



# REMEDIATION ROUNDTABLE

May 14, 2013



Connecticut Department of Energy and Environmental Protection

[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)

# Stewardship Permits

## The Next Best Thing to Completion without Controls

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Connecticut Department of Energy and Environmental Protection

# *A Stewardship Permit Links Together*



# Relevance of Stewardship Permits

- Required for Some Properties and Remedies
- **Not Required for All**
  - Can generally use institutional controls without need for permit
  - Can generally use engineered control of polluted soil without need for permit
- **Useful** when ownership transfers or land parceling occurs
  - Permit transfer is straightforward and **simple**



# Examples of Stewardship Permit Use

- RCRA Hazardous Waste **Land Disposal Facilities**
- Other RCRA hazardous waste facilities with **controls needed to maintain effectiveness of property-wide remediation**
- Other RCRA hazardous waste facilities with outstanding obligations to complete remediation, used in **place of enforcement**
  
- Properties where a **historic solid waste disposal area** requires remediation or closure, and **remedy involves leaving waste in place**
- **Closed landfills** that lack a permit or need to update permit

[Stewardship Permit Information Page](#)

[Stewardship Permit Fact Sheet](#)



# RCRA Specifics

- Different names, though basically the same
  - RCRA Post-Closure Permit
  - HSWA [Hazardous and Solid Waste Amendments] Permit
  - Corrective Action permit
  - Stewardship Permit
- All describe the Closure, Post-closure Care, Corrective Action, and/or monitoring obligations for facilities that have managed hazardous wastes
- 1998 EPA “Post-Closure” Rule says name doesn’t matter, just needs to be enforceable document

•Corrective Action must be included in a RCRA Permit: RCRA 22a-449(c)-104(a)(2), incorporating 40 CFR 264.101

•Post-Closure Permit Required: RCRA 22a-449(c)-110(a), incorporating 40 CFR 270.1(c)

Note: A Stewardship Permit does not authorize receipt of hazardous or solid wastes.



# RCRA Facilities: How you got in

- Someone filed a Part A permit application to be a Hazardous Waste Treatment, Storage, or Disposal Facility per RCRA
  - RCRA requires that hazardous waste facilities be issued an enforceable document and have a cleanup schedule in place
- Facility is committed to either:
  - Complete cleanup *by the time the permit is issued*, or
  - *Receiving a permit and following a schedule* to clean up property sitewide and put financial assurance in place
- Cleaning up includes addressing past releases, even if releases occurred prior to RCRA  
[Ensure clean slate going forward and prevent CERCLA sites!]



# RCRA Facilities: How you get OUT

- To exit RCRA “interim status” **without** a permit, you must **complete** unit closure *and* sitewide “corrective action” [remediation]
- State can concurrently terminate RCRA interim status and approve completion of remediation
  - when endpoints [Remediation Standards] are achieved and documented
  - public has been informed that commissioner finds that remedy is protective





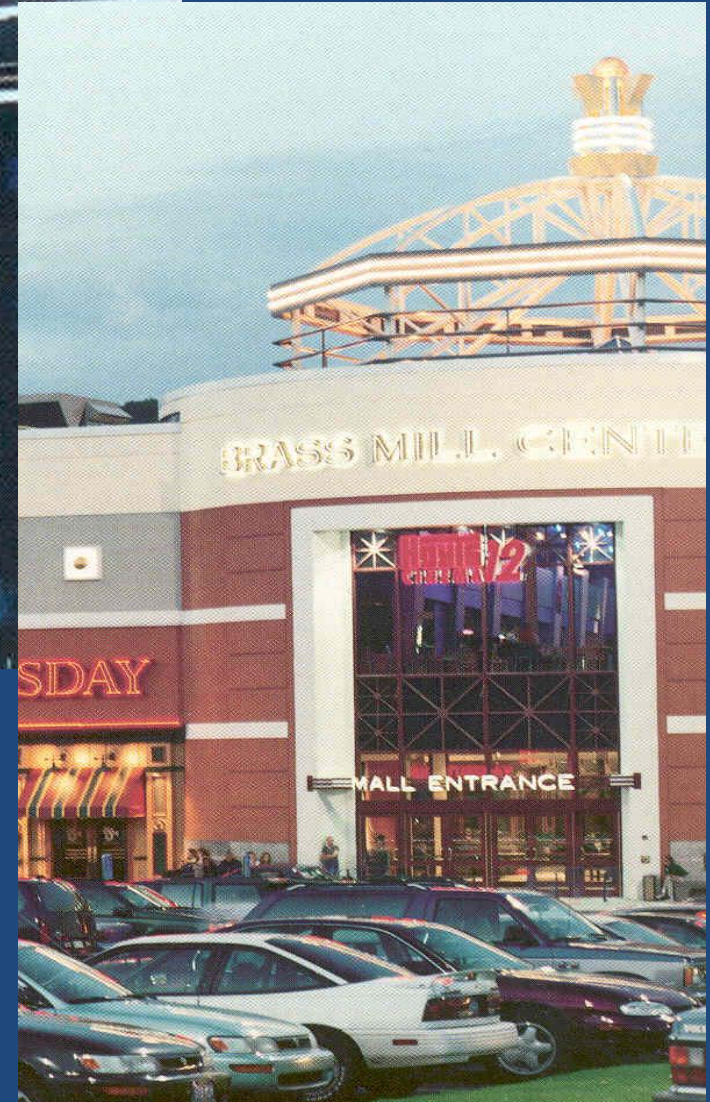
# RCRA Facilities: How you get OUT

- Ensure public participation in proposed remedial action and proposed determination that remediation is complete
- Document cleanup is complete without controls
- Based on remediation completion, and if not yet permitted, DEEP terminates your RCRA “interim status” which is what allowed your facility to operate before permit issuance
- RCSA 22a-449(c)-110(a)(2), incorporating 40 CFR 270.43





Sometimes it is easy to  
see when cleanup is  
done...



# CT and EPA Prefer Permanent Remedies and Restoration



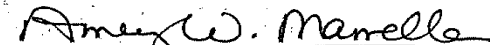
## CERTIFICATE OF COMPLETION

The Commissioner of Environmental Protection has made a final administrative decision that no activities are being conducted that require a RCRA permit at ABB Inc. for the portion of the site consisting of 300 Scotland Drive and a portion of 2000 Day Hill Road, EPA ID No. CTID001159557, located at **2000 Day Hill Road, Windsor, Connecticut.**

Environmental investigation and remediation activities are complete at the facility. Opportunities for public comment were provided related to the environmental investigation and remediation. Opportunity for public comment was also provided related to the Commissioner's proposed disposition of the facility's permit status.

The issuance of this certificate is based on the completion of environmental clean-up work required by state laws and regulations, including RCRA Corrective Action and Closure, as determined by compliance with Connecticut's Hazardous Waste Management Regulations and Remediation Standard Regulations, as well as state and federal guidance. This clean-up is consistent with the requirements of Connecticut's Property Transfer Act defined in Connecticut General Statutes Sections 22a-134 and 22a-134(a) through (e), and may be used as the basis for submitting a Form II pursuant to Connecticut's Property Transfer Act.

September 29, 2009

  
Amy W. Marrella  
Commissioner

# The Next Best Thing to Clean-Up Completion without Controls: A Permit with a Schedule



## CERTIFICATE OF STEWARDSHIP

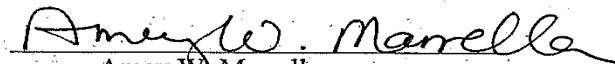
The Commissioner of Environmental Protection has made a final administrative decision to issue a Stewardship Permit to **ABB Inc.** for the former Combustion Engineering Facility, EPA ID No. CTD001159557, located at 2000 Day Hill Road, Windsor, Connecticut.

This permit is for the continuation of facility closure, post-closure care and corrective action activities, meaning environmental investigation and remediation, at the facility and may be transferred upon the written authorization of the Commissioner.

Opportunity for public comment has been provided in accordance with state and federal requirements.

This action is based on the obligation to initiate and complete closure, post-closure care and environmental clean-up work required by state laws and regulations, including RCRA Corrective Action and Closure, and requires compliance with Connecticut's Hazardous Waste Management Regulations and Remediation Standard Regulations, as well as state and federal guidance.

September 29, 2009

  
Amey W. Marrella  
Commissioner



# CERTIFICATE OF STEWARDSHIP

The Commissioner of Environmental Protection has made a final administrative decision to issue  
Stewardship Permit DEP/HWM/CS-061-002 to  
**Connecticut Yankee Atomic Power Co. ("CYAPCO"), Haddam Neck Plant**  
EPA ID No. CTD042306720, located at 362 Injun Hollow Road, Haddam, Connecticut.

This certificate confirms CYAPCO's completion of corrective action measures, including environmental investigation and remediation activities, with the exception of post-remediation groundwater monitoring. Upon issuance of this permit, CYAPCO's Interim Status granted under RCRA is hereby terminated.

This action is based on environmental clean-up work required by federal and state laws and regulations, including RCRA Corrective Action and Closure, and represents compliance with Connecticut's Hazardous Waste Management Regulations and Remediation Standard Regulations. Consistent with federal and state regulations and guidance, upon the Commissioner's determination that CYAPCO has satisfied the requirements of this permit, CYAPCO may receive a Certificate of Completion.

October 23, 2007

*/signed/*

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Gina McCarthy  
Commissioner

# Stewardship Permits

communicate  
the status of a property  
and



clarify it is okay that  
remedies use  
controls to  
complete  
remediation.



Connecticut Department of Energy and Environmental Protection

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# A Permit with a Schedule is an Agreement

- **Communicates** the property's status to **banks** and **insurance underwriters**, including that cleanup work is underway
- **Defines** long-term obligations for the property, such as
  - performing water quality monitoring
  - maintaining an engineered control
  - maintaining institutional control
- **Documents** and creates historic record of the work completed [documents decisions so that they don't have to be revisited]
- Contains a Compliance Schedule that specifies **timeframes** in which remaining work will be completed
- Can include language to address future **parceling**
- **Balances** current cleanup costs with phased-in financial assurance obligations



# Completion vs. The Next Best Thing

- When Cleanup is Complete, exit RCRA facility status by determining remediation is complete and no permit is needed
- When there is still cleanup work ahead, move from interim status to permitted status—to reduce future permitting or enforcement uncertainty
- Use permit to document stewardship obligations in a mutually agreeable schedule







**While permanent remedies are preferred, cleanup standards are risk-based, and not all cleanups result in unrestricted use.**

**So when needed, we rely on engineered and institutional controls to protect people and the environment.**

**And we keep track of what needs long-term monitoring.**

# How to Succeed in Business and in Permitting

- Understand existing environmental conditions
- Share your business needs with DEEP:
  - timing constraints,
  - ownership transfer plans,
  - plans to separate or combine parcels, now or in future
- Propose schedule
- Set clear expectations
- Document decisions so that they don't have to be revisited if cleanup process outlasts the regulator's assignment
- Revise schedule as needed
- Stay focused on results, not process



# Elements of Stewardship Permits

## I. Standard Conditions

- Identify who has duty to comply, site security, etc.
- Delegation to LEP, if applicable

## II. Authorized Activities

- investigate, clean up
- install and maintain engineered controls
- apply institutional controls

## III. Schedule of Compliance

- “to-do” list, Financial Assurance

Appendices (e.g., Areas of Concern addressed)



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# Public Participation at Permit Issuance

- **Public Notice of Tentative Determination**

- Commissioner Issues a Notice of Tentative Determination to issue Permit
  - *Published in the newspaper having significant circulation in the municipality*
  - *Broadcast on a radio station*
- The notice provides for:
  - A Public Informational Meeting
  - A 45-Day comment period during which the public and others may submit comments regarding the draft permit

- **Permit Issuance**

- At the end of the comment period, the Commissioner will consider all comments received and will issue, modify, or deny the permit as deemed appropriate



# Stewardship is an Opportunity

Demonstrate\* that you are:

- Committed to cleaning up
- Resolving uncertainty
- Clear about what it takes to be a good steward of this property

\*to investors, insurance companies, regulators, prospective purchasers



# Transferring Ownership: Interim Status Facilities

- ***Notify new owner***
  - “ (b) Before transferring ownership or operation of a facility...the owner or operator must notify the new owner or operator in writing of the requirements of this part and part 270 of this chapter...”
  - RCSA 22a-449(c)-105(a)(1), incorporating **40 CFR 265.12(b)**
- ***Notify Commissioner***
  - RCSA 22a-449(c)-110(a)(1), incorporating **40 CFR 270.72(a)(4)**



# Transferring Ownership: Permitted Facilities

- RCSA 22a-449(c)-110(a)(1), incorporating **40 CFR 270.40**
- Commissioner's approval is required prior to transfer of the permit or a change in ownership or operational control of the facility
- Permit transfer is simple process and is bundled with other agency permits and processed through DEEP Permit Ombudsman's Office.



Connecticut and EPA prefer permanent remedies and restoration.

The Next Best Thing to Clean-Up Completion:  
A Permit with a Schedule



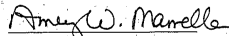
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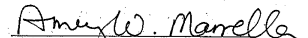
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# Summary: RCRA Stewardship Permit

- Defines long-term obligations of permittee
- Provides public participation in cleanup
- Documents cleanup as it is completed
- Phases in financial assurance obligations



# Outcomes of Stewardship Permits

**Keep our promise to the future  
by institutionalizing remedies that effectively  
protect human health and the environment**

**Remove cleanup uncertainty so that we can move  
forward to restore and revitalize our urban centers**

**Guide growth to preserve open land**

**Ease transfer of property ownership**

**Promote and maintain a sustainable economy**



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# Information Resources

- CT DEEP Stewardship Permit links

[Stewardship Permit Information Page](#)

[Stewardship Permit Fact Sheet](#)

- EPA Corrective Action Guidance

[www.epa.gov/wastes/hazard/correctiveaction/resources/](http://www.epa.gov/wastes/hazard/correctiveaction/resources/)

- EPA *Final Guidance on Completion of Corrective Action Activities at RCRA Facilities* 02-25-03 Federal Register [68 FR 8757] [Copy and Paste the URL]

[http://www.epa.gov/wastes/hazard/correctiveaction/resources/guidance/gen\\_ca/compfedr.pdf](http://www.epa.gov/wastes/hazard/correctiveaction/resources/guidance/gen_ca/compfedr.pdf)

- EPA Training Module on RCRA Long-Term Stewardship [Copy and paste the URL]

<http://www.epa.gov/wastes/hazard/correctiveaction/training/vision/mod12.pdf>

- CT DEEP Financial Assurance links [www.ct.gov/deep/financialassurance](http://www.ct.gov/deep/financialassurance)



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# Questions / Comments

Please state your name and  
speak loudly.

[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)

