



# TOWN OF FAIRFIELD

FILL PILE, REMEDIATION & PENFIELD STATUS & UPDATE



## SITES FOR TODAY'S DISCUSSION

- Fill Pile
- Julian Fill Sites – DEEP Consent Order
  - Penfield Pavilion

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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





# FILL PILE



## FILL PILE | BACKGROUND

- 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.

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## FILL PILE | NOTICES OF VIOLATION

- DEEP issued NOVs 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 soils without a permit at the Fill Pile
- EPA issued an NOV in Jan 2020 for illegal disposal of PCBs at the Fill Pile

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## FILL PILE | REMEDIATION PLAN

- The Town's LEP, Weston & Sampson, coordinated with DEEP and EPA staff to investigate / sample the Fill Pile as a “solid waste disposal area”.
- In 2021, the LEP conducted testing according to a plan developed in conjunction with DEEP and EPA.
- As requested by DEEP and EPA staff, in December of 2021, the LEP developed and submitted proposed alternative approaches (with cost estimates) to remediate the Fill Pile. The remedial alternatives were discussed, and, in 2022, the alternatives were revised based on discussions with regulators.
- To date, neither DEEP nor EPA has indicated which alternative will be approved to remediate the Fill Pile.
- This month, DEEP, EPA and the State's Attorney's Office inspected the Fill Pile with the Town representatives and the LEP.
- Next Steps:
  - Once the remediation plan is agreed to by DEEP and EPA, Weston & Sampson, together with the Administration, will hold a public hearing regarding the Fill Pile remedy.





# “JULIAN FILL” SITES

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## “JULIAN FILL” SITES | BACKGROUND

- “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 set the ground rules to address the “Julian Fill” sites.
- The Town’s LEP, Tighe & Bond, investigates and, if necessary, oversees “Julian Fill” site remediation.



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## “JULIAN FILL” REMEDIATED SITES

- 2/3 of the sites are completed
- Expenditures to date: \$3 million

Beach Road

Burr Elementary Soccer Field

Burroughs Park Soccer Fields

Coral Drive

Dougiello Field

Dwight Elementary Soccer Field

Fairfield Ludlowe High School Courtyard

Fairfield Woods Middle School Fields

Gould Manor

High Ridge Road

Holland Hill Elementary Soccer Field

Jennings Beach

Jennings Elementary Soccer Field

Lake Mohegan

McKinley Elementary Soccer Field

Mill Hill Elementary Sidewalk

Mill Hill Road

North Stratfield Elementary Soccer Field

Osborn Hill Elementary

Perry Street

Riverfield Elementary Field

Samp Mortar

Southport Beach

Sunset Avenue

Tomlinson Middle School Drainage

Town Hall Soccer Field

Tunxis Hill

Ye Yacht Yard

## “JULIAN FILL” SITES IN PROGRESS

- 1/3 are in progress
- Projected additional expenditures: \$3 million

Stratfield Road

Senior Center Soccer Field

South Pine Creek Rec. Area

Tennis Facility/Old Dam Road

Fire Training School

Frank Rice Senior Trail

Hoydens Hill Area

Ronald Drive

Smith Richardson

Hillside Road

\*Penfield not included



# PENFIELD PAVILION

“Julian Fill” Site & FEMA Violation



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## “JULIAN FILL” - PENFIELD PAVILION

- This site is subject to the testing and remediation requirements in the Consent Order because “Julian Fill” was used under Penfield Pavilion and in the parking lot.
- Under the Consent Order, the Town is legally required to remove all “Julian Fill” under the building.
- We cannot yet confirm how much “Julian Fill” was used under the building or in the parking lot, as it is based on incomplete documentation provided at the time of construction. Until the LEP begins remediation under the building to identify the amount of fill, the costs are only estimates.

# 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 severely damaged 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)
- Construction continued despite FEMA’s outreach.
- In March 2017 the new pavilion reopened at a cost of an additional \$7.3 million.



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## PENFIELD PAVILION

- In 2018, FEMA deemed the project ineligible for reimbursement and issued an NOV.
- The Town sent a letter to FEMA in 2019 appealing the reimbursement decision.
- In June 2019, FEMA denied the appeal.
- In June 2021, FEMA denied the final appeal and reinstated the NOV, and notified the Town that the Penfield foundation does not comply with floodplain management regulations.
- In July 2021, the Town entered into discussions with FEMA to address the NOV.



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## STATUS OF FEMA NEGOTIATIONS - PENFIELD PAVILION

- The pavilion consists of two buildings – the locker building and the main building.
- The foundation from the main building violates FEMA regulations and needs to be replaced. (The locker room building can be left alone).
- Elevation of the beach must be lowered to the original elevation of 8'.
- The Town is required to address the outstanding violations.
  
- If the Town again fails to comply with FEMA, it may result in the following:
  - Our community is at risk of losing any and all future federal grants and funding,
  - Current FEMA insurance rates will increase for 2,000 homeowners
  - FEMA insurance is subject to complete suspension until full compliance

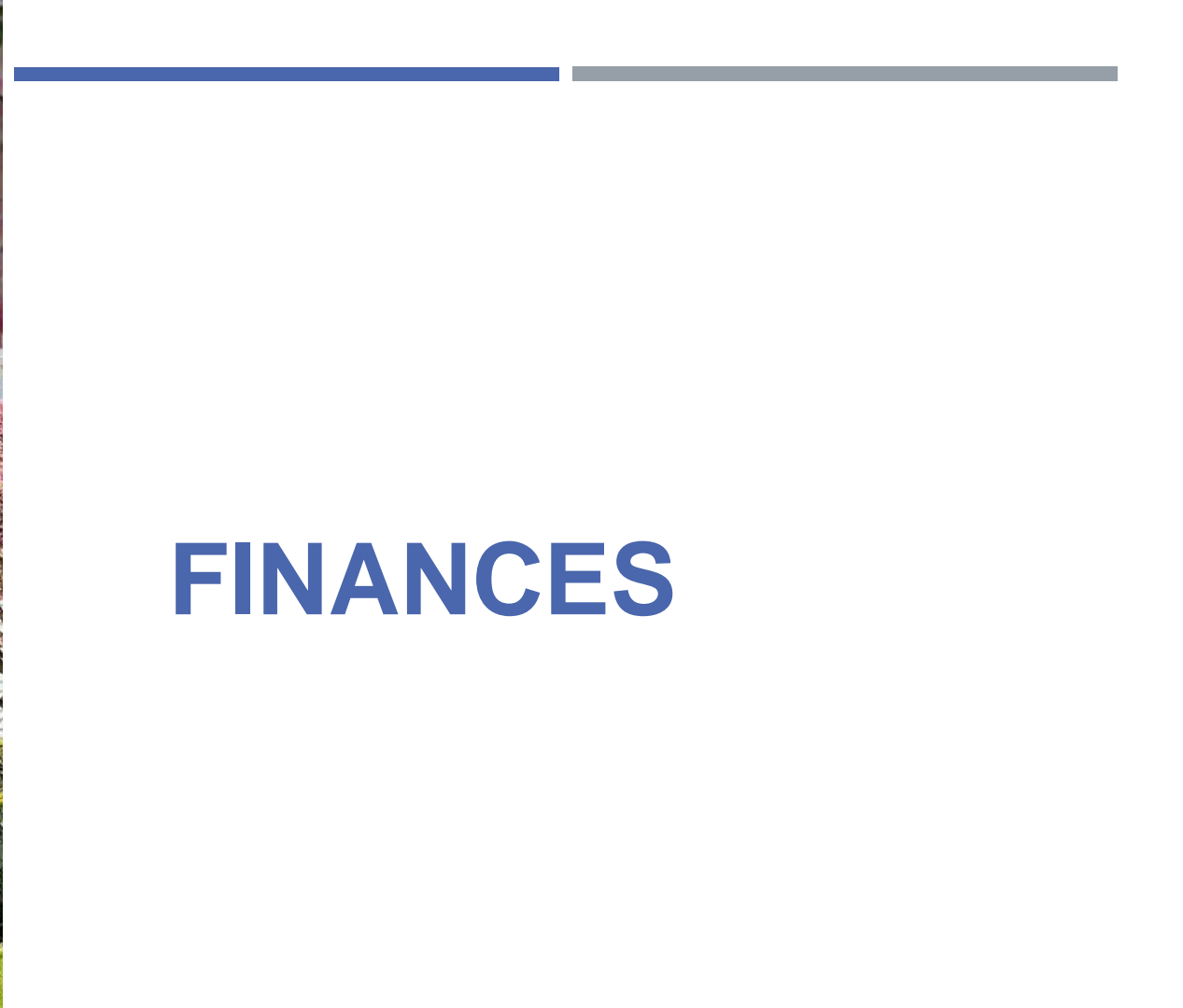
## PENFIELD PAVILION | NEXT STEPS

### **To be in compliance with DEEP & the Consent Order:**

1. The Town must remove all contaminated material beneath the building: *\$4-\$5 million*

### **To be in compliance with FEMA regulations, there are two options (preliminary estimates):**

1. Demolish the main building, and build *another* new Pavilion: *\$9-12 million; 4 years*  
(Today's FEMA standards would require a new pavilion be raised an additional foot higher than existing building.)
2. Keep the current main building intact, replace the foundation: *\$8 million; 12 – 15 months*



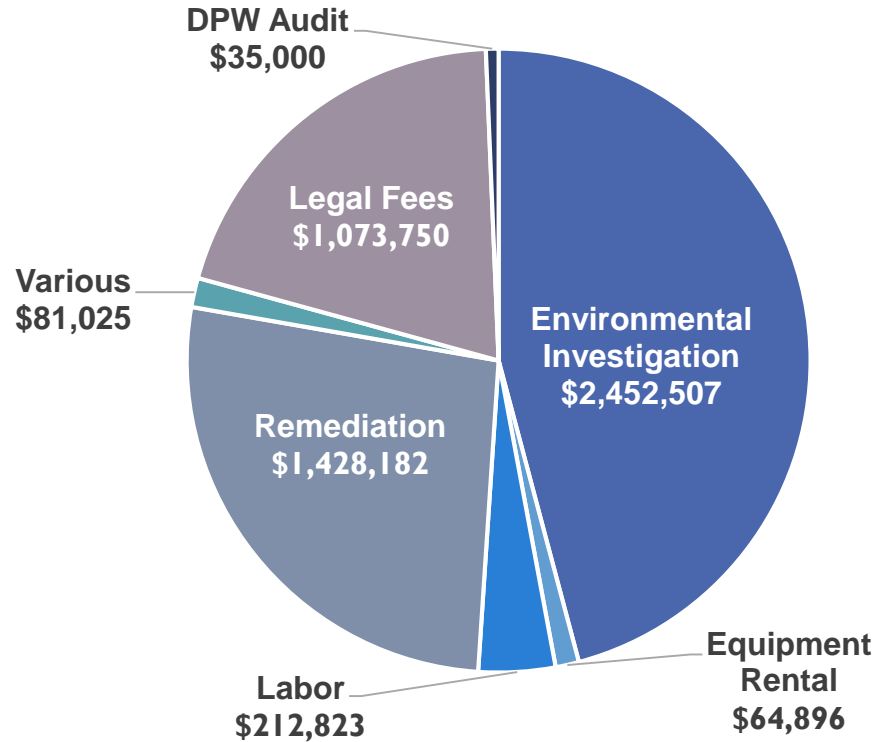
# FINANCES



## Funding and Expenditures (see additional backup)

| Funding Source                      | Appropriated        | Expended           | Encumbered       | Available          |
|-------------------------------------|---------------------|--------------------|------------------|--------------------|
| Operating Budget (9/1/16 - 6/31/19) | \$918,791           | \$918,791          | \$0              | \$0                |
| Surplus Transfers                   | \$9,885,000         | \$3,128,464        | \$328,370        | \$6,428,165        |
| Town Bonding                        | \$1,484,000         | \$1,251,173        | \$45,653         | \$187,174          |
| ARPA                                | \$1,000,000         | \$0                | \$0              | \$1,000,000        |
| <b>Total</b>                        | <b>\$13,287,791</b> | <b>\$5,298,428</b> | <b>\$374,023</b> | <b>\$7,615,339</b> |

# EXPENDITURES BY CATEGORY



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## IN SUMMARY

- The safety of our residents and the protection of our Town's environment is paramount for this Administration.
- The Town has made significant progress toward addressing the "Julian Fill" sites in accordance with the legally binding Consent Order. More work remains to complete the Town's obligations.
- All work on "Julian Fill" sites requires review, concurrence and approvals from DEEP & EPA every step of the way.
- Some of the costs cannot be determined until work begins.
- **We will begin requesting approvals as early as next month and will provide you with all necessary backup information.**

# 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-  
2022**

"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



## Fill Pile Presentation

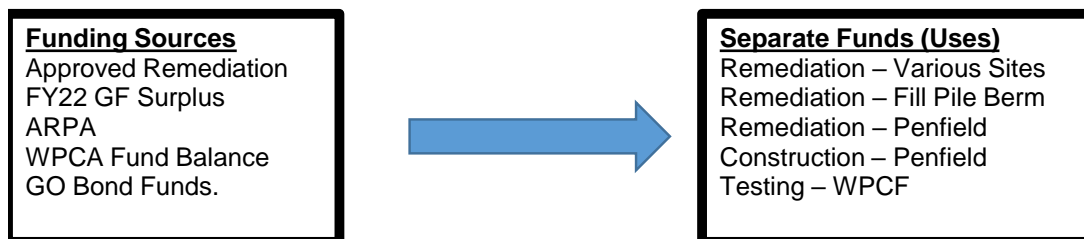
August 31, 2022 | Financial Back Up

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| Total Expenditures By Category |                        |
|--------------------------------|------------------------|
| Environmental Investigation*   | \$ 2,452,507.00        |
| Remediation*                   | \$ 1,428,182.00        |
| Legal Fees                     | \$ 1,073,750.00        |
| DPW Audit                      | \$ 35,000.00           |
| Labor                          | \$ 212,823.00          |
| Equipment Rental               | \$ 64,896.00           |
| Misc.                          | \$ 81,025.00           |
|                                | <b>\$ 5,348,183.00</b> |

| Location                          | Expended*<br>(Testing & Remediation ) | Projected Expense        |
|-----------------------------------|---------------------------------------|--------------------------|
| Fill Pile                         | \$ 539,360.00                         | TBD                      |
| "Julian Fill" Sites               | \$ 3,031,060.00                       | *\$3 million             |
| Penfield"Julian Fill" Remediation | \$ 128,339.00                         | *\$4 - 5 million         |
| Penfield Construction             |                                       | *\$8 - 12 million        |
|                                   | <b>\$ 3,698,759.00</b>                | <b>\$15 - 20 million</b> |

For transparency, tracking, and monitoring of projects, we are proposing to create five separate funds. The proposals will identify and designate sources of funding for the each of these five purposes.



\*Projected expenses are preliminary estimates based on documentation provided to us.