



# 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

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### 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 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

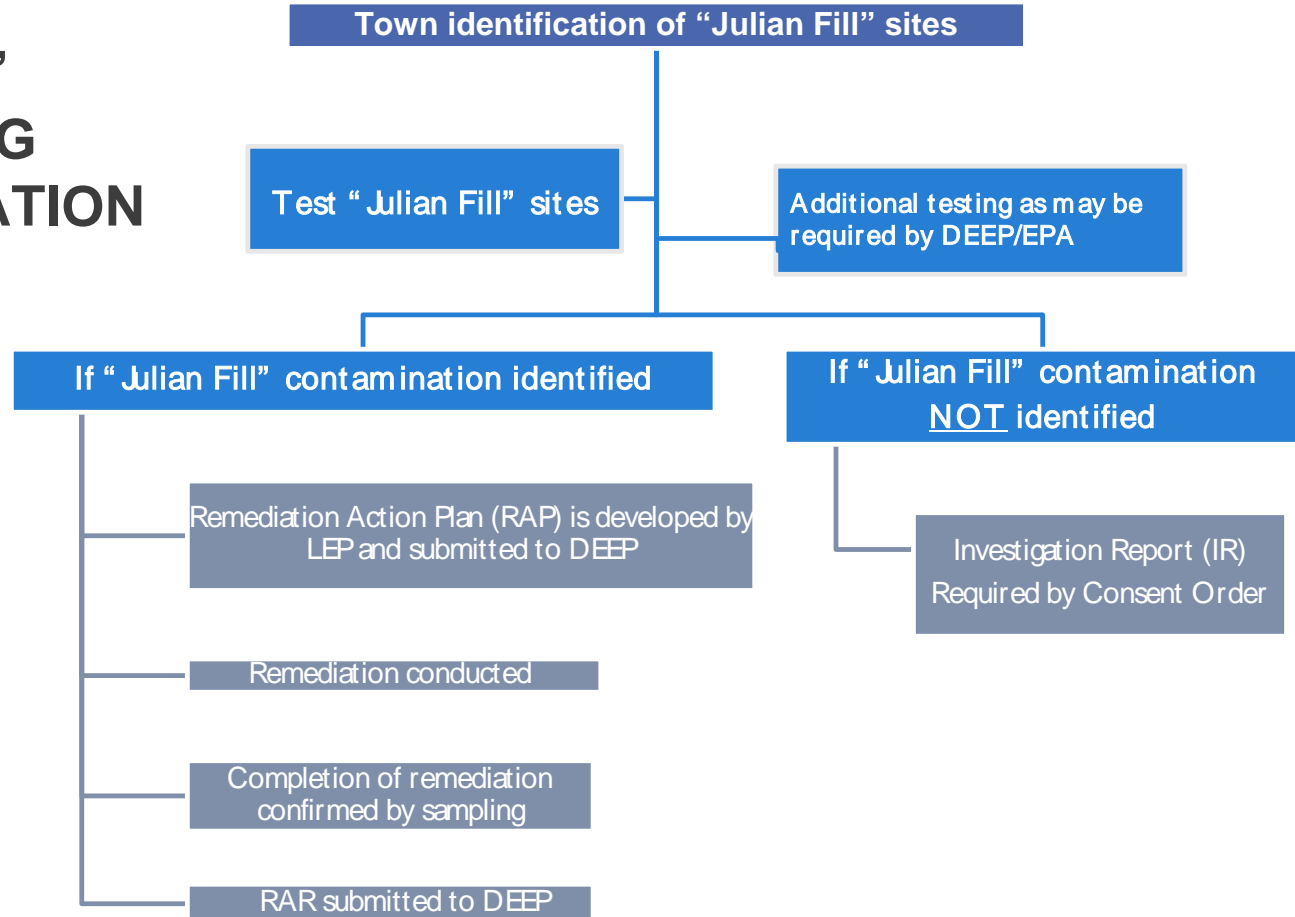
- Remedial alternatives submitted to DEEP and EPA at end of 2021
- DEEP and EPA concurrence required to implement remedy
- Weston & Sampson, together with the Administration, will hold a public hearing regarding the Fill Pile remedy

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



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## “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

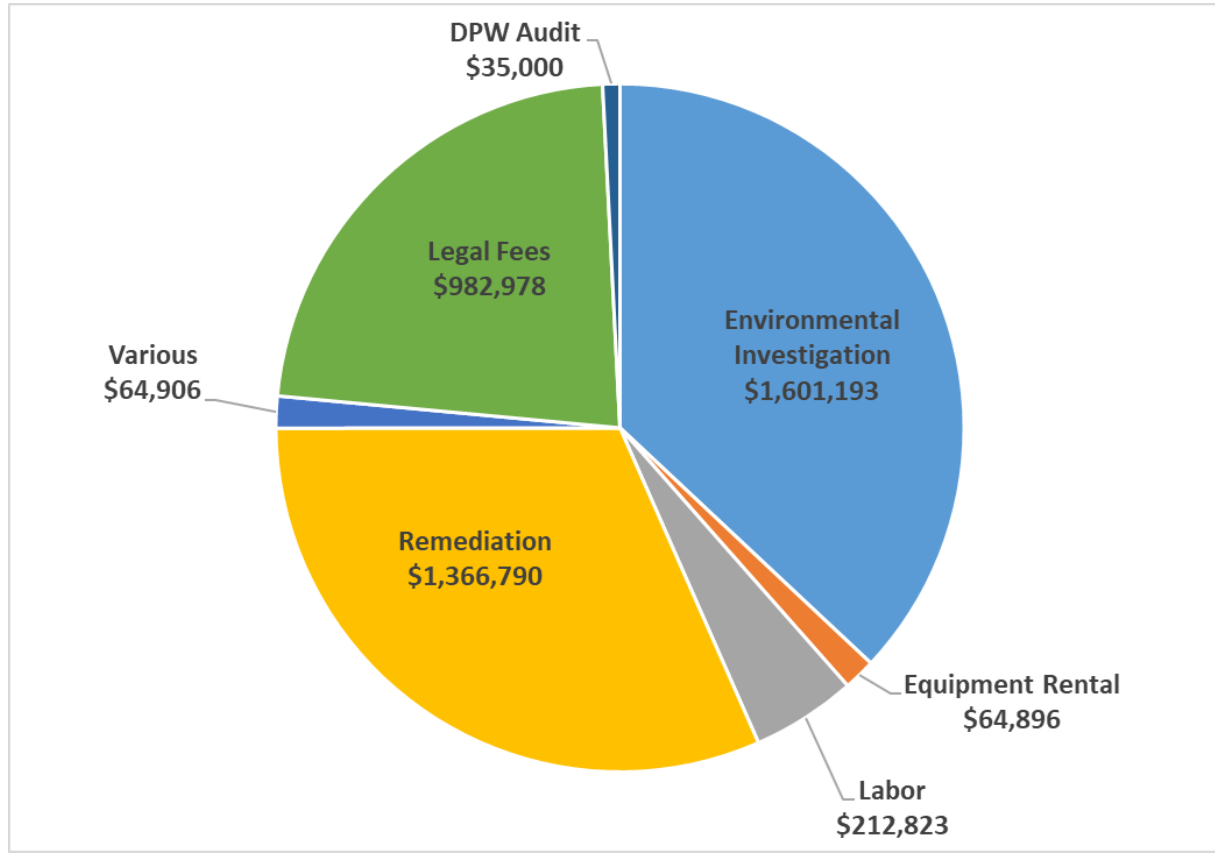
- In September 2020, an NOV was received on Waste Water Treatment Plant resulting from multiple PCB discoveries during the hardening project, which was undertaken to better protect the treatment plant from coastal flooding from large storms and sea level rise.
- The site is not “Julian Fill” but WWTP 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
<b>Total</b>		<b>\$11,689,791</b>	<b>\$4,361,539</b>	<b>\$518,616</b>	<b>\$6,809,636</b>

# 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).

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## 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**

<b>Expenditures by Category</b>	<b>Amount</b>
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
<b>Total Expense</b>	<b>\$918,791</b>

**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
<b>Total</b>	<b>\$9,885,000</b>

**Expenditures by Category**

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

**Encumbrances**

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

**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**

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

<b>Encumbrances</b>	
Remediation	\$227,981
Environmental Investigation	\$30,503
<b>Total Encumbered</b>	<b>\$258,484</b>

**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**

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

<b>Encumbrances</b>	
Environmental Investigation	\$13,700

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