

Certification of Compliance
Significant Environmental Hazard
Pursuant to C.G.S. 22a-6u

Timothy Bishop
Conservation Director
Town of Fairfield
725 Old Boston Post Road
Fairfield, CT 06824

June 20, 2022

RE: Significant Environmental Hazard
Mill Hill Elementary School
635 Mill Hill Terrace, Fairfield

Dear Mr. Bishop:

The Remediation Division of the Department of Energy and Environmental Protection (the “Department” or “DEEP”) has reviewed the report of actions taken to address an environmental hazard entitled Significant Environmental Hazard Abatement Report (“the Report”), dated December 29, 2021, prepared for the Town of Fairfield by Tighe and Bond, and received on December 29, 2021. This Report was prepared in response to the Department’s June 5, 2020 acknowledgement of a report of your identification of a significant environmental hazard condition. Notification of the significant hazard was received by the Department on April 6, 2020, and described a condition where pollution in the top two feet of soil may pose a risk to human health as a result of direct contact at Mill Hill Elementary School, located at 635 Mill Hill Terrace in Fairfield. Specifically, Benzo(a)pyrene was detected at a concentration of 20 and 31 ppm.

The Report describes the investigation of soil samples and excavation of 856 tons of polluted fill under and around an ADA sidewalk undertaken to evaluate and abate the environmental hazard. Confirmation soil samples were collected demonstrating compliance with the RSRs. Under the provisions of Section 22a-6u (k) of the Connecticut General Statutes (CGS) this letter certifies that the Department has determined, based on the information in the report identified above, that the significant environmental hazard has been satisfactorily abated, such that notification under the law would not be required, for the following reason(s):

- Soil within the top two feet does not exceed the applicable hazard criteria of 15x the Residential Direct Exposure Criteria.

Please note that this letter pertains **solely** to the identified significant environmental hazard condition. This letter does not establish either a basis for determination that your site is 'clean', a basis for submittal of a 'Form II' or 'Form IV' in the event this property is an establishment, or a basis for resolution of any prior Form III filing under the Property Transfer Program pursuant to CGS Section 22a-134 et. seq. The evaluation of a release area or property to determine if it is in compliance with Connecticut's Remediation Standard Regulations (RSRs) is a separate and distinct activity from identification and resolution of an environmental hazard condition, although the same data may be used for both, as appropriate, and in accordance with each statute and regulation. Both of these activities, resolution of a significant environmental hazard and remediation of related pollution, are required, under separate laws.

Certification of Compliance C.G.S. 22a-6u

Nothing in this letter shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law including but not limited to violations of any permit issued by the Commissioner. No provision of this letter and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the described actions will result in permanent abatement of the environmental hazard. If at any time the Commissioner determines that the actions taken have not successfully abated the identified environmental hazard, the Commissioner may institute any proceeding, or take any action to require further action to mitigate or abate the hazard. This letter relates only to evaluation, mitigation or abatement actions, for the significant environmental hazard identified, as described in the above referenced Report(s).

In addition, nothing in this letter shall relieve any person of his or her obligations under applicable federal, state, or local laws or regulations.

If you have any questions, please contact Abby Plungis by phone at 860-424-3201 or email at Abigail.plungis@ct.gov.

Sincerely,



Raymond Frigon
Assistant Director
Remediation Division
Bureau of Water Protection and Land Reuse

JMC:agp

copy:

Mr. James Olsen, LEP, Vice President, Tighe & Bond, Inc., 213 Court Street, Middletown, CT 06457

Mr. Sands Cleary, Director of Health, Fairfield Health Department, 725 Old Post Road, Fairfield, CT 06824

e-copy:

Jade Barber, Remediation Division, DEEP

Amanda Killeen, Remediation Division, DEEP

Monica Meschiatti, Remediation Division, DEEP