Stewardship Permit

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

Permittees:
New London Turnpike Apartments Investors, LLC
10 State House Square
Hartford, CT 06103

Facility Identification:
The Tannery
(aka former Roser Tannery)
(aka Flanagan's Landing Closed Landfill)
EPA ID No. CTD982543506
Permit Number: DEEP/REM/SP/2021-8330

a) For the post-closure care, including long-term groundwater monitoring, inspection, and maintenance of the Lagoon D solid waste disposal facility ("landfill"), located at 917 (aka 911) New London Turnpike, Glastonbury, CT, in accordance with Sections 22a-6, 22a-208, and 22a-208a of the Connecticut General Statutes ("CGS"), and Section 22a-209-13 of the Regulations of Connecticut State Agencies ("RCSA") as specified in the conditions and attachments set forth herein; and

b) For the post-remediation groundwater monitoring of former Lagoon C, and of two chlorinated volatile organic compound plumes ("chlorinated VOC plumes") located north and south of Hubbard Brook, underneath and proximal to the former Roser Tannery/Flanagan Industries mill buildings 6 and 7 located at 917 (aka 911) New London Turnpike, Glastonbury, CT, in accordance with Sections 22a-6, 22a-133k, 22a-134(a-e), 22a-426, 22a-430, and 32-760 (Brownfields Act) of the CGS, and Sections 22a-133k(1-3) of the RCSA as specified in the conditions and attachments set forth herein.

This permit regulates and authorizes the Permittee to perform groundwater monitoring, post-closure care and maintenance of the landfill, maintenance of engineered controls, and corrective action measures at the Facility. The permit does not authorize operation of a hazardous or solid waste management facility in the sense of treating, storing, or disposing of hazardous and solid wastes generated off-site. This permit represents a renewal of a previously issued Stewardship Permit for this Facility.

All terms in this permit are defined in the permit, or if not defined in the permit, are as defined in Sections 22a-207 of the CGS, and Sections 22a-426-1, 22a-209-1, and 22a-133k-1 of the RCSA.

This permit is based on the information described in the Stewardship Permit application (Application No. 202100370) filed on January 11, 2021 and the previously issued Stewardship Permit for this Facility. 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 is 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 this permit. This permit consists of conditions contained in the following: Section I-Standard Facility Conditions; Section II-Authorized Activities; and Section III-Compliance Schedule; and in the approved documents submitted by the Permittee, except where those approved documents are superseded by more stringent conditions contained

DRAFT

herein. Any violation of any provision of this permit may subject the Permittee to enforcement action pursuant to applicable laws including, but not limited to, Sections 22a-6a and 22a-131 of the CGS.

This permit is transferrable upon the Commissioner's written authorization, provided the Permittee and potential transferee have complied with the requirements set forth in Section 22a-6o of the CGS.

This permit may be revoked, renewed, 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. Pursuant to Section 22a-6j of the CGS, the Permittee shall submit a revised permit application to the Commissioner at least one hundred and twenty (120) 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(s).

The Permittee shall submit an application for a renewal of this permit to the Commissioner at least one hundred twenty (120) calendar days prior to its expiration date.

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

_____ _____

Date

Bureau Chief
Bureau of Water Protection & Land Reuse

DRAFT

STEWARDSHIP PERMIT

NEW LONDON TURNPIKE APARTMENTS INVESTORS, LLC
THE TANNERY

917 (aka 911) NEW LONDON TURNPIKE
GLASTONBURY, CT

EPA ID No. CTD982543506

Permit No. REMED/SP/SWLDF-201306147

DRAFT

SECTION I 1

A. EFFECT OF PERMIT 2
B. SEVERABILITY 2
C. CONFIDENTIAL INFORMATION 2
D. IMMINENT HAZARD ACTIONS 2
E. DUTIES AND REQUIREMENTS 2
1. Duty to Comply 2
2. Duty to Reapply 3
3. Obligation for Continuing Corrective Action and Post-Closure Care 3
4. Need to Halt or Reduce Activity Not a Defense 3
5. Duty to Mitigate 3
6. Permit Actions 3
7. Property Rights 3
8. Duty to Provide Information 3
9. Post-Closure Maintenance 4
10. Inspection and Entry 4
11. Security 4
12. Monitoring and Records 4
13. Operating Record 5
14. Signatory Requirements 5
15. Transfers 5
16. Reporting Requirements 6
17. Computation of Time 7
18. Availability, Retention, and Disposition of Records 8
19. Additional Requirements 8
20. Federal, State and Local Laws 8
21. Modification of the Compliance Schedule 8
22. Delegation of a Licensed Environmental Professional 8
F. DEFINITIONS 9

SECTION II 13

A. LONG-TERM STEWARDSHIP RESPONSIBLITIES 14
1. Long-Term Stewardship Plan 14
2. Landfill Closure 14
3. Revisions to Approved Plans 14
4. Copy of Approved Plans 14
5. Water Quality Monitoring Requirements 15
6. Future Corrective Action 15
7. Inspections 15
8. Maintenance of Final Cover 16
9. Notification Requirements for Newly Discovered Releases 16
10. Public Participation Plan 16
11. Progress Reports 16
12. Ecological Risk Assessment 16
13. Natural Diversity Data Base (“NDDB”) 16
14. Miscellaneous 17
15. Completion of Water Quality Monitoring 17
16. Completion of Post-Closure Period 17
B. FINANCIAL RESPONSIBILITY 17

DRAFT

1. Cost Estimates 17
2. Maintain Financial Assurance 18
3. Inflationary Adjustments 18
4. Periodic Reductions 18
5. Release of Financial Assurance 18
6. Failure to Perform 19

SECTION III 20

A. RETENTION OF LICENSED ENVIRONMENTAL PROFESSIONAL 21
B. MAINTAIN FINANCIAL ASSURANCE 21
C. ANNUAL PROGRESS REPORTS 21

DRAFT

SECTION I
STANDARD FACILITY CONDITIONS

NEW LONDON TURNPIKE APARTMENTS INVESTORS, LLC

THE TANNERY

EPA ID No. CTD982543506

Permit No. REMED/SP/SWLDF-201306147

DRAFT

SECTION I
STANDARD FACILITY CONDITIONS

A. EFFECT OF PERMIT

Except as is provided in the Regulations of Connecticut State Agencies ("RCSA") Section 22a-209-1 through 22a-209-17 inclusive 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-208 and 22a-208a. This permit may be modified, revoked and reissued, or terminated during its term in accordance with law.

The Permittee shall perform the activities required in Section II of this Permit in accordance with the application (Application No. 202100370) received by the Department of Energy and Environmental Protection (Department) on January 11, 2021 and the requirements of this Permit. In the event of a conflict between the Permittee's application and the requirements of this Permit, the requirements of this Permit shall take precedence and apply.

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

Term (Duration) - The effective date of this Permit is the date on which the Permit is signed by the Commissioner. This Permit is in effect for a term of ten (10) years and may be renewed at the end of the term, in accordance with the requirements described in the "Duty to Reapply" Section of this Permit.

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 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. Noncompliance by the Permittee with the terms of this 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.

DRAFT

Unless superseded by a more stringent provision in this Permit, the Permittee shall comply with all the applicable requirements of RCSA Sections 22a-133k-1 et. seq. (Remediation Standard Regulations or RSRs), as amended.

2. Duty to Reapply

This Permit shall expire ten (10) years after the effective date of this Permit. The Permittee shall renew this Permit if any activity required under this Permit is not completed prior to the expiration date of this Permit. The Permittee need not reapply if all remedial activities required by state and federal regulations have been completed and no engineering or applicable institutional controls are needed to ensure the remediation's effectiveness. The Permittee shall apply for renewal of this Permit one hundred and eighty (180) calendar days prior to the date of expiration of this Permit, in accordance with RCSA Sections 22a-3a-5(c) and any other applicable law.

3. Obligation for Continuing Corrective Action and Post-Closure Care

The Permittee is required to renew and continue this Permit for any period necessary to comply with the 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 in accordance with all applicable law, including but not limited to, CGS Sections 22a-6g and 6h, and RCSA Sections 22a-3a-5. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this Permit.

7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privilege to the Permittee.

8. Duty to Provide Information

The Permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The Permittee shall also furnish to the Commissioner, on an annual basis, or upon request, copies of records required to be kept by this Permit.

DRAFT

9. Post-Closure Maintenance

The Permittee shall at all times properly operate and maintain all facilities and remedial systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit and any post-closure plans applicable to this Facility. Proper operation and maintenance, at a minimum, includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate laboratory quality assurance procedures. This provision requires the operation of backup, auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.

10. Inspection and Entry

The Permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(a) Enter at reasonable times upon the Site where a regulated activity is located or conducted, or where records must be kept under the conditions of this Permit; and

(b) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit; and

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations regulated or required under this Permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substance or parameters at any location.

11. Security

Pursuant to RCSA Section 22a-209-7(d)(2), the Permittee shall prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the active portion of the Facility. The Permittee shall secure the Facility to the extent necessary to protect human health.

12. Monitoring and Records

(a) The Permittee shall ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity and are consistent with the latest existing federal and Connecticut State technical guidance documents.

(b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all data and reports required by this Permit (e.g. records from groundwater monitoring, including wells and surface elevations). The Permittee shall also retain the records of all data used to complete the application for this Permit. The Permittee shall retain all above-referenced records for the duration of the Post-Closure Period. This period may be extended by request of the Commissioner at any time.

DRAFT

(c) Records for monitoring information shall include:
- (i) The date, exact place and time of inspection, sampling or measurements
- (ii) The individual(s) or company who performed the inspection, 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
- (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 closure, post-closure, and corrective action cost estimates

(d) Any other information required by this Permit or by any applicable law to be maintained in the Facility's 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 following certification: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

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, of the CGS Sections 22a-208a and 22a-134a, and of the RCSA Sections 22a-209-1 and 22a-134k(1-3), inclusive. The Permittee shall provide such prospective new owner or operator with a copy of this Permit.

DRAFT

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

If the transfer of the property takes place and the Permittee retains this Permit, an access agreement between the Permittee and the prospective new owners of the Facility shall be approved by the Commissioner prior to the sale of the Facility/Site. The agreement shall include the anticipated times, locations and frequency of access needed for the Permittee to complete post-closure care and conduct inspection, operation, and management activities for all remedial systems. A copy of the approved Long-Term Stewardship Plan, referenced in this Permit, shall be provided to the prospective new owner prior to transfer of the property.

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, reports of compliance and non-compliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule (Section III) of this Permit, shall be submitted no later than fourteen (l4) calendar days following each schedule date, to the extent such reports are required herein.

(c) 24-Hour Reporting.

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

The report to the Commissioner shall include:

(A) Name, address, and telephone number of the Permittee
(B) Name, address, and telephone number of the Facility
(C) Date, time, and type of incident
(D) Description of the occurrence and its cause
(E) Name and quantity of waste(s) or constituents thereof involved
(F) The extent of injuries, if any
(G) An assessment of actual or potential hazards to human health and the environment
(H) Estimated quantity and disposition of recovered waste that resulted from the incident
(I) All information concerning the release of any waste or constituents thereof that may cause an endangerment to public drinking water supplies

DRAFT

(J) All information concerning a release or discharge of waste or constituents thereof, or of a fire or explosion from the Facility, which could threaten human health or the environment.

(ii) A written submission shall also be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances described in subdivision (i) above. The written submission shall contain a description of the endangerment and its cause; the period of endangerment including exact dates and times, if the endangerment has been abated, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the endangerment. The Permittee shall maintain in the operating record of its Facility a copy of all such written reports. The Commissioner may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days of the incident requiring reporting.

(iii) Nothing in this section shall affect or relieve the Permittee of its obligations under CGS Sections 22a-6u or 22a-450.

(d) Other Noncompliance. The Permittee shall report all instances of noncompliance with this Permit not otherwise required to be reported by this Permit to the Commissioner as part of any other required monitoring report, no later than thirty (30) days from 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, a Sunday, a federally or state recognized legal holiday, or a 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.

DRAFT

18. Availability, Retention, and Disposition of Records

The Permittee shall ensure that all records required under 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 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, which become effective by statute or regulation, and not made specifically inapplicable to facilities with a Permit, shall apply to the Permittee's Facility. In the event of any conflict between this Permit and any such requirement, the Permittee shall comply with the more stringent requirement. If the Permittee does not fully comply with the more stringent requirement, the Department may enforce either requirement.

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

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).

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. Delegation of a Licensed Environmental Professional

Licensed pursuant to RCSA Section 22a-133v, licensed environmental professional (LEP) Robert Bowden, Jr. of Fuss & O'Neill, Inc. has been delegated direction and oversight of the long-term stewardship obligations required to be completed for this Facility. Once site-wide environmental investigation at the Facility has been performed in accordance with prevailing standards and guidelines, and remediation activities have addressed any and all requirements of the Commissioner and have achieved compliance with Connecticut's Remediation Standard Regulations, such LEP shall submit a Verification of such investigation and remediation activities.

DRAFT

(a) In the event the Commissioner revokes the LEP delegation, the Permittee shall ensure all reports and documents required by this Permit are submitted for the Commissioner's review and written approval within the timeframes specified.

(b) The Permittee shall notify the Commissioner in writing of the identity of any LEP other than one previously identified by the Permittee, within ten (10) days after assigning or retaining any LEP for the purpose of addressing the actions required by this Permit. A summary of the identified LEP's education, experience, and training relevant to the work required by this Permit may be requested by the Commissioner. If such request is made, then the LEP shall submit such information within ten (10) days after the request. 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 Sections 22a-207 of the CGS, and Sections 22a-426-1, 22a-209-1, and 22a-133k-1 of the RCSA. Notwithstanding Sections I.E.19 and I.E.20 of this Permit, in the event of any conflict between any of the following definitions and any definition provided in any other applicable legal requirement, the following definitions shall control:

1. "Active Remediation" or "Active Remedial Activities" shall mean the period prior to completion of activity conducted pursuant to Section II of this Permit, with the exception of that period when the only remaining activity are activities such as post-remedial monitoring or monitored natural attenuation.

2. "Annual" with respect to monitoring shall mean that any associated required inspections, sampling, and analysis shall occur no later than December 31st of the calendar year. The results of such sampling and analysis shall be submitted to the Commissioner no later than March 1st of the subsequent year.

3. "Area of Concern" or "AOC" shall mean any area that has had a probable release of a hazardous waste or hazardous constituents and that is determined by the Department to pose a current or potential threat to human health or the environment.

4. "Certificate of Completion" shall mean a document recognizing the Commissioner's determination that all environmental investigation and remediation has been completed and no long-term stewardship obligations remain. This non-regulatory certificate is issued based on the Commissioner's regulatory determination that a Permit is not needed for the Facility or portion of Facility.

5. "Certificate of Stewardship" shall mean a document recognizing the Commissioner's issuance of a Long-Term Stewardship Permit for the Facility. This non-regulatory certificate is issued to communicate that the Permit's purpose is not to authorize commercial waste management operations, and is limited to environmental investigations, remediation, and long-term stewardship obligations.

6. "Constituent of Concern" shall mean a component, breakdown product, or derivative of a substance that may be found in the environment as a result of a release at or from the Facility, or a reaction

DRAFT

caused by such a release, and that is determined by the Department to pose a current or potential threat to human health or the environment.

7. "Commissioner" shall mean the Commissioner of Energy and Environmental Protection as defined in the CGS Section 22a-2 or the Commissioner's duly authorized designee.

8. "Corrective Action" shall mean the process of identifying, investigating, and remediating releases of hazardous constituents to the environment. "Corrective action" and "remediation" may be used interchangeably in this Permit.

9. "Day" means calendar day unless otherwise specified.

10. "Department" or "DEEP" shall mean the Connecticut Department of Energy and Environmental Protection.

11. "Discover," "Discovery," or "Discovered" refer to the date on which the Permittee either: (i) visually observes evidence of a new Area of Concern (AOC), (ii) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, (iii) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment, or (iv) receives information which indicates the presence of a previously undocumented release of hazardous waste or hazardous waste constituents to the environment.

12. "Environmental Land Use Restriction" (ELUR) shall mean the easement granted to the Commissioner by the property owner that is recorded on the municipal land records in order to reduce the risk of human exposure to pollutants and hazards to the environment by preventing specific uses or activities at a property or a portion of a property, pursuant to Section 22a-133q-1 of the Regulations of Connecticut State Agencies.

13. "Facility" shall mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of solid waste and all contiguous property under control of the owner or operator.

    For the purposes of this Permit, Facility shall mean the 31.72-acre parcel of land located at 917 (aka 911) New London Turnpike in Glastonbury, CT as delineated on Figure 1 (see "Environmental Impact Report" dated June 4, 2013, Attachment E in the Stewardship Permit application) and subject to the requirements of this Permit. The addresses 911 and 917 New London Turnpike are used interchangeably for this Facility and refer to the same parcel of land. 917 New London Turnpike is the publicly known address for The Tannery, however, the parcel is listed as 911 New London Turnpike in the Glastonbury town property records. The parcel is described as lot N0028, block 4760 on map E6.

14. "Hazardous Waste" or "Hazardous Wastes" shall mean hazardous waste as identified or listed as hazardous waste pursuant to 42 U.S.C. Section 6901 et. seq. and RSCA Section 22a-449(c)-101.

15. "Land Disposal Facility" or "Landfill" shall mean, for the purpose of this Permit, the Lagoon D solid waste disposal facility, or landfill.

DRAFT

16. "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 the purpose of this Permit, Permittee shall mean New London Turnpike Apartments Investors, LLC, a limited liability corporation with a business office located at 10 State House Square, 15th Floor, Hartford, CT

17. "Post-Closure Period" shall mean a minimum of thirty (30) years from the date of certification of closure of the Facility. This period shall be extended or shortened by the Commissioner in accordance with the law. The Commissioner is extending the Post-Closure Period for as long as this Permit continues in effect because waste or contamination remains in place. In the event the waste is removed, an alternate Post-Closure Period may be approved by the Commissioner.

    For the purpose of this Permit, the Post-Closure Period shall refer to all post-closure care of the Lagoon D landfill.

18. "Post-Remediation Monitoring" shall mean monitoring at AOCs that have been remediated and do not have waste in place. Monitoring at these locations will be conducted in accordance with the RSRs.

    For the purpose of this Permit, Post-Remediation Monitoring shall refer to groundwater monitoring for Lagoon C and the chlorinated VOC plumes.

19. "Quarterly" with respect to inspections, sampling, and analysis shall mean that the inspections, sampling, and analysis shall occur approximately once every three (3) consecutive months in a calendar year (e.g. January, April, July and October). The results of such inspections, sampling, and analysis shall be submitted to the Commissioner according to the schedules established in the Long-Term Stewardship Plan.

20. "Remediation" shall mean the process of identifying, investigating, and remediating releases of hazardous constituents to the environment. "Corrective action" and "remediation" may be used interchangeably in this Permit.

21. "Remediation Standard Regulations" or "RSRs" means the Connecticut Remediation Standard Regulations as defined in the Regulations of Connecticut State Agencies (RCSA), Sections 22a-133k-1 through 22a-133k-3, adopted January 1, 1996, amended February 16, 2021, and as otherwise amended.

22. "Semi-annual" with respect to inspections, sampling, and analysis shall mean that the inspections, sampling, and analysis shall occur approximately once every six (6) consecutive months in a calendar year (e.g. during January and July, or April and October). The results of such inspections, sampling, and analysis shall be submitted to the Commissioner according to the schedules established in the Long-Term Stewardship Plan.

23. "Site" shall mean 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 such person controls and

DRAFT

to which the public does not have access, is also considered part of the site property. The terms "Facility" and "Site" may be used interchangeably in this Permit.

24. "Verification" shall mean the rendering of a written opinion by a licensed environmental professional on a form prescribed by the commissioner that an investigation of the parcel has been performed in accordance with prevailing standards and guidelines and that the Facility has been remediated in accordance with the remediation standards.

DRAFT

SECTION II
AUTHORIZED ACTIVITIES

NEW LONDON TURNPIKE APARTMENTS INVESTORS, LLC

THE TANNERY

EPA ID No. CTD982543506

Permit No. REMED/SP/SWLDF-201306147

DRAFT

SECTION II
AUTHORIZED ACTIVITIES

A. LONG-TERM STEWARDSHIP RESPONSIBLITIES

1. Long-Term Stewardship Plan

The Permittee has submitted the following closure, post-closure, and groundwater monitoring plans with the Stewardship Permit Application, or has previously provided the plans to the Department:

(a) "Closure, Post-Closure and Post-Remediation Groundwater Monitoring Plan and Cost Estimate" dated November 2013, which summarizes closure operations, future use, and post-closure documentation, monitoring, and maintenance

(b) "Post-Remediation Groundwater Monitoring Plan, Revision 3" dated April 2020, which amends the original above plan and two previous revisions

In addition to revising the Lagoon D landfill post-closure groundwater monitoring program, the above-mentioned revisions have established a Lagoon C post-remediation groundwater monitoring program, established a long-term natural attenuation monitoring program for a residual groundwater chlorinated VOC plume south of Hubbard Brook, and presented a quarterly compliance monitoring program for a residual groundwater chlorinated VOC plume north of Hubbard Brook.

The above plans will be collectively referred to in this Permit as the "Plans" or the "Long-Term Stewardship Plan."

2. Landfill Closure

The Department approved the above-mentioned closure plan for the Lagoon D landfill included in the Flanagan's Landing Apartments, LLC "Permit Application for a Stewardship Permit" on September 23, 2014.

On January 30, 2018, Fuss & O'Neill, Inc. on behalf of New London Turnpike Apartments Investors, LLC, submitted the document titled "Documentation of Closure - Lagoon D Solid Waste Disposal Facility," including a detailed description of the disposal area, as-built Site plans, and an A-2 Boundary Plan, each dated January 17, 2018 and all in accordance with the requirements of RCSA Section 22a-209-13(f). The Department approved the landfill closure on June 29, 2018. Therefore, closure has been completed and is not required by this Permit.

3. Revisions to Approved Plans

The Permittee shall submit a written notification or request for any proposed changes to the Long-Term Stewardship Plan. The written notification or request must include a copy of the amended plan for the Commissioner's review and written approval.

4. Copy of Approved Plans

The Permittee shall ensure that a copy of the approved Plans is kept at the Facility and at the New London Turnpike Apartments Investors, LLC office located at 10 State House Square in Hartford, or at an alternate location acceptable to the Commissioner, for as long as Long-Term Stewardship is required to maintain the remediation, including until the

DRAFT

Post-Closure Period has been completed and certified in accordance with the requirements of this Permit.

5. Water Quality Monitoring Requirements

(a) The Permittee shall conduct all groundwater monitoring in accordance with the approved Plans.

(b) 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 inspections to detect existing and potential problems and adequate funding to maintain proper conditions and repair any problems at the Site.

(c) The Permittee shall perform groundwater monitoring in accordance with the schedule(s) in the approved Plans.

6. Future Corrective Action

If the Commissioner determines that environmental data indicates the remediation was not effective, or is needed to address newly identified releases, 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 characterization and corrective action.

7. Inspections

(a) The Permittee shall inspect the landfill for malfunctions, deterioration, and discharges, which may lead to any release of solid wastes. The Permittee shall remedy any deterioration which an inspection reveals, to ensure that the problem does not lead to an environmental hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(b) The Permittee shall ensure inspections are performed, at a minimum, on an annual basis, either by or under the direction of a registered professional engineer or a licensed environmental professional. Such inspections shall include, but not be limited to:

(i) Odors and dust control;
(ii) Conditions of the access road;
(iii) Erosion, settling, subsidence or other events that may affect the grading;
(iv) Integrity of the final cover soils and vegetation;
(v) Drainage control;
(vi) Leachate seeps; and
(vii) Groundwater monitoring systems.

(c) The Permittee shall record all inspections in an inspection log. The inspection logs shall include: the date and time of the inspection, the name of the inspector and company or affiliation, a notation of the observations made, and the date and nature of any repairs. Such records shall be kept for at least three (3) years from the date of inspection or for longer if a more stringent condition applies, and maintained in either an electronic format with a copy available to the Commissioner upon request, or a written copy in the Facility's Operating Record.

DRAFT

8. Maintenance of Final Cover

The Permittee shall ensure that the final cover for the landfill is properly maintained and repaired when necessary in accordance with the approved Post-Closure Care Plan. Proper maintenance shall include, but not be limited to, ensuring that:

(a) Established vegetation is cut to the proper length to ensure that the root depth is less than six (6) inches.

(b) For areas in which erosion has occurred, the lost material shall be replaced and the area re-seeded; and

(c) Obstructions to the drainage structures are removed and properly disposed.

9. Notification Requirements for Newly Discovered Releases

(a) The Permittee shall notify the Commissioner in writing of any newly discovered release(s) of solid waste or solid waste constituents discovered during the course of post-closure care, groundwater monitoring, inspections, or other means, within fifteen (15) calendar days of the date of discovery.

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

10. Public Participation Plan

The Permittee shall ensure that all closure and post-closure activities, inclusive of public notice requirements, are completed in accordance with the Public Participation Plan dated November 2013.

11. Progress Reports

The Permittee shall submit annual progress reports for the Commissioner's review describing the actions which the Permittee has taken, inclusive of groundwater quality monitoring and inspections to comply with the terms and conditions of this Permit. The progress reports shall be submitted until all actions required by this Permit have been completed to the Commissioner's satisfaction

12. Ecological Risk Assessment

Unless otherwise directed by the Commissioner, pursuant to RCSA Section 22a-133k-2(i), the Permittee shall prepare and submit for the Commissioner's review and written approval an Ecological Risk Assessment evaluating the potential for ecological receptors to be exposed to contaminants and to ensure that any remedial goals and objectives address protection for those receptors from existing or potential contaminant exposures

13. Natural Diversity Data Base ("NDDB")

As part of this permit, the Permittee shall take reasonable measures to mitigate any adverse impact and to ensure that any activities authorized do not threaten any endangered or threaten species listed on the NDDB.

DRAFT

14. Miscellaneous

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

(b) The Permittee shall not operate the Facility in any manner that stores, treats, or disposes of solid waste or in any way manages solid waste other than solid waste that may be generated during Facility maintenance, water quality testing, or authorized closure activities.

15. Completion of Water Quality Monitoring

For the Lagoon D landfill post-closure groundwater monitoring program, monitoring will be completed at the end of the Post-Closure Period. Within sixty (60) calendar days after the completion of groundwater monitoring, the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the groundwater monitoring for the Facility was performed in accordance with the specifications in the approved Plans. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.

For Lagoon C and the chlorinated VOC plumes, their respective monitoring programs will be completed once the Permittee has achieved compliance with the RSRs. Once monitoring has been completed, the Permittee shall submit proof of compliance in the next Annual Progress Report.

16. Completion of Post-Closure Period

The Permittee shall notify the Commissioner in writing two (2) calendar years prior to the anticipated end date of the Post-Closure Period for the solid waste disposal area. Within sixty (60) calendar days after the completion of the Post-Closure Period, the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the post-closure care for the Facility was performed in accordance with the specifications in the approved Plans. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.

B. FINANCIAL RESPONSIBILITY

1. Cost Estimates

The Permittee shall submit for the Commissioner's review and approval written estimate(s) for the current cost of performing post-closure care inclusive of groundwater monitoring, analyses, and reporting, as well as inspections and maintenance. The estimate(s) shall also include the current cost of performing Post-Remediation Monitoring for Lagoon C and the chlorinated VOC plumes. The Permittee shall ensure that such written estimate(s) are prepared in accordance with the methodology specified in RCSA 22a-209-4(i) as applicable. Note: a fifteen percent (15%) contingency shall be applied to the estimates for

DRAFT

unforeseeable elements or events which may increase the cost of performing post-closure care and corrective action.

2. Maintain Financial Assurance

In accordance with the time frame specified in the Compliance Schedule of this Permit, the Permittee shall continually maintain financial assurance for the Facility. 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 this 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. Release of Financial Assurance

(a) Within sixty (60) calendar days after receiving the certification, submitted pursuant to this Permit that water quality monitoring of the Site has been completed in accordance with the approved Plans, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for water quality monitoring of the Site, unless the Commissioner has reason to believe that water quality monitoring has not been performed and/or completed in accordance with the approved Plans. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that water quality monitoring has not been performed and/or completed in accordance with the approved Plans.

(b) Within sixty (60) calendar days after receiving the certification, submitted pursuant to this Permit that post-closure care of the Site has been completed in accordance with the Plans, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for post-closure care of the Site, unless the Commissioner has reason to believe that post-closure care has not been performed and/or completed in accordance with the approved Plans. The Commissioner shall provide the Permittee with a detailed written statement of any

DRAFT

such reason(s) to believe that post-closure has not been performed and/or completed in accordance with the approved Plans.

6. 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
COMPLIANCE SCHEDULE

NEW LONDON TURNPIKE APARTMENTS INVESTORS, LLC
THE TANNERY

EPA ID No. CTD982543506

Permit No. REMED/SP/SWLDF-201306147

DRAFT

SECTION III
COMPLIANCE SCHEDULE

A. RETENTION OF LICENSED ENVIRONMENTAL PROFESSIONAL

Regardless of whether the Commissioner has delegated the site to a LEP, within thirty (30) calendar days of the effective date of this Permit, the Permittee shall retain one or more LEP acceptable to the Commissioner to oversee the activities and prepare the documents required by this Permit and shall, by that date, notify the Commissioner in writing of the identity of such LEP. The Permittee shall assign and/or retain such qualified LEP acceptable to the Commissioner, until the Permittee has fully complied with this Permit.

B. MAINTAIN FINANCIAL ASSURANCE

Within one hundred fifty (150) calendar days of the Commissioner's approval of the cost estimate submitted in accordance with this Permit, the Permittee shall 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 Site or areas affected by the Site.

C. ANNUAL PROGRESS REPORTS

Until all actions required by this Permit have been completed to the Commissioner's satisfaction, the Permittee shall submit a progress report for the Commissioner's review. The report will be prepared on a calendar-year basis. Each such report shall be submitted to the Department no later than March 1st of each year.

Such reports shall, at a minimum:

- Describe the actions which the Permittee has taken in the prior calendar year to comply with the terms and conditions of this Permit;
- Summarize with charts and graphs any exceedances of Remediation Standard Regulations criteria or drinking water exceedance levels detected during monitoring;
- Identify the measures taken to correct the cause of any such exceedances of Remediation Standard Regulations or drinking water criteria;
- Summarize the results of any inspections of engineered controls and institutional controls;
- Summarize corrections taken to address deficiencies identified in inspections of remediation systems, engineered controls, and institutional controls;
- Recommend, as appropriate, modifications of groundwater monitoring plans and remedial systems; and
- Identify any planned work for the upcoming year.

The Commissioner may issue a notice of deficiency to require the modification and revision of the Annual Progress Report. The Commissioner may respond to requests for changes in any plans being implemented at the Facility that are included in the Annual Progress Report.

DRAFT