



OSPREY ENVIRONMENTAL ENGINEERING, LLC

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Mr. Emmet Hibson, Director of Human Resources
Town of Fairfield
725 Old Post Road
Fairfield, CT 06824

30 August 2019

Re: Response to Warrant Environmental Allegations
Aggregate Recycling Yard Berm Project, Fairfield, CT

At your request, I have reviewed the Application For Arrest Warrant, dated 31 July 2019 and issued for Mr. Scott Bartlett, to address inaccuracies as they relate to findings pertaining to US EPA Hazardous Wastes and CT Department of Energy & Environmental Protection (DEEP) Regulated Wastes (contaminants). At the outset it should be clear that I was working as the Town's Professional Engineer/Environmental Consultant on issues related to the Aggregate Yard and associated soils characterization but was never interviewed or requested to give a statement to the police or other investigating agencies regarding the facts alleged in this warrant.

In the warrant it appears that the Town only hired my firm, Osprey Environmental Engineering, on December 16, 2016. In fact, Osprey performed services related to the Aggregate Yard and associated soils well before December 2016. Osprey was retained by the Town for testing purposes for Aggregate Yard soils for over 15 years. Additionally as the site was subject to the regulations of the DEEP Stormwater General Permit, Osprey was providing services to ensure compliance with the monitoring and compliance requirements of this permit. The warrant also indicates that the berm was substantially completed prior to the Town's application to the State for permission to close the site and build the berm and that the application was received by the State on April 12, 2018. The Town entered into discussions with the DEEP in mid-2017 after a Phase I Environmental Site Assessment revealed that the area under the Aggregate Yard had been used as a municipal solid waste landfill. It was unclear if this was covered under the DEEP Permit to operate the primary landfill area (now closed) to the west of the adjacent pond, and guidance was sought as to how the DEEP wished to see this secondary closed landfill (under the Aggregate Yard) issue resolved. They indicated a permit application should be submitted for closure of an unpermitted landfill and agreed that the permit should be submitted after the local jurisdictional issues (Inland Wetlands/Conservation, Planning & Zoning), and achieving consensus with Town residents had been resolved. As such, the Town was in discussion with the State for several months prior to the submission of the closure application. The application was submitted shortly after final approvals had been given by the Town oversight bodies and after public meetings with residents had resulted in the evolution of a plan addressing their concerns.

Contrary to the impression given, the Town did not begin the initial phase of the berm project until April 17, 2018 and did not begin moving earth until later in April after a project Health & Safety plan was prepared and presented to DPW Town workers. At this time, the Town had several conversations with the State and had submitted its application for the building of the berm and the closing of the fill yard.

As for the materials in the berm, the warrant indicates that extensive chemical characterization of the materials was done in the construction of the berm. The warrant further holds that there were concentrations of arsenic above the residential and industrial/commercial DEC criteria. This is misleading. There are several sets of Federal and State regulations that were referenced in the soil remediation plan, and the most appropriate regulatory criteria were identified and set forth in the remediation decision tree that was developed and accepted for this project. The project was performed in compliance with this document. Soils with elevated levels of arsenic, often found to be naturally occurring in Connecticut, were appropriately handled in conformance with the decision tree.

During the building of the berm, weekly meetings were conducted with Town site workers to review project conditions and issues, testing was performed in accordance with established sampling and analytical protocols, and results were compared to the decision tree to determine work precautions in excavating soil grids and the method of disposition of soils from each grid. This testing was made available at the Town website that time and is still available for review. All

material used in the berm meet acceptable use standards based on the remediation decision tree, stormwater and air emissions met applicable criteria, and extensive reports are available to document the work completed.

In summary, a great deal of effort was expended in evolving a plan acceptable to the town residents, the local land use boards, the Town Public Works employees, and the CT DEEP. Procedures and protocols were developed for the berm project to ensure environmental and health & safety compliance, extensive environmental testing was conducted to verify site conditions, and the information was made available to the public.

Should you have any questions regarding the above, please contact me. I will respond to questions directed to you should further clarification regarding the above be required.

Sincerely,

Osprey Environmental Engineering, LLC.

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

Robert Grabarek, P.E., L.S., LEP

President