

**SELECT BOARD MEETING MINUTES
MAY 31, 2022 AT 6:00PM
TOWN HALL, SELECT BOARD CONFERENCE ROOM**

CALL TO ORDER/OPENING

Chair Antanavica called the meeting to order at 6:05pm . Chair Rick Antanavica, Vice-Chair John Shocik, Second Vice-Chair Herb Duggan Jr., Selectman Dianna Provencher, Selectman Allen Phillips, Town Administrator David Genereux and Assistant Town Administrator Kristen Rubin were in attendance.

Meeting with DEP to Discuss Soil Importation

Mary Jude Pigsley with DEP gave a brief overview of DEP's involvement in soil regulation. The State asked DEP to look into where different types of soils can go as there are tons of soils moving around the state every year. DEP subsequently created policies stating where soils can and can't be used including the similar soils policy and the use of soils on large reclamation projects. DEP does not regulate rocks, so DEP is not involved in the rock importation at 200 Main Street.

Mark Baldi with DEP gave an overview of DEP policies:

- DEP does not regulate the thousands of tons of soil that move around the state but do regulate contaminated soil that is above reportable concentrations through the use of licensed site professionals (LSPs).
- Similar soils policy requirements:
 - Soil must not be hazardous waste
 - Soil concentrations must be less than reportable concentrations or exempt (such as naturally occurring arsenic)
 - Soil can't be relocated to where it would create a disposal site. DEP wants like soils in like places.
 - Soil concentrations can't be significantly lower at the receiving location
- Interim policy on the reuse of soil for large reclamation projects provides for site-specific Administrative Consent Orders to ensure that the reuse of large volumes of soil does not pose a significant risk of harm to health, safety, public welfare or the environmental and does not create new releases of hazardous materials. Applies to quarries, sand or gravel pits that plan to receive greater than 100,000 cubic yards of soil.

Mary Jude Pigsley noted that the projects going on in Town on Main Street and Stafford Street are under 100,000 cubic yards so they do not have DEP involvement via administrative consent orders. The Board discussed concerns about existing soil conditions on these sites and adding more soil containing arsenic. Ms. Pigsley noted that 200 Main Street is being filled with rocks so would fall only under any applicable local controls. She noted DEP's drinking water division has been in contact with the Cherry Valley Rochdale Water District regarding their concerns about the proximity of the site to Henshaw Pond. The rocks are outside of the zone of concern, or zone "A". Mr. Baldi noted that the DEP branch chief has been in contact with the owners and LSP of the 0 Stafford Street and Tractor Supply sites and confirmed that soils characterization was done. The Board discussed a new complaint received regarding work on Stafford Street which DEP will look in to.

Kevin Jarvis with Lighthouse Environmental stated his company has moved over 300M tons of soil and has worked on the Clark University project as well as Mr. Schold's projects. Mr. Jarvis noted his company always follows the rules. He noted that soil importation becomes a rumor mill and can be very inaccurate.

Matt Schold noted he has followed all regulations regarding soil importation and is concerned about the Select Board saying he is going to contaminate wells in Town. He has other projects in Town that have not caused

issues. Mr. Schold noted that he came and brought his attorney and LSP because he takes the concerns seriously. He asked that the Board reach out to him directly moving forward with questions and concerns and noted his family is trying to put facts out on Facebook in response to some of the misinformation. He expressed willingness to provide any information including testing that the Board is looking for.

The Board noted that they are responding to resident concerns and inquiries which resulted in this discussion.

Motion 053122-1: A motion to adjourn was made by Mr. Duggan and seconded by Ms. Provencher at 7:05pm. Motion carried 5:0:0.