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UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION



SDMS DocID 237209

In the Matter of:

PUBLIC HEARING:

RE: DURHAM MEADOWS SUPERFUND SITE

Durham Public Library
7 Maple Avenue
Durham, Connecticut

Thursday
July 28, 2005

The above entitled matter came on for hearing,
pursuant to Notice at 8:00 p.m.

BEFORE:

MARY JANE O'DONNELL, Section Chief
ANNI LOUGHLIN, Project Manager
JAMES MURPHY, Community Involvement Coordinator
EPA, Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

APEX Reporting
(617) 426-3077

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MS. O'DONNELL: My name is Mary Jane O'Donnell. As Anni mentioned, I'm a Section Chief with the Environmental Protection Agency in Boston and I will be the Hearing Officer for this part of the meeting.

Just a couple of introductory points. Anni's elaborated on how to comment, when to comment, add just a little bit on why to comment from my prospective.

I work on, beside sites in Connecticut, I also work on sites in Maine and Vermont, and I can't tell you how many sites get revisions or whatever with modifications we have made in terms of revenues and how we approach a site, based on public comment. So it's very important for us to get a diversity of prospectives. So if there is some hesitancy on your part in coming forward, I would strongly encourage you to come forward and make a comment.

Just as Anni mentioned, in terms of some ground rules, so to speak, I'd ask you to come forward, come to the podium, state your name, your association with the site. And as Anni mentioned, also, because this is a formal public hearing, we won't be responding to your comments and questions, but we certainly will be here after the formal hearing to try to do that.

So with that as background, I'm going to start on

1 this side of the room, front to back, and then front to back
2 on this side.

3 So is there anyone working on this side that would
4 like to come forward and make a comment? Again, state your
5 name, association with the site and your comment.

6 MS. BOORD: I'm Maryann Boord, the First
7 Selectwoman of the Town of Durham.

8 The Board of Selectmen of the Town of Durham
9 compliments the Environmental Protection Agency on its
10 comprehensive proposed cleanup plan for the Durham Meadows
11 Superfund Site. Excavation and off-site disposal of soil at
12 and adjacent to the responsible parties is essential to
13 effective cleanup, as well as to putting the residents'
14 minds at ease once cleanup has been completed. Maximum
15 attention should be given to minimizing the impact of
16 cleanup activities on neighboring properties and residences.
17 Also essential is future monitoring for possible plume
18 migration.

19 While institutional controls should be implemented
20 to protect current and future occupants, we request that you
21 do not place excessive limitations on future use of the
22 properties. Please keep in mind our rural character and our
23 Main Street Historic District.

24 When you enter into negotiations with the
25 responsible parties in a spirit of fair mindedness, we

1 request that you seriously consider the financial
2 contributions already made by the Durham Manufacturing
3 Company. The board supports future connection to the
4 Middletown Water Distribution System or another alternate
5 source of public water. Please note that the Town of Durham
6 has maintained open dialogue with Guy Russo, Director of
7 Water & Sewer, for the City of Middletown, since that
8 possibility was first considered many years ago.

9 The seriousness of the contamination and the,
10 quote, inconvenience experienced by the residents in the
11 affected areas these many years cannot be minimized;
12 however, it appears there is hope on the horizon.

13 We thank you for your attention to our concerns
14 for the future of our town and its water supply.

15 Sincerely, Maryann P. Board, First Selectwoman;
16 Ernie A. Judson, Selectman; Renee J. Primus, Selectwoman.

17 MS. O'DONNELL: Thank you.

18 Next row, comments. Thank you.

19 MS. DODGE: My name is Allison Dodge. I'm here on
20 behalf of Congresswoman Rosa Delauro, who is in Washington
21 this evening, but asked me to read the statement for this
22 evening's hearing.

23 I am pleased to have this opportunity to speak
24 before the EPA and the Durham community, as you review the
25 proposed remediation plan for the Durham Meadows Superfund

1 Site.

2 As we are all aware, their remediation plan for
3 the site has been a long time coming. It is my hope that
4 the EPA will work diligently to finalize a record of
5 decision in a timely manner which fully addresses the needs
6 of the properties and businesses which have been impacted by
7 the contamination; and most importantly, protects the health
8 and safety of the residents of Durham.

9 There are a number of steps which need to be taken
10 in order to address soil and groundwater contamination of
11 the Durham Meadows site. This has already been a lengthy
12 process, and while I understand that there are statutory
13 guidelines which must be adhered to, it is my hope that the
14 EPA will issue a final record of decision as soon as it is
15 feasibly possible within the limits of the law. Once a
16 final record of decision has been issued, I would hope that
17 the EPA will move quickly to alleviate the strain the
18 superfund designation has put both on business and
19 residential home owners in the area.

20 Upon review of the proposed cleanup plan, I
21 believe that the direction in which the EPA is proceeding
22 will effectively address necessary human health and
23 environmental protections. It is my understanding that the
24 EPA will be balancing these protections with future land use
25 restrictions for the properties. Although it is expected

1 that the Durham Manufacturing Company will continue to use
2 the property for its current purposes, I believe that it is
3 important for these restrictions -- that these restrictions
4 do not indefinitely prohibit the redevelopment of the
5 Merriam Manufacturing property.

6 Though I have not been contacted with any
7 concerns regarding this proposed remediation plan, I urge
8 the EPA to listen closely to any concerns which may be
9 raised by local officials, residents, and most importantly,
10 those individuals who are directly impacted by the selected
11 remedy. I know that the affected residents have had to
12 endure many years of hardship. Their unique prospective on
13 this case must be given full consideration. These are the
14 individuals who know this area and understand the needs of
15 the town, its families and businesses.

16 I appreciate your time and attention to my
17 comments. I look forward to the expeditious resolution of
18 this matter.

19 MS. O'DONNELL: Thank you.

20 Next row.

21 Excuse me. Anyone else? Okay. I'd like to go
22 front to back, if that's possible

23 MS. PRIMUS: I'm Renee Primus, a member of the
24 Durham Board of Selectmen, and I also would like to give my
25 support to the EPA for their proposed cleanup plan.

1 I compliment you on the use of data-driven
2 conclusions to generate the proposed plan, and there are
3 special considerations that I'd like to be given in the
4 following four areas.

5 The first is that due to the extent of the
6 contamination and the identified constraints, I believe that
7 connecting to the Middletown public water system should be
8 the highest priority of this plan.

9 I also believe that institutional controls over
10 affected areas should be implemented appropriately for the
11 protection of current and future occupants and neighbors.

12 And I request that maximum attention be given to
13 minimizing the impact of the cleanup activities on
14 neighboring properties and residents.

15 And, last, I'd like to request that the
16 negotiations be fair minded, with special consideration to
17 Durham Manufacturing Company, who has been actively
18 servicing the properties of contaminated wells and is
19 currently the only company servicing these contaminated
20 wells.

21 Thank you.

22 MS. O'DONNELL: Thank you.

23 Would you like to leave that with the -- thanks.

24 MR. KALINOWSKI: My name is Raymond Kalinowski. I
25 am currently the State Representative serving the Town of

1 Durham. I'm also a former First Selectman for the Town of
2 Durham from 1997 to 2001. I am a 32-year resident of the
3 town and I'm pretty keenly aware of the problem as it
4 currently exists and I've had many dealings with EPA when I
5 was First Selectman, and I recently was in contact with your
6 Boston office regarding my written comments and my
7 recommendations as to how we should proceed here in the
8 future.

9 Early in my first term, I believe it was 1998, I
10 made some contacts with public officials from the City of
11 Middletown, which were very productive. I think the
12 political operatives in Middletown were very receptive and I
13 think the solution lies in bringing water from Middletown to
14 Durham.

15 As was mentioned on the slides by Anni, they do
16 have a sufficient capacity in Laurel Brook Reservoir for
17 that particular water to come from. And I think with the
18 proper funding in place, this would be the solution to the
19 problem.

20 When Merriam Manufacturing burned down in 1998, we
21 also found a need at that time for a possible fire flow
22 capacity and the ability to fight fires in the area on Main
23 Street, because that was a huge fire and we had to truck,
24 shuttle water in from various locations nearby, and it was a
25 very difficult time.

1 So with a proper water main constructed, coming
2 Middletown to Durham, I think not only will it solve the
3 water contamination problem, but have the ability to have
4 fire flow capacity, also.

5 I would like to mention and I did mention this in
6 my correspondence recently to EPA that the potential
7 responsible parties -- namely, Middletown and Durham
8 Manufacturing -- have different capacities of cooperation
9 over the years. And Durham Manufacturing also deserves
10 special mention because they always have been very
11 cooperative, and I think that should be taken into account
12 when the actual negotiations take place, and they should be
13 viewed in that particular light.

14 I know there were consultations made in EPA in
15 Washington, I believe last week, I don't know the results of
16 that, but I think the ongoing process, and when this
17 particular decision is finally reached, I think they can
18 probably come to a fair and reasonable method of determining
19 responsibility and what funding mechanism will be put in
20 place to solve it.

21 As a State Representative, I will do my part in
22 Hartford to get the parties together for further discussions
23 on funding for this particular main, if indeed it does come
24 to pass.

25 And so, again, I want to thank EPA for the

1 presentation made tonight, and I'm also always available,
2 along with our First Selectwoman and the next administration
3 for further consultation.

4 Thank you.

5 MS. O'DONNELL: Thank you.

6 Comments on this side of the room. I'll change
7 the sequence here. Okay, front to back, I guess, I won't
8 change my sequence.

9 MR. PRAMELEE: My name is Richard Pramelee. I'm a
10 resident of Durham, relatively new resident, I guess.

11 I wasn't aware of this meeting until I got home
12 and saw it in the paper tonight at 6:30. And I have some
13 very serious concerns about the source of water, and
14 probably the biggest thing I learned here tonight was
15 there's no source of funding, and I consider that a very
16 significant component. Very significant.

17 It's hard to make a decision on which way we're
18 going to go if we don't know where the money is coming from.
19 I'm not interested in running anyone out of business. We
20 have a very responsible member of the community, the Durham
21 Company has been here a long time, they've acted in a very
22 responsible manner.

23 Prior to this situation with the water, I know
24 years back, when we had fires and ambulance needs, the
25 payroll, the staff at the factory was diminished during the

1 day, when they went out on these calls, and the Durham
2 Company allowed this to go on. And they've done many other
3 things probably that I don't even know about.

4 Apparently the other party has decided the remedy
5 to their obligation would be to give us the property. I was
6 overwhelmed with the gift. I don't need gifts like that.

7 I have some concerns about public health outside
8 of what you apparently mentioned here tonight, and when
9 Mr. Kellish, Dan and his brother both spoke, they're one of
10 the few residences that I know of on Main Street that
11 updated their septic systems. There's been very few others,
12 to my knowledge. By observation, I know that theirs was
13 done. And I think that this, before we start, we should
14 address that issue, also, even if we have to do it as a
15 community.

16 You mentioned shallow depths. You showed a
17 cross-section, but you mentioned no depths, so I guess
18 you're going to have to go back and look at the CD.

19 The town has bought properties over the years and
20 the White Farm down here, when we purchased that property,
21 we had federal money to buy that property with, and the
22 stipulation was -- and I went over this with the selectmen
23 when they were looking for sources of water.

24 The principal source of that money from the
25 federal government was for future use of water. That's

1 principally how we got the money. We wanted to buy the
2 land. Okay? And we did. And there's restrictions on what
3 we could do with it, even though we let farmers use the
4 land, including the farmers that owned it prior. They had
5 limitations on it. And when they were thinking about do
6 something about water here, they seemed to make a big deal
7 out of the fact that the local agency, the Conservation
8 Commission, was going to let them do something over there.

9 Well, I don't think they really had any choice.
10 That's ours. The federal government gave us money and that
11 was a big pretense of what that money was to be used for.

12 The wells down there belong to the Town of Durham.
13 That's on town property. You can call them Durham federal
14 wells, you can call them anything you want. We own that
15 property. I was there when that system was put in.
16 Physically present.

17 I can tell you where the main ends up here by the
18 house where the State Police Resident Trooper has his
19 office. That's how close it comes. When I mentioned it to
20 them, when you were looking for a source for water, they
21 pooh-poohed me. Know what I mean? Or now I guess we're
22 going to go there.

23 But as far as I can see, I don't want to be
24 particularly intrusive and I don't like to see -- I'm in the
25 construction business. I do it every day, on somewhat large

1 scale, probably, to a certain degree. I don't want to see
2 everything all dug off. I don't know what you're proposing.
3 You're talking about cleaning up the soils on all these
4 properties and I don't know how intrusive it is going to be
5 to the property owners that are actively engaged in
6 business. And, you know, if it's not going to completely
7 cure the problem, and maybe the point of use is the real
8 decision.

9 And, I don't -- Dan, I don't consider your
10 comments sarcastic at all. I think if you've been waiting
11 for 35 years, you deserve some answers.

12 And funding is very important. I personally am
13 not too excited about getting tied-up with Middletown. We
14 already have an agreement with the Connecticut Water Company
15 and I'd like to see a proposal come forth from those people.
16 It's a private sector company, they're very effective,
17 they're very knowledgeable, they're very efficient.
18 Municipalities are not. I've seen municipalities operate
19 and they're not efficient, they're not very profitable,
20 because they have deep pockets and just pass the taxes onto
21 us.

22 And like I said, I don't want to see these
23 companies run out of business. I know one party will act in
24 a responsible manner. I can't address what the other party
25 may do. But I would like to see the on-site disposal

1 systems in the area are looked into, so that we're not just
2 bringing clean water in while we still have some problems
3 earlier.

4 And I think we ought to be fair to the businesses
5 at hand you're addressing as responsible parties, because
6 it's -- I believe it was at the time they weren't
7 particularly out of compliance with anything at that time.
8 So we can't make them, you know, liable in that sense. I
9 believe they probably were living within the framework of
10 what guidelines there were, if there were any. And there
11 were probably none. Well, it was none when Durham
12 Manufacturing started. And none when Merriam started,
13 because they go back even farther. So they're not
14 necessarily out of compliance when some of this was coming
15 on.

16 You know, times change and all of sudden you're
17 out of compliance, and I think we've got to be fair in the
18 way we address things and not, if we want to point fingers
19 and point blame, we ought to be able to say that at the time
20 that this was going on, either they were or they were not in
21 compliance. And I don't believe personally that they were
22 particularly were out of compliance and I don't think there
23 was anything in place. And at the time they were both
24 built, there was nothing in place. So they weren't out of
25 compliance.

1 So I think we should be fair with any comments of
2 a negative nature that might come up, to the businesses,
3 both of them.

4 But I'm very concerned about the money and I want
5 to know where it's coming from. I am a taxpayer. I lived
6 here for a while and I am concerned. And federal money is
7 still my money. And by the same token, I'm not interested
8 in running these companies out of business, but I want to
9 know where the money is coming from. That is important.

10 Thank you.

11 MS. O'DONNELL: Anyone else on this side that
12 would like to make a comment?

13 Next row.

14 MS. VIOLA: Good evening. My name is Donia Viola,
15 and I live here in Durham, not on Main Street, but
16 nonetheless very much involved and concerned about what is
17 going on to residents here that, quite frankly, should have
18 the luxury and affordability of clean water, whether it
19 comes from a well or an outside source.

20 Relevant to this discussion, I would just like to
21 start off and say that since the informational hearing held
22 on July 15th this year, concern was raised by another woman
23 resident and myself as to testing being done in the
24 immediate of Strong School, because of the school's history
25 as to having a bus depot there until the early Seventies,

1 and an instructional program in automotive maintenance and
2 repair, as well, when it was Durham High School.

3 I would hope there has been some kind of action
4 taken to address this, because these might possibly have
5 contributed to the pollution, also.

6 It's a negative situation. Moneys paid by Durham
7 Manufacturing, I think also included a fine of \$25,000. And
8 I am aware that the company has helped with filters for
9 properties affected, but the bottom line is the majority of
10 the pollution seems to come from Durham Manufacturing and
11 Merriam Manufacturing. They are the principal parties that
12 have been identified, which caused this problem, and perhaps
13 even Regional School District 13 with Strong School site.

14 I have talked again with Mrs. Delmyer, whose
15 residence is on Route 17. Unfortunately, with her kennel
16 business, I guess she wasn't able to make it tonight,
17 because she did say she planned to attend if she could.

18 Well, her property abuts the village shops and her
19 and her husband, Fred, also own substantial amount of
20 property across the way from the Time Out Tavern abutting
21 Route 77, and who were also approached by Aqua Source when
22 they were in business here. But that, of course, went down
23 the tubes because we took over our own water company to,
24 suffice to say, address our serious issues.

25 I would hope that she be given consideration for

1 the possible location of the well, which might serve and be
2 substantial for the residents in need and those that are in
3 with the plume effect.

4 Imagine the cost could be lower with the same
5 results. Durham currently has, as I said, their own water
6 company, Connecticut Water Company. And rather than have
7 another water company, especially if there is another clean
8 local source for clear and potable groundwater, I would
9 encourage and support from our own natural resources within
10 our own town borders.

11 Thank you for your time.

12 MS. O'DONNELL: Thank you.

13 MR. GRECCO: My name is Richard Grecco. I'm the
14 local Chairman of the Chamber of Commerce in town here, I'm
15 also a local businessman here.

16 Basically, I'm here in support for the Chamber to
17 support Durham Manufacturing. They've been a very good
18 corporate citizen and they've come forward and done
19 everything possible to correct the cleanup site, and it will
20 be a tragedy if we were to impose on them too much and drive
21 them out of business.

22 Durham Manufacturing has been severely impacted by
23 the process. They've spent, people have talked about how
24 much money, \$4 million already into this, and it's cost them
25 60 jobs to fulfill their requirements already. And with any

1 more demands placed by the EPA, they possibly could go out
2 of business.

3 Since they are, I believe, the largest taxpayer in
4 town, that is a major concern to you people as taxpayers,
5 also. They do want to compete in the business environment,
6 they do want to go forward and add jobs, but under the
7 current rules, they do need some help.

8 Also, the last thing I'd like to say is that they
9 have done their fair share to help the town with the
10 situation and I think a little bit more pressure should be
11 put on Merriam.

12 Thank you very much.

13 MS. O'DONNELL: Thank you.

14 Next row.

15 MS. HOFER: Hello. My name is Renee Hofer, I live
16 at 63 Maiden Lane, which is on the east side of Ball Brook,
17 close to the Durham Manufacturing area.

18 I just wanted to stop in tonight and put in a
19 couple of concerns or comments that I have. Based on my
20 understanding from the presentation that we attended at the
21 high school, we have a couple of givens regarding the fact
22 that we have fractured bedrock and that this DNAPL is a bit
23 unpredictable as far as how it travels through the bedrock.

24 Because I'm currently outside of the plumes, but
25 very closely outside of the plumes, I think it's very

1 important that we take into consideration how this remedy is
2 going to impact the plumes and their location.

3 I have concerns regarding the impact of digging to
4 produce this water system and bring it in and what impact
5 that that is going to have on this DNAPL and the fractured
6 bedrock.

7 I have serious concerns about the future
8 development on the site or the sites surrounding it. Most
9 particularly, not too far in the recent past, there have
10 been some discussions regarding developing the property on
11 the east side of Ball Brook, and I'm concerned as to how
12 that would impact the bedrock, when you start digging and
13 start adding traffic and additional pressures, what that
14 will -- how that will impact that area and the health of the
15 town, in general.

16 With regards to the water system going on there,
17 one of the first questions, again going back to how this
18 contamination of the plumes may spread, it was mentioned
19 that if we turn off all the wells, which is what would
20 happen when we put in this water system, again, how is that
21 going to impact these plumes and the direction or the flow?

22 So moving forward from that point, if after you've
23 gone and installed this new water system, whether it's to
24 Middletown or to some other source, and that plume then
25 spreads, how does this contingency plan or whatever work and

1 how would that impact the situation that may have to extend
2 that water system or to take care of those residents who
3 might then be affected by it?

4 I also have some concerns regarding how the
5 agreement with Middletown is going to be reached and how we
6 are going to pay for it every year. I'm sure that
7 Middletown is not going to provide us with water without an
8 annual expense and annual cost that will extend forward from
9 that time forward. Who pays for that, and do we happily do
10 it, or is there some sort of remedy included in that?

11 The other additional point that I would like to
12 make, I think it's very important to recognize that Durham
13 Manufacturing has been a responsible citizen. We appreciate
14 that. But I do think it's important to keep in mind that
15 they are, in fact, responsible in an extent to it, and I
16 hope that they will approach these negotiations and
17 appreciate -- or take it in the same responsibility or same
18 spirit of understanding that these are the costs have been
19 impacted on us.

20 I purchased my property in 1997 and I wasn't a
21 part of causing the problem, so I'm a little concerned about
22 making sure that other people know that I'm not real happy
23 about paying to clean it up.

24 I also agree with Mr. Grecco on the fact that I
25 think more pressure should be put on Merriam Manufacturing

1 or the estate of anyone involved on that, so that they will
2 also take part in the costs.

3 And the last point is, is also to take into
4 consideration, if we choose Middletown as a future water
5 source, that how the development of that city will impact
6 the future of the water supply. I mean, if Middletown
7 continues to expand at its present rate or it continues to
8 grow from that point, how will that impact the supply of
9 water in the grand future?

10 Thank you very much, and I do appreciate having an
11 opportunity to make the comment.

12 MS. O'DONNELL: Thank you.

13 Next row.

14 MR. O'NEAL: I'm Bill O'Neal, 271 Main Street.

15 After 35 years, I think it's time to end the what
16 ifs and maybes and what abouts and all of this baloney.

17 Clearly, in terms of the groundwater problem,
18 there is only practical solution and that is to connect with
19 Middletown. Anything else is just a dodge, a phantom well
20 here, a Connecticut Water Supply Company there, will do
21 nothing more than prolong this problem, and after 35 years,
22 it's really time to get on with it. There's only one
23 solution.

24 Thank you.

25 MS. O'DONNELL: I guess now the next row.

1 MR. CURLEY: Hi, good evening. I'm Hugh Curley
2 from 715 Haddan Quarter Road in Durham.

3 Previously I lived actually in the house
4 immediately south of the Merriam Manufacturing site from
5 1983 to '85, when that was rented by Notre Dame Church as
6 their meeting house.

7 Just a couple of things I did want to say before I
8 raise questions about the concern over the financing, and
9 I'll get to that in a second. But I am glad to see this is
10 done at this point.

11 I've been involved in various points, from my
12 involvement as Vice-President of the Middletown Chamber for
13 years, and I am a business development specialist today, and
14 that's why I'm concerned about the finance side.

15 The question of the water, I am in favor of trying
16 to connect the water with Middletown. It does make the most
17 sense, and it was actually really on the table since '93,
18 that I remember, at one of the meetings with Hank Robinson,
19 when he was First Selectman, back in that time. So it is
20 time to get on with this.

21 The question of potential impact to the community
22 that was brought forward in this study, I found to be light
23 on recognizing the importance of Durham Manufacturing to the
24 community itself. It makes no mention of one of the impacts
25 could be an adverse one on that company, the company that

1 does provide daytime responders for our fires. It does
2 provide a lot of things and it is an integral part of our
3 community, and that's really not recognized in here.

4 I'd like to see that somehow addressed, if there
5 are any revisions to this. But I would like to see that
6 somehow that is connected.

7 On that side of their impact, I guess one of the
8 things that has impressed me more than -- and I think I had
9 asked this questions at one of the superfund meetings or one
10 of those meetings we've had with EPA over the years, is to
11 how many sites have there been where a party stepped up to
12 the table and had three or four different additions on to
13 their facility while it was identified as a superfund site?

14 And the answer came back, as far as I know, there
15 were none; that this company has committed to trying to do
16 the right things along, and I think that's putting their
17 money where their mouth was; that when they had options to
18 move different places or options to do things, they
19 recommitted and recommitted and recommitted to not only
20 fixing the problem that they have, but also to continuing
21 their expansion of their business within Durham.

22 So I guess I'd like to see more of that on the
23 economic and social impact side and when we get to the reuse
24 assessments, it is saying that it's expected that the
25 property would be used that way, but that is something that

1 is going to be contingent upon how financial negotiations
2 are worked out. And I do hope that everything that Durham
3 Manufacturing has put towards this so far will be counted
4 towards that as part of their responsibility.

5 So thank you again for this opportunity.

6 MS. O'DONNELL: Next row.

7 Yes, sir.

8 MR. SAWYER: Hi. My name is Lee Sawyer, I reside
9 at 267 Main Street.

10 I wanted to express my support for the proposed
11 80 U.S. 2, which is the connection to the Middletown Public
12 Water System, but I also wanted to suggest that the EPA
13 maintain an open dialogue with the community and with town
14 leaders in order to facilitate a more extensive connection
15 to the Middletown Water System extending beyond just those
16 immediate Main Street locations that are affected by the
17 plume.

18 In your impracticability waiver request, you state
19 that it would be essentially impossible to actually clean up
20 the groundwater to usable levels, which is the mandate of
21 the superfund that -- the EPA Superfund Mandate.

22 Basically, the spirit of that mandate to restore
23 those drinking -- the drinking usable levels could
24 essentially be followed through upon by connecting those
25 locations outside of the immediate plume to the water system

1 that are -- we have properties outside of the plume that are
2 still affected by pollution that would then have usable
3 drinking water.

4 So I would encourage the EPA to be as generous as
5 possible and look for resources to assist the town in
6 connecting the residences outside of the plume to that
7 system, as well, because that will probably be something
8 that will need to be done down the road, anyway. And in
9 doing so, make sure that we can maintain an open dialogue
10 between the EPA, the community and the town leaders, because
11 really, according to the mandate, the EPA is really only
12 responsible for the super -- what's going on within the
13 borders of the superfund site.

14 And there's a lot of us here who are asking for
15 public water or to be connected to Middletown's Public Water
16 System. That doesn't necessarily have a lot of relevance to
17 the mandate of the EPA and the superfund site, but it can
18 and it should. And I hope that we can continue to have a
19 conversation about this and negotiate amongst the three
20 parties, the community members, the community leaders and
21 the EPA, including probably the Connecticut EPA to come up
22 with a plan and some funding to make this happen.

23 Thank you.

24 MS. O'DONNELL: Yes, sir.

25 MR. KELLISH: I would have spoke earlier if I knew

1 it didn't mean anything, so I'm just going to just touch
2 base a little bit here.

3 My name is Richard Kellish. And, again, I am one
4 that's for us going into Middletown and bringing the water
5 down from Middletown.

6 So like I said before, if there's some young kids
7 are drinking this water right now and taking a shower or
8 anything, you know what happens to kids in a bathtub and a
9 shower, could be drinking the water. And if it's got dioxin
10 in it, there's no way you're going to get it out with the
11 charcoal filters.

12 My house is on 227-227A Main Street, it's a rental
13 property. I would like a few questions answered. I know
14 you're not going to answer them tonight, but I would like to
15 know who paid for Plymouth, Connecticut. Took them six
16 years, they had trichloroethylene, I think somebody went
17 bankrupt, and I heard that the state paid for it.

18 There's another one going on right now, another
19 town. I don't if it's Harwinton or where it is, I
20 understand the state is paying for it. There's no reason
21 why the state or the environmental protection cannot pay for
22 Durham.

23 If anybody could be mad at Durham Manufacturing,
24 it could be me. The state told Durham Manufacturing to
25 drill high-yield wells, to try to get trichloroethylene out

1 of the wells. They pumped my well dry, they pumped Pigner's
2 well dry, and it's cost me now \$11,000 out of my pocket,
3 because I had to go another 200 feet in my well, so I'm down
4 400 feet now, had to put new pumps in, I had to put an
5 ultraviolet light in. So right now it's close to \$11,000
6 out of my pocket. There's no reimbursement for that.

7 But I think it's time that we laid off these
8 businesses. They're a manufacturer, employs a lot of
9 people, brings a lot of money, pays a lot of taxes. They
10 pay \$4 million now.

11 I think it's time that -- we have taxpayers here.
12 There's -- Jim McLaughlin just brought up something.
13 There's something like \$26 million a year going into the
14 federal government from this town. It's about time they
15 used some of that money and brought it to Durham.

16 I would like to thank the EPA, but now I think
17 it's time, we've talked long enough, and it's time that you
18 people sit down and make a decision. It's a very important
19 decision. There's a lot of people in this town that could
20 be drinking this bad water.

21 Now they talk about the wells down at the
22 fairgrounds. We have MBTEs coming down Maple Avenue now.
23 It's in Maple Avenue. Charcoal filters will not take MBTEs
24 out of the water.

25 How long is it before they start going down into

1 the fairgrounds if we do go into that wells? Has anybody
2 thought of that? Is there any way MBTEs or dioxin can get
3 down to the fairgrounds and go into those wells? And if it
4 can, we're just wasting our money going that way. There's
5 only one way to go. Yes, it's going to cost us money.
6 We're going to have to pay for water.

7 Somebody asked -- I don't know if she's still
8 here. Of course, you're going to have to pay for water. We
9 own property over at Lake Beseck, we're paying for sewerage
10 over there, but we don't have to worry about septic systems
11 any more. So we're going to have to pay for water.

12 As far as Merriam Manufacturing goes, I think --
13 now I don't -- don't quote me, but they -- the state was
14 supplying water to me on Main Street because the people will
15 not drink the water now. Okay? Because they got sent the
16 notice that there's a trace of dioxin in our well.

17 Well, if you people or you people got a letter
18 saying there's a trace of dioxin in the well, would you ever
19 drink that water again? Even though I have my filters and
20 stuff in there, I am now supplying the water to my tenants.
21 That's out of my pocket, because the state took over from
22 Merriam and now they tell me that they will not supply the
23 water any more, so I am supplying the water.

24 So I think that Merriam is, now, everything is
25 being paid for by the state. I'm not positive. But that's

1 what they told me, that they are taking care of what Merriam
2 took care of.

3 Thank you very much.

4 MS. O'DONNELL: Yes, sir.

5 MR. McLAUGHLIN: My name is Jim McLaughlin and I
6 live at 308 Main Street, in the first house north of the
7 plume. So I do hope that whatever you decide, you decide to
8 keep on testing houses outside the plume, because if I end
9 up with the problem that some of my neighbors have, I'm
10 going to be looking to you for a solution to it.

11 I would like to add, too, that Durham is kind of a
12 special town and I don't think you could find a better
13 corporate citizen than Durham Manufacturing. They didn't
14 break any laws. The laws were made up after the damage was
15 done. So I think you have to give them a whole lot of
16 consideration because they're everything everybody said they
17 were here. They're our biggest taxpayer, they're one of our
18 best corporate citizens without question. Many of their
19 employees leave their work the minute the siren goes off and
20 they've done that for generations and I suspect they will do
21 it soon.

22 I would suggest that you enter into negotiations.
23 When you go into the negotiations on trying to find the
24 money to solve this, you remember that what Dick Kelly said
25 was just a quick calculation. There's 2600 households in

1 Durham with an average annual income of \$75,000. And even
2 if they get off with paying \$10,000 a year in taxes, you're
3 talking about \$26 million a year. Take that over the last
4 15 years that this has been a problem, and I think there was
5 enough money going down to Washington that maybe we could
6 get some back from the EPA.

7 So I think when you sit down to negotiate,
8 negotiate with the man that has the money in EPA and see
9 what they can kick in to solve this problem.

10 Thank you very much.

11 MS. O'DONNELL: Thank you.

12 This side, the gentleman in the back.

13 MR. KELLISH: My name is Dan Kellish and I'm the
14 other half of the ownership on the house on 227-227A Main
15 Street.

16 And I know the EPA well, because I've spent a lot
17 of time on the phone and a lot of frustration. I wanted to
18 add one other thing, that the MBTE that's starting to go
19 down Main Street was supported by environmental agencies in
20 this country. There was an article recently where Valero,
21 which is the largest refinery in the United States right
22 now, they have a gas station up here, but they own over
23 5,000 stations, and they don't -- they're fit to be tied.
24 They're one of the wealthiest refineries in the world. They
25 were told they should use the MBTE because it was more

1 efficient.

2 Well, a few years later they found out it was
3 contaminating the groundwater. So here we're blaming
4 industry, Durham Manufacturing, for something they didn't
5 realize that they were doing wrong. I guess the EPA didn't
6 know what they were doing, either, or these environmental
7 groups that supported an additive that makes the fuel burn
8 better, but when it gets down in the water, you cannot
9 separate it from the water.

10 And we have another source of income for this
11 sewer system, which sits right here where those gas stations
12 are. You've got the one where the Durham station was,
13 across the street. They say it's not part of the superfund.
14 It doesn't have to be.

15 What I believe in this country, I constantly read
16 the Wall Street Journal, a lot of Barons investment papers,
17 and we have a country that's the greatest country on earth,
18 and the reason it's succeeded is because industry, workers,
19 the government is supposed to work together, not fight each
20 other and go on endlessly.

21 And like I say, we've owned the house for -- or
22 we've been involved in this for 24 years. And my brother
23 cited our \$11,000 expenditure for drilling the well deeper
24 when Durham was told by the state that they had to pump
25 100 gallons a minute. Well, they created a plume, a reverse

1 plume, there was no water at all.

2 So I tend to ramble, but basically I think it's
3 time that we support the move by Middletown. I live in
4 Berlin and in Berlin we have a public water supply, and it's
5 a lot better than worrying every day about whether your well
6 is going to get polluted. And that's what we got in Durham.
7 It could get steadily much worse. And this dioxin is a
8 chemical that can't be stopped with the filters.

9 And if anybody wants to see the filters we have in
10 Durham, it's quite an elaborate system. And so -- and I
11 also think that Merriam, they exist. They're still in
12 Middletown. They're down in the North End of Middletown,
13 down there. The state apparently can't find them. Well,
14 there's a lot of people that I know know exactly where the
15 company is still operating. So that's a big joke in itself.

16 So basically I think it's time to promote this
17 system. Durham has suffered enough. And the future of this
18 town, what everybody forgets is the economic value of
19 getting a water supply. You don't have to -- all the
20 property on Main Street is going to go up and the rest of it
21 in Durham, because somebody here had mentioned that, how do
22 you know how far this is going to spread?

23 MBTE mixes with water and it was discovered in
24 Alaska in the logging camps that it was no good. A lot of
25 the rural areas of America banned it before it got out of

1 control, but the governmental agencies kept pushing it to
2 save fuel and polluted -- they say in some areas of the
3 country one-third of all the water is polluted by MBTE, an
4 additive to make fuel burn better.

5 So nobody is really to blame. Our technology is
6 moving forward and I'd love to see this thing get solved. I
7 think it's possible.

8 And like Anni said, that it'd be two years before
9 a decision was made or before we could get water. That's
10 unacceptable. Why should it take two years? Let's just get
11 going with the project. And I'm sure between all the
12 political people like Ray and the Governor and the right
13 negotiations, I think we can solve this problem and make
14 Durham have a good future instead of an uncertain existence.

15 I thank the EPA for coming and putting up with me
16 calling them, and I intend to continue to call, but that's
17 all I have to say. But I think this is a solvable problem
18 and it's time to do something.

19 I thank you.

20 MS. O'DONNELL: Thank you.

21 I saw a hand raised in the back.

22 MR. HANLEY: I'm Richard Hanley. I'm on the
23 Durham Economic Development Commission. I am not speaking
24 for the Commission tonight, but as a member. I live at
25 111 Johnson Lane.

1 I wanted to make a few comments regarding economic
2 development in Durham. It's been a difficult process to try
3 to balance development here, and tonight I think I find
4 myself in a position of economic preservation. The talk of
5 Durham Manufacturing being the largest employer in town is
6 also the largest taxpayer in town. And in the time of
7 corporate Enrons and scandals, to find a corporate citizen
8 who has been, I think, as responsible as Durham
9 Manufacturing, I think it would be a crime to place an undue
10 burden on them because of the fact that they are one of the
11 last set of deep pockets around.

12 I would hope that the EPA and the powers that will
13 decide this matter will consider that in their final
14 decision.

15 I also come here with a personal observation. One
16 of the ladies here tonight mentioned where we rank in the
17 listing of priorities. I would refer you back to the maps
18 of the plumes. And in one of the plumes sits Strong School.
19 Strong School sees every seventh and eighth grade student in
20 this town in public school. I have a ten-year old who will
21 be there in two years. So I would hope that that would
22 raise the priority.

23 Finally, I think that if there is precedent for
24 public water in Durham, I have a neighbor who has been here
25 or his family has been here since -- many, many years. And

1 I believe that he can trace back that there was once a
2 public water supply in Durham with wood staved pipes that
3 was fed from Middletown. It was cleaned, I am told, by eels
4 to keep the pipes clean. I would also hope that the EPA
5 does not identify eels as being something that shouldn't be
6 in the water supply.

7 Thank you.

8 MS. O'NEAL: Dian O'Neal, 271 Main Street.

9 I'd just like to reiterate the situation with the
10 MBTE. MBTE was mandated by the federal government. We
11 didn't have a choice. Unfortunately, in their wisdom, they
12 forgot to test the tanks, the holding tanks. The MBTE
13 leaked from all the tanks. This is a source, as Mr. Kellish
14 said, should be investigated, and they do have the money.

15 Thank you.

16 MS. O'DONNELL: Thank you.

17 Any other comments? Yes, ma'am.

18 MS. KEAN: I'm Karen Kean. I live at 289 Main
19 Street, directly north of Merriam Manufacturing's property.
20 Merriam Manufacturing is no longer there.

21 I'm very concerned about the water situation,
22 also. I have two carbon filters in my cellar and last
23 spring or last fall, I think I talked to Mike Beskin when
24 the word came down about the dioxin and asked him if I could
25 have bottled water. He got back to me and said, no, that

1 that wasn't going to be paid for. So I buy my own bottled
2 water, like Mr. Kellish does, I'm concerned about drinking
3 it.

4 Everybody seems to think tonight that the best
5 solution is Middletown. I don't know. This is the first
6 time I've heard about White's Farm and the possible well
7 there or Mrs. Domyer's water. I don't know if that's worth
8 looking into to see if it would be less expensive than
9 Middletown. Middletown is close. The other wells are in
10 Durham. Would it be cheaper?

11 Mr. Kellish's point about the chemical coming down
12 Main Street and then coming down onto Maple Avenue, that's a
13 concern.

14 I also work in Strong School. I do drink the
15 water there. I believe it's filtered. This is unusual,
16 though, I mean, I drink the water there, but I don't drink
17 the water at home. I have more faith in their carbon
18 filters, I guess.

19 I'm concerned about the cost. I don't make nearly
20 77,000. I don't make anywhere near that. I support myself.
21 I would hope there would be some funding coming from
22 someplace. I like the idea about our taxes. Mr. Curley
23 said maybe our taxes should be reduced. I think they should
24 be reduced. That's a great idea, because our property
25 values are going down with this water situation, at least

1 until it's solved.

2 I just -- and there would also be, like Mrs. Hofer
3 said, Renee Hofer, I think there will be a bill monthly when
4 you come from Middletown. I just wanted to say that I'm
5 concerned. I do think that Durham Manufacturing is a very
6 responsible company. I don't think Merriam Manufacturing
7 has been. I suppose that I shouldn't say that publicly.
8 They're very nice people in some ways, but they should be
9 responsible and pay the bill and they haven't.

10 I guess that's all. I just wanted to say that.

11 Thank you very much.

12 MS. O'DONNELL: Thank you very much, too.

13 Any other comments?

14 Seeing that there aren't any, the hearing is now
15 closed.

16 (Whereupon, at 8:54 p.m., the hearing was
17 concluded.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings
in the Matter of:

RE: DURHAM MEADOWS SUPERFUND SITE

Place: Durham, Connecticut

Date: July 28, 2005

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

D. Strzemienski
Reporter

07/28/05
Date

H. Kelly
Transcriber

08/17/05
Date