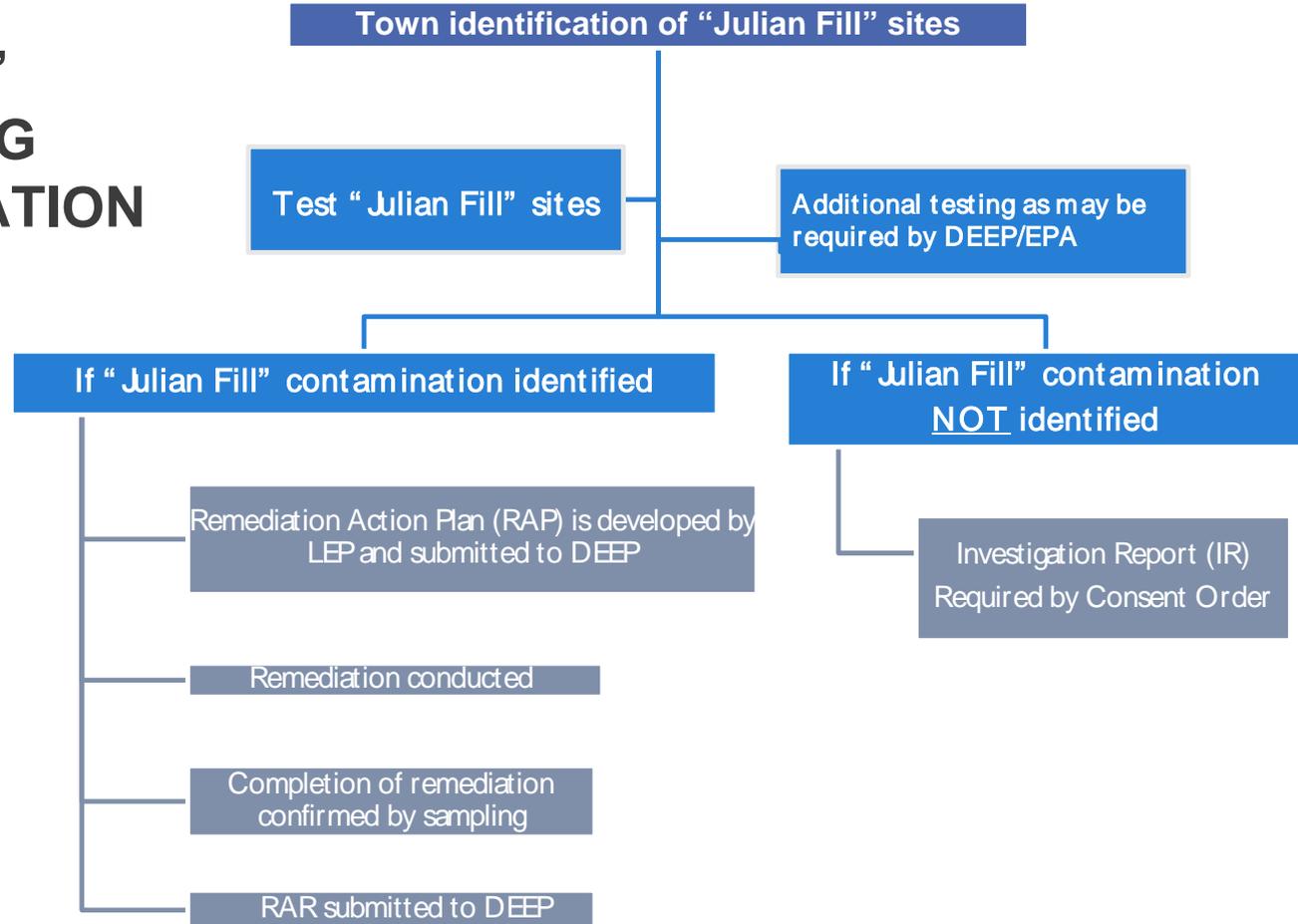
FILL PILE NEXT STEPS

- Remedial alternatives submitted to DEEP and EPA at end of 2021
- DEEP and EPA concurrence required to implement remedy
- Weston & Sampson, together with the Administration, will hold a public hearing regarding the Fill Pile remedy

BACKGROUND - “JULIAN FILL” SITES

- “Julian Fill” (i.e., materials taken from the Fill Pile) was provided by Julian Enterprises to the Town for use at locations within the Town’s municipal boundaries
- Sampling data indicates that “Julian Fill” sometimes contains contaminants and, in some instances, asbestos and/or PCBs
- To address these “Julian Fill” sites, the Town negotiated and executed a Consent Order on October 26, 2020, which sets the ground rules to address the “Julian Fill” sites
- The Town’s LEP, Tighe & Bond, investigates and, if necessary, oversees “Julian Fill” site remediation
- Remediation efforts are certified by the LEP and filed with DEEP for all “Julian Fill” sites

“JULIAN FILL” SITES TESTING AND REMEDIATION



“JULIAN FILL” SITES

“Julian Fill” was used at multiple locations at certain sites.

- Osborn Hill Elementary
- Beach Road
- McKinley Elementary Soccer Field
- Coral Drive
- Dougiello Field
- High Ridge Road
- Jennings Elementary Soccer Field
- North Stratfield Elementary Soccer Field
- Samp Mortar
- Gould Manor
- Tunxis Hill
- Fairfield Woods Middle School Fields
- Lake Mohegan
- Burroughs Park Soccer Fields
- Southport Beach
- Mill Hill Elementary Sidewalk
- Fairfield Ludlowe High School Courtyard
- Jennings Beach
- Sunset Avenue
- Ye Yacht Yard
- Perry Street
- Stratfield Road
- Burr Elementary Soccer Field
- Senior Center Soccer Field
- South Pine Creek Rec. Area
- Tomlinson Middle School Drainage
- Town Hall Soccer Field
- Dwight Elementary Soccer Field
- Riverfield Elementary Field
- Tennis Facility/Old Dam Road
- Penfield Pavilion
- Fire Training School
- Frank Rice Senior Trail
- Hoydens Hill Area
- Mill Hill Road
- Holland Hill Elementary Soccer Field
- Ronald Drive
- Smith Richardson
- Hillside Road

*Sites highlighted in green have been remediated or fully investigated and require no remediation.

PENFIELD PAVILION: BUILDING HISTORY

- A new Penfield Pavilion was completed in the summer of 2011, costing the Town almost \$5 million, and was a year old when it was destroyed by Hurricane Sandy.
- In 2016, FEMA determined the Town would be eligible for \$4.3 million in reimbursement towards reconstruction of Penfield Pavilion.
- Later that year, FEMA put a hold on the reimbursement and warned the Town to consider halting construction, “as such work could compromise future eligibility”. (August 2016 Letter)
- In March 2017 the pavilion reopened, which cost over \$7.3 million.
- In 2018, FEMA deemed the project ineligible for reimbursement.
- The Town appealed in 2019.
- June 2019, FEMA denied the first appeal.
- June 2021, FEMA reinstated the NOV, denying the appeal, and notified the Town that Penfield would need to be fixed at the foundation. According to FEMA, the pavilion does not comply with floodplain management regulations and has horizontal grade beams above the natural grade and below the base flood elevation.
- The Town is currently in negotiations with FEMA to resolve outstanding violations.
- Residents will have an opportunity to weigh in on future options of Penfield Pavilion.



“JULIAN FILL” - PENFIELD PAVILION

- Significant amount of “Julian Fill” was used under Penfield Pavilion and in the parking lot
 - The Site is subject to the testing and remediation requirements in the Consent Order
 - Initial soil and air testing was conducted to ensure the safety of the public
- Additional testing is in progress to comply with Consent Order

WPCA

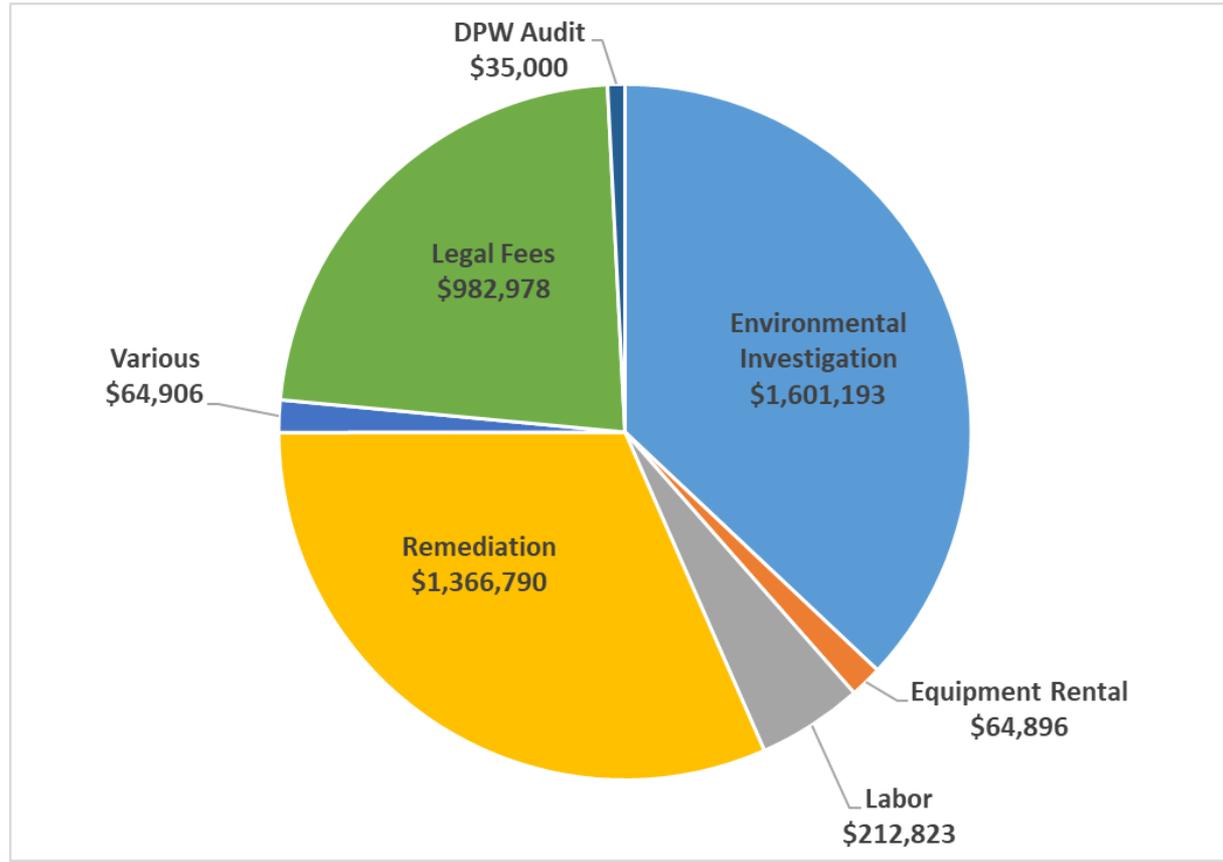
- In September 2020, an NOV was received on Waste Water Treatment Plant resulting from multiple PCB discoveries during the hardening project, which was undertaken to better protect the treatment plant from coastal flooding from large storms and sea level rise.
- The site is not “Julian Fill” but WWTP is located on the old Nike site with historical contamination.
- Investigation proposal being prepared by the LEP to be submitted to regulatory agencies.



Funding and Expenditures

<u>Funding Source</u>		<u>Appropriated</u>	<u>Expended</u>	<u>Encumbered</u>	<u>Available</u>
Operating Budget (9/1/16 - 6/31/19)	Ex A	\$918,791	\$918,791	\$0	\$0
Surplus Transfers	Ex B	\$9,885,000	\$2,353,942	\$246,432	\$7,284,626
Town Bonding	Ex C	\$1,484,000	\$1,055,853	\$258,484	\$169,663
WPCA Bonding (Other Contamination)	Ex D	\$202,000	\$32,953	\$13,700	\$155,347
Total		\$11,689,791	\$4,361,539	\$518,616	\$6,809,636

EXPENDITURES BY CATEGORY



PROJECTED COSTS

<i>Amounts are in millions</i>	Range of Costs			Included in Capital Plan		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>FY 22</u>	<u>FY 23</u>	<u>FY 24</u>
Penfield - Remediation	\$3.0	\$4.0	\$5.0	\$0.5	\$4.5	
Fill Pile - Remediation	\$4	\$6	\$8*	\$0.5	\$4	\$3.5
Other Sites - Remediation	\$3	\$4	\$5	\$1	\$4	
Penfield Pkg Lot - Remediation	\$2	\$2.5	\$3	0	0	\$3
Total - Remediation	\$12	\$16.5	\$21	\$2	\$12.5	\$6.5
Penfield - Construction	\$7	\$8.5	\$10	0	\$4	\$6
GRAND TOTAL	\$19.0	\$25.0	\$31.0	\$2.0	\$16.5	\$12.5

*Estimates from DEEP could range as high as \$100 million. Negotiations are underway - all estimates are contingent upon regulatory agencies' approval (DEEP, EPA, FEMA).

IN SUMMARY

- Safety of our residents is paramount
- All work on “Julian Fill” sites require approvals from DEEP & EPA every step of the way
- It’s a fluid and ongoing process

TIMELINE

**2013-
2016**

Julian Enterprises hired to manage Fill Pile

**JUNE
2019**

FEMA denies Penfield funding appeal

**OCT
2019**

DEEP PCB NOV re: Fill Pile issued

**SEPT
2020**

DEEP NOV re: WPCA

2021
"Julian Fill" sites remediation; Fill Pile investigation

**DEC
2021**

"Julian Fill" site RARs submitted to DEEP



**APRIL
2016**

FEMA notice advising of Penfield non-compliance

**AUG
2019**

Gould Manor contamination identified

**JAN-FEB
2020**

Solid Waste NOVs re: Fill Pile

**OCT
2020**

DEEP Consent Order executed

**JUNE
2021**

FEMA reinstated Penfield NOV



Operating Budget Expenditures
9/1/2016 to 6/30/2019

Exhibit A

Total Appropriation	\$918,791
Expenditures by Category	Amount
Legal Fees	\$186,900
Environmental Investigation	\$170,354
Remediation Costs	\$246,907
Equipment Rental	\$64,896
Fuel & Lube	\$6,973
Erosion, Sediment, Dust Control	\$4,329
Landscaping	\$17,754
Copying and File Storage	\$7,855
Labor	\$212,823
Total Expense	\$918,791

Surplus Transfers
(ACCT: 22809010-57000 REMED)
as of 1/14/2022

Exhibit B

Transfers in from Surplus...

Oct-19	\$800,000
Dec-19	\$200,000
Feb-20	\$800,000
May-20	\$400,000
May-21	\$800,000
Oct-22	\$6,885,000
Total	\$9,885,000

Expenditures by Category

DPW Audit	\$35,000
Remediation	\$449,066
Environmental Investigation	\$1,231,720
Legal Fees	\$615,506
Various	\$22,650
Total Expense	\$2,353,942

Encumbrances

Environmental Investigation	\$56,468
Legal Fees	\$188,298
Various	\$1,666
Total Encumbered	\$246,432

Total Committed **\$2,600,373**

Amount Available as of 1/14/2022 **\$7,284,627**

Town Bonding
(ACCT: 25605030-57026)
as of 1/14/2022

Exhibit C

Bonding Authorization **\$1,484,000**

Expenditures by Category	Amount
Remediation	\$670,817
Various	\$1,154
Environmental Investigation	\$199,119
Legal Fees	\$180,572
Various	\$4,191
Total Expense	\$1,055,853

Encumbrances	
Remediation	\$227,981
Environmental Investigation	\$30,503
Total Encumbered	\$258,484

Amount Available as of 1/14/2022 **\$169,663**

WPCA Bonding
(ACCT: 25613010-57026)
as of 1/14/2022

Exhibit D

Bonding Authorization **\$202,000**

Expenditures by Category	
Remediation	\$32,354
Various - Bond Issuance	\$599
Total Expense	\$32,953

Encumbrances	
Environmental Investigation	\$13,700

Amount Available as of 1/14/2022 **\$155,347**