

**Policies & Procurement Committee
March 10, 2011 Meeting
Telephonic Draft Minutes**

Members Present: Dave Damer, Committee Chairman
Dot Kelly
Nicholas Mullane

CRRA Staff Present: Tom Kirk, President
Peter Egan, Director of Environmental Affairs
Laurie Hunt, Director of Legal Services
Christopher Shepard, Environmental Engineer
Moirra Benacquista, Secretary to the Board/Paralegal

Members of the Public Present: John Pizzimenti of USA Hauling.

Chairman Damer called the meeting to order at 9:34 a.m. and noted that a quorum was present.

Chairman Damer noted there were no members of the public present which cared to speak during public comment, so the regular meeting would commence.

1. **APPROVAL OF MINUTES OF THE FEB. 10, 2011, POLICIES & PROCUREMENT COMMITTEE MEETING**

Chairman Damer requested a motion to accept the minutes of the Feb. 10, 2011, Policies & Procurement Committee meeting. The motion to approve the minutes was made by Director Kelly and seconded by Chairman Damer.

The committee asked Mrs. Benacquista to review the time noted for entrance and exit to the Executive session and to bring those corrected and amended pages to next month's meeting.

2. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING THE COMPLETION OF BASELINE ECOLOGICAL RISK ASSESSMENT AT THE WALLINGFORD LANDFILL**

Chairman Damer requested a motion on the above-referenced item. Director Kelly made the motion, which was seconded by Director Mullane.

RESOLVED: That the President is hereby authorized to enter into a contract with O'Reilly, Talbot & Okun Associates, Inc. to complete a baseline ecological risk assessment at the Wallingford Landfill, substantially as presented and discussed at this meeting.

Mr. Egan said this activity was anticipated by management and is a requirement of CRRA's stewardship permit which was issued to the Wallingford landfill a year and half ago. He said funds were reserved for this activity. Mr. Egan said the Wallingford Landfill is essentially regulated under hazardous waste regulations due to the presence an old hazardous waste cell. He said as result, despite the fact that most of the landfill was not used for such activities, because of that hazardous waste area the entire landfill came under the requirements of the hazardous waste regulations. Mr. Egan said this

ecological risk assessment is essentially one of the steps needed to demonstrate to the government that there is no risk to human health and the environment.

Chairman Damer asked what hazardous waste activities took place there and how large the hazardous waste portion of the landfill is. Mr. Shepard replied that the waste which was disposed of was metal hydroxide sludge, a listed hazardous waste. He explained it was disposed of in two areas of the landfill, the first a disposal cell operated prior to the effective date on hazardous waste regulations totaling approximately 2.5-3 acres. Mr. Shepard said the second area is approximately 2.5 acres and was also operated by the Town of Wallingford which disposed of the same waste.

Mr. Shepard said the Connecticut Department of Environmental Protection (hereinafter referred to as "CT DEP") is looking for CRRA to complete the ecological risk assessment within their fiscal year. He said this site has certain milestones that must be met as part of the Corrective Action goals due to the hazardous waste disposal. Mr. Shepard said for the Wallingford Landfill CRRA has not technically met the milestones for remedy selection and construction complete. He said to meet those milestones CRRA has to first go through the ecological risk assessment. Mr. Shepard said the landfill closure has been completed and certified by the CT DEP. He said it is management's goal for that closure to be the selected remedy making the construction therefore complete. Mr. Shepard said this assessment is primarily to confirm that the ground water discharged from the site does not pose an ecological risk.

Director Kelly said there are target levels which the CT DEP can use as a guide for whether or not this ground water discharge poses an ecological risk. Mr. Shepard said that was correct. He said there are target levels which will be utilized in evaluating data. Mr. Shepard said for human health remediation of contaminated sites Connecticut has a remediation standard regulation with definitive numbers for every potential contaminate of concern. He said the ecological risk side involves more art than science as both potential receptors as well as the potential stressors must be considered.

Mr. Shepard said if there is an exceedence of certain criteria and no receptors then there are no risks. He said the scope of work which was put together by O'Reilly, Talbot & Okun Associates, Inc. (hereinafter referred to as "OTO") proposed the most in terms of evaluating both the stressors and the receptors. Director Kelly asked if management's proposal will meet the CT DEP's requirements. Mr. Shepard said he has had held discussions with the CT DEP since receiving the scope of work and the CT DEP has indicated they wish to make certain changes. He said for the most part the CT DEP is satisfied with the scope of work however they have suggested the number of sampling locations in the Quinnipiac River be reduced with some of that sampling being done in the wetlands area.

Mr. Shepard said there are four lines of evidence which OTO is going to investigate. Director Mullane said CRRA management recommends that an RFS include the optional task of preparing a Remedial Action Plan for \$5,000. He asked what the other two companies bid for that service. Mr. Shepard said that OTO was the only firm which included putting together a Remedial Action Plan as an optional task. He said the other two firms did not provide a price for a Remedial Action Plan. Director Mullane asked if that was a request item in the RFP. Mr. Shepard replied no.

Mr. Shepard said management is meeting with the CT DEP to discuss the proposed scope, review some of the sample locations and to consider adding additional evaluations of ground water data over the last fifteen years. Chairman Damer asked if those additional requests will change the price from OTO. Mr. Shepard said moving sample locations should not impact the price. He said

depending on what level of ground water modeling is requested by the CT DEP there may be some changes to the pricing. Mr. Shepard said management has some in-house capabilities to address the CT DEP's questions and concerns and also uses the services of a separate groundwater monitoring contractor aside from OTO which may also potentially provide services and data as well. Chairman Damer asked if management will have this information prior to the Board meeting. Mr. Shepard said management should have that information as the scope of work needs to be well defined before OTO gets out starting the first week of April. He said the CT DEP and CRRA want to get this done as quickly as possible.

Director Kelly said her concern from a pricing point of view was that OTO was not doing analytical work such as metal in the sediments or toxicity tests of the surface water which could have a significant impact on the price. Chairman Damer said he would assume OTO is going to be analyzing for metals. Mr. Shepard said that was correct. He said at the Wallingford landfill metals are the concern. Mr. Shepard said the number of sediment samples represents analysis for metals. He said OTO had 40 samples budgeted for metal analysis. Mr. Shepard said the AVS/SEM is a specific method that may be utilized for certain modeling of bio-availability of metals. He said the CT DEP is ultimately looking for toxicity data in the sediments and as the AVS/SEM does not provide much more information it is probably not worth the expenditure as the AVS/SEM model only evaluates 6 different metals total, and the site-specific list of metals is approximately 14.

Mr. Shepard said iron, manganese and arsenic will be of the most potential concern. He said OTO is taking a holistic view of the landfill environment and the stressors and the receptors and is providing more lines of evidence and more types of evaluation than the other bidders.

Mr. Egan said CRRA is accommodating the CT DEP by trying to move this item ahead quickly. He said if the CT DEP gets this accomplished by Sept. 30, 2011, they can add this to their list of accomplishments submitted to Region 1 EPA which helps funding flow back to the State of Connecticut. Mr. Egan said CRRA does not have to fast track this item however management is assisting and expects the CT DEP to work with CRRA to move this ahead quickly.

Mr. Egan said management brought this item to the Committee and subsequently will bring it to the Board because the price is close to \$50,000 and changes to the price may place the total over that threshold for reporting. He said OTO is a new engineering firm on CRRA's list, and is a good firm which management wants to provide some business to. Mr. Egan said in the past the Board has shown concern about making sure those firms within the stable are provided work.

Director Kelly said that is a good point and puts pressure on the other firms to issue competitive bids. Mr. Egan said the more firms CRRA does business with the more bids are received every three years which helps to keep T&M costs lower. Chairman Damer agreed. He said it is in the best interest of the CT DEP and CRRA to have this issue resolved. Chairman Damer said he has some concern as the CT DEP may not approve of CRRA's proposal. He said he is supportive of the resolution pending the CT DEP's adjustments and suggestions. Chairman Damer said it is good to bring this item to the Board given how close it is to \$50,000.

Mr. Egan said these engineering firms were competitively bid out to put into the stable for three year service agreements. He said management could have sat down with one firm and negotiated a price however; because this process is an art form management asked multiple firms to weigh in and provide pricing. Mr. Egan said there is a value to the art piece of this process which is difficult to put a

dollar value on. He said OTO came to management with a scope of work which was a little different and may be considered more valuable by the CT DEP and may help with the final analysis.

Mr. Shepard said the CT DEP asked CRRA to provide a schedule to achieve remedy selection and construction complete by Sept 30, 2011. He said in CRRA's response letter management proposed two schedules, an aggressive schedule to be met by Sept. 30, 2011, and a second more realistic schedule for Sept. 30, 2012. Mr. Shepard said the more aggressive schedule will require open lines of communication between CRRA and the CT DEP and quick document review by the CT DEP. He said the CT DEP committed to the aggressive schedule and at this point some of the back and forth is occurring with a sit down meeting the next week to address questions and concerns on the scope.

Chairman Damer said the CT DEP's commitment to the aggressive schedule suggests they do not feel that this landfill is a substantial risk, and management agreed. Director Mullane said that CRRA would be considering this to be the first phase to come to that determination. He said depending on the results of this work management will then know if more work will be required in regards to studies and analysis.

Chairman Damer said that a screening level analysis was already done which he assumes was more of a review of existing data. Mr. Shepard agreed, he said in addition to the review of existing ground water data certain target sampling was done in the field as well. He said with the base line ecological risk assessment management has been able to target other areas and whittled down the three primary areas of interest to the CT DEP, the wetlands on the Barbarino property, the Quinnipiac River and one more wetland flood plain area on the Northern part of the property. Mr. Shepard said through that data management was able to target more of the sediments and ground water data.

Chairman Damer said that he is in support of this resolution with the provision that the meeting with the CT DEP occurs next week, that there are no substantial changes in the scope and minor variances in the cost be incorporated in what goes to the Board recognizing that if the CT DEP is not able to come to conclusions in the discussions held next week that this may slip beyond the April 1st deadline. He said he is comfortable with this if it meets the CT DEP needs. The Committee agreed.

Director Mullane asked where this byproduct came from. Mr. Shepard replied that it was primarily from metal finishing industries.

The motion was approved unanimously by roll call.

3. **INFORMATIONAL**

Chairman Damer said that the Informational section had been thoroughly reviewed.

4. **EXECUTIVE SESSION**

Chairman Damer requested a motion to enter into Executive Session to discuss pending litigation, trade secrets, personnel matters, and feasibility estimates and evaluations. The motion made by Director Kelly and seconded by Director Mullane was approved unanimously. Chairman Damer requested that the following people remain for the Executive Session, in addition to the Committee members:

Tom Kirk
Laurie Hunt, Esq.
Peter Egan

The Executive Session commenced at 10:04 a.m. and concluded at 11:19 a.m. Chairman Damer noted that no votes were taken.

The meeting was reconvened at 11:19 a.m., the door was opened, and the Board secretary and all members of the public (of which there were none) were invited back in for the continuation of public session.

ADJOURNMENT

Chairman Damer requested a motion to adjourn the meeting. The motion made by Director Kelly and seconded by Director Mullane was approved unanimously by roll call.

The meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Moira Benacquista
Secretary to the Board/Paralegal