

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***APPLICATION NO.200901427***
STEWARDSHIP PERMIT FOR : ***SEPTEMBER 22, 2009***
ABB INC.

PROPOSED FINAL DECISION


The Department of Environmental Protection (DEP) issued a Notice of Tentative Determination on July 15, 2009, to approve the issuance of a Stewardship Permit to ABB Inc. The issuance of the Stewardship Permit will end the interim status of the former Combustion Engineering Windsor facility and impose long-term maintenance, monitoring, and financial assurance obligations on ABB to ensure the facility's regulatory compliance. The DEP notice also included a tentative determination to issue a Certificate of Completion for a portion of the applicant's property. General Statutes §§22a-6, 22a-6h, 22a-430, 22a-454 and 22a-449(c); Regs., Conn. State Agencies §22a-449(c)-110.

A hearing in this matter was conducted and concluded on August 26, 2009. The record was left open until September 4, 2009, for the receipt of written comments. During the comment period, the U.S. EPA submitted a comment letter dated August 27, 2009, which recommended that the permit be revised to require written notice to the Commissioner of any change in the licensed environmental professional responsible for conducting the site investigation and corrective action. Staff has added this recommendation to the attached Stewardship Permit.

The parties have signed and filed the attached Agreed Draft Decision with the revised draft permit for my consideration. Regs., Conn. State Agencies §22a-3a-6(l)(3)(A)(i). The parties have also submitted an agreement to waive the 15-day period for the filing of exceptions to my decision. §22a-3a-6(y)(3)(A).

I have reviewed the Agreed Draft Decision and the record in this matter, including the application and documentation relevant to the tentative determination and the revised draft permit. I find that the application and proposed revised draft permit meet the applicable statutory and regulatory requirements.

Based on the record and the parties' clear and concise presentation of the issues in this matter, I accept the attached Agreed Draft Decision and adopt it as my proposed final decision. Therefore, I recommend that the Stewardship Permit and Certificate of Completion be issued.


Jean F. Dellamarggio
Hearing Officer

SERVICE LIST

Proposed Final Decision concerning ABB Inc., Combustion Engineering Windsor Facility
Application No. 200901427

PARTY

REPRESENTED BY

The Applicant

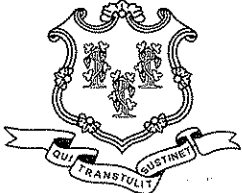
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Gabrielle Frigon
Lauren Kostiuk



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



IN THE MATTER OF : OFFICE OF ADJUDICATIONS
:
:
STEWARDSHIP PERMIT AND :
:
CERTIFICATE OF COMPLETION FOR :
:
ABB INC. : SEPTEMBER 16, 2009

AGREED DRAFT DECISION

I. SUMMARY

Pursuant to Section 22a-3a-6(1)(3)(A)(i) of the Regulations of Connecticut State Agencies (the "Regulations"), the Applicant, ABB Inc. ("ABB"), and Staff of the State of Connecticut Department of Environmental Protection (the "Department"), hereby respectfully submit this Agreed Draft Decision ("ADD"). This ADD sets forth the resolution stipulated to by the above mentioned parties to the above mentioned matter, the issuance of a Stewardship Permit (the "Permit") to ABB for the property located at 1900 Day Hill Road and a portion of 2000 Day Hill Road, Windsor, CT 06095; and the issuance of a Certificate of Completion ("Certificate") to ABB for the property located at 300 Scotland Road and a portion of the property located at 2000 Day Hill Road, Windsor, CT 06095. Collectively, these properties are known as the Combustion Engineering Windsor Site (the "Site" or "Facility").

The Permit, incorporated by reference as fully set forth herein, appears as Attachment A (as modified pursuant to formal comments submitted by EPA Region I) to this ADD. The Permit incorporates revisions to the draft permit that was provided for public notice on July 14, 2009 and July 15, 2009, in the Notice of Tentative Determination ("NTD"), as required by 40 CFR 124. The Certificate, incorporated by reference herein, appears as Attachment B to this ADD.

During the required 45-day public notice period, no requests to intervene were submitted. A public information meeting was held on August 26, 2009, at 6:00 p.m. at the Windsor Town Hall in the Town of Windsor followed by a public hearing at 7:30 p.m. Notice for the public meeting was provided in conjunction with the NTD on July 14, 2009 and July 15, 2009.

II. FINDINGS OF FACT

1. The Facility consists of three parcels of land located at 2000 Day Hill Road, 1900 Day Hill Road, and 300 Scotland Road in Windsor, CT, totaling approximately 600 acres. All three parcels are owned by ABB. [Exhibit APP-7] The Permit is being issued for the property located at 1900 Day Hill Road and a portion of 2000 Day Hill Road, for a total of 292.2 acres. [Attachment A] The Certificate is being issued for the property located at 300 Scotland Road and a portion of the property located at 2000 Day Hill Road. [Attachment B]
2. Operations at the Facility involved the research, development, engineering, production and servicing of nuclear and fossil fuel systems from the mid-1950s to 2000. Nuclear fuel processing activities ceased in 1993 and the commercial nuclear activities ceased in 2000 with the exception of decontamination and dismantling. Since 2000, site buildings are used by a tenant for engineering and research and development of fossil fuel systems. [Exhibit DEP-4]
3. Section 22a-449(c)-110 of the Regulations incorporates by reference Title 40 of the Code of Federal Regulations (“CFR”) Part 270. In turn 40 CFR 270 references 40 CFR 264, which outlines specific requirements for corrective action at a Resource Conservation and Recovery Act (“RCRA”) facility. [Exhibits DEP-8 and DEP-9]
4. On November 14, 1980, Combustion Engineering submitted to the United States Environmental Protection Agency (“U.S. EPA”) a RCRA Part A Hazardous Waste Permit Application (“RCRA Part A”); for a permit to operate a hazardous waste management facility. The submission of the RCRA Part A placed the Facility in interim status. On February 26, 2001, ABB updated the RCRA Part A to reflect changes to its business activities and operations. [Exhibits APP-7 and DEP-7]
5. Interim Status denotes that a facility is in the queue for issuance of a hazardous waste management facility operating permit. The Facility ceased operating prior to an operating permit being issued. In accordance with 40 CFR 270.73(a), issuance of a Permit will terminate the Interim Status of the Facility. [Exhibits APP-7, DEP-4, DEP-9 and DEP-10]
6. The Department has created the Stewardship Permit to address such cases, where a facility is in interim status but no longer operates. The Stewardship Permit is attached hereto. [Attachment A]

7. The Permit sets forth certain requirements for a permittee, including Closure, Corrective Action, and Financial Assurance for a RCRA facility. These requirements are delineated in 40 CFR 264, specifically Subparts F, G, H and N. 40 CFR 264 is referenced by 40 CFR 270 which is incorporated by reference as amended in Section 22a-449(c)-100 et. seq. of the Regulations. Public participation is also a required element of the Permit as set forth in RCRA (42 U.S.C. § 6974(b)). [Exhibits DEP-8 and DEP-9]

8. ABB submitted to the CTDEP its application for a Stewardship Permit (“Application”) for the Facility on May 20, 2009. These application materials are administratively required paperwork and the associated fee enables the Department to process the RCRA Part A application submitted in 1980 and to issue the Permit and Certificate. [Exhibit APP-7]

9. By letter dated July 10, 2009, the Department informed ABB that it intended to publish the NTD, stating that the Commissioner has made a tentative determination to issue a Stewardship Permit for closure, environmental investigation and remediation of the property located at 1900 Day Hill Road and a portion of 2000 Day Hill Road; and to issue a Certificate of Completion for the property located at 300 Scotland Road and a portion of 2000 Day Hill Road. The NTD was published on July 15, 2009 in the Hartford Courant and broadcasted on July 14, 2009 on WTIC 1080 a.m. [Exhibits DEP-1, DEP-2, DEP-3, DEP-5]

10. By letters dated July 10, 2009, the Department notified the elected officials of the Town of Windsor and Environmental Protection Agency (“EPA”) Region I of the Commissioner’s tentative determination to issue a Stewardship Permit and Certificate of Completion to ABB. [Exhibit DEP-1]

11. The Permit provides a framework for measuring the Permittee’s progress in performing all corrective action obligations at the Facility: (1) the Permit incorporates reporting requirements to document the progress of the cleanup and to memorialize those remediation measures taken and the results achieved; (2) the Permit outlines those long-term obligations of the Permittee that must be met in order for the Facility to be remediated and subsequent long-term ground water monitoring to ensure the remediation has been successful; (3) the Permit allows for the phasing in of the Permittee’s financial assurance obligations; and (4) the Permit documents the ultimate clean-up of the Facility and any pollution emanating from the Facility. [Exhibit DEP-6]

12. The Permit may be transferred with the advanced written authorization of the Commissioner. When and if the property ownership is transferred, the Permit may also be transferred from the seller to the buyer. With the transfer of the Permit, the obligations under the Permit are also transferred. [Exhibit DEP-6]

13. As documented in the Statement of Basis, the corrective activities for 300 Scotland Road and portions of 2000 Day Hill Road, as overseen by the Department and U.S. EPA Region I, have been achieved in accordance with Sections 22a-449(c)-104 and 22a-449(c)-110 of the Regulations, as applicable, providing the rationale for the issuance of the Certificate. [Exhibit APP-5]

14. The US EPA supports the issuance of the Permit to achieve compliance with RCRA corrective action requirements. The U.S. EPA Region I has reviewed the draft Permit and submitted a letter with comments dated August 27, 2009 on the Permit. [Exhibit APP-8]

15. The U.S. EPA Region I supports the determination that no Permit is necessary for 300 Scotland Road and portions of 2000 Day Hill Road and subsequently supports the issuance of the Certificate of Completion for that portion of the site. [Exhibit APP-5]

16. At 6:00 p.m. on August 26, 2009, a public informational meeting was held at the Windsor Town Hall in the Town of Windsor. ABB and the Department participated by making brief presentations that provided the historical context for the proposed Permit and Certificate. Also in attendance were public officials from the Town of Windsor.

17. After brief presentations the opportunity was presented to those present to ask questions and make statements.

18. After a short recess the formal public hearing was called to order shortly after 7:30 p.m. ABB and the Department decided to allow the exhibits submitted by both parties to speak for themselves and made no formal statements for the record.

III. CONCLUSIONS OF LAW


1. The RCRA Part A application submitted to the US EPA by Combustion Engineering on November 14, 1980 (as amended), was submitted in accordance with Section 22a-449(c)-110 of the Regulations which incorporates by reference 40 CFR Part 270.
2. The May 20, 2009 Application as submitted by ABB to the CTDEP is complete and otherwise in accordance with the requirements of sections 22a-3a-5 and 22a-449(c)-110 of the Regulations.
3. The Permit was drafted and subsequently revised, after formal comments were received and reviewed, under the authority of CGS Sections 22a-6, 22a-449(c) and 22a-454, and the Memorandum of Agreement between the U.S. EPA and the State of Connecticut, dated September 28, 2004, under the title: Connecticut: Final Authorization of State Hazardous Waste Management Program Revisions, including RCRA Corrective Action. Further the proposed Permit was drafted in accordance with Sections 22a-449(c)-100 through 119 of the Regulations which incorporates 40 CFR 270. Thus, the Stewardship Permit may be issued for the 1900 Day Hill Road and a portion of 2000 Day Hill Road.
4. The Certificate may be issued by the Commissioner for 300 Scotland Road and a portion of 2000 Day Hill Road in accordance with section 22a-6h of the CGS and section 22a-449(c)-110 of the Regulations incorporating 40 CFR 270.73 and the EPA's Final Guidance on Completion of Corrective Action Activities at RCRA Facilities, 68 Fed. Reg: 8757 (Feb. 25, 2003).

IV. RECOMMENDATION

Pursuant to Section 22a-3a-6(l)(3)(A)(i), ABB and the Department hereby submits this Agreed Draft Decision. For all the foregoing reasons and pursuant to Section 22a-3a-6(l)(3)(A)(ii) of the Regulations, it is respectfully recommended that this Agreed Draft Decision be accepted by the Hearing Officer and recommended to the Commissioner for adoption as her Final Decision, thereby resolving this matter.

State of Connecticut
Department of Environmental Protection

Applicant
ABB Inc.



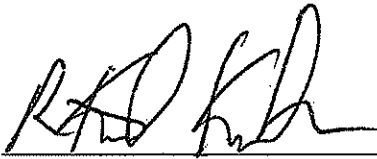
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79 Elm Street, Hartford, CT 06106



Keith R. Knauerhase
Director, Environmental Engineering
ABB Inc.
2000 Day Hill Road
Windsor, CT 06095

CERTIFICATION

I hereby certify that a copy of the foregoing **Agreed Draft Decision** was delivered on this ^{17th} day of September, 2009, to the following:

Via Hand Delivery

Hearing Officer Jean Dellamarggio
Office of Adjudications
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Diane Duva - DEP

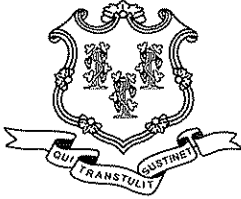
Lauren Kostiuk - DEP

Via Electronic Mail

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Gabrielle Frigon
Supervising Environmental Analyst
Waste Engineering and
Enforcement Division
Bureau of Materials Management and
Compliance Assurance.



STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



Stewardship Permit

Pursuant to Chapters 439 and 446k of the Connecticut General Statutes, a permit is issued to:

Permittee:

ABB Inc.
2000 Day Hill Road
Windsor, CT 06095

Facility Identification:

EPA ID No. CTD001159557
Permit Number: DEP/HWM/CS-164-007

To perform site-wide environmental investigation and cleanup ("closure", "post-closure care" and "corrective action measures") at the hazardous treatment, storage and disposal facility in accordance with Connecticut General Statutes ("CGS") Sections 22a-6, 22a-449(c) and 22a-454, and Section 22a-449(c)-110 of the Regulations of Connecticut State Agencies ("RCSA") as specified in the conditions set forth in this permit.

This permit regulates and authorizes the Permittee to perform post-closure care and corrective action measures at the facility. The permit does not authorize operation of a hazardous waste management facility in the sense of treating, storing, or disposing of hazardous wastes generated off-site.

All terms in this permit are defined in the permit or if not defined in the permit are as defined in Section 22a-449(c)-100 of the RCSA or in Title 40 of the Code of Federal Regulations ("CFR") Parts 260, 261, 262, 264, 268, 270, 273 or 279.

This permit is based on the information described in the Resource Conservation and Recovery Act ("RCRA") Part A filed by the applicant on November 17, 1980 and the Stewardship application filed on May 21, 2009. The Permittee must keep records of all data used to complete the permit application and any supplemental information submitted for the effective term of this permit. The permit application and RCRA Part A filing are incorporated by reference as part of the permit. Any false statements or inaccuracies contained in the information submitted by the Permittee may result in the suspension, revocation or modification of this permit and civil or criminal enforcement action.

The Permittee shall comply with all terms and conditions contained in the following sections of the permit: Section I (Standard Facility Conditions) pages 1 through 10; Section II (Authorized Activities) pages 11 through 24; Section III (Compliance Schedule) pages 25 through 26; and the information contained in the Permittee's permit application, except where the application is superseded by the more stringent conditions contained herein. Any violation of any provision of this permit may subject the Permittee to enforcement action pursuant to the CGS including but not limited to Sections 22a-6a and 22a-131.

This permit is transferrable upon the Commissioner's written authorization, provided the Permittee and potential transferee have complied with the requirements set forth in CGS Section 22a-60.

This permit may be revoked, suspended, modified, transferred, or reissued, in order to comply with applicable law. The Commissioner may also modify this permit when it is deemed necessary to do so.

(Page i of ii)

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The Permittee shall submit a revised permit application to the Commissioner at least one hundred and eighty (180) calendar days before making any changes to any of the permitted areas or activities. Any application shall be approved in writing by the Commissioner prior to the Permittee implementing such change. The Permittee shall submit an application for a renewal of this permit to the Commissioner at least one hundred eighty (180) calendar days prior to its expiration date.

This permit is hereby in effect and shall expire ten (10) years from this date.

Date

Amey W. Marrella
Commissioner

STEWARDSHIP PERMIT
ABB Inc.

2000 Day Hill Road
Windsor, CT

EPA ID No. CTD001159557
Permit No. DEP/HWM/CS-164-007

SECTION I

Stewardship Permit
Standard Facility Conditions

ABB Inc.

EPA ID No. CTD001159557
Permit No. DEP/HWM/CS-164-007

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Figure No. 2 Site Overview

STEWARDSHIP PERMIT
SECTION I
STANDARD FACILITY CONDITIONS

A. EFFECT OF PERMIT

Except as is provided in the Regulations of Connecticut State Agencies (“RCSA”) Section 22a-449(c)-110(a)(2) and except for any federally enforceable requirement(s), compliance with this permit during its term constitutes compliance, for purposes of enforcement, with Connecticut General Statutes (“CGS”) Section 22a-449(c). This permit may be modified, revoked and reissued, or terminated during its term as set forth in RCSA Section 22a-449(c)-110(a)(1), which incorporates by reference Title 40 of the Code of Federal Regulations (“40 CFR”) Parts 270.41, 270.42 and 270.43.

The Permittee shall perform closure and corrective action in accordance with the application (Application No. 200901427) received by the Department of Environmental Protection (“Department”) on May 21, 2009 and the requirements of this permit. In the event of a conflict between the Permittee’s application and the requirements of this permit, the requirements of this permit shall take precedence and apply.

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

Term (Duration) - The effective date of this permit is the date on which the permit is signed by the Commissioner. This permit is in effect for a term of ten (10) years and may be renewed at the end of the term, in accordance with the requirements described in Condition No. I.E.2., “Duty to Reapply” of this permit.

In accordance with 40 CFR 270.73(a), upon issuance of this permit the Permittee’s Interim Status granted under the Resource Conservation and Recovery Act (“RCRA”) is hereby terminated. In addition, upon the Commissioner’s determination that the Permittee has satisfied the requirements of this permit, a Certificate of Completion shall be issued to the Permittee.

B. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

C. CONFIDENTIAL INFORMATION

The Permittee may claim that any information required to be submitted by this permit contains or constitutes confidential information in accordance with CGS Section 1-210(b).

D. IMMINENT HAZARD ACTIONS

Notwithstanding any provision of this permit, enforcement actions may be brought pursuant to Section 7003 of the Resource Conservation and Recovery Act, CGS Section 22a-6, or any other applicable law.

E. DUTIES AND REQUIREMENTS

1. Duty to Comply. The Permittee shall comply with all conditions of this permit except that the Permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an Emergency Permit that explicitly authorizes any such noncompliance. Noncompliance by the Permittee with the terms of this permit, except under the terms of an Emergency Permit, shall constitute a violation of this permit and any applicable laws or regulations and is grounds for enforcement action, for permit termination, revocation and reissuance or for denial of a permit renewal. Emergency Permit as used herein shall mean Emergency Permit as identified in RCSA Section 22a-449(c)-110(a)(1) incorporating 40 CFR 270.61.

Unless superseded by a more stringent provision in this permit, the Permittee shall comply with all of the applicable requirements of RCSA Sections 22a-133k-1 et. seq. ("Remediation Standard Regulations" or "RSRs"), as amended, and 22a-449(c)-100 et. seq., including any portion of 40 CFR 260 through 279 incorporated by reference therein.

A violation of this permit for purposes of state and federal law constitutes a violation of a RCRA permit.

2. Duty to Reapply. This permit shall expire ten (10) years after the effective date of this permit. If the Permittee wishes to continue engaging in an activity regulated by this permit after the expiration date of this permit, the Permittee shall apply for renewal of this permit one hundred and eighty (180) calendar days prior to the date of expiration of this permit, in accordance with RCSA Sections 22a-449(c)-104(a) and 22a-449(c)-110 incorporating 40 CFR 264.101 and 270.10(h) and any other applicable law.
3. Obligation for Corrective Action. The Permittee is required to continue this permit for any period necessary to comply with the corrective action requirements of this permit.
4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce any activity authorized by this permit in order to maintain compliance with the conditions of this permit, unless otherwise required to do so by another state or federal authority.
5. Duty to Mitigate. In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent its noncompliance from having significant adverse impacts on human health or the environment. No action taken by the Permittee pursuant to this section of this permit shall affect or limit the Commissioner's authority under any other statute or regulation.
6. Permit Actions. This permit may be modified, revoked and reissued, or terminated as provided for in 40 CFR 270.41, 270.42 or 270.43, and in accordance with all applicable law, including but not limited to, CGS Sections 22a-6g and 6h and RCSA Sections 22a-3a-5 and 22a-449(c)-110. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this permit.
7. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege to the Permittee.

8. Duty to Provide Information. The Permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.
9. Operation and Maintenance of Remedial Systems. The Permittee shall at all times properly operate and maintain all facilities and remedial systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance, at a minimum, includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate laboratory quality assurance procedures. This provision requires the operation of backup, auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.
10. Inspection and Entry. The Permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (a) Enter at reasonable times upon the Site where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substance or parameters at any location.
11. Security. Pursuant to RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.14, the Permittee shall prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the active portion of the Facility. The Permittee shall secure the Facility to the extent necessary to protect human health.
12. Preparedness, Prevention, Contingency Plan and Emergency Procedures.
 - (a) The Permittee shall comply with the requirements of RCSA Section 22a-449(c)-104(a)(1) incorporating 40 CFR 264 Subpart C "Preparedness and Prevention" and 40 CFR 264 Subpart D "Contingency Plan and Emergency Procedures" until active remediation is complete.
 - (b) The Permittee shall ensure that each entity under contract to provide emergency response services at the Facility has a permit, issued by the Commissioner pursuant to CGS Section 22a-454, authorizing such entity to provide emergency response services. The Permittee shall maintain a copy of such permit in the operating record for its Facility. The Permittee shall ensure that any action(s)

taken by an entity (including such entity's officers, employees, agents and subcontractors) providing emergency response services at its Facility conforms to the requirements of this permit.

- (c) The Permittee shall ensure that each entity under contract with the Permittee to provide emergency response services visits the Site annually so that such entity is familiar with the Permittee's Site and can respond to an emergency. The Permittee shall maintain in the operating record for its Facility a certification, in accordance with the requirements of RCSA Section 22a-449(c)-110 incorporating 40 CFR 270.11, attested to by each emergency response entity under contract with the Permittee to provide emergency response services, stating that such entity has complied with the requirements specified in this paragraph.

13. Monitoring and Records.

- (a) The Permittee shall ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
- (b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit (e.g. records from groundwater monitoring including wells and surface elevations), the certification required by RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, certification, report or application. This period may be extended by request of the Commissioner at any time. For disposal facilities these records shall be maintained for the post-closure period.
- (c) Records for monitoring information shall include:
 - (i) The date, exact place and time of sampling or measurements;
 - (ii) The individual(s) or company who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) or company who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.

14. Operating Record. The Permittee shall maintain, in writing, the following information in the Facility's operating record until termination of this permit:

- (a) Summary reports and details of all incidents that require implementing the Contingency Plan pursuant to 40 CFR 264 Subpart D;
- (b) Records and results of inspections as required by this permit, except this data need only be kept for three (3) years from the date of any such inspection;
- (c) Monitoring, testing or analytical data, and corrective action where required by 40 CFR 264 Subpart F or any regulatory section noted in 40 CFR 264.73(b)(6);
- (d) All closure and corrective action cost estimates under RCSA Section 22a-449(c)-104 and 40 CFR 264.142 and 40 CFR 264 Subpart H; and

- (e) Any other information required by this permit or by any applicable law to be maintained in the Facility Operating Record.
15. Signatory Requirements. The Permittee's application and all reports or information submitted to the Commissioner by the Permittee pursuant to this permit shall be signed by the person specified in and contain the certification prescribed in RCSA Section 22a-449(c)-110 incorporating 40 CFR 270.11 or the delegated licensed environmental professional for the Site.
16. Transfers. This permit is not transferable to any person without the advanced written authorization of the Commissioner, who may request whatever information the Commissioner deems necessary regarding the potential transferee. Before any such transfer, the Permittee and any proposed transferee shall fully comply with the requirements of CGS Section 22a-60. The Commissioner may require modification or revocation and reissuance of this permit to change the name of the Permittee and as an incident to any such transfer, incorporate such other requirements, as the Commissioner deems necessary.

In advance of transferring ownership or operation of its Facility prior to the termination of this permit, the Permittee shall notify the prospective new owner or operator in writing of the requirements of this permit, 40 CFR 264 through 270, and of the RCSA Section 22a-449(c)100 et. al. The Permittee shall provide such prospective new owner or operator with a copy of this permit.

The Permittee's failure to notify the new Permittee of the requirements of this permit in no way relieves the new Permittee of his obligations to comply with all applicable requirements.

If the transfer of the property takes place and the Permittee retains the permit, an access agreement between the Permittee and the prospective new owners of the Facility shall be approved by the Commissioner prior to the sale of the facility/site. The agreement shall include the anticipated times, locations and frequency of access needed in order for the Permittee to complete closure, post-closure care and corrective action activities and conduct inspection, operation and management activities for all remedial systems. A copy of the Operations and Management Plan, referenced in Condition No. I.E.9. of this permit, shall be provided to the prospective new owner prior to transfer of the property.

17. Reporting Requirements.
- (a) Anticipated Non-Compliance. The Permittee shall give as much advance written notice as possible to the Commissioner of any planned changes in the Facility or activity, which may result in non-compliance with any requirement of this permit.
- (b) Compliance Schedules. Except where otherwise provided for in this permit, reports of compliance and non-compliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule (Section III) of this permit, shall be submitted no later than fourteen (14) calendar days following each schedule date, to the extent such reports are required herein.

(c) Twenty-four Hour Reporting.

- (i) The Permittee or designee shall orally report to the Commissioner any remediation or waste related activity at its Facility, irrespective of whether such activity is in compliance with the requirements of this permit, which does or may pose an imminent and substantial endangerment to human health or the environment, immediately but not later than twenty-four (24) hours from the time the Permittee becomes aware or should be aware of the circumstances causing such endangerment.

The report to the Commissioner shall include:

- (A) Name, address, and telephone number of the Permittee;
 - (B) Name, address, and telephone number of the Facility;
 - (C) Date, time and type of incident;
 - (D) Description of the occurrence and its cause;
 - (E) Name and quantity of waste(s) or constituents thereof involved;
 - (F) The extent of injuries, if any;
 - (G) An assessment of actual or potential hazards to human health and the environment;
 - (H) Estimated quantity and disposition of recovered waste that resulted from the incident;
 - (I) All information concerning the release of any waste or constituents thereof that may cause an endangerment to public drinking water supplies; and
 - (J) All information concerning a release or discharge of waste or constituents thereof or of a fire or explosion from the Facility, which could threaten human health or the environment
- (ii) A written submission shall also be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances described in subdivision (i) above. The written submission shall contain a description of the endangerment and its cause; the period of endangerment including exact dates and times, if the endangerment has been abated, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the endangerment. The Permittee shall maintain in the operating record of its Facility a copy of all such written reports. The Commissioner may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days of the incident requiring reporting.
- (iii) Nothing in this section shall affect or relieve the Permittee of its obligations under CGS Sections 22a-6u or 22a-450.

- (d) Other Noncompliance. The Permittee shall report all instances of noncompliance with this permit not otherwise required to be reported by this permit to the Commissioner along with any other required monitoring report, no later than thirty (30) days of the date the Permittee is aware, or reasonably should have been aware of any such noncompliance. Any such report shall contain, at a

minimum, the information listed in Condition No. I.E.17.(c)(i) of this permit.

- (e) Other Information. When the Permittee becomes aware that it failed to submit any relevant facts or information in a permit application, or submitted incorrect information in a permit application, report or other document provided to the Commissioner regarding this permit, it shall submit such relevant facts or correct information to the Commissioner within thirty (30) calendar days of becoming aware of such facts or information.
18. Computation of Time.
- (a) Except as is expressly provided for in this permit, the computation of time periods set forth in this permit shall be as follows:
 - (i) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
 - (ii) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.
 - (iii) If the final day of any time period falls on a Saturday, Sunday or a federally or state recognized legal holiday, the time period shall be extended to the next working day.
 - (b) Submission of Reports. Where this permit requires the submission of a written report, a notification or other information or documentation to the Commissioner, the report or notification shall be deemed submitted on the date such report, notification or other information is received by the Department.
19. Availability, Retention and Disposition of Records. The Permittee shall ensure that all records required under RCSA Sections 22a-449(c)-100 to 119, the Remediation Standard Regulations or this permit, including all plans, are furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the Department or the Environmental Protection Agency ("EPA").
- The retention period for all records required under RCSA Sections 22a-449(c)-100 to 119 and this permit is extended automatically during the course of any unresolved enforcement action regarding the Facility or as requested by the Commissioner or Regional Administrator of EPA.
20. Additional Requirements. Requirements not included in this permit, which become effective by statute or regulation, and not made specifically inapplicable to facilities with a permit, shall apply to the Permittee's Facility. In the event of any conflict between this permit and any such requirement, the Permittee shall comply with the more stringent requirement. If the Permittee does not fully comply with the more stringent requirement, the Department may enforce either requirement.
21. Federal, State and Local Laws. Nothing in this permit shall be construed to prohibit any federal, state or political subdivision thereof from imposing any requirements to the extent authorized by law which are more stringent than those imposed by this permit. In addition, nothing in the permit shall relieve the Permittee of its obligation to comply with any other applicable federal, state, or local statute, regulation or ordinance.

22. Modification of the Compliance Schedule.

- (a) The Permittee may request to modify the submittal due dates of the Compliance Schedule (Section III) of this permit at any time. Such requests shall be submitted for the Commissioner's review and written approval and shall include sufficient justification for such request(s).
- (b) The Commissioner may grant extensions of submittal due dates based on the Permittee's demonstration that sufficient justification for the extension exists. Extensions to due dates, which this permit explicitly defines as being due by a certain time or during a certain time interval, may be granted by the Commissioner if sufficient justification for the extension is demonstrated by the Permittee.

23. Delegation of a Licensed Environmental Professional.

- (a) The Commissioner has delegated the site-wide environmental investigation and corrective action to a licensed environmental professional ("LEP"), licensed pursuant to RCSA Section 22a-133v in the letter dated January 18, 2002. Such LEP shall verify that site-wide environmental investigation at the Facility has been performed in accordance with prevailing standards and guidelines and remediation activities have addressed any and all requirements of the Commissioner and have achieved compliance with the Remediation Standard Regulations.

The LEP for the site is indicated in the letter from ABB to the Department dated January 19, 2001.

- (b) The LEP shall submit the Final Report for site-wide corrective action for the Commissioner's review and written approval in conjunction with the submission of the verification.
- (c) In the event the Commissioner revokes the delegation of site-wide investigation and oversight of site-wide corrective action, the Permittee shall ensure all reports and documents required by this permit are submitted for the Commissioner's review and written approval within the timeframes specified.
- (d) The Permittee shall notify the Commissioner in writing of the identity of any LEP other than the one approved by the Commissioner, within ten (10) days after assigning or retaining any LEP for the purpose of addressing the actions required by this permit. The Permittee shall submit to the Commissioner a description of the assigned LEP's education, experience and training which is relevant to the work required by this permit within ten (10) days after a request for such a description has been made. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable LEP unacceptable.

F. DEFINITIONS

Any term not otherwise defined herein shall be defined as that term is defined in RCSA 22a-449(c)-100 thru 119 incorporated 40 CFR 264 through 279.

1. "Active Remediation" or "active remedial activities" shall mean the period prior to completion of activity conducted pursuant to Section II.B. of this permit, with the exception of that period when the only remaining activity is post-remedial monitoring or monitored natural attenuation.
2. "CFR" means the Code of Federal Regulations in effect on the date that this permit is issued.
3. "Commissioner" means the Commissioner of Environmental Protection as defined in the CGS Section 22a-2 or the Commissioner's duly authorized designee.
4. "Facility" shall mean, pursuant to 40 CFR 260.10 all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste and all contiguous property under control of the owner or operator.

For the purposes of the permit, Facility shall mean the 292-acre parcel of land located at 2000 Day Hill Road in Windsor, CT as delineated on Figure 2 and subject to the requirements of this permit.

5. "Final Closure" means the completion of the closure of all Hazardous Waste Management Units at the Permittee's Facility in accordance with the requirements of this permit.
6. "Hazardous Waste" or "Hazardous Wastes" shall mean hazardous waste as identified or listed as hazardous waste pursuant to 42 U.S.C. Section 6901 et. seq. and RCSA Section 22a-449(c)-101.
7. "Hazardous Waste Management Unit", unless specifically limited by this permit or unless the context unequivocally indicates otherwise (e.g., that reference is being made to only one and not all areas), shall mean the Greater than 90-Day Storage Area in AOC-4.
8. "Permittee" shall mean the person responsible for the overall operation of the facility who has been issued a license by the Commissioner. As used herein "person" is defined in Section 22a-423, Chapter 446k, of the CGS and "license" is defined in Section 4-166, Chapter 54 of the CGS.
9. "Site" means the same or geographically contiguous property which may be divided by public and private right-of-way, provided the entrance and exit between the properties is at a cross-road intersection, and access is by crossing opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that he controls and to which the public does not have access, is also considered part of the site property..

ABB Inc.
2000 Day Hill Road
Windsor, CT 06095

EPA ID No. CTD001159557
Permit No. DEP/HWM/CS-164-007

For the purposes of this permit, there are two separate parcels: "1900 Day Hill Road" and the inner portion of "2000 Day Hill Road" which together comprise approximately 292 acres that are subject to this permit. Herein after the term "site" shall refer to both parcels. The terms "Facility" and "Site" may be used interchangeably in this permit

SECTION II

Stewardship Permit
Authorized Activities

ABB Inc.
EPA ID No. CTD001159557
Permit No. DEP/HWM/CS-164-007

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SECTION II AUTHORIZED ACTIVITIES

A. RCRA CLOSURE REQUIREMENTS

1. Closure Plan. Upon written approval from the Commissioner, the Permittee shall complete the closure of the Hazardous Waste Management Unit in accordance with the Closure Plan submitted to the Department in October 25, 2007, any subsequent revision(s), and the Commissioner's approval of the additional polluting substances cleanup criteria for Zirconium and Methanol (herein after, the "approved Closure Plan").
2. Copy of Closure Plan. The Permittee shall ensure that a copy of the approved Closure Plan is kept at the Facility or at an alternate location acceptable to the Commissioner until Final Closure has been completed and certified in accordance with the requirements of this permit.
3. Notification of Closure. In the event the Commissioner requires additional activities related to the closure of the Hazardous Waste Management Unit, the Permittee shall notify the Commissioner in writing at least ninety (90) calendar days prior to the date it expects to begin Final Closure of the Hazardous Waste Management Unit.
4. Schedule for Closure. The Permittee shall complete Final Closure activities, as applicable, in accordance with the approved Closure Plan and any subsequent revisions. The Commissioner may approve a longer period for closure if the Permittee demonstrates to the Commissioner's satisfaction that the activities required to comply with the approved Closure Plan will of necessity take longer than twenty-four (24) months to complete and that the Permittee has taken and will continue to take all steps needed to prevent threats to human health and the environment and will comply with any additional conditions deemed necessary by the Commissioner arising from the Final Closure.
5. Completion of Closure. Within sixty (60) calendar days after the completion of Final Closure, the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the Hazardous Waste Management Unit, as applicable, have been closed in accordance with the approved Closure Plan and subsequent revisions. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.
6. Liability Coverage. The Permittee shall establish and continuously maintain liability coverage for sudden accidental occurrences at the Facility in the amounts and in the manner specified in RCMA Section 22a-449(c)-104 incorporating 40 CFR 264.147(a). The Permittee shall ensure that the wording of the liability coverage secured for the purposes of compliance with this section of the permit is identical to the wording specified in 40 CFR 264.151, except that all references to the "Regional Administrator of EPA" shall be changed to the "Commissioner of DEP." The Permittee shall maintain such liability coverage in effect until the Commissioner notifies the Permittee in writing that maintaining such coverage is no longer required, as is provided for in Condition No. II.A.7. of this permit.

7. Release of Liability Coverage. Within sixty (60) calendar days after receiving certifications, submitted pursuant to Condition No. II.A.5., from the Permittee and an independent registered professional engineer that Final Closure has been completed in accordance with the approved Closure Plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain liability coverage for the Facility, unless the Commissioner has reason to believe that Final Closure has not been performed and/or completed in accordance with the approved Closure Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason to believe that closure has not been performed and/or completed in accordance with the approved Closure Plan.

B. RCRA CORRECTIVE ACTION REQUIREMENTS

1. Performance of Corrective Action. The Permittee shall perform corrective action in accordance with the requirements of this permit, the Remedial Action Plan(s) ("RAPs") submitted and approved pursuant to Condition No. II.B.7. of this permit, and any other plan(s) submitted and approved pursuant to this permit.

The Permittee shall ensure that further investigations for each SWMU and AOC are completed within two (2) years from the date of initiation of such investigation; and that remediation is initiated within three (3) years from the date of initiation of investigation of any SWMU or AOC and completed within ten (10) years of issuance of this permit or in accordance with an alternative schedule approved in writing by the Commissioner.

The conditions of this section apply to:

- (a) The Solid Waste Management Units ("SWMUs") and Areas of Concern ("AOCs") as identified in Table II-1;
- (b) Any additional SWMUs and AOCs discovered during the course of corrective action, characterization, groundwater monitoring, field investigations, environmental audits, or other means; and

(As used in this permit, the terms "discover," "discovery," or "discovered" refer to the date on which the Permittee either: (i) visually observes evidence of a new SWMU or AOC, (ii) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, (iii) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment, or (iv) receives information which suggests the presence of a previously undocumented release of hazardous waste or hazardous waste constituents to the environment.)

- (c) Contamination that has migrated or may migrate beyond the Facility boundary, whereas necessary to protect human health and the environment.

The Permittee shall implement corrective actions beyond the Facility boundary where necessary to protect human health and the environment consistent with RCRA Section 22a-449(c)-104 incorporating 40 CFR 264.101(c), unless the Permittee demonstrates, to the satisfaction of the Commissioner, that despite the Permittee's best efforts, as determined by the Commissioner, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the Facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of such off-site corrective action will be required.

2. Schedule/Scope of Work. The Permittee shall submit schedule(s)/scope(s) of work for further investigation and remediation of releases of hazardous waste and hazardous substances at or from the Facility such that the remediation will achieve compliance with the Remediation Standard Regulations. Such schedule(s) and scope(s) of work shall include, at a minimum, a schedule for development and implementation of the following plans and/or reports:
- (a) Remedial Action Plan ("RAP"). The Permittee shall prepare and submit for the Commissioner's review and written approval one or more RAP(s) and associated cost estimates, developed in accordance with Condition No. II.D.1. of this permit and RCSA Sections 22a-449(c)-104(a)(1) and 22a-133k-1 et.seq. (RSRs), incorporating 40 CFR 265 Subpart G, which details the steps to be taken to perform corrective action. The RAP(s) shall address one or more environmental media at the entire Site or area affected by or any portion thereof and shall include:
- (i) Description of the areas at which the remediation will take place identifying the SWMUs and AOCs addressed and the environmental media being remediated;
 - (ii) Description of the remedial alternatives considered for performing the specified remediation and the most expeditious schedule for performing each alternative;
 - (iii) Proposed preferred alternative with supporting justification therefore;
 - (iv) Proposed detailed implementation plan and schedule to perform the preferred remedial actions, including the generation and collection of any supplemental site information needed to support completion of remedial design. Such schedule shall include a schedule for applying for and obtaining all permits and approvals required for such remedial actions and describe the establishment of financial assurance for each proposed phase of remedial activity; and
 - (v) Identify the data gaps and describe the rationale used for determining whether (1) no further investigation is required, or (2) additional investigation is necessary to fill any significant data gaps. If additional investigation is needed, the Permittee shall include a plan for the implementation of such investigations and a report summarizing the findings;
 - (vi) Identify all areas exceeding any remedial criteria and a proposal for the additional characterization data needed to complete the remedial design in order to achieve compliance with RSRs for polluted soil, surface water and groundwater; and a proposed implementation plan and schedule addressing such areas of contamination.
 - (vii) Ecologically based and human health based criteria for sediment, an identification of all areas exceeding such criteria and a proposed implementation plan and schedule addressing such areas.

The RAP and associated schedule may propose activities be conducted in phases associated with a focus on a particular environmental medium, reasonably deferring filling the data gap to the remedial design stage where appropriate.

Any RAP containing monitored natural attenuation as the selected remedy for groundwater migrating off the Site shall include: 1) an evaluation of the need for source mitigation to achieve remedial criteria; 2) a monitoring and data evaluation plan designed to evaluate the remedy performance; and 3) a contingency remedy conceptual approach in the event that monitored natural attenuation does not perform as anticipated and a schedule for implementation.

3. Ecological Risk Assessment. The Permittee has developed and submitted to the US EPA an Ecological Risk Assessment. On May 12, 2009 EPA approved the ERA as amended. The Permittee shall ensure that all ecological risks have been addressed appropriately including consideration of water bodies on the CT DEP Impaired Waters List.
4. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs. The Permittee shall notify the Commissioner in writing, within fifteen (15) calendar days of discovery, of any new suspected or confirmed AOCs or SMWUs as discovered under Condition No. II.B.1.(b). Such notification shall include, at a minimum, the following information:
 - (a) Location of the unit(s) on a topographic map of appropriate scale (such as required under 40 CFR 270.14(b)(19));
 - (b) Designation of the type and function of unit(s);
 - (c) General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings);
 - (d) The date that the unit(s) was operated;
 - (e) Specifications of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous constituents in the wastes; and
 - (f) All available information (groundwater data, soil, soil gas, sediment, air, and/or surface water data) pertaining to any release of hazardous waste or hazardous constituents from such unit(s).
5. Notification Requirements for Newly Discovered Releases From SWMUs and AOCs.
 - (a) The Permittee shall notify the Commissioner in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of characterization, groundwater monitoring, field investigations, environmental audits, or other means, within fifteen (15) calendar days of discovery.

Such newly discovered release(s) may be from SWMUs or AOCs identified in Condition No. II.B.1.(b) or SWMUs or AOCs previously identified for which it had been determined that further investigation was not required.

- (b) If the Commissioner determines that further investigation of the SWMUs or AOCs is needed, the Permittee shall be required to prepare a plan for such investigations within sixty (60) calendar days of notification by the Commissioner.

6. Interim Measures (IM)

(a) Work Plan

- (i) Upon notification by the Commissioner, the Permittee shall prepare and submit an Interim Measures ("IM") Work Plan for any SWMU or AOC that the Commissioner determines is necessary in order to minimize or prevent the further migration of contaminants, thereby limiting current and future potential for human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented to meet the requirements of the RSRs.

The IM Work Plan shall be submitted within sixty (60) calendar days of such notification and shall include the elements listed in Condition No. II.B.6.(a)(iii). Such interim measures may be conducted concurrently with investigations required by this permit.

- (ii) The Permittee may initiate IM at a SWMU or AOC by submitting the appropriate notification pursuant to this permit. The Commissioner will process Permittee initiated IM by either conditionally approving the IM or imposing an IM Work Plan per Condition II.B.6.(a)(i). Permittee initiated IM shall be considered conditionally approved unless the Commissioner specifically imposes an IM Work Plan within thirty (30) calendar days of receipt of notification of the Permittee initiated IM. The scope and success of Permittee initiated IM conditionally approved shall be subject to subsequent in-depth review; the Commissioner will either comment on or approve the Permittee initiated IM. Permittee initiated IM must follow the progress and final reporting requirements in Condition No. II.B.6.(c).

- (iii) The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with and integrated into any long-term solution at the Facility. The IM Work Plan shall include: the interim measure's objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

(b) IM Implementation

- (i) The Permittee shall implement the IM under Condition No. II.B.6.(a)(i) in accordance with the approved IM Work Plan.
- (ii) The Permittee shall give notice to the Commissioner within seven (7) calendar days of any planned changes, reductions or additions to the IM Work Plan imposed under Condition No. II.B.6.(a)(i) or initiated by the Permittee under Condition No. II.B.6.(a)(ii).

(c) IM Reports

(i) If the time required for completion of interim measures imposed under Condition No. II.B.6.(a)(i) or implemented under Condition No. II.B.6.(a)(ii) is greater than one year, the Permittee shall provide the Commissioner with progress reports at intervals specified in the approved Work Plan or annually for Permittee initiated interim measures. The Progress Reports shall contain the following information at a minimum:

- (A) A description of the portion of the interim measures completed;
- (B) Summaries of the findings;
- (C) Summaries of any deviations from the IM Work Plan during the reporting period;
- (D) Summaries of any problems or potential problems encountered during the reporting period; and
- (E) Projected work for the next reporting period.

(ii) The Permittee shall prepare and submit to the Commissioner, within ninety (90) calendar days of completion of interim measures and receipt of validated analytical data conducted under Condition No. II.B.6. an IM Report. Such report shall contain, at a minimum, the following information:

- (A) A description of the interim measures implemented;
- (B) Summaries of results;
- (C) Summaries of all problems encountered;
- (D) Summaries of accomplishments and/or effectiveness of interim measures; and
- (E) Copies of all relevant laboratory/monitoring data etc. in accordance with this permit.

7. Remedy Selection and Notification of Remedial Implementation.

(a) The Permittee shall propose a remedy or evaluate one or more remedial alternatives, if necessary to meet the criteria in the Remediation Standard Regulations. The Commissioner may require that specific remedial alternatives be evaluated. All remedial alternatives must meet the threshold and balancing criteria specified below.

Threshold Criteria:

- (i) Protect human health and the environment;
- (ii) Achieve media cleanup objectives using criteria in the Remediation Standard Regulations; and
- (iii) Control sources of releases to reduce or eliminate further releases.

Balancing Criteria:

- (i) Long-term effectiveness;
- (ii) Toxicity, mobility and volume reduction;
- (iii) Short-term effectiveness;
- (iv) Implementability;
- (v) Cost;
- (vi) Community acceptance; and
- (vii) State acceptance.

The proposed remedy may include any IM implemented to date.

- (b) The Commissioner will select and approve the remedy to be implemented at the Facility. The Commissioner is not confined to these alternatives evaluated by the Permittee when selecting and approving a remedy for the Site or area affected by the Site or any portion thereof.
8. Implementation of Remedial Activities. The Permittee shall perform all remediation activities for soil, sediment, groundwater and surface water pollution in accordance with the approved RAP(s), any schedules contained therein, and in accordance with the Remediation Standard Regulations.
9. Completion of Active Remediation.
- (a) The Permittee shall notify the Commissioner in writing at least ninety (90) calendar days prior to the date it expects to complete the active remedial activity(ies) at the Site or area affected by the Site or any portion thereof.
- (b) Within sixty (60) calendar days after the completion of the active remediation, the Permittee shall submit to the Commissioner via registered mail, a certification signed by the Permittee and by an independent, registered professional engineer stating that the active remediation phase(s) at the Site or areas affected by the Site or any portion thereof has been completed in accordance with the specifications of the approved RAP(s). Documentation supporting the certification shall be furnished upon the Commissioner's request.
10. Public Participation. The Permittee shall revise and implement the Public Participation Plan dated July 1999 and revised September 2007 to include the following: (1) the provision of public notice prior to the start of or completion remediation work at the Site or area affected by the Site or any portion thereof that is consistent with Condition No. II.B.10. of this permit and the requirements of CGS Section 22a-134(i); (2) a copy of such notice is submitted to the Commissioner ten (10) calendar days prior to the date of publication; and (3) within thirty (30) calendar days after the end of the public comment period submit to the Commissioner a written summary of all comments received and responses to each comment.
- The Commissioner shall review the summary of the comments and the Permittee's response and shall either adopt the responses, adopt the responses with modifications, or reject the responses and prepare a response to each comment.
- In the event of substantial changes in the remedial approach, the Commissioner may require an additional opportunity for public comment with respect to such changes.
11. Public Notice Requirements. At the Commissioner's direction and as stated in the Public Participation Plan, the Permittee shall provide public notice of proposed remediation as required by this permit and public notice of the Commissioner's tentative determination that remediation is complete. Each public notice must provide a forty-five (45) calendar day comment period.

- (a) Prior to the commencement of any remedial action, the public notice shall summarize the investigations undertaken, the results of the investigations, clearly identify the proposed remedial activities, provide a public location where relevant documents can be reviewed, and include an address and telephone number for a contact person. The Permittee shall:
- (i) Publish the notice in a newspaper having substantial circulation in the municipality in which the Site or the affected area is located;
 - (ii) Broadcast the notice on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provide a copy of the notice to the Director of Health of the municipality where the Site is located;
 - (iv) Provide a copy of the notice to the owner or operator of the Site (if the Permittee is not the Site owner or operator) and to all persons on the Facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (v) Erect and maintain a sign at least six (6) feet by four (4) feet for at least thirty (30) calendar days in a legible condition at the Facility, clearly visible from the public highway and including the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION CONTACT:", and a telephone number at which any interested person may obtain additional information about the remediation
- (b) Prior to the Commissioner's final determination that remediation is complete, the Permittee shall:
- (i) Publish the notice in a newspaper having substantial circulation in the municipality in which the Site or the affected area is located;
 - (ii) Broadcast the notice on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provide a copy of the notice to the owner or operator of the Facility (if the Permittee is not the Facility owner or operator) and to all persons on the Facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (iv) Include a summary of the basis for the Commissioner's determination and that the Commissioner will accept public comments on the tentative determination for at least forty-five (45) calendar days from the date of publication.
- (c) Upon the completion of the public comment period the Commissioner shall make a final determination. If the final determination is that remediation is complete then the Stewardship Permit will be terminated and a Certificate of Completion will be issued.
12. Miscellaneous.
- (a) The Permittee shall use a lead remediation criterion level of 400 mg/kg for the residential direct exposure criterion as authorized by RCSA 22a-133k-2(i) in areas where residential use is anticipated.

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- (b) For any substances reported at or emanating from the Site, for which no remediation criteria has been adopted, the Permittee shall, in accordance with the Remediation Standard Regulations, submit for the Commissioner's review and written approval a proposal for additional remediation.

- (c) The Permittee shall not operate the Facility in any manner that stores, treats, or disposes of hazardous wastes or in any way manages hazardous wastes other than hazardous wastes that may be generated during Facility maintenance, authorized closure and/or corrective action activities. Such waste shall be managed in accordance with all applicable regulations. The Permittee shall comply with all applicable requirements of RCSA Section 22a-449(c)-102 incorporating 40 CFR Part 262 "Standards Applicable to Generators of Hazardous Waste".

C. GROUNDWATER MONITORING REQUIREMENTS

1. Groundwater Monitoring Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a Groundwater Monitoring Plan for the post-remediation monitoring of the remaining AOCs at the site (AOCs 1, 2, 4, 9, 10, 12, 13, 21 and 27) and the associated cost estimate developed in accordance with the requirements of RCSA Sections 22a-449(c)-105(c) and 22a-133k-1.
2. Performance of Groundwater Monitoring. The Permittee shall perform post-remediation groundwater monitoring in accordance with the Groundwater Monitoring Plan submitted and approved pursuant to Condition No. II.C.1. of this permit. Herein after, the "approved Groundwater Monitoring Plan".
3. Copy of Approved Groundwater Monitoring Plan. The Permittee shall ensure that a copy of the approved Groundwater Monitoring Plan is kept at the Facility or at an alternate location acceptable to the Commissioner until post-remediation groundwater monitoring has been completed and certified in accordance with the requirements of this permit.
4. Modifications of Approved Groundwater Monitoring Plan. The Permittee shall submit a written notification or request for a permit modification to authorize a change in the approved Groundwater Monitoring Plan in accordance with the applicable requirements of 40 CFR 124 and 270. The written notification or request must include a copy of the amended groundwater monitoring plan for the Commissioner's review and written approval.
5. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all monitoring wells which are installed or used by the Permittee to achieve compliance with this permit. Proper maintenance, at a minimum, includes adequate funding and appropriate quality assurance procedures.
6. Additional Corrective Action. If the Commissioner determines that the groundwater monitoring data indicates the soil and/or groundwater remediation was not effective in achieving the requirements of the Commissioner and compliance with the Remediation Standard Regulations, the Permittee shall within one hundred eighty (180) days of the Commissioner's notice, submit for the Commissioner's review and written approval, a plan for the additional soil and groundwater characterization and establishment of a corrective action program consistent with the objectives of 40 CFR 264.100.
7. Completion of Groundwater Monitoring
 - (a) The Permittee shall notify the Commissioner in writing at least ninety (90) calendar days prior to the date it expects to complete post-remediation groundwater monitoring and monitored natural attenuation at the Site or area affected by the Site or any portion thereof.
 - (b) Within sixty (60) calendar days after the completion of post-remedial groundwater monitoring and monitored natural attenuation at the Site or area affected by the Site or any portion thereof, the Permittee shall submit to the Commissioner via registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the post-remediation groundwater monitoring, as applicable, has been completed in

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accordance with the specifications in the approved RAP(s). Documentation supporting the certification shall be furnished upon the Commissioner's request.

- (c) Once the corrective action obligations for all media at the Site or area affected by the Site or any portion thereof, has been completed the Commissioner shall issue a Certificate of Completion.

D. FINANCIAL RESPONSIBILITY

1. Cost Estimates. The Permittee shall submit for the Commissioner's review and written approval a detailed RAP(s) containing detailed, written estimate(s) of the current cost to perform investigation and remediation of the Site or areas affected by the Site inclusive of closure of the Hazardous Waste Management Unit and post-remediation groundwater monitoring in accordance with the requirements of this permit. The Permittee shall ensure that such written estimates are prepared in accordance with the methodology specified in RCSA 22a-449(c)-104 incorporating 40 CFR 264.142(a) and 40 CFR 264.144(a), as applicable. Note a fifteen percent (15%) contingency shall be applied to the estimates for unforeseeable elements or events which may increase the cost of performing corrective action.
2. Establishment of Financial Assurance. In accordance with the time frame specified in the Compliance Schedule of this permit, the Permittee shall establish and continually maintain financial assurance using one or more of the instrument formats prescribed by the Commissioner for investigation and remediation of the Site or areas affected by the Site inclusive of closure of the Hazardous Waste Management Unit. Such assurance may be established incrementally.

The Permittee shall ensure that the initial value of financial assurance established includes the cost(s) associated with completing the closure of the Hazardous Waste Management Unit.

The Permittee shall submit a plan for the Commissioner's review and written approval, for incrementally establishing financial assurance. In the event that no plan is submitted, the Permittee shall establish financial assurance such that 10% of the total cost of performing corrective action is initially established and an additional 10% is established annually (e.g. the 2nd year 20%, the 3rd year 30% is established etc...) thereafter such that a total of 100% of the financial assurance is established prior to the expiration of the permit.

3. Inflationary Adjustments. The Permittee shall adjust amounts of financial assurance to reflect inflationary costs as required by RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.142, and any factors that bear on the cost of performing the work that remains to be completed under this permit. Adjustments shall be made each year, on the anniversary of the establishment of the mechanism(s) for financial assurance until the Commissioner releases the Permittee from the financial assurance requirements of this permit.

The latest adjusted cost estimate(s) shall be kept at the Facility and a signed original shall be submitted to the Commissioner within fourteen (14) calendar days of preparation.

4. Periodic Reductions. Upon request by the Permittee, the Commissioner may approve periodic reductions in the amount of financial assurance commensurate with the completion of corrective action activities. Such request shall include a revised cost estimate and demonstration of completed work activities which equates to at least a fifteen percent (15%) reduction in the estimate costs.

5. Maintenance of Financial Assurance. The Permittee shall maintain such financial assurances in effect until the Commissioner notifies the Permittee in writing that it is no longer required to maintain such a mechanism for financial assurances as provided for in Condition No II.D.6. of this permit.

6. Release of Financial Assurance.
 - (a) Within sixty (60) calendar days after receiving the certification, submitted pursuant to Condition No. II.A.5., that Final Closure of the Hazardous Waste Management Units has been completed in accordance with the approved Closure Plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for closure of the Hazardous Waste Management Unit, unless the Commissioner has reason to believe that Final Closure has not been performed and/or completed in accordance with the approved Closure Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that closure has not been performed and/or completed in accordance with the approved Closure Plan.

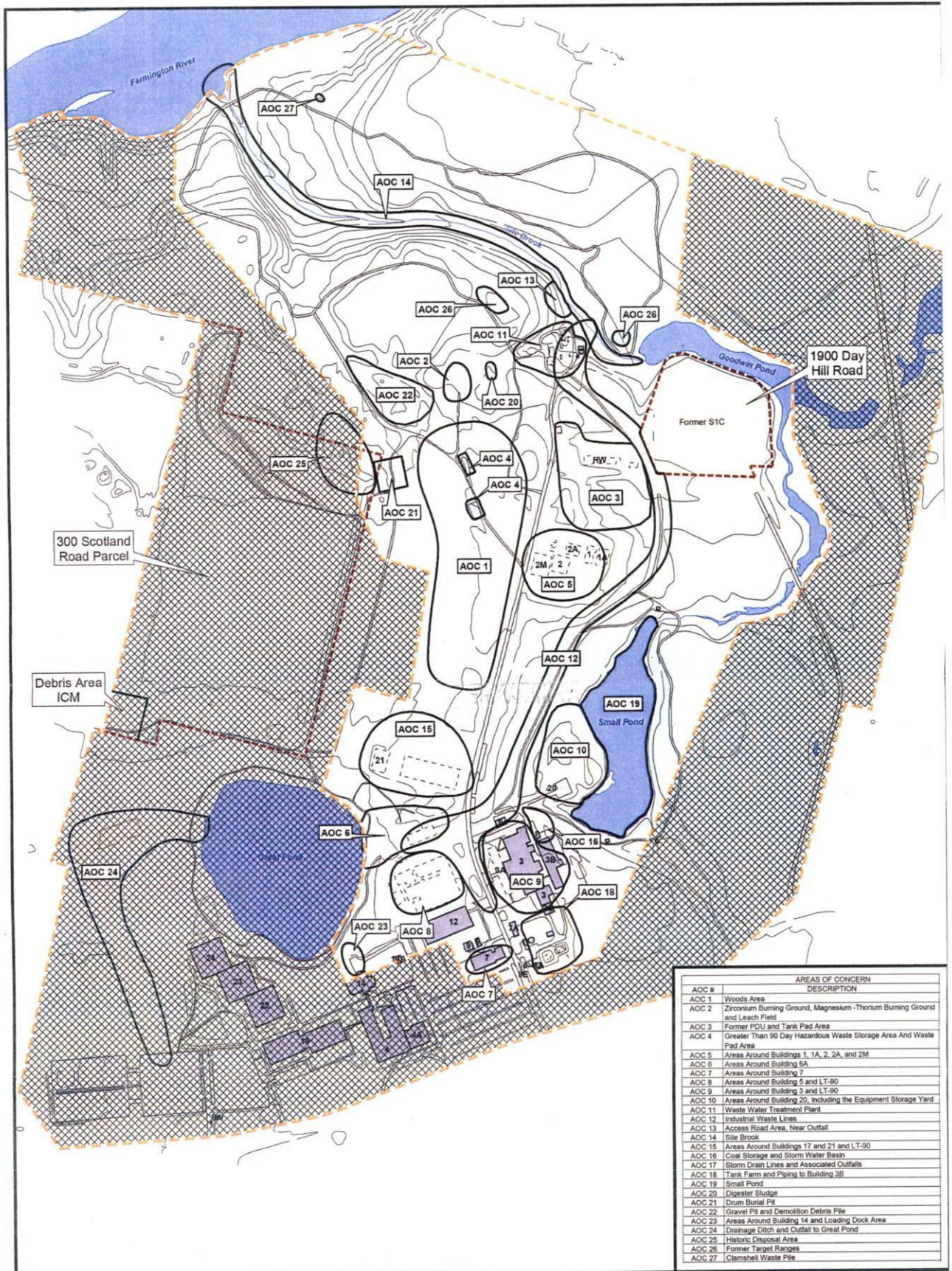
 - (b) Within sixty (60) calendar days after receiving certification, submitted pursuant to Condition No. II.B.9.(b) that Active Remediation has been completed in accordance with the approved RAP, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for remediation, unless the Commissioner has reason to believe that the remediation activities have not been performed and/or completed in accordance with the approved RAP. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that remediation activities have not been performed and/or completed in accordance with the approved RAP.

 - (c) Within sixty (60) calendar days after receiving certification, submitted pursuant to Condition No. II.C.7.(b) that post-remediation groundwater monitoring has been completed in accordance with the approved Groundwater Monitoring Plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for post-remediation groundwater monitoring, unless the Commissioner has reason to believe that the groundwater monitoring has not been performed and/or completed in accordance with the approved Groundwater Monitoring Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that post-remediation groundwater monitoring has not been performed and/or completed in accordance with the approved plan.

7. Failure to Perform. If the Permittee fails to perform any of the terms or conditions of this permit, the financial assurance shall be available to the Commissioner to perform such terms or conditions of this permit provided that, prior to drawing upon any mechanism(s) for financial assurance, the Commissioner shall notify Permittee, in writing, of the alleged failure to perform and provide Permittee with a reasonable period of not less than fifteen (15) calendar days in which to remedy the alleged non-performance.

TABLE II-1
Solid Waste Management Units (“SWMUs”) and
Areas of Concern (“AOCs”)

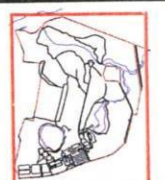
AOC No.	Description
AOC 1	Woods Area
AOC 2	Zirconium Burning Ground, Magnesium-Thorium Burning Ground and Leach Field
AOC 3	Former PDU and Tank Pad Area
AOC 4	Greater Than 90 Day Hazardous Waste Storage Area and Waste Pad Area
AOC 5	Areas Around Buildings 1, 1A, 2, 2A and 2M
AOC 6	Areas Around Building 6A
AOC 7	Areas Around Building 7
AOC 8	Areas Around Building 5 and LT-90
AOC 9	Areas Around Building 3 and LT-90
AOC 10	Areas Around Building 20, Including the Equipment Storage Yard
AOC 11	Waste Water Treatment Plant
AOC 12	Industrial Waste Line
AOC 13	Access Road Area Near Outfall
AOC 14	Site Brook
AOC 15	Areas Around Buildings 17 and 21 and LT-90
AOC 16	Coal Storage and Storm Water Basin
AOC 17	Storm Drain Lines and Associated Outfalls
AOC 18	Tank Farm and Piping to Building 3B
AOC 19	Small Pond
AOC 20	Digester Sludge
AOC 21	Drum Burial Pit
AOC 22	Gravel Pit and Demolition Debris Pile
AOC 23	Areas Around Building 14 and Loading Dock Area
AOC 25	Historic Disposal Area
AOC 26	Former Target Ranges
AOC 27	Clamshell Waste Pile



AOC #	AREAS OF CONCERN DESCRIPTION
AOC 1	Woods Area
AOC 2	Zirconium Burning Ground, Magnesium-Thorium Burning Ground and Leach Field
AOC 3	Former POU and Tank Pad Area
AOC 4	Greater Than 90 Day Hazardous Waste Storage Area And Waste Pad Area
AOC 5	Areas Around Buildings 1, 1A, 2, 2A, and 2M
AOC 6	Areas Around Building 6A
AOC 7	Areas Around Building 7
AOC 8	Areas Around Building 5 and LT-90
AOC 9	Areas Around Building 3 and LT-90
AOC 10	Areas Around Building 20, including the Equipment Storage Yard
AOC 11	Waste Water Treatment Plant
AOC 12	Industrial Waste Lines
AOC 13	Access Road Area, Near Outfall
AOC 14	Site Brook
AOC 15	Areas Around Buildings 17 and 21 and LT-90
AOC 16	Coal Storage and Storm Water Basin
AOC 17	Storm Drain Lines and Associated Outfalls
AOC 18	Tank Farm and Piping to Building 3B
AOC 19	Small Pond
AOC 20	Digester Sludge
AOC 21	Drum Burial Pit
AOC 22	Gravel Pit and Demolition Debris Pile
AOC 23	Areas Around Building 14 and Loading Dock Area
AOC 24	Drainage Ditch and Outfall to Great Pond
AOC 25	Historic Disposal Area
AOC 26	Former Target Ranges
AOC 27	Clamshell Waste Pile

Figure 2
Site Overview

Stewardship Permit
CE Windsor Site
Windsor, Connecticut
MACTEC, Inc.



Legend

- RCRA Partial Release Area
- Index Contour (10')
- Forest
- AOCs
- Former Building
- Open
- Water
- Former Paved Areas
- Building
- Road

0 550 Feet

Prepared/Date: BRP 04/21/09 Checked/Date: APP 04/21/09

SECTION III

Stewardship Permit
Compliance Schedule

ABB Inc.EPA ID No. CTD001159557
Permit No. DEP/HWM/CS-164-007

SECTION III COMPLIANCE SCHEDULE

- A. All conditions set forth in Section III.A. of this permit, shall be conducted within sixty (60) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Cost Estimate. The Permittee shall submit for the Commissioner's review and written approval the cost estimate for performing Final Closure of the Hazardous Waste Management Unit, corrective action and post-remediation groundwater monitoring in accordance with Condition No. II.D.1. of this permit.
 2. Alternative Plan for Establishment of Financial Assurance. The Permittee shall submit for the Commissioner's review and written approval an alternate plan for the incremental establishment of financial assurance in accordance with the requirements of Condition No. II.D.2.
 3. Schedule/Scope of Work. The Permittee shall submit for the Commissioner's review a proposed schedule for the implementation of Final closure, remaining corrective action and post-remediation groundwater monitoring activities required under this permit.
- B. All conditions set forth in Section III.B. of this permit, shall be conducted within ninety (90) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Public Participation Plan. The Permittee shall submit a revised Public Participation Plan for the Commissioner's review and written approval in accordance with the requirements of Condition No. II.B.10. of this permit.
- C. All conditions set forth in Section III.C. of this permit, shall be conducted within one hundred twenty (120) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Preparedness/Contingency Plans. The Permittee shall submit for the Commissioner's review and written approval the Preparedness, Prevention, Contingency and Emergency Plans and Procedures, to meet the requirements of Condition No. I.E.12. of this permit. The Permittee shall submit a revised plan within sixty (60) calendar days of any significant changes in conditions of the Site.
- D. All conditions set forth in Section III.D. of this permit, shall be conducted within one hundred and eighty (180) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Remedial Action Plan. The Permittee shall submit for the Commissioner's review and written approval the RAP(s) for the Site in accordance with Condition No. II.B.2.(a) of this permit.
 2. Groundwater Monitoring Plan. The Permittee shall submit for the Commissioner's review and written approval a Groundwater Monitoring Plan in accordance with the requirements of Condition No. II.C.1. of this permit.

E. All conditions set forth in Section III.E. of this permit, shall be conducted within three hundred sixty five (365) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.

1. Progress Reports. The Permittee shall submit a progress report for the Commissioner's review describing the actions which the Permittee has taken to date to comply with the terms and conditions of this permit and annually thereafter until all actions required by this Permit have been completed to the Commissioner's satisfaction.

F. All conditions set forth in Section III.F. of this permit, shall be conducted within the time frame specified. Otherwise, The Permittee may be subject to formal enforcement actions.

1. Financial Assurance. Within one hundred fifty (150) calendar days of the Commissioner's approval of the cost estimate submitted in accordance with Condition No. III.A.1. of this permit, the Permittee shall establish and continually maintain financial assurance by one or more of the instrument formats prescribed by the Commissioner for Final Closure of the regulated units and corrective action of the Site or areas affected by.

2. O&M Plan. The Permittee shall submit for the Commissioner's review and written approval a comprehensive Operations and Management Plan for all remedial systems of treatment and control, in accordance with Condition No. I.E.9. of this permit within sixty (60) calendar days prior to the installation of any future remedial system of treatment and control.

3. Retention of Consultant. The Permittee shall notify the Commissioner in writing within ten (10) calendar days of retaining any additional or replacement consultant or LEP other than those identified in Condition I.E.23. of this permit. Such notification shall include a description of a consultant's education, experience and training which is relevant to the work required by this permit.

Any consultant(s) or LEP retained to perform all investigation and remediation activities in response to this permit must be an independent, licensed environmental professional, and must provide professional services in accordance with RCSA Section 22a-133v-1 through 8 (the Licensed Environmental Professional Regulations). Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.