

Minutes
CONSERVATION COMMISSION/ INLAND WETLANDS AGENCY
WATERTOWN, CONNECTICUT
PUBLIC HEARING
Application # 652 - ECHO LAKE BROWNFIELD

Meeting Date Thursday, January 8, 2009
Time: 7:50 pm
Meeting Place: Watertown High School Technology Center
324 French Street
Watertown Connecticut

Members Present: Mr. Ed Undercuffler, Chairman
Mr. Donato Orsini, Vice Chairman
Mr. Tom Murphy, Secretary
Mr. Mike Genovese

Members Absent: Mr. Tony DiBona
Mr. Joe Polletta
Mr. Jim Zawadzki

Alternate Present: Ms. Martha Sturgis
Ms. Denise Russ

Alternate Absent: Mr. Michael Brown

Others Present: Ms. Ruth Mulcahy, Land Use Administrator
Mr. Chuck Berger, Town Engineer
Mr. Chuck Bezio, Land Use Secretary

1. Call Meeting to Order

Chairman Undercuffler called the Public Hearing to Order at 7:50 pm.

2. Roll Call

Mr. Murphy executed the Roll Call.

Chairman Undercuffler seated Martha Sturgis for Tony DiBona and Denise Russ for Jim Zawadzki.

Chairman Undercuffler read aloud the Ground Rules as follows for the record:

**“GROUND RULES FOR CONSERVATION COMMISSION/
INLAND WETLANDS AGENCY”**

1. The applicant or his representative will make his formal presentation to the Commission stating the proposed regulated activities, the wetland impacts, and the alternatives which were considered by the applicant.
2. All comments, discussion and observations shall be made through the Chair after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his name for the record.
4. Following the presentation of the application, the Conservation Commission/ Inland Wetland Agency will ask specific questions of the applicant.
5. After the Commission has asked its questions of the applicant, I shall then allow any members of the public who wishes to speak either in favor of this application or against it to address the Commission.
6. I shall then allow the applicant to respond to the comments of the members of the general public.
7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Conservation Commission/Inland Wetland Agency has thirty five days from the date the public hearing commences to complete the public hearing. The Commission may ask the applicant for a thirty five day extension of the public hearing period if the commission requires any additional information or wishes to schedule a site walk to observe the situation for them.
10. The Conservation Commission/Inland Wetland Agency has thirty five days from the date when the Public Hearing is closed to render its decision.

3. Hearing of Applications

Continuation of the Public Hearing from November 13, 2008 – Application #652 of Echo Lake Brownfield, LLC for piping a watercourse associated with the restoration of Echo Lake Landfill located on the north side of Echo Lake Road in an IR-80 Restricted Industrial Zoning District.

Recess or adjourn the Public Hearing must be closed by January 8, 2008 unless applicant grants an extension of time.

Ted Crawford from Milone and MacBroom was present and reviewed the application with the Commission.

Public – Members of the public complained that they were not able to see the plans that Mr. Crawford was discussing. Chairman Undercuffler moved the public so they could see the presentation better.

Mr. Crawford reviewed with the Commission the letter dated 01/08/09 from Fuss & O'Neil. Mr. Crawford advised the Commission that the applicant has addressed all the concerns of Fuss & O'Neil. Mr. Crawford reviewed the revised plans with the Commission. Mr. Crawford discussed the seepage and the revisions to the plans. Mr. Crawford advised the Commission that less fill would not reduce the impact to the wetlands. Mr. Crawford reviewed with the Commission the proposed retaining wall and stated that the wall is not feasible or prudent because at its highest point it will 56' high. The length and height is excessive and would be a tremendous cost to the applicant. The retaining wall would decrease the useable land for the applicant. Mr. Crawford reviewed with the Commission, Town Engineer's Chuck Berger's concerns with the peak flow of run off.

Chairman Undercuffler expressed concerns with the length of the pipe.
Chairman Undercuffler also expressed concerns with the lack of a manhole.
Chairman Undercuffler expressed concerns with where is the water going?

Mr. Crawford explained that there is a second pipe in case the main pipe gets clogged.

Town Engineer Chuck Berger was present and advised the Commission that he is ok with the design of the pipe because the manufacture is guaranteeing the design. Mr. Berger noted that this site is unique and the pipe should be considered so. Mr. Berger noted that this is not something he would recommend as a town project because maintenance and repair could be extremely expensive.

Mr. Crawford answered Mr. Orsini question regarding the diameter of the pipe. Mr. Crawford replied "the pipe is 36 inches in diameter.

Ms. Mulcahy expressed concerns with the areas of the pollutants, debris and containments in the regulated areas on the site. Ms. Mulcahy asked the applicant why the retaining wall, is so high? Ms. Mulcahy asked the applicant if the 56' retaining wall at it maximum height was due to the amount of material being brought to the, site? Ms. Mulcahy asked the applicant how much material is required to adequately close this landfill compared to what is being proposed?

Mr. Crawford advised the Commission that the retaining wall is 725' in length. Mr. Crawford advised the Commission he does not have the details on how much material is actually needed to close this landfill compared to how much is being proposed.

Ms. Mulcahy advised the Commission that once the applicant has submitted alternatives, the Commission may consider any of the five plans submitted into the record for approval. Ms. Mulcahy expressed concerns with the fact that the applicant has not submitted into the record the plan approved by the Army Corp of Engineers.

Intervenor Judith Brideau owner of 0 Echo Lake Road was present and asked the Commission why they would consider a pipe proposal from the applicant that the Town Engineer would not approve for the Town.

Town Engineer Chuck Berger again reminded the Commission that he would not recommend the pipe because of the costs of maintenance and repair.

Chairman Undercuffler expressed concerns that the prior DEP and Army Corp of Engineers approvals are in the prior owners name and was wondering if the approval were transferable.

James Brideau was present and expressed concerns with the soils that will be used and the fill locations. Mr. Brideau stated that this project appears to be a landfill expansion not a landfill closing. Mr. Brideau expressed concerns with the lack of information and details on the bedding for the pipe. Mr. Brideau expressed concerns that the entire pipe and system will collapse.

Margret Miner from the River Alliance was present and stated that she is happy that this site finally is going to be addressed. Ms. Miner expressed concerns with how this site is going to be closed. Ms. Miner requested that the Commission coordinate with the approval from the DEP and Army Corp of Engineers. Ms. Miner advised the Commission that she spoke with DEP today and stated that the applicant has not received approvals yet.

Attorney Joseph Wellington from Carmody & Torrance was present and explained that this site is a landfill and has over 150 thousand tires on the site. Attorney Wellington advised the Commission that there are contaminates on the parcel. Attorney Wellington advised the Commissions that the landfill is being investigated and will be closed.

Attorney Wellington advised the Commission that the DEP will be supervising the materials that will be brought to the site. Attorney Wellington submitted in to the record a letters dated 12/31/08 and 1/5/09.

Mr. Orsini expressed concerns that there will be conflict of interest with the DEP Independent License Expert requirement if Pure Earth is hired to over see this project.

Attorney Wellington advised the Commission that Pure Earth will have an independent audit that will verify their work.

Ms. Sturgis expressed concerns because an LEP has not been retained yet.

Chairman Undercuffler expressed concerns with the LEP not being monitored.

Mr. Brideau expressed concerns with not knowing where the fill materials are coming from. Mr. Brideau also expressed concerns that the applicant is refusing to disclose this information to the Commission and the public.

Chairman Undercuffler read a letter dated 1/6/09 from the intervener Judith Brideau into the record.

January 6, 2009

Watertown Inland/Wetland Commission

At the November 13th, 2008 inland/wetland meeting, Pure Earth said they would be bringing in 212,000 cubic yards of soil from unknown origins. They said that every 20th truck would be checked. What happens if contamination is in the other 19 truckloads? An article in the Town Times, in a sentence quoting Sheila Gleason from the Connecticut DEP, stated that the LEP (licensed environmental professional) who would be overseeing the site works for Pure Earth and "Pure Earth is a member of Echo Lake Brownfield LLC."

At the November 13th Inland Wetland meeting, Pure Earth's attorney, Mr. Wellington, was asked by a commission member where the soil was coming from and he answered that they did not know.

On Pure Earth's quarterly report dated November 14, 2008 (Source: Yahoo Finance), Pure Earth states that they are:

"locating and acciuirin Brownfield sites for subsequent development, restoration and potential resale, using capping material from our existing facilities or directly from our customer base. (Source: Yahoo Finance)

Also, in this report, under the Table of Contents under their paragraph on Environmental Services the report states:

We generate revenues from fees charged for our environmental consulting and related specialty services, including well drilling and the disposal of medical waste, We have recently acquired our first Brownfield site and plan to take steps to cap this property with soils from our Transportation and Disposal se2ment. We estimate that we will begin generating revenues from our Brownfield operations in the second quarter or third of 2009.

I would also like the commission to take note of some information found on Pure Earth's Quarterly report. (Dated October 8, 2008, Source: Yahoo Finance)

Pure Earth owns many subsidiaries. Among those are:

Rio Methods LLC whose primary operation is disposal of regulated medical waste from doctors' offices, hospitals and nursing homes. Primary target markets Connecticut.

Casie Ecology Oil and MidAtlantic Recycling Technologies, Inc. whose primary operation is the processing and recycling of oils, solvents, refinery wastes, contaminated soils and filter cakes in solid and liquid form from the Northeastern United States.

PEI Disposal Group, Juda Construction and Pure Earth Transportation and Disposal, which all transport and dispose of contaminated and clean soils. These primary target markets are New York City Metropolitan areas, Long Island and Northern New Jersey.

It is interesting to note that Northern New Jersey is also commonly referred to as "Cancer Alley". Does the Town of Watertown want formerly contaminated soils from others states and even potentially incinerated medical waste in their town? This supposedly remediated soil can eventually make its way into the groundwater and then into the Stream and to the Naugatuck River.

What they are bringing in could potentially be worse than what is already there.

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Judith Brideau

Ms. Brideau reviewed her report with the Commission. Ms. Brideau noted that the applicant's quarterly report that states "Pure Earth: locating and acquiring Brownfield sites for subsequent development, restoration and potential resale, using capping material from our existing facilities or directly from our customer base." Ms. Brideau advised the Commission that she had spoken with Shelia Gleason from the DEP and that there is a conflict of interest with Pure Earth doing the work of as the LEP.

Ms. Mulcahy asked the applicant how much material is needed to close the landfill.

Mr. Crawford advised the Commission that he does not have the calculation requested by Ms. Mulcahy.

John Pillis of 1490 Echo Lake Road was present and expressed concerns with the project having an effect on his well water. Mr. Pillis wanted assurances from the applicant that his well water will be safe. Mr. Pillis told the Commission that his property is located across the street. Mr. Pillis told the Commission that he is the local historian for Watertown.

Attorney Wellington advised the Commission that they will not be removing the construction demolition debris.

Mr. Pillis advised the Commission that there are old TV sets, blasting fill, and a huge dump truck that has been buried. Mr. Pillis advised the Commission that he recently had a PCB test and his water is acceptable. Mr. Phillis expressed concerns with the drinking water quality. Mr. Phillis recommended having the applicant to do routine drinking water test during construction for all their neighbors. Mr. Phillis wanted assurances that his drinking water will be acceptable after construction. Mr. Phillis also expressed concerns with the height of the plateau.

Attorney Wellington told Mr. Phillis drinking water concerns should be addressed to the area health department.

Mr. Pillis stated “What happens when our drinking water become contaminated?”

Joseph Bienkowski of 413 Longhill, Shelton CT was present and advised the Commission that he is a friend of the Intervenors James and Judith Brideau. Mr. Bienkowski expressed concerns with the location of this site in relation to the Naugatuck River and the State Forest. Mr. Bienkowski expressed concerns with the magnitude of the project and the design as presented by the applicant and recommended using boulders for the step slopes. Mr. Bienkowski urged the Commission to use rip rap slopes instead of a retaining wall.

Mr. Crawford reminded the Commission that the retaining wall will decrease the amount of usable land for future development of the property.

Mr. Bienkowski expressed concerns with what the developers of this parcel was thinking when they cleared cut acres of the neighbors land. Mr. Bienkowski expressed concerns with this applicant not even being aware of the boundaries.

Ms. Miner reminded the Commission that this site does need to be cleaned up and urged the Commission to do its best to achieve the clean up and limit any impacts to the regulated areas.

Mr. Brideau expressed concerns with the debris on the property and what future development would be planned for the site.

Chairman Undercuffler noted that this is a large scale project but it is in the best interest of the town that the site be cleaned up.

Susan Kuohia of 63 Buckingham Street was present and expressed concerns with size and scale of this project. Ms. Kuohia urged the Commission for more oversight on the project. Ms. Kuohia also expressed how uncomfortable she is with this project and what the after effects of this proposal will be.

Mr. Genovese moved to close the public hearing. Ms. Sturgis seconded the motion.

Discussion: The Commission discussed the possibility of weekly sedimentation and erosion control inspection. Phil Frozely from Fuss and O’Neil was present and submitted into the record a report dated 01/08/09 indicating that the applicant has addressed all their and the towns concerns.

Vote: 6 in favor Abstained: 0 Opposed: 0

MOTION PASSED UNANIMOUSLY

Attest:

A handwritten signature in black ink, appearing to read 'Ed Undercuffler', written over a horizontal line.

Ed Undercuffler, Chairman
Conservation Commission
Inland/Wetland Agency

Approved by: Chuck Bezio, Land Use Secretary