

Meeting Minutes of Earth Removal Advisory Committee (ERAC), March 18, 2024

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Meeting called to order at 6:31 p.m.

Present were: Joe Markarian, ERAC Chairman; John Picariello, ERAC member; Tonia Bandrowicz, ERAC member; Gary Barden, ERAC member, and James Potts, Swampscott Fire Department.

Absent: Ted Dooley, ERAC member

Town staff present: Marzie Galazka, Community Development Director.

Representing Holcim NER Inc were Attorney Aaron Rosenberg, Chris Drucas, Legal Counsel, Jarrett Temple, Region Manager, Land & Environment, and Tanya Taylor, General Manager.

On a motion made by J. Picariello and seconded by T. Bandrowicz minutes of the May 23, June 7, and June 26 were approved. Due to absence at the May 23 meeting, G. Barden abstained from voting on the May 23 minutes.

Chairman J. Markarian allowed Attorney Rosenberg (representing Holcim NER Inc) to provide a disclosure regarding pending litigation. Attorney Rosenberg stated that Holcim NER Inc will provide response to questions submitted to him in writing.

ERAC proceeded to discuss the status of the yearly contract to review blast data. Town received a proposal from Brierley Associates to provide blasting consulting services associated with the ongoing blasting activities at Holcim NER Inc. facility located on Swampscott Road. The contract is similar to the one from last year. Per language found in the Annual Blasting Permit, the contract is to be approved by the Select Board with input from Holcim NER Inc. Town is moving forward with award of the contract to Brierley Associates. Chair will request that a draft copy of the blast report is shared with all parties and that Brierley Associates attend ERAC meeting to discuss the findings before the report is final.

The Chair will contact Jay Perkins at Brierley Associates to discuss the process of submitting and sharing of the blasting report, and to facilitate a positive working relationship between ERAC and Holcim NER Inc.

T. Taylor to share blast data from 2023 with Jay Perkins.

Status of dust and noise studies-in the past, Tech Environmental was retained by Holcim NER Inc to do dust and noise testing. ERAC Chair questioned the impartiality of Tech Environmental to serve both the town and Holcim NER Inc. and contacted eight (8) consulting companies to seek proposals for dust and noise studies. None were interested, and per Annual Permit, timing is of the essence to complete the studies this spring ERAC is fine with using Tech Environmental. T. Taylor stated that the plant is not operational due to equipment upgrades. Currently the system is not fully operational but might be running by mid-April or June. Future permits will require dust and noise testing on a regular basis.

Review of quarry closure plan – per Attorney C. Drucas currently there is nothing to submit. The goal of the 2018 plan submitted was to update the Town and ERAC on as needed basis. ERAC requested to see incremental changes to the mining plan and maps. ERAC requested Holcim NER Inc to provide a color-coded mining map showing areas intended for blasting. T.Taylor will provide a profile map. J. Picariello requested a 90 degree profile view of area of main access and images of cross sections of the blasting areas.

Chair requested a tour of the facility once the new equipment is installed and operational.

J. Picariello questioned the lack of warning signal during the 03/11/24 blast. Holcim NER Inc is required to sound 3 whistle blows prior to the blast. The sound on 03/11/24 was muted and short. T. Taylor to follow up with Maine Drilling.

J. Picariello questioned the water and sediment conditions at the holding pond and the impact to Foster Pond. Photos of pond from March 7, 2024 show cloudy water conditions, with areas of notable gray dust on top of the water in the pond. Holcim NER Inc will provide a description of their process to remove sediments from the bottom of the holding pond, and a copy of the maintenance schedule for the holding pond. Next clean out is scheduled for later this year.

Last week there was an emergency detonation. Chair requested better communication and outreach. Holcim NER Inc will work with Swampscott Fire and Police to assure notification to community is provided.

On a roll call vote ERAC voted to enter an Executive Session – to discuss strategy with respect to pending litigation. ERAC will not return to regular Open Session post Executive Session, and meeting adjured at 7:21p.m.

Next meeting: Select Boad invited ERAC to the 03/20/25 Select Boad meeting as they plan to discuss and possibility vote on the Holcim NER Inc Annual Erath Removal Permit.

Regular ERAC meeting will be scheduled as needed.