Town of Canaan

Inland Wetlands/Conservation Commission

Minutes of Regular Meeting (via ZOOM)

April 20, 2020

Members in Attendance: Mark Burdick, Felicia Jones, Susan Kelsey, Ellery Sinclair

Meeting (via Zoom) was called to order at 7:00 p.m. by Chairman Burdick. By consensus, reading and approval of the minutes of March 16, 2020 was postponed until the May meeting. Also by consensus, all other regular agenda items (e.g. routing sheets, communication) were postponed until May in order to address a pending application from American Petroleum (as agent for Ali Nassari, as owner of Route 7 Fuel Corp).

Kelsey informed the Commission that she has been in communication with Jim Lantowski of American Petroleum, a company that has been contracted by Route 7 Fuel Corp to assist in the removal of leaking gas tanks and contaminated soil, in addition to the treating of associated contaminated soils. The contaminated soils will be moved off-site. It is proposed to treat the contaminated water by filtering (to eliminate solids) and subsequently passing the water through aqueous phase granular carbon vessels. It is proposed to discharge the treated water back into Robbins Swamp through a catch basin on the property that connects to a culvert that flows under Route 7 and empties into Robbins Swamp.

The water has already been tested (Phoenix Environmental Laboratories, Inc,) and a list of detected contaminants has been sent to the Commission (dated April 8, 2020). The Commission is also in receipt of two applications American Petroleum has sent to the State (‘General Permit Registration Form for the Discharge of Groundwater Remediation Wastewater’ and ‘Request for Natural Diversity Data Base (NDDB) State Listed Species Review’). It is the intent of American Petroleum to submit an application to the Inland Wetlands Commission as soon as they receive their permit to discharge the treated water back into the Robbins Swamp.

A synopsis of the concerns of the Commission members regarding the proposal is as follows:

1) Robbins Swamp is a very fragile, rare ecosystem. Is it wise to reintroduce the treated water, albeit treated to State safety standards, back into this Swamp? Might it not be prudent to transport the treated water off-site and disposed of elsewhere (possibly into a quarry?)

2) Will the Commission be apprised of the results of post-treated water prior to the water being discharged into Robbins Swamp?

3) What actually is the role of a local Inland Wetlands Commission when the State Water Permitting and Enforcement division is involved? Does the State have ultimate authority in allowing the water discharge?

4) What is the protocol for coordination (if indeed, there is one) between the Bureau of Natural Resources (NDDB) and Bureau of Materials Management & Compliance Assurance (Water Permitting & Enforcement Division) when it comes to coordinating water discharge permits that are proposed for fragile and protected State lands?

Kelsey informed the Commission that she had inspected the culvert proposed to receive the discharged water and noted it was compromised by the accumulation of significant amounts of sand and silt. She reported having contacted the DOT (North Canaan division) and was informed that they do not have available at their disposal the equipment necessary to clean out the culvert. She may personally attempt to clean out the culvert…

Kelsey also informed the Commission that an individual from the Water Permitting and Enforcement Division is directly contacting the NDDB in attempt to expedite the request for NDDB information.

Kelsey will contact both the individual at the State assigned to processing the treated water discharge permit (Don Gonyea) and an individual from the Inland Wetlands division in an attempt to relay the Commission’s aforementioned concerns.

Sinclair questioned the legality of conducting a meeting using ‘Zoom’. Burdick said he believed it was permissible, as long at the meeting time and date and associated passcodes for ‘Zoom’ access gets noticed to the public. All future ‘Zoom’ meetings will get noticed as such and passcodes made available to the public.

Motion made by Sinclair to adjourn at 7:55 p.m. ; seconded by Jones; passed unanimously.

Respectfully submitted,

Susan Kelsey, secretary