



Office of Adjudications

IN THE MATTER OF

:

GE/BRIDGEPORT STEWARDSHIP
PERMIT

:

March 5, 2015

FINAL DECISION

On February 27, 2015, the parties to this matter, the General Electric Company, the City of Bridgeport and staff of the Department of Energy and Environmental Protection, jointly filed the attached Agreed Draft Decision for my consideration. ([Appendix 1.](#)) Regs., Conn. State Agencies § 22a-3a-6(1)(3)(A). The purpose of this Agreed Draft Decision is to facilitate the disposition of this matter without an evidentiary hearing, pursuant to the Department's Rules of Practice. Regs., Conn. State Agencies § 22a-3a-6(1)(3)(A)(2).

Because no evidentiary hearing was held, findings of fact in the Agreed Draft Decision are based on stipulated facts and the sworn statements of Amanda Killeen, an environmental analyst in the remediation division of the Department's Bureau of Water Protection and Land Reuse, and Michael Manolakas, a Licensed Environmental Professional. ([Appendix 2.](#)) These stipulated facts and sworn statements constitute the evidentiary record in this matter.

A public hearing was held on December 11, 2014 at Harding High School in Bridgeport. Written comments were also accepted until December 18, 2014. For the record, I note that Department Staff prepared a comment response document, filed on February 27, 2015, as required. Regs., Conn. State Agencies §§ 22a-449(c) 100 through 22a-449(c)-110.

I conclude that the draft permit, as modified by agreement of the parties, (attached as [Exhibit A to Appendix 1](#)) satisfies all relevant statutory and regulatory criteria, for the reasons stated in the Agreed Draft Decision. The parties to this matter have indicated that, should the Agreed Draft Decision be adopted, the right to file exceptions would be waived. The Commissioner has delegated final decision-making authority to the agency's Office of Adjudications and its hearing officers in limited circumstances. Included in this delegation is the authority to issue final decisions in "matters where the hearing officer has issued a proposed final decision and the parties, including staff of the Department, by written stipulation waive compliance with the right to file exceptions to such decision, pursuant to [General Statutes] 5 4-179(d)." Delegation of Authority, July 12, 2011, 5 VIII, F. 4. c. vii. Because the right to file exceptions has been waived, I adopt the Agreed Draft Decision, as supplemented herein, as the Final Decision of the Department in this matter.

A handwritten signature in blue ink, appearing to read "Brendan Schain".

Brendan Schain, Hearing Officer

S E R V I C E L I S T

In the matter of GE/Bridgeport – Stewardship Permit

PARTY

REPRESENTED BY

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**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF :
 :
GE/BRIDGEPORT STEWARDSHIP :
PERMIT : **FEBRUARY 27, 2014**

AGREED DRAFT DECISION

Introduction

Pursuant to § 22a-3a-6(1)(3)(A)(ii) of the Rules of Practice of the Department of Energy and Environmental Protection (“DEEP” or the “Department”), General Electric Company (“GE”) and the City of Bridgeport (the “City”) (together, the “Applicants”) and the staff of the DEEP Remediation Division of the Bureau of Water Protection and Land Reuse (“DEEP Staff”) (collectively, the “Parties”) respectfully submit this Agreed Draft Decision in resolution of the above-captioned matter. The Draft Permit (Attached hereto as Exhibit A) to perform Corrective Action at 379 Bond Street, Bridgeport, Connecticut, submitted by the DEEP staff is acceptable to the Parties.

Further, the Parties waive all objections to the adoption of the Agreed Draft Decision without substantive change or modification as the Hearing Officer’s Proposed final Decision and, if so adopted, waive all rights to file exceptions with the Commissioner pursuant to § 22a-3-6(y) of the Rules of Practice, including the 15-day period normally allowed to file exceptions. The Parties respectfully urge the Hearing Officer to issue the Proposed Final Decision as expeditiously as possible.

Findings of Fact

Taking into consideration and giving due regard to all of the evidence in the record, I make the following findings of fact:

A. Site Background

Beginning in 1920, GE acquired various parcels of land, resulting in the approximately 76.5-acre parcel of property located at 1285 Boston Avenue, Bridgeport, Connecticut (the "Property"). Until June 2007, GE used the Property for active manufacturing.

The Property is an existing hazardous waste management facility or "Facility," as defined in 40 CFR 270.2, incorporated by reference by the Regulations of Connecticut State Agencies ("RCSA") § 22a-449(c)-110(a)(2)(F). GE filed Part A and Part B of its application for a permit to operate a Facility in 1980 and 1991, respectively, and has amended its Part A filing several times since 1980. The DEEP has never issued GE a permit to operate the Property as a Facility. Therefore, the Property continues to be designated as "interim status," as described in 40 CFR 270.70(a), incorporated by reference by RCSA § 22a-449(c)-110(a)(1), and is subject to the requirements of 40 CFR Part 265 and RCSA § 22a-449(c)-105, as amended. Among other requirements, interim status facilities are required to close hazardous waste units (40 CFR Part 265, Subpart G) and perform corrective action (40 CFR 261.101).

Historically, GE operated and maintained several hazardous waste storage units at the Property. All of these units have been closed. All but one of the units was "clean closed." The remaining unit, the former sludge drying beds, was closed as a landfill. RCSA § 22a-449(c)-105(h) requires interim status "disposal facilities," as defined in RCSA § 22a-449(c)-105(h)(1)(A), to perform corrective action. As a result of the presence of the former sludge drying beds, the Property meets the definition of a "disposal facility." As a first step in complying with RCSA § 22a-449(c)-105(h), an interim status disposal facility must submit an Environmental Condition Assessment Form ("ECAAF") to the Commissioner. GE filed an ECAAF for the Property in April 2004, and filed corrections to that ECAAF in November 2005. By letter dated January 27, 2005, the Commissioner notified GE that the investigation and remediation of the Property may be overseen by a licensed environmental professional ("LEP").

Under the oversight of a LEP, GE is required to investigate the Property under the prevailing standards and guidelines as RCSA prescribes and, when appropriate, remediate in accordance with the Connecticut Remediation Standard Regulations (“RSRs”), RCSA § 22a-133k-1 through -22a-133k-3. Since 2005, GE has been performing corrective action at the Property, taking over 5,400 samples for various constituents of concern in the soil, groundwater, sediment, and surface water, and performing a number of interim remedial actions.

B. The School Parcel

In 2010, at the same time it was performing corrective action pursuant to RCSA § 22a-449(c)-105(H), GE began deconstruction of the structures located on the Property and completed the deconstruction in 2012. The goal of the deconstruction was to ready the Property for sale and redevelopment.

Beginning in 2002, the City began a search for a parcel of land in the eastern portion of the City on which it could construct a new public high school to replace the 90-year old Warren G. Harding High School. The City also assessed the location of the current Harding High School to determine whether construction on that parcel was appropriate. Having found no other viable locations for the new high school, in 2011, the City approached GE to inquire as to whether GE would consider conveying a portion of the Property to the City for the purpose of constructing the new public high school.

After extensive discussions, GE and the City tentatively identified a portion of the Property that would be suitable for the construction of the new high school, and on February 5, 2013, entered into a Site Access and Confidentiality Agreement (“Site Access Agreement”). Pursuant to the Site Access Agreement, GE provided the City with its sampling data for that portion of the Property mutually agreed upon, to allow the City to have its own LEP assess the environmental condition of the location and its suitability for construction of a school. The City’s LEP also performed additional investigations in the proposed location of the school building for the purpose of determining the potential risk of vapor intrusion into the new building, as well as to provide a general understanding of soil quality in the areas that may be disturbed during the construction of the building foundation system.

On May 6, 2013, the Bridgeport City Council approved Resolution No. 35-12, effective the same date, which authorized the City to enter into a land acquisition agreement and other ancillary agreements with GE to acquire property for the new high school. GE and the City are finalizing the land acquisition agreement and related documents. One such related document is a lease, whereby the City will lease the School Parcel from GE during construction of the school prior to donation of the School Parcel by GE to the City.

GE recorded the map entitled “Map Depicting New Lot 1 & New Lot 2 of the 1285 Boston Avenue, Bridgeport, Connecticut Prepared for the General Electric Company,” on the City of Bridgeport Land Records on January 13, 2014, Map Volume 54 at Pages 350 and 350A, dividing the property and creating the 379 Bond Street parcel (the “School Parcel”). The recorded map references the School Parcel as Lot 2 and the remaining portion of the Property as Lot 1.

The City, acting through the Bridgeport Board of Education, has applied for or requested the following permits or approvals related to the construction of the new high school on the School Parcel:

1. Approval of Site Selection by the City of Bridgeport School Building Committee, dated January 17, 2013
2. Approval of Site Selection by the City of Bridgeport Board of Education, dated February 25, 2013.
3. Grant of Variances issued by the City of Bridgeport Zoning Board of Appeals, dated November 12, 2013.
4. Permit to Conduct Regulated Activities, issued by City of Bridgeport Inland Wetlands and Watercourses Agency, dated November 25, 2013.
5. City of Bridgeport City Council Driveway Width Waiver dated February 4, 2014.
6. Approval of Zoning Change, Request for Special Permit and Site Plan, by the City of Bridgeport Planning & Zoning Commission, dated February 25, 2014.
7. Approval of Phase 1 Construction Documents and Estimate by City of Bridgeport School Building Committee, dated February 20, 2014.
8. Conditional Letter of Map Revision, issued by the Federal Emergency Management Agency, dated June 30, 2014.

C. “Corrective Action” Stewardship Permit Application

While the Property has been divided to create the School Parcel, the School Parcel is still part of the Facility. To remove the School Parcel from interim status and to ensure that the DEEP was involved directly in overseeing the investigation and remediation of the School Parcel, on April 25, 2014, GE and the City submitted a joint application for a “corrective action” Stewardship Permit (the “Permit”) for the School Parcel. The Permit application included several remedial action reports (“Remedial Reports”) that described all remediation performed to date at the School Parcel and a remedial action plan (“RAP”) outlining the remediation that remains to be completed at the School Parcel. The RAP provides that the School Parcel will be remediated in accordance with the RSRs , and specifically, the residential criteria set forth in the RSRs.

Upon reviewing the Permit Application, Remedial Reports and the RAP in detail, DEEP Staff informed GE and the City that they had several questions and requests for clarification. On June 18, 2014, GE and City representatives met with DEEP Staff to review the Permit Application. GE and the City obtained additional data requested by DEEP staff. DEEP Staff issued a letter, dated July 11, 2014, documenting their information requests related to the Remedial Reports and the RAP. By letter dated August 12, 2014, GE and the City submitted the additional data and information (the “Supplemental Information”).

On October 31, 2014, DEEP issued a Notice of Tentative Determination to Issue a Stewardship Permit to Perform Corrective Action to GE and the City for the School Parcel (“Notice of Tentative Determination”). Public notice of the Notice of Tentative Determination was published in the Connecticut Post, and was aired on WICC600 AM, on November 3, 2014.

The Notice of Tentative Determination provided notice of a public information meeting, to be held on Thursday, December 4, 2014 at Warren G. Harding High School, in Bridgeport, Connecticut, and notice of a public hearing, to be held on Thursday, December 11, 2014, also at Warren G. Harding High School. The Notice of Tentative Determination also noted that the Permit application, Draft Permit, fact sheet and other materials were available for review by contacting Amanda Killeen, DEEP, Bureau of Water Protection and Land Reuse, 79 Elm Street, 2nd Floor, Hartford, Connecticut, and that the draft permit and fact sheet were also available for

review at the Bridgeport Public Library, 925 Broad Street, Bridgeport, CT 06604. Telephone numbers and hours of availability were included for both Ms. Killeen and the public library. Lastly, the Notice of Tentative Determination provided for a forty-five (45) day comment period.

GE and the City hosted the public information meeting on December 4, 2014. DEEP held the public hearing to receive public comment on December 11, 2014. One member of the public gave testimony under oath at the public hearing. Written and verbal public comments were submitted to the DEEP during the comment period. Both the City and GE submitted comments on the Draft Permit. The forty-five day comment period ended on December 18, 2014.

Statutory and Regulatory Background

A. Stewardship Permit Program

The DEEP Stewardship Permit Program¹ regulates the closure and post-closure care of solid waste disposal areas, and the sitewide environmental investigation and remediation and the performance of long-term activities, such as groundwater monitoring and post-closure care, of hazardous waste management facilities that no longer intend to operate as such. The authorizing statutes are Connecticut General Statutes (“Conn. Gen. Stat.”) §§ 22a-208a(b) and 22a-208a(c) (for solid waste facilities) and Conn. Gen. Stat. § 22a-449(c) and Subtitle C of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.* (for hazardous waste facilities). The authorizing regulations are RCSA Sections 22a-449(c)-100 through 110.

Fact Sheet DEEP-STWD-FS-500, which describes the Stewardship Permit Program, states that the parties eligible to obtain a Stewardship Permit are any person(s):

- 1) owning or operating a hazardous waste facility that no longer generates process wastes or receives hazardous waste from off-site;

¹ The Resource Conservation and Recovery Act, 42 USC § 6901 *et seq.*, the state hazardous waste statute, C.G.S. § 22a-449(c), and the federal and state hazardous waste regulations, together require permits for hazardous waste management facilities. Neither the state hazardous statutes nor regulations define or specifically discuss “Stewardship Permits.” Rather, the description of the Stewardship Permit Program can be found on the DEEP website (http://www.ct.gov/deep/cwp/view.asp?a=2718&q=438420&deepNav_GID=1967) in a DEEP PowerPoint presentation made to the Remediation Roundtable on May 14, 2013, (http://www.ct.gov/deep/lib/deep/waste_management_and_disposal/stewardshippermits/stewardship_permit_presentation_may_2013.pdf), and in the Fact Sheet DEEP-STWD-FS-500, content last updated June 2013 (http://www.ct.gov/deep/cwp/view.asp?a=2709&q=324196&deepNav_GID=1643).

- 2) required to maintain a solid waste disposal area; or
- 3) seeking to establish a corrective action management unit for the management of remediation wastes.

As described on the DEEP website, a Stewardship Permit allows owners and operators of hazardous waste facilities to “move from interim status to permitted status,” “to memorialize the clean-up work completed to date,” and to complete “site-wide clean-up obligations.” A Stewardship Permit is similar to a “post-closure permit,” as provided for in 40 CFR 270.1(c).²

While referred to as a “permit,” a Stewardship Permit is essentially an agreement to complete remediation at a hazardous waste management facility.³ When a permittee is issued a Stewardship Permit, the Commissioner also issues the permittee a “Certificate of Stewardship.” When the permittee has complied with the terms of the Stewardship Permit, the Commissioner issues a “Certificate of Completion.”⁴

B. The School Parcel

GE has begun, but not yet completed, corrective action on the Property, which is an interim status hazardous waste facility, including the School Parcel. Because the School Parcel has not gone through corrective action it is still considered part of the Facility.

GE owns and historically operated the School Parcel. The City will lease the School Parcel pursuant to a lease to be entered into between the City and GE in anticipation of its construction of the new high school and ancillary structures. As the tenant, the City will be the operator of the School Parcel.

GE and the City applied for the Stewardship Permit as co-applicants to perform corrective action. The intent of the application was to remove the School Parcel from “interim status,” obligate GE and the City to complete corrective action, and provide a mechanism for the DEEP to approve the corrective action at the School Parcel.

² CTDEEP webpage, “*Stewardship Permits*,” available at, http://www.ct.gov/deep/cwp/view.asp?a=2718&q=438420&deepNav_GID=1967.

³ See CTDEEP May 14, 2013 PowerPoint.

⁴ *Id.*

The Draft Stewardship Permit

GE and the City provided comments on the Draft Permit published with the Notice of Tentative Determination during the public comment period. In addition, the Parties have met to review and revise the terms of the Draft Permit. The revised Draft Permit is attached hereto as Exhibit A.

Issuance of the Permit will remove the School Parcel from “interim status.”

Broadly, the Draft Permit issued by DEEP requires GE and the City to complete site-wide corrective action of the School Parcel and establish financial assurance for the costs associated with performing site-wide corrective action. More specifically, the Draft Permit requires that the Applicants perform corrective action in accordance with the terms of the Permit, the RAP and any other plans submitted and approved pursuant to the Permit. The Applicants must remediate the School Parcel in accordance with the RSRs; because the use of the School Parcel is a school, which is a “residential activity” as defined in the RSRs, the residential criteria in the RSRs apply to any remediation conducted at the School Parcel. The RAP provides for additional soil remediation to remove soils that exceed applicable pollutant mobility criteria, rendering inaccessible any remaining soils that contain contaminants exceeding the residential direct exposure criteria, and groundwater monitoring. The Draft Permit provides that the Commissioner must approve the Final Remedial Report and issue a “Certificate of Completion” when the Commissioner has determined all work is complete in accordance with the Permit.

Proposed Conclusions of Law and Decision

A. Jurisdiction and Standing

The Applicants have satisfied all standing requirements and, accordingly, the Commissioner has subject matter jurisdiction as to this matter.

At the time the Application was submitted: GE owned the School Parcel; GE and the City were in negotiations for the conveyance of the School Parcel, including a lease whereby the City will be the tenant of the School Parcel during school construction; and the City had applied for

and received, as the prospective owner, various permits and approvals to construct the new high school on the School Parcel.

B. The Stewardship Permit

I. Application Contents

RCSA § 22a-449(c)-110, incorporating by reference 40 CFR Part 270, describes the requirements for any permit issued pursuant to RCRA. The Stewardship Permit Application and instructions, found on the DEEP website, further describe the information required to be submitted in an application for a Stewardship Permit. The Applicants submitted the Application on the appropriate form prescribed by the Commissioner, DEEP-STWD-APP-500, and submitted the Supplemental Information in response to a meeting with and correspondence from DEEP Staff. Based on the record, the Application contains the material required pursuant to applicable law.

II. Procedural Requirements

Based on the record, the procedural requirements of RCSA 22a-449(c)-110 have been fulfilled.

III. Standards for Issuing a Permit

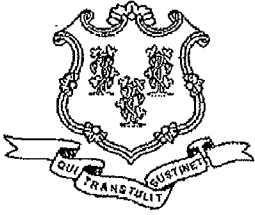
Conn. Gen. Stat. § 22a-449(c) and Subtitle C of RCRA, , 42 U.S.C. § 6901 *et seq.*, authorize the issuance of hazardous waste permits. The applicable regulations are found at RCSA § 22a-449(c)-110, incorporating by reference 40 CFR Part 270. Details on Stewardship Permits are found on the DEEP webpage “*Stewardship Permits*,” and the DEEP Fact Sheet. Based on the record, the Applicants have demonstrated that:

1. The School Parcel is part of a hazardous waste management facility.
2. GE is the owner and current operator of the School Parcel.

3. The City will be the operator of the School Parcel upon entering into the lease and beginning construction of the School Improvements.
4. Both GE and the City will be performing remedial activities that together will accomplish corrective action at the School Parcel.

C. Conclusion and Recommendation

The Applicants have demonstrated by a preponderance of the evidence presented that their application and the Draft Permit comply with all applicable regulatory and statutory requirements. Accordingly, the Draft Permit attached hereto as Exhibit A, should be issued as a final Permit.



**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:

General Electric Company (GE)
WIL
3135 Easton Turnpike
Fairfield, CT 06868

and

City of Bridgeport (the City)
Margaret E. Morton Government Center
999 Broad Street
Bridgeport, CT 06604

Facility Identification:

EPA ID No.: N/A
Permit Number: DEP/ HWM/XX-XXX-XXX

To perform site-wide environmental investigation and cleanup ("corrective action measures") at the hazardous waste 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 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 Sections 22a-449(c)-100, of the RCSA or in Title 40 of the Code of Federal Regulations ("CFR") Parts 239 through 259, 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 GE on November 19, 1980 and the Stewardship Permit application filed by GE and the City on April 25, 2014. 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 19; Section III (Compliance Schedule) page 20; Appendices A-1, and B-1; 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-6o. 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.

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

Con

STEWARDSHIP PERMIT
General Electric Company
City of Bridgeport
New High School Parcel
379 Bond Street
Bridgeport, CT

Permit No. DEP/HWM/XX-XXX-XXX

SECTION I

Stewardship Permit
Standard Facility Conditions

General Electric Company
City of Bridgeport
New High School Parcel
379 Bond Street
Bridgeport, CT

Permit No. DEP/HWM/ XX-XXX-XXX

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**STEWARDSHIP PERMIT
SECTION I
STANDARD FACILITY CONDITIONS**

A. EFFECT OF PERMIT

Except as is provided in the Regulations of Connecticut State Agencies ("RCSA") Section 22a449(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.

To fulfill requirements of the Connecticut Hazardous Waste Management Regulations, the Permittee shall perform corrective action in accordance with its application (Application No. 201404035) received by the Department of Energy and Environmental Protection ("Department") on April 25, 2014 and the requirements of this Permit, as the Commissioner determines is required. 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 federal, 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."

In accordance with 40 CFR 270.73(a), upon issuance of this Permit, the Permittee's Interim Status with respect to the Facility granted under 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 (RCRA), 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 eighty (180) calendar days prior to the date of expiration of the permit, in accordance with the requirements of RCSA Section 22a-449(c)-104 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 the timeframe specified by the Commissioner, 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. 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 Facility 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, and 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 and any other applicable law, any substance or parameters at any location.
10. 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.

11. 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. For purposes of Section I.E.11 of this Permit, “active remediation” shall be deemed complete when any remaining polluted soils are rendered inaccessible, as defined in R.C.S.A. § 22a-133k-1(a)(32).
 - (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.
12. 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 copies of all reports required by this permit (i.e. records from groundwater monitoring), 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. This period may be extended by request of the Commissioner at any time.
 - (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.

13. Operating Record. The Permittee shall maintain, in writing, the following information in the Facility's operating record until termination of this permit:
 - (a) 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;
 - (b) Monitoring, testing or analytical data;
 - (c) All corrective action cost estimates, as applicable, under RCSA 22a-449(c)-104 and 40 CFR 258.73 and 264 Subpart H; and
 - (d) Any other information required by this permit or by any applicable law to be maintained in the Facility operating record.
14. 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 set forth in the permit application prescribed in RCSA Section 22a-449(c)-110 incorporating 40 CFR 270.11.
15. Transfers. This permit is not transferable to any person without the advanced written authorization of the Commissioner. The Commissioner may request any information deemed 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-6o. 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 239 through 270, and 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 all or a portion 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. The agreement shall include the anticipated times, locations and frequency of access needed in order for the Permittee to complete corrective action activities.

16. 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, progress reports contained in any Compliance Schedule (Section III) of this permit, shall be submitted no later than January 15 of the calendar year following the previous calendar year's required groundwater sampling and inspections, 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 condition resulting from remedial activity 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 recurrence 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 effect 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 from or after 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.16(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.

17. 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 or state mandated furlough day, 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.
- 18. Availability, Retention and Disposition of Records. The Permittee shall ensure that all records required under RCSA Sections 449(c)-100 to 119 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.

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.

- 19. Additional Requirements. Requirements not included in this permit that 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.
- 20. 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.
- 21. 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.
- 22. Retention of Licensed Environmental Professional.

- a. The Permittee shall designate and/or retain one or more qualified Licensed Environmental Professionals (LEPs), acceptable to the Commissioner to prepare the documents required in Section II of this permit, and shall notify the Commissioner in writing of the identify of such LEP(s). The Permittee shall assign such LEP(s), acceptable to the Commissioner, until the requirements of Section II of the permit are fully complied with. For purposes of this Permit, the Commissioner finds Michael Manolakas and Carver Glezen to be acceptable LEPs.
- b. 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 449(c)-100 thru 119 incorporating 40 CFR 264 through 279 and 40 CFR 239 through 259, and 264.

1. "Annual" means that sampling and analysis shall occur during the month of October of each calendar year. The results of the sampling and analysis shall be submitted to the Commissioner no later than January 15 of the year following the required annual groundwater sampling for the previous calendar.
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 CGS Section 22a-2 or the Commissioner's duly authorized designee.
4. "Day" means calendar day unless otherwise specified.
5. "Facility" shall mean, pursuant to 40 CFR 260.10, all contiguous land, 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 this permit, Facility shall mean the approximately 17 acre parcel of land known as 379 Bond Street, Bridgeport, CT, and as delineated on Figure 2 of the Permit Application and subject to the requirements of this permit.

6. "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.

For purposes of this permit, the Permittee shall mean GE and the City.

7. "Semi-annual" means that sampling, analysis and inspections shall occur during the months of April and October each calendar year. The results of the sampling, analysis and inspections shall be submitted to the Commissioner no later than January 15 of the calendar year following the required semi-annual groundwater sampling and inspections for the previous calendar year.
8. "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.

SECTION II

Stewardship Permit
Authorized Activities

General Electric Company
City of Bridgeport
New High School Parcel
379 Bond Street
Bridgeport, CT

Permit No. DEP/SWM/XX-XXX-XXX

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**SECTION II
AUTHORIZED ACTIVITIES**

A. 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 and Appendices I-V (“RAP”) as revised August 2014, and any other plan(s) submitted and approved pursuant to this permit.

The Permittee shall ensure that remediation is completed within ten (10) years of issuance of this permit or in accordance with an alternative schedule approved in writing by the Commissioner. Upon completion of the remediation, the Permittee shall submit a final report prepared by its LEP to the Commissioner.

The conditions of this section apply to:

- (a) The Areas of Concern (“AOCs”) as identified in accordance with Section II.A.2.(a)(i) of this permit.
 - (b) Any additional AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means. As used in this permit, the terms “discover,” “discovery,” or “discovered” refer to the date on which the Permittee either: (1) visually observes evidence of a new AOC, (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.
 - (c) Contamination that has migrated beyond the Facility boundary, if applicable. The Permittee shall implement corrective actions beyond the Facility boundary where necessary to protect human health and the environment consistent with RCSCA 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 within thirty (30) calendar days from the issuance of this permit submit to the Commissioner a schedule for the clean-up of releases of hazardous waste and hazardous substances at or from the Facility such that the cleanup will achieve compliance with RCSCA 22a-133k-1 et seq. (“Remediation Standard Regulations” or “RSRs”). Such schedule shall include a Scope of Work to implement the remediation activities outlined in the Remedial Action Plan.

- (a) The schedule/Scope of Work shall be submitted pursuant to Condition No. II.A.2., of this permit and shall include at a minimum, a schedule for the development and implementation of the following:
 - (i) a list of all known AOCs at the Facility, a summary of investigation and mitigation activities conducted at the Facility to date and a list of activities remaining to be accomplished;
 - (ii) Schedule for Remediation. The Permittee shall submit for the Commissioner's review and written approval a schedule to implement the above referenced RAP that collectively address all areas of contamination that exceed RSR criteria;
 - (iii) Ecological Risk Assessment ("ERA") evaluating the potential for ecological receptors to be exposed to contaminants and ensure that remedial goals and objectives address protection for those receptors from existing or potential contaminant exposures;
 - (iv) A Quality Assurance Project Plan ("QAPP"), prepared in accordance with the document titled: Quality Assurance Guidance for Conducting Brownfields Site Assessments, US Environmental Protection Agency OSWER Directive No. 9230.0-83P. The Permittee shall ensure that the data is of sufficient quality to make decisions regarding the investigation and remediation of the Facility; and
 - (v) The Permittee shall propose dates for the interim milestones and for the completion of remediation at the request of the Commissioner. These deadlines are subject to approval and/or modification of the Commissioner in accordance with Section II.A.9, below.

- 3. Notification and Assessment Requirements for Newly Identified AOCs.
The Permittee shall notify the Commissioner in writing, within fifteen (15) calendar days of discovery, of any new suspected or confirmed AOCs as discovered under Condition II.A.1.(b). Such notification shall include, at a minimum, 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 AOC(s).

- 4. Notification Requirements for Newly Discovered Releases.
 - (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 groundwater monitoring, field investigations, environmental audits, or other means, within fifteen (15) calendar days of discovery.

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

- 5. 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 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.

The IM Work Plan shall be submitted within sixty (60) calendar days of such notification and shall include the elements listed in Condition II.A.5. Such interim measures may be conducted concurrently with investigations required by this permit.

- (ii) The Permittee may initiate IM at an 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.A.5.(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 II.A.5.(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 II.A.5(a)(i) in accordance with the approved IM Work Plan.
 - (ii) The Permittee shall give notice to the Commissioner as soon as possible of any planned changes, reductions or additions to the IM Work Plan imposed under Condition No. II.A.5(a)(i) or initiated by the Permittee under Condition II.A.5.(a)(ii).
- (c) IM Reports
- (i) If the time required for completion of interim measures imposed under Condition II.A.5(a)(i) or implemented under Condition II.A.5.(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 semi-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 conducted under Condition II.A.5 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.

6. Remedy Selection and Notification of Remedial Implementation.

- (a) The Permittee has proposed a remedy as outlined in the RAP. The Permittee may propose an alternate remedy or evaluate one or more remedial alternatives. 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 RSRs; 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 Facility.

The Permittee shall maintain, at the Facility, a current, detailed written estimate of the cost of performing the corrective action measures. For purposes of section II.A.6(b) of this Permit, "corrective action measures" includes any soil or groundwater investigation, the excavation and removal of soil, import of fill and regrading of the Facility, and construction of any improvements required to render soils inaccessible, such as pavement or the concrete slab for the School building.

The Permittee shall maintain the financial assurance mechanism in accordance with and pursuant to RCSA 22a-449(c)-104 incorporating 40 CFR 264 Subpart H, or alternate mechanism as approved by the Commissioner, for the corrective action measures. The

approved financial assurance mechanism shall be maintained by the Permittee until corrective action measures at the Facility is complete and the Commissioner notifies the Permittee in writing that it is no longer required to maintain such financial assurance.

The Permittee shall adjust the cost estimate for any changes that affect the cost of performing the corrective action measures. Adjustments for inflation shall be calculated in accordance with the same procedures used to adjust closure costs as identified in RCSA 22a-449(c)-104 incorporating 40 CFR 264.142(b). The latest adjusted cost estimate shall be kept at the Facility, and a signed original shall be submitted to the Commissioner within fourteen (14) days of preparation.

7. Public Participation Plan. The Permittee shall develop and implement a Public Participation Plan. Such plan shall, at a minimum, include provisions for:
 - (a) A public notice prior to implementation of the proposed remediation inclusive of groundwater monitoring at the Facility or any portion thereof consistent with Condition No. II.A.8 of this permit and the requirements of CGS Section 22a-134a(i);
 - (b) The submittal of a copy of such notice to the Commissioner ten (10) calendar days prior to the date of the publication; and
 - (c) The submittal of a written summary of all comments received and responses thirty (30) calendar days after the end of the comment period

8. Public Notice Requirements. At the Commissioner's direction, the Permittee shall provide public notice of proposed remediation and public notice of the Commissioner's tentative determination that remediation is complete. Each public notice must provide a forty-five (45) day comment period.
 - (a) Prior to the commencement of any remedial action. The notice shall summarize the investigations undertaken, 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 Facility is located or the area affected by the Facility;
 - (ii) Provide a copy of the notice to the Director of Health of the municipality where the Facility is located;
 - (iii) Provide a copy of the notice to all persons on the Facility mailing list maintained pursuant to RCSA 22a-449(c)-110 incorporating 40 CFR 124.10(c)(1)(ix); and
 - (iv) Either 1) erect and maintain a sign at least 6 feet by 4 feet for at least 30 days in a legible condition at the Facility, clearly visible from the public highway and includes the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION CONTACT:.", include a telephone number in which any interested person may obtain additional information about the remediation; or 2) mail a copy of the notice to each owner on record for the property which abuts the Facility. The address for such property shall be obtained from

the last-completed grand list of the municipality where the Facility is located.

- (b) Prior to the Commissioner's final determination that site-wide remediation is complete; the Permittee shall:
 - (i) Publish the notice in a newspaper having substantial circulation in the municipality in which the Facility is located or the affected area by the Facility;
 - (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 and to all persons on the Facility mailing list maintained pursuant to RCSA 22a-449(c)-110 incorporating 40 CFR 124.10(c)(1)(ix); and
 - (iv) Include a summary of the basis for the Commissioner's determination.
- (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 is terminated and a certificate of completion will be issued.

9. Modification of the Corrective Action Schedule of Compliance.

- (a) The Commissioner may modify the Corrective Action Schedule of Compliance at any time, if it is deemed necessary.
- (b) Modifications that are initiated and finalized by the Commissioner shall be in accordance with RCSA 22a-449(c)-110 incorporating 40 CFR 270 and all applicable provisions. At any time, the Permittee may request to modify the Schedule of Compliance in accordance with RCSA 22a-449(c)-110 incorporating 40 CFR 270.
- (c) 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. Extensions to permit established schedules must follow the procedures in Condition I.A.21(b).

10. Miscellaneous

- (a) As authorized by RCSA sections 22a-133k-1 through 22a-133k-3 Appendix A, the Permittee shall use the lead clean-up level of 400 mg/kg for the residential direct exposure criterion.
- (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 polluting substance criteria.

- (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 or authorized corrective action activities. Such waste shall be managed accordance with all applicable regulations.

B. 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 Facility and the associated cost estimate developed in accordance with the requirements of RCSA Sections 22a-449(c)-105(c) and 22a-133k-3.
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.B.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 Facility or area affected by the Facility or any portion thereof, the Permittee shall submit to the Commissioner via registered mail, a certification signed by both the Permittee and by a licensed environmental professional stating that the post-remediation groundwater monitoring, as applicable, has been completed in 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 groundwater monitoring at the Facility or area affected by the Facility or any portion thereof, has been completed, the Commissioner shall issue a Certificate of Completion.

C. FINANCIAL RESPONSIBILITY

1. Cost Estimates. The Permittee shall submit for the Commissioner's review and written approval a detailed written estimate(s) of the current cost to perform investigation and remediation [of the Facility 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. For purposes of section II.C of this Permit, "investigation and remediation of the Facility" includes any soil or groundwater investigation, the excavation and removal of soil, import of fill and regrading of the Facility, and construction of any improvements required to render soils inaccessible, such as pavement or the concrete slab for the School building.

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 Facility. Such assurance may be established incrementally.

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.C.6. of this permit.
6. Release of Financial Assurance.
 - (a) Within sixty (60) calendar days after receiving certification 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.
 - (b) Within sixty (60) calendar days after receiving certification, submitted pursuant to Condition No. II.B.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.

DRAFT

SECTION III

Stewardship Permit
Compliance Schedule

General Electric Company
City of Bridgeport
New High School Parcel
379 Bond Street
Bridgeport, CT

Permit No. DEP/SWM/XX-XXX-XXX

DRAFT

**SECTION III
COMPLIANCE SCHEDULE**

- A. All conditions set forth in Section III.A. of this permit shall be conducted within thirty (30) calendar days, unless otherwise specified, of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Schedule/Scope of Work. The Permittee shall submit for the Commissioner's review a proposed schedule for the implementation of corrective action and post-remediation groundwater monitoring activities required under this permit.
 2. Public Participation Plan. If it has not already done so, the Permittee shall submit for the Commissioner's review and written approval the public participation plan prepared in accordance with the requirements of Condition No. II.A.10. of this permit.
 3. Quality Assurance Project Plan. The Permittee shall submit for the Commissioner's review and written approval a Quality Assurance Project Plan prepared in accordance with the requirements of Condition No. II.A.2(a)(iv) of this permit.
- B. All conditions set forth in Section III.A. of this permit, shall be conducted in accordance with the schedule described below or within the timeframe specified. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Progress Reports. Within three hundred and sixty-five (365) calendar days, 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 as described in the RAP until all actions required by this Permit have been completed to the Commissioner's satisfaction.
 2. Financial Assurance. Within one hundred fifty (150) calendar days of the Commissioner's written approval of the cost estimate submitted in accordance with Condition No. II.A.8. of this permit, the Permittee shall establish and continually maintain financial assurance using one or more financial assurance mechanisms prescribed by the Commissioner for post-closure care inclusive of groundwater monitoring of the Facility or areas affected by the Facility
 3. Retention of Consultant. The Permittee shall notify the Commissioner in writing within ten (10) calendar days of retaining any additional or replacement consultant 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.

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF :
 :
GE/BRIDGEPORT STEWARDSHIP :
PERMIT : **FEBRUARY 27, 2014**

STIPULATED FACTS AND CONCLUSIONS OF LAW

The General Electric Company (“GE”) and the City of Bridgeport (the “City”) (together, the “Applicants”) and the staff of the DEEP Remediation Division of the Bureau of Water Protection and Land Reuse (“DEEP Staff”) (together, the “Parties”) hereby respectfully submit the following stipulated facts and conclusions of law, having been agreed upon by all Parties in the above captioned matter.

Site Background

1. Beginning around 1920, GE acquired various parcels of land, resulting in its ownership of the approximately 76.5-acre parcel of property located at 1285 Boston Avenue, Bridgeport, Connecticut (the “Property”).

2. Until June 2007, GE used the Property for active manufacturing.

3. In 2010, GE began carefully deconstructing all structures remaining on the Property, and to remove all asbestos and lead-based paint in accordance with applicable standards, in order to make the property available for redevelopment; GE completed the deconstruction in 2012.

4. After searching for a suitable location to construct a new high school, the City approached GE to inquire as to whether GE would consider conveying a portion of the Property

to the City for the purpose of constructing a new public high school to replace the 90-year old Warren G. Harding High School.

5. After lengthy discussions regarding the City's request, GE and the City tentatively identified a portion of the Property that would be suitable for construction of the new high school.

6. On February 5, 2013, the City and GE entered into a Site Access and Confidentiality Agreement ("Site Access Agreement"). Pursuant to the Site Access Agreement, GE provided the City, documents, including the Phase I/II/III environmental site assessment, which included a detailed description of prior site uses and with soil and groundwater sampling data for that portion of the Property tentatively agreed upon, to allow the City to have its own licensed environmental professional ("LEP") assess the environmental conditions of the location and suitability of those conditions for construction of the new high school.

7. Pursuant to the Site Access Agreement, the City's LEP performed soil and groundwater sampling on that portion of the Property tentatively agreed upon, specifically in the proposed foot print of the school building, for the purpose of determining the potential risk of vapor intrusion into the new building, as well as to provide a general understanding of soil quality in the areas that may be disturbed during the construction of the building foundation system.

8. On May 6, 2013, the Bridgeport City Council approved Resolution No. 35-12, effective the same date, which authorized the City to enter into a land acquisition agreement and other ancillary agreements with GE to acquire property for the new high school.

9. In order to divide the Property and create the 379 Bond Street parcel (the "School Parcel"), on January 13, 2014, GE recorded the map entitled "Map Depicting New Lot 1 & New

Lot 2 of the 1285 Boston Avenue, Bridgeport, Connecticut Prepared for the General Electric Company,” on the City of Bridgeport Land Records on January 13, 2014, Map Volume 54 at Pages 350 and 350A; the map references the School Parcel as Lot 2 and the remaining portion of the Property as Lot 1.

10. GE and the City have stated that they are finalizing the land acquisition agreement and related documents, including a lease, whereby the City will lease the School Parcel from GE during construction of the school prior to donation of the School Parcel by GE to the City.

11. Pursuant to paragraph 10 above, the City, acting through the Bridgeport Board of Education, will be the operator of the School Parcel.

12. The City, acting through the Bridgeport Board of Education, has applied for or requested the following permits or approvals related to the construction of the new high school on the School Parcel:

- a. Approval of Site Selection by the City of Bridgeport School Building Committee, dated January 17, 2013
- b. Approval of Site Selection by the City of Bridgeport Board of Education, dated February 25, 2013
- c. Grant of Variances issued by the City of Bridgeport Zoning Board of Appeals, dated November 12, 2013.
- d. Permit to Conduct Regulated Activities, issued by City of Bridgeport Inland Wetlands and Watercourses Agency, dated November 25, 2013.
- e. City of Bridgeport City Council Driveway Width Waiver dated February 4, 2014.

- f. Approval of Zoning Change, Request for Special Permit and Site Plan, by the City of Bridgeport Planning & Zoning Commission, dated February 25, 2014.
- g. Approval of Phase 1 Construction Documents and Estimate by City of Bridgeport School Building Committee dated February 20, 2014.
- h. Conditional Letter of Map Revision, issued by the Federal Emergency Management Agency, dated June 30, 2014.

Environmental Obligations

13. The Property is an existing hazardous waste management facility or “Facility,” as defined in 40 CFR Part 270.2, incorporated by reference by the Regulations of Connecticut State Agencies (“RCSA”) § 22a-449(c)-110(a)(2)(F).

14. GE filed Part A and Part B of its application for a hazardous waste management permit in 1980 and 1991, respectively, and amended its Part A filing several times since 1980.

15. As with other Facilities in Connecticut, the Department of Energy and Environmental Protection (“DEEP”) has never issued GE a hazardous waste management permit to operate the Property as a Facility. For this reason, the Property continues to be designated as “interim status,” as described in 40 CFR 270.70(a), incorporated by reference by RCSA § 22a-449(c)-110(a). This means that the Property is subject to the management, closure and corrective action requirements of 40 CFR Part 265 and RCSA § 22a-449(c)-105, as amended.

16. Interim status facilities are required to perform corrective action (40 CFR 261.101) and to close hazardous waste units (40 CFR Part 265, Subpart G).

17. Historically, GE operated and maintained sludge drying beds on the Property, but off of the School Parcel, to manage residual materials from its manufacturing operations. When

operating, these sludge drying beds met the definition of a hazardous waste storage unit (“Unit”) under applicable regulations.

18. In addition to the sludge drying beds, two other Units were located on the Property. All the Units have been closed and, with the exception of the sludge drying beds, have been “clean closed.” “Clean closed” means that all wastes have been removed from a Unit and all equipment, structures, and surrounding soils have been decontaminated or removed. The sludge drying beds were closed as a landfill.

19. RCSA § 22a-49(c)-105(h) requires interim status “disposal facilities,” as defined in RCSA § 22a-449(c)-105(h)(1)(A), to perform corrective action, which consists of the investigation and remediation of the disposal facility. RCSA § 22a-449(c)-105(h) also requires owners of disposal facilities to file an Environmental Condition Assessment Form (“ECAF”) with the DEEP.

20. Due to the presence of the sludge drying beds, the Property meets the definition of a “disposal facility.”

21. GE filed its original ECAF with DEEP in April 2004, and filed corrections to that ECAF in November 2005.

22. DEEP delegated its oversight of GE’s investigation and remediation of the Property, including the portion now known as the School Parcel, to a Licensed Environmental Professional (“LEP”) by letter dated January 27, 2005.

23. Under the oversight of a LEP, GE is required to investigate the Property according to the prevailing standards and guidelines and remediate the Property in accordance with the Connecticut Remediation Standard Regulations (“RSRs”), which are located in RCSA § 22a-133k-1 through -3.

24. GE has performed extensive investigations and various remedial actions at the Property since 2005, including taking thousands of samples for various constituents of concern in the soil, groundwater, sediment, and surface water, and performing a number of interim remedial actions.

25. Pursuant to RCSA § 22a-449(c)-105(h), GE has begun but not yet completed corrective action on the Property including the School Parcel. As a result, the School Parcel is still part of the Facility.

26. GE and the City share the common goal of ensuring that the School Parcel is remediated to the appropriate standards, removed from interim status and is safe for the construction and operation of the new high school.

27. On April 25, 2014, GE and the City submitted a joint application for a “corrective action” Stewardship Permit (the “Permit”) for the School Parcel. This type of Stewardship Permit allows GE and the City to remove the School Parcel from “interim status,” to become a permitted facility, “to memorialize the clean-up work completed to date,” and to complete “site-wide clean-up obligations.”

28. GE and the City have jointly applied for a Stewardship Permit because they share three main goals for their Permit:

- a. ensuring the School Parcel is removed from interim status;
- b. establishing a formal obligation on the part of the GE and the City, to complete Corrective Action at the School Parcel; and
- c. ensuring that DEEP is actively engaged in oversight of the corrective action at the School Parcel.

29. The Permit application included several remedial action reports (“Remedial Reports”) that described all remediation performed to date at the School Parcel and a remedial action plan (“RAP”) outlining the remediation that remains to be completed at the School Parcel.

30. The RAP provides that the School Parcel will be remediated in accordance with the RSRs, and specifically, the residential criteria set forth in the RSRs, which are the criteria that govern use of the School Parcel as a high school.

31. The RAP also provides that the City, through its own LEP, will construct the new high school as well as other improvements in a manner such that they will serve to render inaccessible any soil that exceeds the RSR residential direct exposure criteria that is remaining at the School Parcel, as required under the RSRs.

32. DEEP Staff reviewed the Remedial Reports and RAP in detail, then informed GE and the City that they had several questions and requests for clarification. On June 18, 2014, GE and City representatives met with DEEP Staff to review DEEP’s questions on the Permit application.

33. GE and the City obtained additional data requested by DEEP Staff by conducting further sampling on July 7 and 21, 2014.

34. On July 11, 2014, DEEP Staff issued a letter documenting its questions and information requests related to the Remedial Reports and the RAP. GE and the City responded to these requests by letter dated August 12, 2014, transmitting the additional data and information.

35. On October 31, 2014, DEEP issued a Notice of a Tentative Determination to Issue a Stewardship Permit to Perform Corrective Action to GE and the City for 379 Bond Street, Bridgeport (“Notice of Tentative Determination”). This Notice of Tentative Determination included a copy of the Draft Permit that DEEP intended to issue (“Draft Permit”).

36. Public notice of the Notice of Tentative Determination was published in the Connecticut Post, and was run on WICC600 AM, on November 3, 2014.

37. The Notice of Tentative Determination provided notice of a public information meeting, to be held on Thursday, December 4, 2014 at Warren Harding G. High School, in Bridgeport, Connecticut, and public notice of a public hearing, to be held on Thursday, December 11, 2014, also at Warren Harding High School.

38. The Notice of Tentative Determination also noted that the Permit Application, Draft Permit, fact sheet and other materials were available for review by contacting Amanda Killeen, DEEP, Bureau of Water Protection and Land Reuse, 79 Elm Street, 2nd Floor, Hartford, Connecticut, and that the Draft Permit and fact sheet are also available for review at the Bridgeport Public Library, 925 Broad Street, Bridgeport, CT 06604. Telephone numbers and hours of availability were included for both Ms. Killeen and the public library.

39. The Notice of Tentative Determination provided for a forty-five (45) day comment period ending on December 18, 2014.

40. GE and the City hosted, and DEEP participated in, the public information meeting on December 4, 2014 and DEEP held the public hearing to receive public comment on December 11, 2014.

41. One member of the public gave testimony under oath at the public hearing and both written and verbal public comments were submitted to the DEEP during the comment period.

42. Both the City and GE submitted comments on the Draft Permit.

43. The City, GE and DEEP Staff met to review and revise the terms of the Draft Permit.

44. The Draft Permit requires GE and the City to complete site-wide corrective action of the School Parcel in accordance with the terms of the RSRs, the Permit, the RAP, and any other plans submitted and approved pursuant to the Permit.

45. The Draft Permit also requires the co-applicants to establish financial assurance for the costs associated with performing site-wide corrective action in accordance with the RAP. Pursuant to the Draft Permit, the RAP provides that the co-applicants will perform additional soil remediation to remove soils that exceed applicable pollutant mobility criteria, render inaccessible any remaining soils that contain contaminants exceeding the residential direct exposure criteria, and monitor groundwater.

46. When GE and the City have completed all work in accordance with the terms of the Draft Permit, then the Draft Permit provides that the Commissioner will approve the Final Remedial Report and issue a “Certificate of Completion.”

Authority and Jurisdiction

47. Connecticut General Statutes (“Conn. Gen. Stat.”) §§ 22a-208a(b) and 22a-208a(c) (for solid waste facilities) and Conn. Gen. Stat. § 22a-449(c) and Subtitle C of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 *et seq.* (for hazardous waste facilities) are the authorizing statutes for the DEEP Stewardship Permit Program.

48. The United States Environmental Protection Agency (EPA) delegated to DEEP, pursuant to a Memorandum of Agreement signed by EPA on September 4, 2004, the authority to administer the RCRA Corrective Action program in Connecticut for hazardous waste facilities.

49. RCSA § 22a-449(c)-100 through 110 are the authorizing regulations for Stewardship Permits, which the DEEP’s Waste Engineering and Enforcement Division of the

Bureau of Materials Management and Compliance Assurance, along with the Remediation Division of the Bureau of Water Protection and Land Reuse, administer.

50. There are six types of Stewardship permits, five of which are authorized by state and federal hazardous waste statutes (Conn. Gen. Stat. § 22a-449(c) and 42 U.S.C. § 6901 Subtitle C) and the sixth is authorized by state law (Conn. Gen. Stat. §§ 22a-208a(b) and 22a-208a(c)). The DEEP has not promulgated any regulations specifically regarding Stewardship Permits; however, in fact sheets and other public information DEEP has published, DEEP describes Stewardship Permits as regulating the closure and post-closure care of solid waste disposal areas, and sitewide environmental investigation and remediation and the performance of long-term activities, such as groundwater monitoring and post-closure care, of hazardous waste management facilities that no longer intend to operate as such.

51. DEEP Fact Sheet DEEP-STWD-FS-500, which describes the Stewardship Permit Program, states that the parties eligible to obtain a Stewardship Permit are any person(s):

- a. owning or operating a hazardous waste facility that no longer generates process wastes or receives hazardous waste from off-site;
- b. required to maintain a solid waste disposal area; or
- c. seeking to establish a corrective action management unit for the management of remediation wastes.

GE and the City meet the first criteria as owners or operators of a Facility, and therefore, are eligible to receive a Stewardship Permit for the School Parcel.

52. The Applicants submitted the Application on the appropriate form prescribed by the Commissioner, DEEP-STWD-APP-500.

53. The Applicants have satisfied all standing requirements and, accordingly, the Commissioner has subject matter jurisdiction as to this matter.

GENERAL ELECTRIC COMPANY

By 

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53. The Applicants have satisfied all standing requirements and, accordingly, the Commissioner has subject matter jurisdiction as to this matter.

GENERAL ELECTRIC COMPANY

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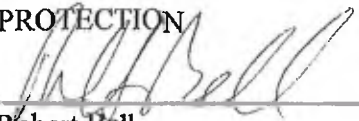
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CITY OF BRIDGEPORT

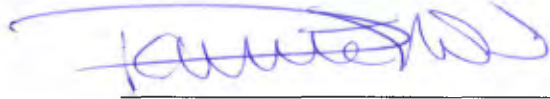
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CERTIFICATION OF SERVICE

I hereby certify that an electronic copy of the foregoing Stipulated Facts has been sent to all known parties and intervenors, including DEEP staff on this 27th day of February, 2015.



Pamela K. Elkow
Commissioner of the Superior Court

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF :
 :
GE/BRIDGEPORT STEWARDSHIP :
PERMIT : **FEBRUARY 27, 2014**

**SWORN STATEMENT,
AMANDA R. KILLEEN**

I, Amanda R. Killeen being duly sworn, do depose and state as follows:

1. I am over eighteen years of age and understand the responsibilities and obligations of an oath.
2. This statement is filed in connection with a Notice of Tentative Determination to issue a Corrective Action Stewardship Permit to the City of Bridgeport and General Electric for the property located at 379 Bond Street, Bridgeport, Connecticut (the "School Parcel") published in the Connecticut Post on November 3, 2014.
3. I am an Environmental Analyst 2, employed since April 2008 in the Remediation Division of the Bureau of Water and Land Reuse at the Connecticut Department of Energy and Environmental Protection (DEEP). Prior to employment at DEEP I worked as an environmental consultant for four years.
4. By letter dated January 27, 2005, DEEP delegated oversight of the investigation and remediation of the former General Electric property (the "Property"), located at 1285 Boston Avenue in Bridgeport, Connecticut, to a Licensed Environmental Professional (LEP) licensed pursuant to R.C.S.A. § 22a-133v. I am the DEEP project manager responsible for reviewing documentation of the investigation and remediation of the Property.
5. Upon information and belief, pursuant to the federal Resource Conservation and Recovery Act (RCRA), the property is an existing hazardous waste management facility or facility, as defined in 40 CFR 270.2, incorporated by reference by R.C.S.A. § 22a-449(c)-110. GE filed Part A and Part B of its application for a permit to operate a facility

in 1980 and 1991, respectively, and has amended its Part A application several times since 1980.

6. Upon information and belief, GE operated and maintained three hazardous waste storage units at the Property. I performed the final review of the closure of two of these units, which were both “clean closed.” The remaining unit, the former sludge drying beds, was closed as a landfill.
7. As a result of the presence of the former sludge drying beds, the Property meets the definition of a “disposal facility” as defined in R.C.S.A. section 22a-449(c)-105(h). GE filed an environmental condition assessment Form with the DEEP on April 21, 2004, as required by R.C.S.A. § 22a-449(c)-105(h).
8. Upon information and belief, in January 2014, GE subdivided the Property into two parcels. The newly created, approximately 17 acre School Parcel is part of the “disposal facility”.
9. I reviewed the application for a corrective action stewardship permit (“Permit”) submitted to the DEEP by GE and the City of Bridgeport on April 15, 2014. The permit application is for a roughly 17-acre School Parcel, on which the City proposes to build a high school.
10. I prepared comments on the Permit and associated reports (Phase I/II/III Site Investigation Report, Interim Remedial Action Reports and the Remedial Action Plan for the School Parcel) and mailed the comments to GE and the City on July 11, 2014. GE and the City satisfactorily addressed these comments in writing on August 12, 2014.
11. R.C.S.A. § 22a-449(c)-105(h) requires that the owner/operator of a disposal facility
 - a. Submit a schedule for the investigation and remediation of the facility, and
 - b. Submit to DEEP an verification by an LEP that the facility has been investigated in accordance with the prevailing standards and guidelines and remediated in accordance with the remediation standards regulations found at R.C.S.A. §§ 22a-133k-1 through 22a-133k-3 (“RSRs”).

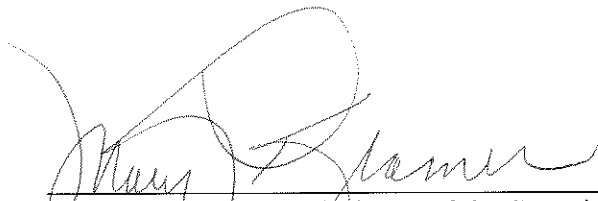
12. I have received regular updates on the investigation of the Property, including the School Parcel. I reviewed the Phase I/II/III site investigation report for the School Parcel, submitted to DEEP in March 2014.
13. In my professional opinion, the School Parcel has been investigated in accordance with the prevailing standards and guidelines, which includes DEEP's Site Characterization Guidance Document.
14. Under the RSRs, the soil criteria that are applicable to the School Parcel are the residential direct exposure criteria and the GB pollutant mobility criteria.
15. Under the RSR's, the groundwater criteria that are applicable to the School Parcel are the residential volatilization criteria and the surface water protection criteria.
16. The investigation of the School Parcel revealed concentrations of constituents of concern exceeding the RSRs in soil and groundwater.
 - a. Constituents in soil exceeded the GB pollutant mobility criteria (PMC).
 - b. Constituents in soil exceeded the residential direct exposure criteria (DEC).
 - c. Constituents in groundwater exceeded the residential volatilization criteria (RVC).
 - d. Constituents in groundwater exceeded the surface water protection criteria (SWPC).
17. I reviewed the results of interim remedial actions conducted by GE at the School Parcel between 2010 and 2014, involving the removal of certain contaminated soil, submitted to DEEP with the Permit application. In my professional opinion, that GE performed these interim remedial actions in accordance with the RSRs.
18. I reviewed the Remedial Action Plan ("RAP") to address contamination in soil and groundwater at the School Parcel to achieve compliance with the RSRs, submitted as part of the Stewardship Permit Application.
19. The RAP proposes:
 - a. Removal of all soil remaining on the School Parcel that exceeds the GB pollutant mobility criteria;

- b. Rendering inaccessible any remaining soil that exceeds the residential direct exposure criteria to meet the RSR remedy of “inaccessible soil” at Section 22a-133k-1(a)(32) of the RSRs;
 - c. Ensuring that the construction of the school buildings and improvements does not involve the construction of any structure over groundwater that exceeds the RVC in order to achieve compliance with RSR volatilization criteria at Section 22a-133k-3(c) of the RSRs;
 - d. Recording an environmental land use restriction on the City of Bridgeport land records that prohibits disturbance of soils that have been rendered inaccessible and prohibits construction of any structure over groundwater that exceeds the residential volatilization criteria to achieve RSR compliance with both DEC and RVC; and
 - e. Achieving compliance with the SWPC by one or more of the following means: additional monitoring, calculating a statistical average of data, or calculating an alternative SWPC. If compliance cannot be demonstrated for a particular constituent of concern at the School Parcel using any of these methods, the RAP proposes to use the groundwater data of the plume at the point closest to discharge to the surface-water body to demonstrate compliance with the SWPC pursuant to Section 22a-133k-3(b) of the RSRs. Using this approach, demonstrating compliance in the future with the SWPC on the Property will also demonstrate compliance with the SWPC for the School Parcel. The nearest downgradient surface water to the School Parcel is Stillman Pond and Brook B.
20. It is my professional opinion that, together the interim remedial actions and the remediation described in the proposed RAP will result in the School Parcel that complies with the RSRs, and specifically, the residential criteria in the RSRs.
21. Under the terms of the Permit, GE and the City remain obligated to achieve the RSRs for the School Parcel if any of the remedies identified in the RAP cannot be completed as proposed.

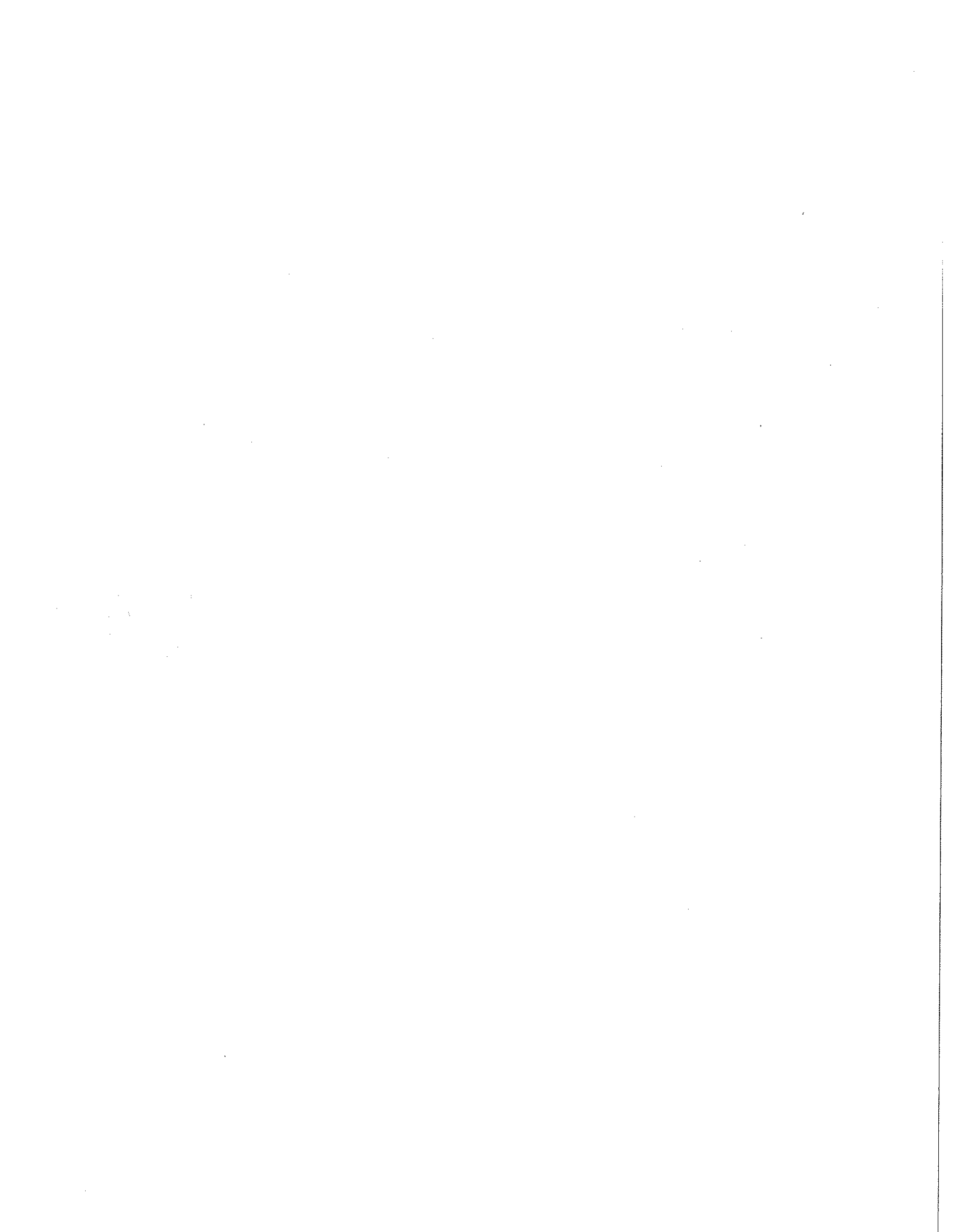

Amanda R. Killeen

STATE OF CONNECTICUT)
)
)
COUNTY OF HARTFORD)

Subscribed and sworn to before me this 27th day of February, 2015 at Hartford, Connecticut.



Notary Public/Commissioner of the Superior Court
My Commission Expires: 2/28/2018



**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF :
 :
GE/BRIDGEPORT STEWARDSHIP :
PERMIT : **FEBRUARY 10, 2015**

STATE OF CONNECTICUT)
) ss.: Shelton
COUNTY OF FAIRFIELD)

**SWORN STATEMENT,
MICHAEL MANOLAKAS**

The undersigned, being duly sworn, deposes and says:

1. I am over the age of eighteen (18) and believe in the obligation of an oath.
2. I am an environmental professional licensed pursuant to Conn. Gen. Stat. section 22a-133o (“LEP”), license # 429, employed by Leggette, Brashears & Graham, Inc. (“LBG”).
3. LBG has been retained by GE to perform an environmental investigation of the property located at 1285 Boston Avenue, Bridgeport, Connecticut, which is owned by the General Electric Company (“GE”) (the “Property”). I am the project manager. As part of the environmental investigation of the Property, I have also researched past uses of the Property.
4. I assisted in the preparation of the application for a corrective action stewardship permit (“Permit”) submitted to the DEEP by GE and the City on April 15, 2014.
5. Upon information and belief, the Property is an existing hazardous waste management facility or facility, as defined in 40 CFR 270.2, incorporated by reference by R.C.S.A. § 22a-449(c)-1110; GE filed Part A and Part B of its application for a permit to operate a facility in 1980 and 1991, respectively, and has amended its Part A application several times since 1980. I have reviewed the initial filings, and the subsequently amended Part A application.

6. Upon information and belief, GE operated and maintained three hazardous waste storage units at the Property. I assisted GE in documenting the closure of two of these units, which were both “clean closed.” The remaining unit, the former sludge drying beds, was closed as a landfill.
7. As a result of the presence of the former sludge drying beds, the Property meets the definition of a “disposal facility” as defined in Regulation of Connecticut State Agencies (R.C.S.A.) section 22a-449(c)-105(h). GE filed an environmental condition assessment Form with the DEEP on April 21, 2004, as required by R.C.S.A. § 22a-449(c)-105(h).
8. By letter dated January 27, 2005, DEEP delegated oversight of the investigation and remediation of the Property to an LEP. I have been retained by GE to be the LEP overseeing the investigation and remediation of the Property pursuant to R.C.S.A. § 22a-449(c)-105(h).
9. Upon information and belief, in January 2014, GE subdivided the Property into two parcels. The newly created, approximately 17 acre parcel known as 379 Bond Street, Bridgeport, Connecticut (the “School Parcel”) is part of the “disposal facility”.
10. R.C.S.A. § 22a-449(c)-105(h) requires that the owner/operator of a disposal facility
 - a. Submit a schedule for the investigation and remediation of the facility, and
 - b. Submit to DEEP an verification by an LEP that the facility has been investigated in accordance with the prevailing standards and guidelines and remediated in accordance with the remediation standards regulations found at R.C.S.A. §§ 22a-133k-1 through 22a-133k-3 (“RSRs”).
11. I have overseen the investigation of the Property, including the School Parcel. I oversaw the preparation of the Phase I/II/III site investigation report for the School Parcel, which was submitted to DEEP Staff in March 2014.
12. In my professional opinion, the School Parcel has been investigated in accordance with the prevailing standards and guidelines.
13. The soil criteria that are applicable to the School Parcel are the residential direct exposure criteria and the GB pollutant mobility criteria.

14. The groundwater criteria that are applicable to the School Parcel are the residential volatilization criteria and the surface water protection criteria.
15. The investigation of the School Parcel revealed concentrations of constituents of concern exceeding the RSRs in soil and groundwater.
 - a. Constituents in soil exceeded the GB pollutant mobility criteria.
 - b. Constituents in soil exceeded the residential direct exposure criteria.
 - c. Constituents in groundwater exceeded the residential volatilization criteria.
 - d. Groundwater on the School Parcel was detected above the surface water protection criteria.
16. Between 2010 and 2014, I oversaw interim remedial actions at the School Parcel, involving the removal of certain contaminated soil. The results of these interim remedial actions are documented in several remedial action reports, which were submitted to DEEP with the Permit application. In my professional opinion, these interim remedial actions were performed in accordance with the RSRs.
17. On behalf of GE, I oversaw the preparation of the remedial action plan (“RAP”) to address contamination in soil and groundwater at the School Parcel, which RAP was submitted to DEEP together with and as part of the Permit application.
18. The RAP proposes the
 - a. Removal of all soil remaining on the School Parcel that exceeds the GB pollutant mobility criteria,
 - b. Rendering inaccessible any remaining soil that exceeds the residential direct exposure criteria,
 - c. Ensuring that the construction of the school buildings and improvements does not involve the construction of any structure over groundwater that exceeds the RVC;
 - d. Recording an environmental land use restriction on the City of Bridgeport land records that prohibits disturbance of soils that have been rendered inaccessible and prohibits construction of any structure over groundwater that exceeds the residential volatilization criteria; and


e. Achieving compliance with the SWPC by one or more of the following means: additional monitoring, calculating a statistical average of data, or calculating an alternative SWPC. If compliance cannot be demonstrated for a particular constituent of concern at the School Parcel using any of these methods, the applicant may request a waiver of the SWPC for the constituents of concern, based on using future groundwater sampling using wells on the Property that are downgradient from the School Parcel. Compliance at the point closest to discharge to the surface-water body is another method of demonstrating compliance with the SWPC, and therefore, demonstrating compliance in the future with the SWPC on the Property will also demonstrate compliance with the SWPC for the School Parcel.

19. It is my professional opinion that, together the interim remedial actions and the remediation described in the proposed RAP will result in a site that complies with the RSRs, and specifically, the residential criteria in the RSRs.



Michael Manolakas

Sworn to before me this 10th day of February, 2015.



Notary Public

MARY A CURRAN
NOTARY PUBLIC
STATE OF CONNECTICUT
My Commission Expires March 31, 2017