

Column Alum inaugural article by Post University Alum, Sharon Samoska-2

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That is what students and graduates of Post University do. This opportunity is growing as a result of Post University's first Environment-Wise I Symposium held April 12, 2017. A seven member panel defined and fielded questions on this year's topic of Brownfields in Waterbury and Connecticut. The goal of the symposium ?to inform, educate, enlighten, and inspire? certainly was achieved. Created out of the Honors Legal Environmental Course, the symposium is the parent of the developing Environmental Justice and Resource Center in Waterbury (watch for articles in subsequent newsletters for more information). (The complete video of the Symposium may be found on the landing page of our unique and innovative online academic journal, Digital Life & Learning: <http://digilifelearn.com/>)

Peter Chepya, Academic Program Manager for Legal Studies; Linda Koblyarz, Director of the Honors Program; and Dr. Maura Bozeman, Academic Program Manager for Environmental Studies, were the hosts for a two hour program planned by a team of Post University educators, students (graduate and undergraduate), and staff bringing together seven expert panelists to answer questions and provide insight into the growing, dangerous ?Brownfields? dilemma.

Each panelist shared his area of expertise and concerns. While the task of fixing these sites is enormous, there is hope to address the issues created by Brownfields. The recurring theme among panelists was the economic issues involved with these sites. Where is funding to be obtained to remediate them? Without a plan for development there is often no funding. Yet, the time and money invested in the remediation of these sites is anything but wasted as in some cases the return is at a rate of 10:1! Some panelists felt there is a decreasing interest on the part of residents about these sites, some felt people need better education, some felt there must be a strategy followed to address the concerns, some felt there should be greater involvement of people in the community in the task of remediating the property and in some cases a consideration may be that residents each purchase some part of the property to be the instruments of change. Common to all is that it takes time, it takes attention to regulations, and it takes commitment.

Keith Ainsworth, Esq, practicing environmental attorney: The biggest challenge of the Brownfields is ??how to utilize these sites where they sit.? He defined the Brownfield site as one ??characterized as an underutilized site, because of its perceived or its actual contamination.?

Stephen H. Brown, PG, LEP, HRP Associates, Inc, Senior Project Manager and Director of Hazardous Materials Services: Brownfield sites consist of not only the subsurface and ground water contamination, but that the buildings on these sites are a large issue and can be just as, or more expensive to address. It is a challenge to secure funding for these sites. He stated: If it's done right, reutilizing the Brownfield site is an amazing thing.?

Representative Mike Demmico, Co-Chair, Legislature Environment Committee, Connecticut Legislature, Hartford. One of the big issues with which to deal is the ??tension or competition between economic development and environment tension?? This gap is what the legislature tries to bridge.

Joseph A. DePaola, Natural Resource Specialist, U.S. Army Corps of Engineers: He feels ??we need to be in compliance with people in the community, to educate people in the community?about the environmental issues and find answers to the ?why questions.? He stated that ?Connecticut is a good place to start.?

Mark R. Lewis, Brownfields Coordinator Connecticut Department of Energy and Environmental Protection: The Brownfield is a property that is ??either contaminated or perceived to be contaminated, and it is underutilized or abandoned.? By definition a site is not considered a Brownfield if it is a property owned and actively in use. The challenge is to remediate a site complying with laws and regulations. A second major concern hindering action or investment in these properties is the liability at these sites based upon the contamination or perceived contamination. Connecticut has put 190 million dollars toward the assessment and remediation of these sites which is likely the highest dollar amount delineated for this purpose of any state in the nation, but it is a small amount in view of the overwhelming number of these sites.

Steven Schrag, Chairman of the Waterbury Environmental Control Commission; who also works for a union dealing with issues of worker safety in Connecticut: In Stratford Raybestos gave the city soil for free, but he stated ?...often what you get for nothing is worth nothing?? and in this case it came at a price as the soil was contaminated and now poses concerns for clean-up and hazardous exposure to asbestos for the workers. As he drives by the many Brownfield sites in Waterbury, he thinks of what they were and he wonders what they now could become. A proactive plan to deal with these sites is required, not just reactive attention due to some disaster or untoward event (such as a fire of which Waterbury in the last five years has seen many). Even in the reactionary approach, there is inconsistency such as the difference between the response to the fire at Anamet and the fire at Bristol Babcock. The Community Reinvestment Act which requires local banks to invest back in their community is a potential door opener to working with Brownfields. He supports a strategy to foster action which is to get the research first, get the facts, provide education for people in the community, create the organization, and then determine the action that needs to be taken. He spoke about Environmental Justice (?EJ?). Waterbury is categorized as an Environmental Justice Community. (Refer to: http://www.ct.gov/deep/cwp/view.asp?a=2688&q=322380&deepNav_GID=1511)

Max Tanguay-Colucci, Regional Planner at the Naugatuck Valley Council of Governments: The challenge is ?? finding resources to assess and cleanup Brownfield sites in our 19 town region in addition to any municipalities that participate in the regional Brownfield partnership which consists of 27 communities in West Central Connecticut.? There are hundreds to thousands of these

sites and simply stated dealing with them is complicated. There is no one general answer for all of them. There are gaps in funding programs, loans may be needed, but terms of loans and grants limit the actions that can be taken. It takes persistence, patience, and passion to work with Brownfields. ?It makes sense to invest in Brownfields?where we can utilize the infrastructure we already have and really increase our sustainability not only environmentally, but also economically.?

Post University Student Ambassadors posed thought provoking and pointed questions to the panelists including the interaction of Federal, State, and local agencies and departments for evaluation and remediation. From this reporter's experience, that interaction is fraught with obstacles with all too often no clear map of who does what and when. Mr. Lewis from the State perspective felt it is a partnership of all including the private sector, the State, and the community in which the Brownfield site exists. A point to ponder noted by one panelist is that it is a win to clean up these areas, not a losing gamble; but to residents living next to a neglected and ignored Brownfield, one wonders why it takes so long for the win-win situation to be recognized as the attitudes of officials are that it is too costly to win the battle. Reminding one of the cliché that those in the trenches know what they need, panelists discussed involvement of the local people for generation of ideas and perspective for the development of the Brownfields. In the sometimes convoluted path of contacts, how do citizens find who will listen to their suggestions and concerns, and who can do something about them?

Historically, cities have a higher number of these sites, and the areas in which these sites sit tend to have residents of color, and/or of a lower economic strata. DEEP has an EJ program addressing these issues. A positive outcome has been the development of entry level, on the job training programs for people in their communities to work on these properties such as in remediation. There was no definition of the term ?entry level? position, the time frame of the study program, what these positions might pay, or the duration of the job. The original Superfund law stated the polluter must pay, but that changed in 1995. Should not the polluter bear responsibility for harmful actions? Attorney Ainsworth described a case in Eastern CT which he called the ?Connecticut version of Civil Action, the Woburn case?? Brownfields are a nightmare in Connecticut and they are a nightmare nationwide. For those not immediately affected by them, it is easy to ignore them and let them be the problem of someone else. For those affected by them, they can not be ignored, they are the living picture one wakes up to each day and the dark cloud of what long term harm they are causing to life.

The Connecticut Transfer Act upon inception, though including remediation, did not provide a time frame for remediation (the act was later amended) which has allowed these properties legally to sit untouched and threatening. One panelist shared there is work being done on this. For readers, what do you think can or should be done? If you are reading this out of Connecticut what has your state done or not done?

Trespassers including youth frequent these sites, not knowing upon what they are walking, toxic chemicals they might touch or inhale. There are no warning signs that state the site has toxic substances hazardous to one's health. Panelists felt the site should be secured. In the ideal world there would be a means to make these places secure, but in the real world is there? Will any fence or barrier keep out trespassers?

In the August 2015 Bristol Babcock fire was the City responsible for clearing the area, why did not the agencies which knew of the fire protect the residents, what reporting can be done when agencies do not meet their responsibility? The varied answers of the panelists supported the dilemma of agencies and departments not interacting efficiently and expeditiously to protect the health and

safety of the people. Some panelists placed responsibility with the Health Department or the Fire Department; some on the State representatives; some stated concerned citizens should go to Town Hall and take a stand. What can you do when your phone calls are not returned, or there is a fire with black smoke so dense you can't see beyond ten feet out your door? Why is it so difficult to find the right person to address an issue? Whose responsibility is it to provide information for the safety of residents in a disaster?

Does this situation shout there needs to be a plan for emergencies at the Brownfields in our communities? Under the Freedom of Information Act do not residents have the right to know that plan and local officials have the obligation to develop the plan and the responsibility to inform the residents of that plan?

Reverend Paul Sinnott (Assistant to the Bishop of the New England Synod of the Evangelical Lutheran Church in America), honored guest, who is involved with environmental concerns on both the City, State, and Regional level said: "I wanted to bring a word of thanks to these experts in this field and for this symposium. This has been a remarkable opportunity." "This is great that you are offering this as the future of helping our cities to revive and provide economic justice where it is appropriate."

What will be the impact of funding cuts to the EPA on Brownfields? Some panelists felt it would have a negative effect; others related it is too soon to answer the question as the details are not available. The role of residents needing to be proactive was stressed. There is no doubt that the EPA has funding and expertise that the State simply does not have and can not afford to have. Reinstatement of the "polluter pays" is a consideration. What can be done when the polluter no longer exists as many of these Brownfields are well over a century old?

Approximately 400 Brownfields in Connecticut are on record, but the total number is realistically in the thousands. These sites pull down real estate values, are continuing sources of actual or perceived pollution, and pose dangers to trespassers and workers. They are underutilized sites. They are liabilities. They sit as legacies of a former era of manufacturing greatness such as in Waterbury (aptly nicknamed the "Brass City") where there are over 40 such properties, many with chemicals buried or stored on site or adjacent to the site which are toxic, a threat to the environment and to human health and safety. Brownfield sites include not only the affected land of the site, or adjacent bodies of water; but the deteriorating buildings themselves. While Brownfields often are referred to as abandoned factory sites, the term also includes dumping areas of contaminated substances such as the Stratford site with contaminants buried in soil, or at Laurel Park in Naugatuck at which monitoring continues. Contamination of areas removed from the Brownfield site is of concern (vapor intrusion, water/ground pollution). Sites which are privately owned, sites where the owner is unknown, sites without a plan for development without a strong potential of success sit for decades abandoned, hiding and leaching their toxic substances off the property until some urgent change in character of the site brings it to the attention of local, state, or national departments or agencies; or the property is purchased by the City or State at which point funding is more available providing the impetus to begin steps for remediation and safe reutilization of the property. It is a daunting task, but there is the hope that something finally will be done. Through education and awareness, changes have occurred. Connecticut had allotted about 190 million dollars for working with these sites. It is a start toward tackling an immense problem. The Brass Mall in Waterbury is built on a Brownfield site. Yes, one person, one community, one city, one state can make a difference if the desire, perseverance, and passion exist. Knowledge is the key to success; knowledge of possibilities and knowledge of lurking dangers will open the door to changing these sites from dangerous and a message of past errors to places where hope is generated for a future safe for all. Representative Demmico forcefully shared: "You say government has to do these things, you are the government. You all have planning boards, zoning councils. It is your responsibility to tell them what you want to see in your community. It is not just them, it is you. Run for office, get involved. That is how you can change policy. Going forward, get involved."

In closing Dr. Bozeman provided such an appropriate conclusion as she said "think global, act local." The panelists provided much

information to consider, but it is us who have to do that considering and it is us who must take action.

As Post University graduates, we can make a difference, we can join the cause to protect this planet, to take the degrading legacy of a former time and place and change the negative to a positive. As a graduate of the Paralegal Program at Post University, I have been honored to join in the planning for this event, to be a guest at the event, and to learn from the information provided. This symposium made a difference in our community, and the difference will be ongoing in the development of the Environmental Resource Center. Post University has planted a seed that will keep growing for years to come? Thank you to Post for this honest, open, and enlightening symposium!

Sharon L. Samoska

You might ask who is Sharon L. (Kranepuhl) Samoska? I am a former student of Post Junior College; a graduate of Briarcliff College in New York receiving my A.A. degree, and B.A. degree cum laude in English with an emphasis in Medical Writing; and am a 2016 honors graduate of the online Paralegal Certificate Program at Post University. I find the challenge of the legal arena compelling and exciting, and providing the tools for a better world. Currently I am involved in Christian Education, participating in rewriting our church constitution, am a delegate to the GWIM Delegates Group for whom I am currently secretary, and a volunteer with the Waterbury Environmental Control Commission. Having grown up in rural Connecticut and with my family roots in a quaint farming area (White Mills and Honesdale, PA), at an early age I became aware of the fragility and the importance of the environment and its beauty. It was during my recent studies at Post University that the disastrous fire at the Bristol Babcock factory site occurred, and the shocking decadence and dangers of Brownfields began my journey to understand what these sites were/are, to find ways to take action, to be a voice for change to protect the environment, and to make a difference to protect the health and safety of people in our community. It has been my greatest honor to join the planning team for the first Environment-Wise Symposium at Post University in April of 2017. This symposium has challenged not only those attending, including myself, but our community to think differently, to be proactive, to be persistent, to be advocates for protection of our resources, and to be vigilant. Through education, research, and outreach we can make a difference, and lives can be saved. No one voice is too small and together our voices are the instruments to prompt positive change.

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