

SECTION V COMPLIANCE SCHEDULE

All documentation that is submitted pursuant to conditions of Section V of this Compliance Schedule shall be approved in writing by the Commissioner or the Commissioner's designee.

(A) Corrective Action

- (1) Performance of Corrective Action Schedule. The Permittee shall perform corrective action in accordance with the requirements of this Permit, the Remedial Action Plan(s) submitted and approved pursuant to this Permit, and all other plan(s) submitted pursuant to this Permit.

The Permittee shall ensure that any investigations for each Area of Concern ("AOC") are completed within two (2) years from the date of initiation of such investigation; and that remediation is initiated within three (3) years from the date of initiation of investigations 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 AOCs identified in investigations prior to issuance of this Permit.
- (b) Any additional AOC discovered during the course of corrective action, characterization, groundwater monitoring, field investigation, environmental audits, or other means; and
- (c) Contamination that has migrated or may migrate beyond the Facility boundary, whereas necessary to protect human health and the environment.

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

(2) Public Participation

(a) A public participation plan that provides:

- (i) Public participation prior to initiation of remediation, including at a minimum ensuring public notice, using the procedures described in RCRA Section 22a-449(c)-105(h)(7); and
- (ii) Public participation prior to a final determination that remediation is complete including at a minimum ensuring public notice. Such public notice shall be published, at the Permittee's expense, in a newspaper having a substantial circulation in the affected area; and be provided to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and indicate the basis for the Commissioner's determination that remediation is complete and that the Commissioner will accept public comments on the tentative determination that remediation is complete for at least thirty (30) days from the date of publication.
- (iii) Response to Public Comments. If comments are received during any public comment period, whether received directly by the Permittee or if forwarded from the Commissioner, then the Permittee shall, within sixty (60) calendar days of receiving such comments, submit to the Commissioner a written summary of all such comments and a written response to each such comment. The Commissioner shall review such summary and responses and shall adopt it as the Commissioner's own, adopt it with modifications, or reject it and prepare a response to each such comment. The Permittee shall send a copy of the initial summary and responses to each person who submitted comments.

- (3) Quality Assurance Project Plan ("QAPP"). A QAPP prepared in accordance with the document titled: Quality Assurance Guidance for Conducting Brownfields Site Assessments, US Environmental Protection Agency OSWER Directive No. 9230.0-83P or its equivalent or replacement as directed by the Commissioner. The Permittee shall ensure that the data is of sufficient quality to make decisions regarding the investigation and remediation of the site.
- (4) Lead Criterion for Soil. The Permittee shall use 400 mg/kg of lead in soil as the cleanup standard for the residential direct exposure criterion for soil, as authorized by RCRA Section 22a-133k-2(i) or as modified by the Commissioner at the time of plan implementation.