

South Meadows Transition Committee
June 5, 2024
Meeting Minutes

A Regular Meeting of the South Meadows Transition Committee of the MIRA Dissolution Authority was held on June 5, 2024. Present either in-person or via video or audio conferencing were:

Committee Present: Director William Beccaro (Committee Chairperson)
Director John Fonfara (logged-in late via Zoom)
Director Matthew Dayton
Director Rachel Taylor
Director Bert Hunter (Ex Officio)
Member William DiBella
Member Frank Dellaripa

Other Directors Present: David Barkin

Other Members Present: Thomas Swarr

Authority Staff Present: Mark Daley, President and CFO
Christopher Shepard, Environmental Compliance Manager
Roger Guzowski, Supply Chain Manager
David Bodendorf, Mgr. of Engineering, Construction & Power Assets
Thomas Gaffey, Director of Recycling & Enforcement
Cheryl Kaminsky, Comptroller
Ann Catino (Halloran & Sage), General Counsel

CT-DEEP Staff Present: Jade Barber
David McKeegan
Claire Quinn

TRC Environmental Corp. Staff Present: Carl Stopper

Weston & Sampson Staff Present: Robert Carr
Malcolm Beeler
Paul Uzgiris
Peter Folino (Eagle Environmental, Inc.)
Kelvin Ayala (Led By Us & Associates)

Others Present: Joanna Wozniak-Brown
(860) 573-5203 (call-in via Zoom)

This meeting was recorded via ZOOM conferencing and is posted on the Authority’s website at: <https://www.ctmira.org/mira-dissolution-authority-south-meadows-transition-committee>

1. Call to Order; Chair’s Welcome

Committee Chairperson Beccaro called the meeting to order at 11:02 A.M. and confirmed that a quorum was present.

2. Public Comment (3 minutes per speaker)

Committee Chairperson Beccaro invited members of the public to address the Committee. There were no public comments, and Committee Chairperson Beccaro proceeded with the next agenda item.

3. Approval of Minutes of the May 7, 2024 Regular Committee Meeting

Committee Chairperson Beccaro requested a motion to approve the minutes of the May 7, 2024 Regular Committee Meeting. The motion was moved by Director Dayton and seconded by Director Taylor.

Committee Chairperson Beccaro asked if there were any discussion, comments, corrections or modifications requested. Hearing none, Committee Chairperson Beccaro asked for a roll call vote. The motion was approved unanimously as indicated below:

Director	Raised	Second	Aye	Nay	Abstain
Chairperson Beccaro			X		
Matthew Dayton	X		X		
Rachel Taylor		X	X		
John Fonfara					(Absent)
Dave Steuber					(Absent)

4. Discussion Regarding Kick-Off of South Meadows Redevelopment Considerations Study

At Chairperson Beccaro’s request, Mr. Daley began the discussion on this matter, noting that there was discussion during last month’s Committee meeting regarding the public project launch meeting for informing the public of the start and process of the Study. Mr. Daley noted that there was a discussion during the previous Committee and Board meetings regarding an initial meeting with key stakeholders, as a way to try to frame the initial public project launch meeting. Mr. Daley asked that the Committee provide additional direction to Authority staff regarding participants, timing and agenda for the initial meeting with key stakeholders.

Mr. Daley suggested that staff would assemble a suggested agenda and list of participants to invite, and send those suggestions to the Board for consideration to ensure that we identify all parties that should be invited.

Member Swarr asked if there has been any contact with the City yet. Mr. Daley stated that the Authority had provided the RFP and other documents to the previous Chief of Staff from the Mayor’s Office, and the receipt of those documents was acknowledged. Member

Swarr stated that we will have to keep pushing information to the City. Chairperson Beccaro stated that the optics count almost as much as the technical work, and that we need to work in an open and transparent manner to make sure that the public understands that its input is welcome and invited. Mr. Daley said that Authority staff would work on a draft agenda and list of potential participants, and send those documents to Board Chairman Hunter and Committee Chairperson Beccaro for their consideration.

5. Presentation and Discussion Regarding Hazardous Building Materials Survey – PCB Testing Options (Weston & Sampson/Eagle Environmental)

Mr. Daley introduced this matter, noting that there are different PCB testing protocols that can be followed, and that it is important for the Committee and Board of Directors to understand what happens if different PCB testing protocols are followed. Mr. Daley then introduced personnel from Weston & Sampson and Eagle Environmental who would be providing the presentation.

At Chairperson Beccaro's request, the Weston & Sampson and Eagle Environmental personnel introduced themselves prior to beginning their presentation entitled "PCB-Containing Building Materials." [Note: A copy of the presentation has been included as an Attachment to these meeting minutes.] Mr. Beeler noted that PCBs in building materials can have a big impact (project delays, increased costs, etc.) if sampling is not conducted in a strategic manner.

Mr. Folino discussed the history of use of PCBs in building materials, and why they were used. Mr. Folino then discussed Federal regulations pertaining to PCBs – some use in "closed systems" is authorized, such as dielectric fluid in capacitors; but "open systems" (i.e., exposed uses, such as in building materials) are not authorized. Mr. Folino noted that building materials with PCBs at a concentration greater than or equal to 50 mg/kg must be removed under Federal regulations as PCB Bulk Product Waste because such use is considered unauthorized under 40 CFR Part 761; however, there is no timeline established for the removal.

Mr. Folino then discussed regulation of PCBs at the State level under CGS Sections 22a-463 to -469, noting that "open systems" are also unauthorized uses under the State Statutes. Mr. Folino then noted that the State Statutes regulate PCBs in building materials down to a level of 1 mg/kg; so, CT-DEEP has jurisdiction over PCBs in building materials at concentrations between 1 mg/kg and 50 mg/kg. Similar to Federal regulations, State Statutes do not include a specific timeline for removal of identified PCBs in building materials.

Mr. Beeler then discussed that PCBs in building materials, such as paints, can diffuse into underlying, non-metallic surfaces, such as concrete, and that Federal regulations allow, and CT-DEEP is generally agreeable to, those PCBs remaining in the underlying surfaces, provided that the remaining concentrations are less than 50 mg/kg, that the remaining PCBs are covered with an encapsulating barrier, and that the continuing site use is Industrial/Commercial in nature. If the continuing site use is Residential in nature, then CT-DEEP will require the removal of all PCB concentrations greater than 1 mg/kg from the underlying surfaces.

Mr. Folino further discussed sample program planning and potential outcomes, stating that sampling for a full demolition project is primarily geared towards characterization of materials for proper disposal, while sampling for a partial demolition or renovation project will typically entail a more strategic sampling approach. Mr. Folino further discussed potential sampling outcomes associated with inadequate sampling of building materials for a demolition project, noting that project economics can be flipped by inadequate planning-level sampling. For example, if it is assumed that structural steel from a demolition project will represent a revenue stream due to recycling, but the paint on the structural steel is later found to have PCBs at concentrations that qualify it as PCB Bulk Product Waste, then recycling of the structural steel will not be possible and the presumed revenue stream will then become a disposal cost stream.

Regarding regulatory enforcement associated with regulatory outcomes, Mr. Folino stated that he can not speak for the regulators, but he noted that he is not aware of any instances of State or Federal enforcement actions associated with the discovery of unauthorized PCB uses, provided that planning for the removal of those PCBs is actively undertaken and that the regulatory authorities are provided with communications of progress on a regular basis. In response to questions from Board Chairperson Hunter and Member Dellaripa regarding potential regulatory enforcement action, Mr. Folino noted that factors such as potential human exposure, building occupancy and the potential for contamination of environmental media (i.e., soil, groundwater) can be drivers of enforcement actions.

In response to a question from Member Swarr regarding whether demolition and disposal would represent “worst-case scenario,” Mr. Folino noted that it depends upon the standpoint. Mr. Folino stated, for example, that there would potentially be considerably more regulatory and sampling requirements, and labor costs, for a renovation project to meet a residential use. Conversely, regulatory and labor costs associated with a demolition project will not be as extensive as those associated with that renovation project, but the disposal costs for the demolition will be considerably higher. Mr. Beeler noted that there are a number of potential routes for the future redevelopment of this site; and that this Study will include a certain minimum level of sampling, and that additional sampling would likely be required in the future if there is a redevelopment decision made that incorporates renovation and reuse of buildings.

Mr. Beeler reviewed the final topic in the presentation regarding “reoccupancy,” noting that reoccupancy of a building space where some level of PCBs remain in building surfaces with an encapsulating barrier installed would require regular inspection and maintenance of the barrier to ensure its on-going integrity. Additionally, regular (at least annually for residential uses) air monitoring of occupied spaces would be required to ensure that potential exposures to airborne PCBs remain less than screening levels established by EPA for residential and industrial/commercial uses. Mr. Beeler noted that PCBs that have diffused into encapsulated surfaces will then diffuse out of those surfaces into the encapsulating barrier at a slow rate over a number of years.

Mr. Daley asked if Weston & Sampson and Eagle Environmental would be able to recommend a specific protocol for the PCB testing to be undertaken. Mr. Folino indicated that their recommendation would be to collect samples for PCB testing either concurrently or slightly behind the collection of samples for asbestos testing. Mr. Folino noted that the asbestos sampling is an extensive, detailed process and that the results of the asbestos sample

testing can aid the decision regarding which samples to analyze for PCBs. Mr. Folino also noted that there is no maximum hold time for PCB samples that are kept refrigerated. In response to a question from Mr. Daley, Mr. Folino indicated that there are a number of future touch points regarding decisions on which samples to analyze. Mr. Beeler noted that the vast majority of the facility construction on-site was either before or after the date range (1950-1980) when PCBs were most-heavily used in building materials. Mr. Beeler's expectation would be that the primary building materials on-site that would most-likely contain PCBs would be, for example, paints that were applied between 1950 and 1980. Mr. Beeler noted that characterization of paints on structural steel will be important because of the large potential impact on the renovation, demolition, and/or disposal costs.

Attorney Catino asked about interim measures that she has seen at another site, where epoxy was applied over paints containing PCBs while decisions were made regarding future renovation/demolition. Mr. Beeler noted that such interim controls are not considered a final endpoint. Mr. Beeler also noted that taking such interim measures may not be necessary here if the buildings are unoccupied. Mr. Folino noted that the paint containing the PCBs would ultimately have to be removed (due to unauthorized use), but the underlying substrate could then potentially be coated with an encapsulating barrier as previously discussed.

In response to a question from Attorney Catino, Mr. Folino indicated that the cost estimation for this Study will be based on PCB concentrations greater than 50 mg/kg.

Committee Chairperson Beccaro thanked the Weston & Sampson and Eagle Environmental team for the presentation, and the presenters subsequently left the meeting.

6. Correspondence from CT-DEEP Regarding Resource Recovery Facility Closure Plan

Regarding the correspondence from CT-DEEP regarding the Closure Plan for the RRF, Mr. Daley noted the following points:

- CT-DEEP has stated its intention to await the completion of the Redevelopment Considerations Study before approval of the Closure Plan,
- CT-DEEP has concurred with the plan to remove and scrap the non-structural equipment from the RRF, and
- CT-DEEP has agreed to cleaning of the building surfaces to a visual standard pending completion of the Redevelopment Considerations Study.

Mr. Daley indicated that this correspondence from CT-DEEP clears the way for the Authority to move forward with a RFP for the major salvage and/or scrapping operations associated with the RRF. Mr. Shepard added that some other waste-to-energy operators have expressed interest in purchasing some equipment, such as conveyors. While such a use would seem acceptable, Mr. Shepard indicated that he would be hesitant to have a fully public solicitation for equipment that could open up the Authority to some future liability. As an example, Mr. Shepard offered that he would not want to see conveyors from the RRF purchased for use in a food preparation operation.

Mr. Daley also noted that the Authority does not have staff available to disassemble, market and sell the equipment, so the RFP will likely cover all of these tasks. Mr. Daley and

staff will work on formulating the RFP and the scope of work for this matter, and come to the Board with a recommended approach in the relatively near future.

Board Chairperson Hunter asked if it would be appropriate to add this work to the scope of work for Weston & Sampson under their contract for the Redevelopment Considerations Study. Mr. Daley stated that he was not familiar with Weston & Sampson's capabilities for this type of work. Committee Chairperson Beccaro asked Attorney Catino if there are ways to notify potential purchasers of potential hazards associated with re-using equipment from the plant, to which Attorney Catino responded "yes."

7. Discussion Regarding Additional Operating Plans Related to South Meadows Infrastructure

Mr. Daley began the discussion by noting that the State Legislature did not act on the Authority's request to extend the July 1, 2025 date for CT-DAS to become the successor to the Authority, so the Authority is moving forward with a master schedule of activities for the wind-down of the Authority and the stand-up of CT-DAS by July 1, 2025. Included in that plan will be development of operating plans associated with South Meadows infrastructure, as summarized in Attachment #3 of the Committee package for this meeting.

Mr. Daley noted that some of the operating plans would be developed by staff, while others would require outside assistance. Mr. Daley also noted that these operating plans are in addition to the Redevelopment Considerations Study, the Closure Plan, and the site remediation Verification Report.

Committee Chairperson Beccaro asked if Mr. Daley and staff needed anything in order to move forward with this effort. Mr. Daley responded that he was bringing this matter to the Committee to ensure that nothing has been inadvertently forgotten in the development of the list of operating plans.

Member Swarr expressed that he was happy to see this listing of operating plans because one of his biggest concerns has been what happens to the site once the Authority sunsets. Member Swarr also expressed that he believed that there should be public outreach on these operating plans, and that he will reach out to the City to discuss.

Regarding the sunset date for the Authority, Committee Chairperson Beccaro indicated that both the Legislature and the Governor's office intend to correct the legislation that established the Authority, to clarify that the sunset date for the Authority is July 1, 2026, but that that clarification will likely not happen until the next regular Legislative session begins in January 2025.

8. Other Items Brought Before Committee

Committee Chairperson Beccaro inquired if there were any additional items to be brought before the Committee. There were none.

6. Adjournment

Committee Chairperson Beccaro adjourned the meeting at 12:16 P.M.

Attachment

Presentation Entitled “PCB-Containing Building Materials”



BUILT ON REPUTATION



PCB-Containing Building Materials

South Meadows Transition Committee
June 5, 2024



- Planning for PCBs in building materials is important in maintaining control of work scope, schedule, and budget for facility demolition and renovation projects.
- Failure to plan can lead to schedule delays and cost overruns.

Agenda

- History of Use
- Building Materials
- Federal Regulations
- State Regulations
- Options

History of Use

- PCBs sold for use in building materials from 1950s to 1972
 - Materials remained in stock -1950 to 1980 construction is suspect
- PCBs enhanced material properties and lengthened useful lifetime
- Approximately 115,000,000 pounds of PCBs sold for use in building materials

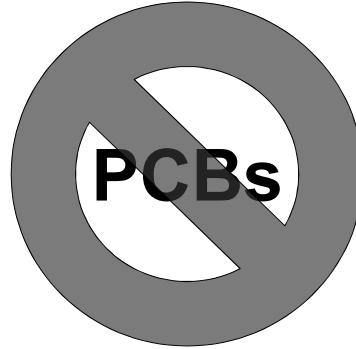
Building Materials

- Fluorescent Light Ballasts
- Paints
- Coatings
- Sealants
- Caulks
- Mastics
- Carpeting
- Insulation
- Everything but the metal and concrete in your building could contain PCBs



Federal Regulations

- 40 CFR Part 761 (aka TSCA)
- Subpart B – Use Authorizations
 - Use in open systems (exposed) not authorized.
 - Building materials with PCBs ≥ 50 mg/kg must be removed as PCB Bulk Product Waste
 - No timeline provided



State Regulations

- CGS 22a-463 to -469, inclusive
 - Use in open systems (exposed) not authorized.
 - Building materials with PCBs ≥ 1 mg/kg must be removed as Connecticut Regulated PCB Waste
 - Disposal in an appropriately permitted landfill
 - No timeline provided

Regulations in Application

- Deal with Federally Regulated Materials as per 40 CFR Part 761
- Excluded PCB Products, aka CT Regulated PCB Wastes, are dealt with under state guidance
- For a site where final use is residential, CT DEEP moving to remove all PCBs ≥ 1 mg/kg even if federal regulations do not require



Weston Sampson

Planning

- Full Demolition
 - Characterize materials for proper disposal
- Partial Demolition or Renovation
 - Strategic sampling
 - Don't create work



Weston Sampson

Sampling Outcomes

Demolition

- PCB Bulk Product Waste Paint on Structural Metal
- No Facility Operating as per §761.72
- Recycle not possible, Disposal Required
- Will Flip the Economics when Revenue Stream becomes a Cost

Regulatory Enforcement

- Unauthorized Use
- Removal Required
- Unaware of a Federal or State NOV or CO issued when:
 - Active Planning for Removal
 - Communications of Progress with Regulatory Authorities



Reoccupancy

- Air Sampling – EPA Regional Screening Levels
 - 5 ng/m³ for residential use
 - 20 ng/m³ for industrial/commercial
- Inspection, Maintenance, and Monitoring
 - Required when PCBs remain in building substrates
 - Inspect and Maintain any barriers or encapsulants installed
 - Continued air monitoring

