

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : *APPLICATION NO.200901515*
STEWARDSHIP PERMIT FOR : *SEPTEMBER 22, 2009*
CR USA, INC

PROPOSED FINAL DECISION

The Department of Environmental Protection (DEP) issued a Notice of Tentative Determination on July 9, 2009, to approve the issuance of a Stewardship Permit to CR USA, Inc. The issuance of the Stewardship Permit will end the interim status of the former Crown Risdon facility and impose long-term maintenance, monitoring, and financial assurance obligations on CR USA to ensure the facility's regulatory compliance. General Statutes §§22a-6, 22a-6h, 22a-430, 22a-454 and 22a-449(c); Regs., Conn. State Agencies §22a-449(c)-110.

A hearing in this matter was conducted and concluded on August 20, 2009. The record was left open until August 25, 2009, for the receipt of written comments. During the comment period, the U.S. EPA submitted a comment letter dated August 20, 2009, which recommended certain permit revisions including the requirement for written notice to the Commissioner of the designation and assignment of qualified environmental compliance experts. Staff has revised the draft permit and included this recommendation.

Public comments made during the hearing included concerns of an abutting property owner regarding the applicant's responsibility to cleanup off-site premises. Staff has acknowledged this concern and included additional provisions in the draft permit to require the applicant to include in its public participation plan expanded communication with off-site property owners surrounding the site, including properties that have been impacted by polluted groundwater emanating from the site.

The parties have signed and filed the attached Agreed Draft Decision with the revised draft permit for my consideration. Regs., Conn. State Agencies §22a-3a-6(1)(3)(A)(i). The parties have also submitted an agreement to waive the 15-day period for the filing of exceptions to my decision. §22a-3a-6(y)(3)(A).

I have reviewed the Agreed Draft Decision and the record in this matter, including the application and documentation, and testimony of the applicant and DEP presented at the hearing. I find that the application and proposed revised draft permit meet the applicable statutory and regulatory requirements.

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


Jean F. Dellamarggio
Hearing Officer

SERVICE LIST

Proposed Final Decision concerning CR USA, Inc., Crown Risdon Corporation Facility.
Application No. 200901515

PARTY

REPRESENTED BY

The Applicant

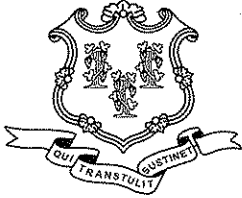
CR USA, Inc.
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Michael Antry
Corporate Director of EH&S

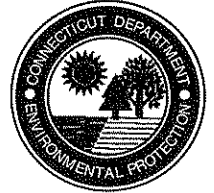
Department of Environmental Protection

Waste Engineering and Enforcement Division
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Compliance Assurance
79 Elm Street
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Gabrielle Frigon
Lauren Kostiuk



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



IN THE MATTER OF : OFFICE OF ADJUDICATIONS
:
:
STEWARDSHIP PERMIT FOR :
CR USA, INC. : SEPTEMBER 16, 2009

AGREED DRAFT DECISION

I. SUMMARY

Pursuant to Section 22a-3a-6(1)(3)(A)(i) of the Regulations of Connecticut State Agencies (the "Regulations"), the Applicant, CR USA, Inc. and the staff of the State of Connecticut Department of Environmental Protection (the "Department"), hereby respectfully submit the Agreed Draft Decision ("ADD"). This ADD sets forth the resolution stipulated by the above mentioned parties, to the above referenced matter, the issuance of a Stewardship Permit ("the Permit") to CRUSA, Inc. for the property located at 15 Old Newtown Road in the City of Danbury, formerly known as Crown Risdon Corporation ("the Facility"). The Permit incorporates revisions to the draft permit that was provided for public notice on July 9, 2009, in the Notice of Tentative Determination ("NTD"), as required by Section 22a-449(c)-100 of the Regulations. The permit appears as Attachment A (as modified pursuant to formal comments from the United States Environmental Protection Agency ("U.S. EPA") Region I) to this ADD.

A public hearing was held on August 20, 2009, at 7:30 p.m. at the Danbury City Hall, 155 Deer Hill Avenue, in the City of Danbury. The public notice for the public hearing was provided in the NTD on July 9, 2009.

II. FINDINGS OF FACT

1. CRUSA, Inc. is located at 15 Old Newtown Road in the City of Danbury. The Facility manufactured cosmetic containers from 1956 until 2005. The primary manufacturing processes included electroplating, chromating, acid solvent stripping, degreasing, silver plating, pickling, buffing, polishing, lacquering, hot stamping, silk screening, assembly and wastewater treatment. The Facility formerly operated two metal hydroxide sludge lagoons, a sludge drying bed and an

incinerator. The sludge lagoons were closed in accordance with the requirements of the Resource Conservation and Recovery Act ("RCRA") and certification was submitted the U.S. EPA Region I on October 21, 1983. The incinerator was closed in accordance with the requirements of RCRA and certification was submitted on September 19, 1985.

2. Section 22a-449(c)-110 of the Regulations incorporates by reference Title 40 of the Code of Federal Regulations ("CFR") Part 270. In turn 40 CFR 270 references 40 CFR 264, which outlines specific requirements for corrective action at a RCRA facility.

3. On November 17, 1980 a RCRA Part A permit application in accordance with 40 CFR 270, for an operating hazardous waste management facility, was submitted to the United States Environmental Protection Agency ("US EPA"). The application was submitted by Crown Risdon Corp. The submittal of the RCRA Part A permit application placed the Facility in interim status.

4. Interim Status denotes that a facility is in the queue for issuance of an operating permit. The Facility ceased operating prior to an operating permit being issued. In accordance with 40 CFR 270.73(a), issuance of a Permit will terminate the Interim Status of the Facility.

5. The Department has created the Stewardship Permit to address cases such as these, where a facility is in interim status but no longer operates. The Stewardship Permit is attached hereto (Attachment A).

6. The Permit sets forth certain requirements for a permittee, including Post-Closure Care, Corrective Action, and Financial Assurance for a RCRA facility. These requirements are delineated in 40 CFR 264 specifically Subparts F, G, H and N. 40 CFR 264 as referenced by 40 CFR 270 which is incorporated by reference as amended in Section 22a-449(c)-100 et seq. of the Regulations. Public Participation is also a required element of the Permit as set forth in RCRA (Title 42, Chapter 82, Subchapter VII, Section 6974(b)).

7. CRUSA, Inc. submitted "application" materials on May 26, 2009. These application materials are administratively required paperwork and the associated fee enables the Department to process the RCRA Part A application submitted on November 15, 1980 and issue the Permit.

8. The Permit provides a framework for measures of progress required of a permittee in the performance of corrective action or clean-up of the facility. The Permit: 1. Has built into it reporting requirements that document the progress of the clean-up and memorialize those remediation measures taken and the results achieved; 2. Outlines those long-term obligations that must be met in order for the facility to be remediated and subsequent long-term ground water monitoring to ensure the remediation has been successful; 3. Requires financial assurance obligations of a permittee; and 4. Documents the ultimate clean-up of the facility and any pollution emanating from a facility.

9. The Permit may be transferred with the written authorization of the Commissioner. When and if the property ownership is transferred, the permit may also be transferred from the seller to the buyer. With the transfer of the Permit, the obligations under the Permit are also transferred.

10. The U.S. EPA supports the issuance of this Permit to achieve compliance with RCRA corrective action requirements. The U.S. EPA Region I has reviewed the draft permit and submitted a letter with comments on the Permit dated August 20, 2009.

11. At 6:00 p.m. on August 20, 2009, a public informational meeting was held at the Danbury City Hall in the City of Danbury. CRUSA's consultant Woodard & Curran and the Department participated by making brief presentations that provided the historical context for the proposed Permit. Also in attendance were elected officials and the general public.

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

13. After a short recess the public hearing was called to order shortly after 7:30 p.m. at which point Mr. Jeffrey Hamel of Woodard & Curran made an opening statement on the record. Mr. Hamel was followed by Ms. Diane Duva of the Department providing the opening statement for the Department. Hearing Officer Ms. Dellamarggio then provided the opportunity for interested persons to provide formal comment on the record.

14. No comment was provided in opposition to the Permit either during the public hearing or during the 45-day public comment period. Formal comments were made at the public hearing regarding the draft permit.

III. CONCLUSIONS OF LAW

1. The RCRA Part A permit application submitted by Crown Risdon Corporation on November 17, 1980, was submitted in accordance with Section 22a-449(c)-110 of the Regulations which incorporates by reference 40 CFR 270.

2. The Permit was drafted under the authority of CGS Sections 22a-6, 22a-449(c), and 22a-454, the Memorandum of Agreement between the United States Environmental Protection Agency, and the State of Connecticut dated September 28, 2004, under the title: Connecticut: Final Authorization of State Hazardous Waste Management Program Revisions, including RCRA Corrective Action. Further the proposed permit was drafted in accordance with Sections 22a-449(c)-100 through 119 of the Regulations which incorporates 40 CFR 270.

IV. RECOMMENDATION

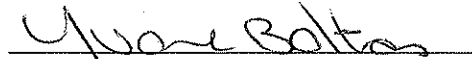
Pursuant to Section 22a-3a-6(1)(3)(A)(i), CRUSA and the Department hereby submit this ADD. For all the foregoing reasons and pursuant to Section 22a-3a-6(1)(3)(A)(ii) of the Regulations, it is respectfully recommended that this Agreed Draft Decision be accepted by the Hearing Officer and recommended to the Commissioner for adoption as her Final Decision, thereby resolving this matter.

State of Connecticut

Department of Environmental Protection

Applicant

CRUSA, Inc.



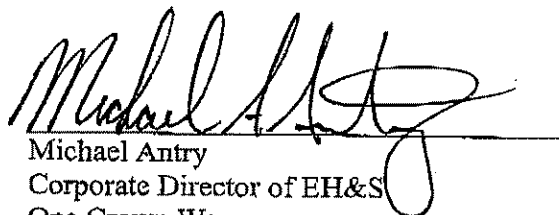
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State of Connecticut
Department of Environmental Protection

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Bureau of Materials Management and
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79 Elm Street Hartford, CT 06106



Michael Antry
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One Crown Way
Philadelphia, PA 19154-4599

CERTIFICATION

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

Via Hand Delivery

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

Diane Duva - DEP

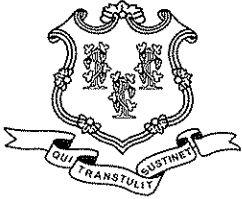
Lauren Kostiuk - DEP

Via Electronic Mail

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



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Stewardship Permit

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

Permittee:

CR USA, Inc.
15 Old Newtown Road
Danbury, CT 06810

Facility Identification:

EPA ID No. CTD001168558
Permit Number: DEP/HWM/CS-034-006

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

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

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

This permit is based on the information described in the Resource Conservation and Recovery Act (“RCRA”) Part A filed by the applicant on November 17, 1980 and the Stewardship application filed on May 26, 2009. The Permittee must keep records of all data used to complete the permit application and any supplemental information submitted for the effective term of this permit. The permit application and RCRA Part A filing are incorporated by reference as part of the permit. Any false statements or inaccuracies contained in the information submitted by the Permittee may result in the suspension, revocation or modification of this permit and civil or criminal enforcement action.

The Permittee shall comply with all terms and conditions contained in the following sections of the permit: Section I (Standard Facility Conditions) pages 1 through 9; Section II (Authorized Activities) pages 10 through 22; Section III (Compliance Schedule) pages 23 through 24; 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.

(Page i of ii)

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

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

Date

Amey W. Marrella
Commissioner

STEWARDSHIP PERMIT
CR USA, Inc.

15 Old Newtown Road
Danbury, CT

EPA ID No. CTD001168558
Permit No. DEP/HWM/CS-034-006

SECTION I

Stewardship Permit
Standard Facility Conditions

CR USA Inc.

EPA ID No. CTD001168558
Permit No. DEP/HWM/CS-034-006

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

The Permittee shall perform post-closure care and corrective action in accordance with its application (Application No. 200901515) received by the Department of Environmental Protection (“Department”) on May 26, 2009 and the requirements of this permit. In the event of a conflict between the Permittee’s application and the requirements of this permit, the requirements of this permit shall take precedence and apply.

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of 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, upon issuance of this permit the Permittee’s Interim Status granted under 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 a trade secret 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 within 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 this permit in accordance with RCSA Sections 22a-449(c)-104(a) and 22a-449(c)-110 incorporating 40 CFR 264.101, 270.10(h) and any other applicable law.
3. Obligation for Post-Closure Care and Corrective Action. The Permittee is required to continue this permit for any period necessary to comply with the post-closure care and corrective action requirements of this permit.
4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce any activity authorized by this permit in order to maintain compliance with the conditions of this permit, unless otherwise required to do so by another state or federal authority.
5. Duty to Mitigate. In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent its noncompliance from having significant adverse impacts on human health or the environment. No action taken by the Permittee pursuant to this section of this permit shall affect or limit the Commissioner's authority under any other statute or regulation.
6. Permit Actions. This permit may be modified, revoked and reissued, or terminated as provided for in 40 CFR 270.41, 270.42 or 270.43, and in accordance with all applicable law, including but not limited to, CGS Sections 22a-6g and 6h and RCSA Sections 22a-3a-5 and 22a-449(c)-110. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this permit.

7. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege to the Permittee.
8. Duty to Provide Information. The Permittee shall furnish to the Commissioner, within a 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. Operation and Maintenance of Remedial Systems. The Permittee shall at all times properly operate and maintain all facilities and remedial systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance, at a minimum, includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate 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, an authorized representative thereof, or the U.S. Environmental Protection Agency ("EPA"), upon the presentation of credentials and other documents as may be required by law to:
 - (a) Enter at reasonable times upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substance or parameters at any location.
11. Security. Pursuant to RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.14, The Permittee shall work with the current owners of the property, if not the Permittee, to 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 work with the current owners of the property, if not the Permittee, to secure the facility to the extent necessary to protect human health. In addition, the Permittee shall ensure that all monitoring wells are locked at all times unless authorized personnel are present.
12. Preparedness, Prevention, Contingency Plan and Emergency Procedures
 - (a) The Permittee shall comply with the requirements of RCSA Section 22a-449(c)-104(a)(1) incorporating 40 CFR 264 Subpart C "Preparedness and Prevention" and 40 CFR 264 Subpart D "Contingency Plan and Emergency Procedures" until termination of this permit.

- (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 condition.

13. Monitoring and Records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit (i.e. groundwater monitoring, groundwater surface elevations, etc), the certification required by RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for the post-closure period of the regulated unit or a period of at least three (3) years from the date of the sample, measurement, certification, report or application whichever is greater. 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.

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

- (a) Summary reports and details of all incidents that require implementing the Contingency Plan pursuant to 40 CFR 264 Subpart D;
- (b) Records and results of inspections as required by this permit, except these data need only be kept for three (3) years from the date of any such inspection;

- (c) Monitoring, testing or analytical data, and corrective action where required by 40 CFR 264 Subpart F or any regulatory section noted in 40 CFR 264.73(b)(6);
 - (d) All closure, post-closure and corrective action cost estimates under RCSA Section 22a-449(c)-104, 40 CFR 264.142 and 40 CFR 264 Subpart H;
 - (e) Annual progress reports required by this permit; and
 - (f) Any other information required by this permit or by any applicable law to be maintained in the facility Operating Record.
15. Signatory Requirements. The Permittee's application and all reports or information submitted to the Commissioner by the Permittee pursuant to this permit shall be signed by the person specified in and contain the certification prescribed in RCSA Section 22a-449(c)-110 incorporating 40 CFR 270.11.
16. Transfers. This permit is not transferable to any person without the advanced written authorization of the Commissioner, who may request whatever information the Commissioner deems necessary regarding the potential transferee. Before any such transfer, the Permittee and any proposed transferee shall fully comply with the requirements of CGS Section 22a-60. The Commissioner may require modification or revocation and reissuance of this permit to change the name of the Permittee and as an incident to any such transfer, incorporate such other requirements, as the Commissioner deems necessary.
- In advance of transferring ownership or operation of the Facility prior to the termination of this permit, the Permittee shall notify the prospective new owner or operator in writing of the requirements of this permit, 40 CFR 264 through 270, and of the RCSA Section 22a-449(c)100 et. al. The Permittee shall provide such prospective new owner or operator with a copy of this permit.
- The Permittee's failure to notify the new Permittee of the requirements of this permit in no way relieves the new Permittee of its obligations to comply with all applicable requirements.
- If transfer of the property takes place and the Permittee retains the permit, an access agreement between the Permittee and the prospective new owners of the facility shall be approved by the Commissioner prior to the sale of the facility/site. The agreement shall include the anticipated times, locations and frequency of access needed in order for the Permittee to complete closure, post-closure care and corrective action activities and conduct inspection, operation and management activities for all remedial systems. A copy of the Operations and Management Plan, referenced in Condition No. I.E.9. of this permit, shall be provided to the prospective new owner prior to transfer of the property.
17. Reporting Requirements.
- (a) Anticipated Non-Compliance. The Permittee shall give as much advance written notice as possible to the Commissioner of any planned changes in the facility or activity, which may result in non-compliance with any requirement of this permit.

- (b) Compliance Schedules. Except where otherwise provided for in this permit, reports of compliance and non-compliance with, or any progress reports on, interim and final requirements contained in the Compliance Schedule (Section III) of this permit, shall be submitted no later than fourteen (14) calendar days following each schedule date, to the extent such reports are required herein.
- (c) Twenty-four Hour Reporting.
- (i) The Permittee or designee shall orally report to the Commissioner any 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) Nothing in this section shall effect or relieve the Permittee of its obligations under CGS Section 22a-450.
- (iii) The Permittee shall submit a written report to the Commissioner within five (5) calendar days of the time the Permittee becomes aware of the circumstances described in subdivision (i) above. Such written report shall, at a minimum, 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.

- (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 after the date the Permittee is aware, or reasonably should have been aware of any such noncompliance. Any such report shall contain the information listed in Condition No. I.E.17.(c)(i) of this permit.
- (e) Other Information. When the Permittee becomes aware that it failed to submit any relevant facts or information in a permit application, or submitted incorrect information in a permit application, report or other document provided to the Commissioner regarding this permit, it shall submit such relevant facts or correct information to the Commissioner within thirty (30) calendar days of becoming aware of such facts or information.

18. Computation of Time.

- (a) Except as is expressly provided for in this permit, the computation of time periods set forth in this permit shall be as follows:
 - (i) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
 - (ii) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.
 - (iii) If the final day of any time period falls on a Saturday, Sunday or a federally or state recognized legal holiday 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.

19. Availability, Retention and Disposition of Records. The Permittee shall ensure that all records required under RCSA Sections 22a-449(c)-100 to 119, RCSA Section 22a-133k et. seq ("RSRs"), or this permit, including all plans, are furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the Department or EPA.

The retention period for all records required under RCSA Sections 22a-449(c)-100 to 119 and this permit is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Commissioner or Regional Administrator of EPA.

20. Additional Requirements. Requirements not included in this permit, which become effective by statute or regulation, and not made specifically inapplicable to facilities with a permit, shall apply to the Permittee's facility. In the event of any conflict between this permit and any such requirement, the Permittee shall comply with the more stringent requirement. If the Permittee does not fully comply with the more stringent requirement, the Department may enforce either requirement.
21. Federal, State and Local Laws. Nothing in this permit shall be construed to prohibit any federal, state or political subdivision thereof from imposing any requirements to the extent authorized by law which are more stringent than those imposed by this permit. In addition, nothing in the permit shall relieve the Permittee of its obligation to comply with any other applicable federal, state, or local statute, regulation or ordinance.
22. Modification of 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 request(s) 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 the 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.

F. DEFINITIONS

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

1. "CFR" means the Code of Federal Regulations in effect on the date that this permit is issued.
2. "Commissioner" means the Commissioner of Environmental Protection as defined in the CGS Section 22a-2 or the Commissioner's duly authorized designee.
3. "Facility" shall mean, pursuant to 40 CFR 261.10, all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste and all contiguous property under control of the owner or operator. For the purposes of this permit, shall also mean the 8.10-acre parcel of land located at 15 Old Newtown Road in Danbury, Connecticut that is subject to the requirements of this permit.
4. "Hazardous Waste" or "Hazardous Wastes" shall mean hazardous waste as identified or listed as hazardous waste pursuant to 42 U.S.C. Section 6901 et. seq. and RCSA Section 22a-449(c)-101.
5. "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.
6. "Post-Closure Period" means a minimum of thirty (30) years from the date of certification of closure of a regulated unit. This period shall be extended or shortened by the Commissioner in accordance with 40 CFR 264.117(a)(2).

Please note: For sites in which waste will remain in place, the post-closure period shall be extended at the Commissioner's discretion. In the event the waste is removed, an alternate post-closure period may be approved by the Commissioner.

7. "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.

For the purposes of this permit, the site shall include the 8.10-acre parcel of land located at 15 Old Newtown Road in Danbury Connecticut. The terms "Facility" and "Site" may be used interchangeably in this permit.

SECTION II

Stewardship Permit
Authorized Activities

CR USA Inc.

EPA ID No. CTD001168558
Permit No. DEP/HWM/CS-034-006

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SECTION II AUTHORIZED ACTIVITIES

A. RCRA POST-CLOSURE REQUIREMENTS

1. Post-Closure Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a post-closure plan developed in accordance with the requirements set forth in 40 CFR 264 Subparts F, G and K for the former surface impoundment area. The post-closure plan shall, at a minimum, include the following:
 - (a) Incorporate by reference the Groundwater Monitoring Program, dated November 1981 (contained in the Part B Permit Application, dated November 2, 1990), the Baseline Groundwater Monitoring Report and Revised Groundwater Monitoring Plan dated, December 21, 2001, and the EPA's comments on the Revised Groundwater Monitoring Plan, dated February 27, 2002 (via email).
 - (b) A description and frequency of the planned maintenance and inspection activities that will be performed to ensure:
 - (i) The integrity of the cap/final cover and/or other containment systems; and
 - (ii) The function of the monitoring equipment.
 - (c) A compliance monitoring program developed in accordance with the requirements of RCRA Section 22a-449(c)-104 incorporating 40 CFR 264.99, and an evaluation of existing monitoring data to determine if compliance is achievable.

If it is determined that compliance can not be achieved, the Permittee shall include a description of how corrective action, required pursuant to 40 CFR 264.100, will be interrelated into site-wide corrective action.
 - (d) The name, address, and phone number of the person or office to contact about the former hazardous waste surface impoundments or Facility during the Post-Closure Period.
 - (e) A schedule for reporting requirements, including but not limited to, groundwater monitoring reports, scheduled and unscheduled inspection and maintenance reports, and corrective action reports resulting from inspections and maintenance activities.
2. Approved Post-Closure Plan. The Permittee shall perform post-closure care in accordance with the Post-Closure Plan submitted and approved pursuant to Condition No. II.A.1. of this permit (herein after, the "approved Post-Closure Plan").
3. Modification of Approved Post-Closure Plan. The Permittee shall submit a written notification of or request for a permit modification to authorize a change in the approved Post-Closure Plan in accordance with the applicable requirements of 40 CFR 124 and 40 CFR 270. The written notification or request must include a copy of the amended post-closure plan for the Commissioner's review and written approval.

4. Copy of Approved Post-Closure Plan. The Permittee shall ensure that a copy of the approved Post-Closure Plan is kept at the Newtown Road Facility or at an alternate facility acceptable to the Commissioner, until the Post-Closure Period is completed and certified in accordance with the requirements of this permit.

5. Completion of Post-Closure Period. Within sixty (60) calendar days after the completion of Post-Closure Period, the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and an independent registered professional engineer stating that the post-closure care for the land disposal units, was performed in accordance with the specifications in the approved Post-Closure Plan. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.

B. RCRA CORRECTIVE ACTION REQUIREMENTS

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

The Permittee shall ensure that further investigations for each Solid Waste Management Unit ("SWMU") and Area of Concern ("AOC") are completed within two (2) years from the date of initiation of such investigation; and that remediation (e.g. construction of all engineering controls and documentation of all institutional controls) is initiated within three (3) years from the date of initiation of investigation of any SWMU or AOC and completed within ten (10) years of issuance of this permit or in accordance with an alternative schedule approved in writing by the Commissioner.

The conditions of this section apply to:

- (a) The SWMUs and AOCs as identified in Appendix A-1;
- (b) Any additional SWMUs and AOCs discovered during the course of characterization, corrective action, groundwater monitoring, field investigations, environmental audits, or other means; and

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

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

2. Schedule/Scope of Work. The Permittee shall submit schedule(s)/scope(s) of work for the investigation and remediation of releases of hazardous waste and hazardous substances at or from the Facility such that remediation will achieve compliance with RCRA 22a-133k-1 et. seq. ("Remediation Standard Regulations" or "RSRs").
- (a) The schedule/scope of work shall incorporate by reference the following documents:
- (i) The Remedial Action Plan for on-site conditions dated March 13, 2008;
 - (ii) EPA's May 29, 2008 Partial Remedy Decision (CA 400) acknowledging that the selected on-site remedy meets the RCRA Corrective Action long term goals of protection of human health and the environment; and
 - (iii) The operation, maintenance and monitoring plan entitled "*Revised Operations, Maintenance and Monitoring Plan, On-Property Conditions, 15 Old Newtown Road, Danbury, CT December 2008*" for the groundwater hydraulic containment and sub-slab vapor control system.
- (b) The schedule/scope of work shall be submitted pursuant to Condition No. III.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 SMWUs and AOCs at the facility and beyond the facility boundary, a summary of investigation and mitigation activities conducted to date and a list of activities remaining to be accomplished.
 - (ii) Evaluation of Compliance with RSRs. The Permittee shall submit a summary of the: 1) rationale used to determine that no remediation is needed; and 2) identification of all areas identified as exceeding any remedial criteria and additional characterization data needed to complete the remedial design in order to achieve compliance with the RSRs for polluted soil and groundwater.
 - (iii) Schedule for Remediation. The Permittee shall submit for the Commissioner's review and written approval a description and schedule for the development of one or more RAPs in accordance with Condition No. II.B.7. that collectively address all areas of contamination that exceed RSR criteria.
 - (iv) An 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.
 - (v) A revised Quality Assurance Project Plan ("QAPP"), prepared in accordance with the document titled: Quality Assurance Guidance for Conducting Brownfields Site Assessments, U.S. Environmental Protection Agency OSWER Directive No. 9230.0-83P, and incorporating Connecticut's Reasonable Confidence Protocols to supplement, as necessary, the January 18, 2002, *Quality Assurance Project Plan* prepared for Crown Cork & Seal Company, Inc., by Woodard & Curran.

The Permittee shall ensure that the data is of sufficient quality and quantity to make decisions regarding the investigation and remediation of the site.

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

Such newly discovered release may be from SWMUs or AOCs identified in Condition No. II.B.1.(b) or SWMUs or AOCs previously identified for which it has been determined that further investigation is not required.
 - (b) If the Commissioner determines that further investigation of the SWMUs or AOCs is needed, the Permittee shall prepare a plan for such investigations within sixty (60) calendar days of notification by the Commissioner that such plan is necessary.

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 SWMU or AOC that the Commissioner determines is necessary in order to minimize or prevent the further migration of contaminants, thereby limiting current and future potential for human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.

The IM Work Plan shall be submitted within sixty (60) calendar days of such notification and shall include the elements listed in Condition No. II.B.5.(a)(iii). Such IM may be conducted concurrently with investigations required by this permit.

- (ii) The Permittee may initiate IM at an SWMU or AOC by submitting the appropriate notification pursuant to this permit. The Commissioner will process Permittee-initiated IM by either conditionally approving the IM or imposing an IM Work Plan per Condition II.B.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 a conditionally approved, Permittee-initiated IM, shall be subject to subsequent review and written approval by the Commissioner. Permittee-initiated IM must follow the progress and final reporting requirements in Condition II.B.5.(c).
- (iii) The IM Work Plan shall ensure that the IM 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.B.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.B.5.(a)(i) or initiated by the Permittee under Condition II.B.5.(a)(ii).

(c) IM Reports

- (i) If the time required for completion of interim measures imposed under Condition II.B.5.(a)(i) or implemented under Condition II.B.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) Analytical results of any environmental sampling conducted during the implementation of the IM;
- (D) Summaries of any deviations from the IM Work Plan during the reporting period;
- (E) Summaries of any problems or potential problems encountered during the reporting period; and
- (F) Projected work for the next reporting period.

- (ii) The Permittee shall prepare and submit for the Commissioner's review and written approval, within ninety (90) calendar days after completion of interim measures conducted under Condition II.B.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) Analytical results of any environmental sampling conducted during the implementation of the IM;
 - (D) Summaries of all problems encountered;
 - (E) Summaries of accomplishments and/or effectiveness of interim measures; and
 - (F) Copies of all relevant laboratory/monitoring data etc. in accordance with this permit.

6. Environmental Indicators (EIs)

The Permittee shall review the U.S. EPA Current Human Exposures Under Control and Migration of Contaminated Groundwater Under Control EIs in accordance with the Memorandum, Interim-Final Guidance for RCRA Corrective Action Environmental Indicators, from Elizabeth Cotsworth, dated February 2, 1999, and attached Documentation of Environmental Indicator checklist to ensure that changes in site conditions do not result in a change in the outcome of the EIs. The EIs shall be evaluated every five (5) years beginning no later than three (3) months after issuance of this permit and until such final site-wide remedy is achieved. If at any time site conditions change which result in a change in the outcome of the EIs that have been documented to date (e.g., if the status changes to "more information needed (IN)" or "a No (NO)" designation), the Permittee shall revise and submit a revised Documentation of Environmental Indicator Determination (checklist and supporting documentation) to both the EPA and the Department.

7. Remedial Action Plan (RAP). The Permittee shall prepare and submit for the Commissioner's review and written approval one or more RAP(s), developed in accordance with Condition No. II.B.2. of this permit and RCRA Sections 22a-449(c)-104(a)(1) and the RSRs, which details the steps to be taken to perform corrective action. The RAP(s) shall address one or more environmental media at the site, area affected by the site or any portion thereof. The RAPs shall:
- (a) Describe the areas at which the remediation will take place, and identify the SWMUs and AOCs addressed and the environmental media being remediated;

- (b) Describe the environmental alternatives considered for performing the specified remediation, and the most expeditious schedule for performing each alternative;
 - (c) Propose a preferred alternative with supporting justification of; and
 - (d) Propose a detailed implementation plan and schedule to perform the preferred remedial actions, including the generation and collection of any supplemental site information needed to support completion of remedial design. Such schedule shall include a schedule for applying for and obtaining all permits and approvals required for such remedial actions and describe the establishment of financial assurance.
8. Implementation of Remedial Action Plan. The Permittee shall perform all remediation activities for soil, sediment, groundwater and surface water pollution in accordance with the approved RAP(s) and any schedule contained therein; and in accordance with the RSRs.
9. Completion of Active Remediation.
- (a) The Permittee shall notify the Commissioner in writing at least ninety (90) calendar days prior to the date it expects to complete active remedial activity(ies) at the site or area affected by the site or any portion thereof.
 - (b) Within sixty (60) calendar days of the completion of active remediation, the Permittee shall submit for the Commissioner's review and written approval via registered mail, a certification signed by the Permittee and by an independent, registered professional engineer stating that the active remediation phases(s) at the site or areas affected by the site or any portion thereof has been completed in accordance with the specifications of the approved RAP(s). Documentation supporting the certification shall be furnished for the Commissioner's review and written approval.
10. Completion of Post-Remediation 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 at the site, area affected by or any portion thereof.
 - (b) Within sixty (60) calendar days of the completion of post-remedial groundwater monitoring at the site, area affected by or any portion thereof, the Permittee shall submit for the Commissioner's review and written approval via registered mail, a certification signed by the Permittee and by an independent, registered professional engineer stating that the active remediation phases(s) at the site or areas affected by or any portion thereof has been completed in accordance with the specifications of the approved RAP(s). Documentation supporting the certification shall be furnished for the Commissioner's review and written approval.

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

11. Remedy Selection and Notification of Remedial Implementation.

- (a) The Permittee shall propose a 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 or any alternative criteria approved by the Commissioner pursuant to RCS Section 22a-133k-1; 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 the alternatives evaluated by the Permittee when selecting and approving a remedy for the site or area affected by the site or any portion thereof.

12. Public Participation. The Permittee shall prepare and submit for the Commissioner's review and written approval a revised Public Participation Plan. Such plan shall include:

- (a) The development of a site mailing list that at a minimum includes: the Chief Elected Official, the Director of Health, the Fire Chief, and Planning and Zoning Department for the City of Danbury; the State Representative(s) and Senator(s) that represent the City of Danbury; and the property owners identified in Condition No. II.B.12.(b) and (c).
- (b) A provision for notifying the owners and/or occupants of the properties identified below at least thirty (30) calendar days prior to the start or completion of remediation work or when there is a significant change in the environmental conditions of the site or area(s) affected by the site. Such properties are:
 - (i) 2 Broad Street;
 - (ii) 2 Old Newtown Road;
 - (iii) 4 Old Newtown Road;

- (iv) 5 Old Newtown Road;
 - (v) 10 Old Newtown Road; and
 - (vi) 11 Old Newtown Road, all located within the City of Danbury.
- (c) A provision for notifying the owners and/or occupants of any additional properties identified by the US EPA or the Department to be within the area in which the ground waters can reasonably be expected to become polluted as the result of any pollution emanating from the site; and
- (d) A proposal for the provision of semi-annual written updates via a letter or newsletter or any other means to the site mailing list regarding the status of corrective action at the site and areas affected by the site.

The Permittee shall submit a revised plan sixty (60) calendar days prior to any installment of any future remedial system of treatment and control, or any significant change in site conditions.

13. Public Notice Requirements.

At the Commissioner's direction and as set out in the Public Participation Plan, 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 shall provide a forty-five (45) calendar 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 or the affected area is located;
 - (ii) Broadcast the notice on a radio station during high volume listening times on the same day the notice is published;
 - (iii) Provide a copy of the notice to the Director of Health of the municipality where the facility is located and/or the area affected by the facility;
 - (iv) Provide a copy of the notice to the owner or operator of the facility (if the Permittee is not the facility owner or operator) and to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (v) Erect and maintain a sign at least six (6) feet by four (4) feet for at least thirty (30) calendar days in a legible condition at the facility, clearly visible from the public highway and includes the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION CONTACT" and a telephone number at which any interested person may obtain additional information about the remediation.

- (b) Prior to final determination that remediation is complete; the notice shall be:
 - (i) Published in a newspaper having substantial circulation in the municipality in which the facility or the affected area is located;
 - (ii) Broadcast on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provided to the owner or operator of the facility (if the Permittee is not the facility owner or operator) and to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (iv) A summary of the basis for the Commissioner's determination and that the Commissioner will accept public comments on the tentative determination for at least forty-five (45) days from the date of publication.
- (c) Upon completion of the public comment period, the Permittee shall prepare and submit for the Commissioner's review a summary of comments and the Permittee's response. The Commissioner shall either adopt, adopt with modifications, or reject the responses and prepare a response to each comment.
- (d) 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 Permittee shall be deemed in full compliance with the Stewardship Permit and a Certificate of Completion will be issued.

14. Miscellaneous

- (a) For substances reported at or emanating from the site, for which no remediation criteria has been adopted, the Permittee shall, in accordance with RCSA Section 22a-133k-1 through 3, submit for the Commissioner's review and written approval a proposal for additional remediation criteria pursuant to the schedule/scope of work.
- (b) As authorized by RCSA 22a-133k-3(i), the Permittee shall use the lead clean-up level of 400 mg/kg for the residential direct exposure criterion.
- (c) The Permittee shall not operate the facility in any manner that stores, treats, or disposes of hazardous wastes or in any way manages hazardous wastes other than hazardous wastes that may be generated during facility maintenance, authorized closure, post-closure and/or corrective action activities. Such wastes shall be managed in accordance with all applicable regulations. The Permittee shall comply with all applicable requirements of RCSA Section 22a-449(c)-102 incorporating 40 CFR 262 "Standards Applicable to Generators of Hazardous Waste."

C. FINANCIAL RESPONSIBILITY

1. Cost Estimate. 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 Site or areas affected by the Site inclusive of post-closure care of the land disposal units in accordance with the requirements of this permit. The Permittee shall ensure that such written estimates are prepared in accordance with the methodology specified in RCSA 22a-449(c)-104 incorporating 40 CFR 264.142(a) and 40 CFR 264.144(a), as applicable. Note a fifteen percent (15%) contingency shall be applied to the estimates for unforeseeable elements or events which may increase the cost of performing corrective action.
2. 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.
3. 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.
4. 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.5. of this permit.
5. Within sixty (60) calendar days after receiving the certification, submitted pursuant to Condition Nos. II.A.4. and II.B.10(b), that post-closure care of the land disposal units has been completed in accordance with the approved Post-Closure Plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for post-closure care of the land disposal units, unless the Commissioner has reason to believe that post-closure care has not been performed and/or completed in accordance with the approved Post-Closure Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that post-closure has not been performed and/or completed in accordance with the approved Post-Closure Plan.
6. 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

CR USA Inc. (formerly Risdon Corporation)
15 Old Newtown Road
Danbury, CT

EPA ID No. CTD001168558
Permit No. DEP/HWM/CS-034-006

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.

SECTION III

Stewardship Permit
Compliance Schedule

CR USA Inc.

EPA ID No. CTD001168558
Permit No. DEP/HWM/CS-034-006

SECTION III COMPLIANCE SCHEDULE

- A. All conditions set forth in Section III.A. of this permit, shall be conducted within sixty (60) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. The Permittee shall submit a comprehensive Operations and Management Plan for all remedial systems of treatment and control, in accordance with Condition No. I.E.9 of this permit. A revised plan shall be submitted within sixty (60) days of installation of any future remedial system of treatment and control.
 2. Submittal of Schedule/Scope of Work. The Permittee shall submit for the Commissioner's review and written approval, a schedule for the submission of:
 - (a) The evaluation of compliance with the RSRs in accordance with Condition No. II.B.2.(b)(ii) of this permit;
 - (b) An Ecological Risk Assessment in accordance with Condition No. II.B.2.(b)(iv) of this permit;
 - (c) A QAPP in accordance with Condition No. II.B.2.(b)(v) of this permit; and
 - (d) The RAP(s) for the site in accordance with Condition No. II.B.7 and the associated cost estimate in accordance with Condition No. II.C.1. of this permit.
 3. Revised Post-Closure Plan. The Permittee shall submit for the Commissioner's review and written approval a revised post-closure plan in accordance with the requirements of Condition No. II.A.1 of this permit.
 4. Cost Estimate for Post-Closure. The Permittee shall submit for the Commissioner's review and written approval the cost estimate for performing post-closure care of the land disposal units in accordance with Condition No. II.C.1 of this permit.
 5. Consultant. The Permittee shall designate and assign an environmental compliance expert who may be a full-time employee of the Permittee, and/or retain one or more qualified consultants, acceptable to the Commissioner to prepare the documents required by Condition Nos. I.E.9., II.B.2.(b)(ii), II.B.2.(b)(iv), II.B.2.(b)(v), II.B.7. and II.C.1. and shall, by that date, notify the Commissioner in writing of the identity of such environmental compliance expert and/or consultants. The Permittee shall assign such environmental compliance expert and/or retain such qualified consultant, acceptable to the Commissioner, until Condition Nos. I.E.9., II.B.2.(b)(ii), II.B.2.(b)(iv), II.B.2.(b)(v), II.B.7. and II.C.1. of this permit are fully complied with. The Permittee shall notify the Commissioner in writing of the identity of any environmental compliance expert or consultant other than the one approved by the Commissioner, within ten (10) days after assigning or retaining any environmental compliance expert or consultant for the purpose of addressing the actions required by this permit. The Permittee shall submit to the Commissioner a description of the assigned environmental compliance expert's and/or consultant'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. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable environmental compliance expert or consultant unacceptable.

- B. All conditions set forth in Section III.B. of this permit, shall be conducted within one hundred and twenty (120) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Progress Reports. The Permittee shall submit a progress report for the Commissioner's review describing the actions which the Permittee has taken to date to comply with the terms and conditions of this permit. Such reports shall be submitted on a quarterly basis thereafter until all actions required by this permit have been completed to the Commissioner's satisfaction.
- C. All conditions set forth in Section III.C. of this permit, shall be in conducted within the timeframe specified. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Establishment of Financial Assurance. Within one hundred (150) calendar days of receiving the Commissioner's written approval of the cost estimate(s) submitted in accordance with Condition No. III.A.4. of this permit, the Permittee shall establish and continually maintain financial assurance using one or more of the instrument formats prescribed by the Commissioner for investigation and remediation of the Site or areas affected by the Site inclusive of post-closure care of the land disposal units.