

FREQUENTLY ASKED QUESTIONS REGARDING THE USE OF FILL FROM AGGREGATE PILE

The following questions and responses were compiled by the [Fairfield Health Department](#). These will be updated as more information becomes available. For additional information regarding the use of fill from the Reclamation Yard aggregate pile, please visit fairfieldct.org/filluseissues.

1. Why was “toxic waste dumped” on Town parks and ballfields (including school grounds)?

There is no evidence of toxic or hazardous waste being dumped at town parks or fields. To suggest that “toxic waste was dumped” at town sites is factually inaccurate, misleading and irresponsible.

What we know is this:

The purpose of the aggregate fill facility was to accept bulky inert materials generated from road construction and other public works maintenance projects (asphalt, concrete, rock, soil) and mix them with clean soils to produce a recycled aggregate product that was suitable for use in certain areas, notably as fill under roads and parking lots. It was never intended to be used in residential, park or playground areas.

Concerns were raised in 2014 and 2015 about the finding of pieces of siding shingle and glass along the sidewalk area of Gould Manor Park along Holland Hill Road, and on several soccer fields. The Department of Public Works and the Department of Parks and Recreation, respectively, addressed these matters at the time by removing the material and placing new topsoil and grass at the sites. Unfortunately, DPW did not do an adequate job in response to these concerns, as was subsequently determined.

Separately, in November 2016 a Julian Development truck was seen to dump construction waste materials at the back of the aggregate fill pile. That material was tested and shown to contain PCBs and lead, in violation of the operating agreement Julian Development had with the Department of Public Works to manage the aggregate fill site. The site was immediately shut down and the town proceeded to remediate the site and construct a berm to protect the surrounding area. At present, there is no evidence that hazardous wastes were brought in by Julian Development at any time other than the instance in November 2016.

Following the discovery this summer that glass and shingle pieces continued to be present along the sidewalk area of Gould Manor Park, the State Department of Energy and Environmental Protection tested soil samples in the area. The testing showed that levels of arsenic and lead were found marginally above the regulated permissible levels in the soil on either side of the sidewalk, and the pieces of shingle from the area contained non-friable asbestos.

At the same time, First Selectman Mike Tetreau asked the Department of Health to determine whether any fill from the aggregate pile was used on any other public properties in Fairfield.

That review identified 20 priority sites (largely park and school playing fields) on which fill and topsoil from the aggregate pile was used for field repair projects. Such use was in violation of DPW and Parks and Recreation Department guidelines and the Town has moved to take action against employees who were responsible for managing the use of fill from the aggregate pile.

The Town has now completed the testing of 19 of the sites. Of these, 9 showed no levels of contaminants above the Residential Direct Exposure Criteria (RES DEC), and 10 showed levels above the RES DEC, but only marginally so, and all are well below the levels environmental health experts would consider to be of serious risk.

To put context to this, Tighe & Bond, the Licensed Environmental Professional (LEP) retained by the Town, advised last week that ***“Based on the results of this sampling and in consultation with Meg Harvey, an epidemiologist with the CT Department of Health, it has been determined that the levels of detected constituents of concern allow for the continued use of the fields for athletic and recreational purposes.”***

2. How did you select and prioritize the sites to be tested?

The first criteria for determining sites to inspect was to find out which sites received any fill from the aggregate pile during the period when Julian Development was managing the pile (May 2013- December 2016). We then prioritized the list in the following order:

- a) Any Schools with soccer fields that potentially received fill or topsoil from the fill pile through the typical maintenance of the field and any school construction project where fill or topsoil from the fill pile was potentially used.
- b) Any other sport field where fill or topsoil from the fill pile was used.
- c) Any other Town recreation areas where fill or topsoil from the fill pile was used.
- d) Any other sites in Town where fill or topsoil from the fill pile was used by volume of fill used.

While we are still reviewing records to identify other sites, we do know there are no other school or sports fields that received fill from the pile managed by Julian Development during the 2013- 2016 period.

Nevertheless, out of an abundance of caution and to reassure parents, students, teachers and school staff, the Board of Education closed school fields and playscapes at elementary, middle and high schools pending the result of testing. A list of those sites and their status can be found at <https://fairfieldschools.org/business-services/field-testing-updates/>.

3. How did you rule out testing at other sites?

We looked at the following questions to determine whether to rule out any sites:

- a. Whether the work done was outside of the time Julian Development was managing the aggregate pile (May 2013-December 2016).
- b. The work was done by a private contractor and the contractor confirmed it did not purchase materials from the aggregate pile.
- c. The specific material purchased from Julian Development was a type of material that was kept separate from the aggregate pile and was not intermingled with fill from the pile.

4. In what order will they be tested?

The Town has now completed the testing of 20 of the sites. Of these, 9 showed no levels of contaminants above the Residential Direct Exposure Criteria (RES DEC), and 10 showed levels above the RES DEC, but only marginally so, and all are well below the levels environmental health experts would consider to be of serious risk.

To put context to this, Tighe & Bond, the Licensed Environmental Professional (LEP) retained by the Town, advised last week that *“Based on the results of this sampling and in consultation with Meg Harvey, an epidemiologist with the CT Department of Health, it has been determined that the levels of detected constituents of concern allow for the continued use of the fields for athletic and recreational purposes.”*

The test results for each of these sites, and the status of remediation for those sites requiring that work can be found on our [fill use webpage](#). This list will be updated regularly.

The status of the other school sites can be seen at <https://fairfieldschools.org/business-services/field-testing-updates/>.

5. Do you know precisely how many other sites need to be tested?

We are reviewing three years of records of projects from the Department of Public Works to determine which of those projects received fill from the pile managed by Julian Development, or from other sources. But there are no other sports fields or school grounds that require testing beyond what is on this initial list.

6. When will ALL the site testing be completed?

As of September 4, testing has been completed on all but one of the sites included on the first priority list, and testing will soon be completed on those additional school sites selected to be tested by the Board of Education. As we identify further sites to be tested,

that work will be completed on an expedited basis and all results will be posted to our webpage.

We expect that all testing – including the additional sites identified by the Board of Education -- will be completed before the end of September.

7. Will you close the sites until all the testing is completed?

Those areas that require remediation will be restricted until that work is completed. The Board of Education will be reopening fields and areas as it completes its testing and determines whether remediation is necessary.

An up-to-date listing of field status can be found on our [fill use webpage](#).

8. What will you do if any contaminants or hazardous waste is found on a site?

Once we have the test results on any given site, and a decision is made to remediate, we will develop a remediation action plan based on recommendations from Tighe & Bond, and then carry out the remediation. The area to be remediated will be restricted until the work is completed and the site inspected.

9. Is it safe for my children to use the school playgrounds and school fields once they return to school?

The Town is relying on science, best practice and the guidance of state regulators and experts in deciding when to remediate and whether to allow use of any sites believed to contain possible contaminants. Public Safety is the first priority of the Town as all appropriate departments, including the Department of Public Health, the Board of Education, the Parks and Recreation Department, the Department of Public Works and the First Selectman's office, coordinate a response to this issue.

Tighe & Bond, the Licensed Environmental Professional (LEP) retained by the Town, advised last week that ***“Based on the results of this sampling and in consultation with Meg Harvey, an epidemiologist with the CT Department of Health, it has been determined that the levels of detected constituents of concern allow for the continued use of the fields for athletic and recreational purposes.”***

Separately, Ms. Harvey sent the following reply to a parent who reached out to the State Department of Public Health with concerns about the safety of school sites: ***“The results from Gould Manor Park, Jennings School and the other tested schools show that concentrations of contaminants detected in the soil are not high enough to present a public health exposure risk to children or adults using the areas.”***

The list of school sites which are currently closed pending the result of testing can be found at fairfieldschools.org/business-services/field-testing-updates/. This includes the landscapes at the elementary schools.

10. Should I be alarmed to learn that levels of lead, arsenic or other heavy metals and contaminants are found on fields and school grounds?

Several factors are considered when determining the relative level of risk from contaminants found in soil: the type of contaminant, the level and concentration of contaminants (typically measured in “parts per million” (PPM)), and the amount or nature of exposure.

The State of Connecticut has two current standards it uses in regulating soil containing contaminants: Residential Direct Exposure Criteria (RES DEC) and Industrial/Commercial Direct Exposure Criteria. (IC DEC). Polluted soil must be remediated to a concentration that is consistent with the Residential Direct Exposure Criteria, unless the site is used exclusively for industrial or commercial purposes. In such a case, the less stringent Industrial/Commercial Direct Exposure Criteria may be used.

According to the Connecticut Department of Public Health, residential standards are developed to be protective of very young children who play directly in bare soil 365 days per year in their residential yard.

All soils have background levels of various materials, including arsenic, for example. In Connecticut, background arsenic levels in soil can range from 10 mg/kg to as high as around 30-40 mg/kg. The testing will determine the levels of various heavy metals and other contaminants, but will not necessarily tell us the source. If testing on sites where we know fill from the Julian pile was used, we can draw a reasonable assumption that there is a connection. However, it is entirely possible that contaminants measured at a given site may be due to background conditions – meaning it is naturally occurring in the soil or may have been in fill used many years ago.

What is important to understand in this testing process is not just the presence of any potentially hazardous materials, but also their level. The results to date show that concentrations of contaminants detected in the soil are not high enough to present a public health exposure risk to children or adults using the areas.

The Town’s decision to remediate soil that is found to exceed residential standards is so that we can provide an added measure of health protectiveness. The Town is working closely with the Connecticut Department of Public Health (DPH) to ensure that public health continues to be protected, including during the design and implementation of soil remediation action plans.

Residents are encouraged to watch the video of CT DPH epidemiologist Meg Harvey address these questions of risk: (INSERT LINK).

Additional information on state remediation standards can be found at ct.gov/deep/cwp/view.asp?A=2715&Q=325014.

11. How much will this work cost the town?

Public safety and the safety of our parks, ballfields, school grounds etc. is paramount. The town will not compromise on this. If the Town determines it needs to pursue additional damages against Julian Development, we will do so.

11. What about paths and open spaces in the town. Are they safe?

Yes. Based on our records of where fill from the aggregate pile was used, and per the guidance of our Licensed Environmental Professional and the State Department of Public Health, all public spaces in Fairfield are considered safe for recreational use.

12. My son/daughter plays Fairfield Youth Football. Should we be concerned about practicing and playing on the Sullivan fields?

Testing of the football field at Sullivan field has shown levels of arsenic above the regulated standard, and the Town is now developing a remediation plan. Our Parks and Recreation Department is coordinating with Fairfield Youth Football to provide alternative practice areas until that work is completed.

13. My son/daughter plays soccer for Fairfield United. Will this testing affect the FUSA tournament, practices and other matches?

Unfortunately, the Labor Day FAST soccer tournament was cancelled this year due to the disruption caused by the loss of soccer fields closed for testing. Fields will be reopened once testing determined no remediation is required. Our Parks and Recreation Department is coordinating with FUSA to provide alternative fields for their upcoming season.

14. What about Recreation Department soccer? Are those fields safe?

Our Parks and Recreation Department is looking at alternative fields so that the Autumn Rec soccer season can proceed with minimal disruption.

15. My son/daughter will be playing Fall baseball. Are those fields safe?

Yes, those fields are safe. Fill from the aggregate pile was not used on the baseball fields.

16. Is it safe to play tennis at the tennis center on Old Dam Road?

Yes. The tennis courts themselves are not affected by this testing, which is limited to a small area outside of the courts.

17. Are there any private properties in Fairfield where potentially contaminated material from the aggregate fill pile was used? What will happen with them?

The Town is aware of fill used on a drainage project which was on an easement through private property. Fill was also used to install new curbs in various locations in front of private homes. These areas will be assessed by our LEP and if indicated will be tested to determine if remediation is necessary. Fill from the pile may have been used by private contractors on private properties in Fairfield, but the Town would not be aware of those locations. Property owners should check with the contractor they used to determine the source of any fill used on their property.

18. Should I be worried about the berm that was built to surround the remaining material at the aggregate pile?

In 2017, after the Town shut down the pile site, the Town hired the University of Connecticut's Community Research & Design Collaborative (CRDC) to work with Osprey Environmental Engineering (its existing Licensed Environmental Professional) to design a berm around the site. Material intended to be used in the berm was tested and shown to be acceptable for the closure of a solid waste landfill. Work commenced on the containment berm in April 2018 and was completed in July 2018.

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 and is still available for review. All material used in the berm met acceptable use standards based on the remediation decision tree, storm water and air emissions met applicable criteria, and extensive reports are available to document the work completed.

In summary, 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.

Additional information provided by Osprey Environmental Engineering on the design and construction of the berm is [available here](#).

19. Is it true the Town did not obtain a permit to construct the berm?

This characterization is inaccurate. Once the Town made the decision to construct a berm as part of its closure of the aggregate pile, the Town sought guidance from the State

Department of Energy and Environmental Protection (DEEP) on the appropriate permitting requirements needed. The DEEP 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.

At the time the work was started on the berm the Town had submitted its application for the building of the berm and the closing of the fill yard.

20. Is it true that the Town did not have a contract with Julian Development?

The Town did have a binding agreement with Julian Development. The original Request for Proposal (RFP) issued by the Town spelled out in great detail all the specific terms and expectations of the work the contractor would perform for the Department of Public Works, as well as terms of the relationship between the town and the contractor, financial terms, legal matters, etc. By signing the terms of the RFP Julian Development was in all respects essentially signing a contract and that document is the basis for the Town's current claims against Julian Development. In short, the signed RFP is a de facto contract.

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