

Attachment A to Remedial Action Plan Approval

CORRECTIVE ACTION MANAGEMENT UNIT "CAMU" DESIGNATION

SECTION I

A. DESIGN AND OPERATION OF THE CAMU

Georgetown Land Development Company, LLC is subject to RCRA Corrective Action (environmental cleanup) obligations. This Corrective Action Management Unit designation is designed to expedite the cleanup through the use of an on-site unit for managing remediation waste generated during cleanup. The designation holder shall operate, maintain, and repair the CAMU to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

B. EFFECT OF THE DESIGNATION

1. Compliance with this designation constitutes compliance, for purposes of enforcement, with Section 22a-449(c)-104(a)(2)(JJ)-(VV).
2. The issuance of this designation does not authorize any injury to persons or property, invasion of other private rights, or any infringement of state and local law or regulations.

C. SEVERABILITY

The provisions of this designation are severable, and if any provisions of this designation, or the application of any provisions of this designation to any circumstances is held invalid, the application of such provisions to other circumstances and the remainder of this designation shall not be affected thereby.

D. CONFIDENTIAL INFORMATION

The designation holder may claim that any information required to be submitted by this designation contains or constitutes a trade secret in accordance with Section 1-210 (b)(5) of the CGS.

E. DUTIES AND REQUIREMENTS

1. Duty to Comply The designation holder shall comply with all elements of this designation except that the designation holder need not comply with the elements of this designation to the extent and for the duration such non-compliance is authorized in an Emergency Authorization that explicitly authorizes any such non-compliance.
2. Need to halt or reduce activity not a defense. It shall not be a defense for the designation holder in an enforcement action that it would have been necessary to halt or reduce any activity authorized by this designation in order to maintain compliance with the elements of this designation.

3. Duty to mitigate. In the event of noncompliance with this designation, the designation holder 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 designation holder pursuant to this section of this designation shall affect or limit the Commissioner's authority under any other statute or regulation.
4. Designation actions. This designation may be modified or terminated in accordance with all applicable law, including but not limited to, RCSA Section 22a-449(c)-104(a)(2)(JJ)-(VV). The filing of a request by the designation holder for a designation modification, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any designation element.
5. Property rights. This designation does not convey any property rights of any sort, or any exclusive privilege to the designation holder.
6. Duty to provide information. The designation holder shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this designation or to determine compliance with this designation. The designation holder shall also furnish to the Commissioner, upon request, copies of records required to be kept by this designation.
7. Operation and Maintenance of Remedial Systems. The designation holder 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 designation holder to achieve compliance with this designation. 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 back-up, auxiliary facilities or similar systems only when necessary to achieve compliance with this designation.
8. Inspection and entry. The designation holder shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - a. Enter at reasonable times upon the designation holder's premises where the CAMU or activity is located or conducted, or where records must be kept to comply with this designation;
 - b. Have access to and copy at reasonable times, any records that shall be kept to comply with this designation;
 - c. Inspect at reasonable times any area of the CAMU, equipment (including monitoring and control equipment), practices or operations regulated or required under this designation; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring the designation holder's compliance with this designation or as otherwise authorized by any applicable statute, any substances or parameters at any location.
9. Security. The designation holder shall prevent the unknowing and unauthorized entry of persons or livestock into the Southern parcel. The designation holder shall ensure that:

- a. All entrances are locked at all times unless authorized personnel are present;
- b. Access is limited to the emergency coordinators, security personnel and/or other authorized personnel; and
- c. The Southern parcel is provided with an artificial or natural barrier (e.g., a fence in good condition) that completely surrounds it.

The designation holder shall maintain in good repair the security system until soil exceeding the Direct Exposure Criteria as defined in RCSA Section 22a-133k et. seq. ("Remediation Standard Regulations") has been rendered environmentally isolated or inaccessible.

The designation holder shall maintain a communications system capable of summoning fire, police, and/or emergency service personnel.

10. Monitoring and records.

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Records for monitoring information shall include:
 - (i) The date, exact place and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The name of the State of Connecticut Department of Public Health certified laboratory that performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.

11. Signatory Requirements. The designation holder's application and all reports, or information submitted to the Commissioner by the designation holder pursuant to this designation shall be signed by the person specified in and contain the certification prescribed in 40 CFR 270.11

12. Transfers. This designation is not transferable to any person without advanced written authorization of the Commissioner, who may request whatever information deemed necessary regarding the potential transferee.

In addition to complying with the above requirements, before transferring ownership or operation of the CAMU anytime before its final closure, the designation holder shall notify the new owner or operator in writing of the requirements of this designation. The designation holder shall provide such new owner or operator with a copy of this designation.

The designation holder's failure to notify the new designation holder of the requirements of this designation in no way relieves the new designation holder of the obligation to comply with all applicable requirements.

13. Reporting Requirements.

- a. Anticipated non-compliance. The designation holder shall give as much advance written notice as possible to the Commissioner of any planned changes in the CAMU or activity that may result in non-compliance with any requirement of

this designation. Generally this notice is expected to be at least five business days in advanced of any planned change.

- b. Compliance schedules. Except where otherwise provided for in this designation, reports of compliance and noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this designation shall be submitted no later than fourteen (14) calendar days following each schedule date.

- c. Twenty-four (24) hour reporting:

- (i) The designation holder or the designation holder's designee shall verbally report to the Commissioner any waste related activity at the CAMU, irrespective of whether such activity is in compliance with the requirements of this designation, which does or may pose an imminent and substantial endangerment to human health or the environment, immediately but no later than twenty-four (24) hours from the time the designation holder 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 designation holder;
 - (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 from or of a fire or explosion at the facility, which could threaten human health or the environment.
- (ii) A written submission shall also be provided within five (5) calendar days of the time the designation holder becomes aware of the circumstances described in subdivision (i) above. The written submission shall contain a description of the endangerment and its cause; the period of endangerment including exact dates and times, if the endangerment has been abated, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the endangerment. The designation holder shall maintain a copy of each such written report for a period of three (3) years from the date of its submission to the Commissioner. The Commissioner may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days of any incident requiring reporting.

- (iii) Nothing in this section shall effect or relieve the designation holder of its obligations under Section 22a-450 of the CGS.
 - d. Other noncompliance. The designation holder shall report all instances of non-compliance with this designation not otherwise required to be reported by this designation to the Commissioner along with any other required monitoring report, but no later than thirty (30) days of the date the designation holder is aware, or reasonably should have been aware of any such noncompliance. Any such report shall contain the information listed in section 13(c)(i) of this section.
 - e. Other information. When the designation holder becomes aware that it failed to submit any relevant facts or incorrect information in a designation application, or submitted incorrect information in a designation application, report or other document provided to the Commissioner regarding this designation, it shall promptly submit such relevant facts or correct information to the Commissioner.
- 14. Computation of time.
 - a. Except as is expressly provided for in this designation, the computation of time periods set forth in this designation shall be as follows:
 - (ii) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
 - (iii) 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.
 - (iv) If the final day of any time period falls on a weekend or a federally or state recognized legal holiday, the time period shall be extended to the next working day.
 - b. Submission of reports. Where this designation 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.
- 15. Additional requirements. Requirements not included in this designation, which become effective by statute or regulation, and not specifically stated in this designation, shall apply. In the event of any conflict between this designation and any such requirement, the designation holder shall comply with the more stringent requirement.

The designation holder shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed substantive modifications to the CAMU operation in accordance with the public notice requirements of 40 CFR 270.41 and 270.42. The Commissioner may issue a written approval of any such proposed modification only if, in the Commissioner's judgment, the proposed modification (a) is deemed consistent with the goals and methodology stated in 40 CFR 264.552; (b) is not significantly changing the nature of the CAMU or its impact on the environment; and (c) is consistent with any necessary additional designation or authorization pursuant to CGS Section 22a-208.

16. Federal state and local law. Nothing in this designation shall be construed to prohibit any federal, state, local or political subdivision thereof from imposing any requirements to the extent authorized by law which are more stringent than those imposed by this designation. In addition, nothing in the designation shall relieve the designation holder of its obligation to comply with any other applicable federal, state, or local statute, regulation or ordinance.
17. Imminent Hazard Actions. Notwithstanding any provision of this designation, enforcement actions may be brought pursuant to Section 7003 of RCRA, Section 22a-6 of the CGS, or any other applicable law.
18. Records. The designation holder shall maintain, in writing, the following information in its records for at least three (3) years from the expiration of this designation:
 - b. Records and results of inspections as required by this designation, except this data need only be kept for three (3) years from the date of any such inspection;
 - a. Monitoring, testing, analytical data and corrective action where as required by this designation;
 - b. Certifications, site maps, the site operating log, a complete set of the soil sampling test results and a complete set of soil sampling summary table; and any other information required by this designation.
19. Availability, Retention, and Disposition of Records. The designation holder shall ensure that all records required under RCSA Sections 22a-449(c)-100 to 119 or this designation, including all plans, are furnished upon request and made available at all reasonable times for inspection, by any officer, employee, or representative of the Commissioner or the Environmental Protection Agency (EPA).

The designation holder 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 designation, and records of all data used to complete the application for this designation, for a period of at least three (3) years from the date of the sample, measurement, certification, report or application. This period may be extended by request of the Commissioner at any time. The designation holder shall maintain all required records from all groundwater monitoring wells and associated groundwater surface elevations for the Southern parcel until the termination of the post-closure care period.

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

F. DEFINITIONS

Any term not otherwise defined herein shall be defined as that term is defined in Section 22a-449(c)-100 of the RCSA, incorporating 40 CFR 260.

1. "Clean fill" means soil and other material defined as clean fill in Section 22a-209-1 of the RCSA.

2. "CFR" means the Code of Federal Regulations in effect on the date that this designation is issued.
3. "Commissioner" means the Commissioner of Environmental Protection as defined in the Section 22a-2 of the CGS or the Commissioner's designee.
4. "Corrective Action Management Unit" or "CAMU" means the definition in RCSA Section 22a-449(c)-104(a)(2)(JJ), incorporating 40 CFR 264.552 and specifically at this facility refers to the approximately 3-acres of the 5.5-acre Southern parcel shown on Figure Nos. 2, 5 and 9 of the application for this designation.
5. "Daily" as used in this designation means once every twenty-four (24) hours.
6. "Each Operating Day" as used in this designation means once every twenty-four (24) hours that the facility is conducting any excavation and/or consolidation activities.
7. "Facility" means for the purposes of implementing corrective action under 40 CFR 264.101, all contiguous property under control of the owner or operator seeking a designation under Subtitle C of RCRA or implementing corrective action under RCRA Section 3008(h).
8. "Final Closure" means the completion of the closure of the CAMU in accordance with the requirements of this designation and other applicable law.
9. "Hazardous Waste" or "Hazardous Wastes" shall mean hazardous waste as identified or listed as hazardous waste pursuant to 42 U.S.C. Subpart 6901 and RSCA Section 22a-449(c)-101.
10. "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from the hazardous waste.
11. "Manufacturing Area" means the 45.5 acre parcel of land incorporating the New Warehouse Area, the Post Office parcel, the North Mill Yard, the South Mill Yard, the East Wire Mill and OMSA Building, the Factory Pond and the South Parking Lot as set forth on Figure No. 2 of the application for this designation.
12. "Partial Closure" means the closure of a portion of the CAMU in accordance with the applicable closure requirements of this designation while other portions of the CAMU continue in operation or to be active.
13. "The designation holder" shall mean the person responsible for the overall operation of the facility. As used herein "person" is defined in Section 22a-423, Chapter 446k, of the CGS.
14. "Polluted Soils and Sediments" means soils and sediments that have been affected by a release of a substance(s) and defined as polluted according to Section 22a-133k-1 through 22a-133k-3 of the RCSA.
15. "Remediation Waste" means all solid and hazardous wastes, and all media (including soils and sediments) and debris that are managed for implementing clean up.

16. "Solid Waste(s)" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resource recovery facility or incinerator, material processed at a recycling facility, and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility as defined in Section 22a-207 of the CGS.
17. "Southern Parcel" means the approximately 5.5-acre parcel of land formerly used in part as surface impoundments and drying pits for the metal hydroxide sludge generated by the on-site wastewater treatment system and historic manufacturing activities, and for facility fill. This area was stabilized in 1997 by Malcolm Pirnie and in 2001 by the Environmental Protection Agency. This area is bounded to the east by the Norwalk River; to the south and west by the railroad right-of-way; and to the north by the Redding wastewater treatment plant as shown on Figure Nos. 2, 5, and 9 of the application for this designation.
18. "Staging Pile" means an accumulation of solid, non-flowing remediation waste that is not in a containment building and that is used only during remedial operations for temporary storage at a facility.

SECTION II Authorized Activities

A. Corrective Action Management Unit (CAMU)

This designation authorizes only those activities that are explicitly provided for in this designation.

The designation holder shall operate, maintain and repair the CAMU in conformance with its application and the requirements of this designation. In the event of a conflict between the designation holder's application and the requirements of this designation, the requirements of this designation shall take precedence and apply.

The purpose of the CAMU is to manage only remediation wastes for implementing corrective action and clean up at the facility.

Authorized Activities

1. The designation holder is authorized to excavate and manage approximately 40,000 cubic yards of polluted soils and/or sediments resulting from remediation and redevelopment activities occurring in the Manufacturing Area of the facility. Pursuant to 40 CFR 264.552(a)(1) the designation holder shall ensure that such polluted soils and/or sediments do not contain the following: as-generated wastes from ongoing industrial operations; intact or substantially intact containers, tanks or other units; and bulk or non-containerized hazardous and non-hazardous or free liquids containing hazardous waste.
2. The designation holder is authorized to perform the following activities at the CAMU:
 - a. Staging of soils and/or sediments excavated during remediation and redevelopment in staging piles;
 - b. Staging of clean fill in staging piles;
 - c. Characterization of excavated soil for hazardous constituents;
 - d. Stabilization and/or treatment of polluted soil(s) and/or sediments as required;
 - e. Transportation of polluted soil and/or sediment to the CAMU, by way of municipal and state roads when prudent;
 - f. Consolidation of polluted soils and/or sediments in the CAMU;
 - g. Interim grading of the CAMU;
 - h. Installation and maintenance of erosion control measures;
 - i. Installation of piles, footings, retaining walls and other structures;
 - j. Perimeter air monitoring; and
 - k. Soil may be transported for re-use in the Manufacturing Area provided the soil meets remedial goals specified in the Remedial Action Plan as approved by the Commissioner.
3. The designation holder shall ensure that polluted soils and/or sediments containing any of the following are not managed in the CAMU: VOC-polluted soils and sediments with the potential to cause exceedances of the volatilization criteria as defined in RCSA Section 22a-133k et. seq. ("Remediation Standard Regulations"); soils containing separate-phase petroleum hydrocarbons; and TSCA-regulated PCB remediation waste.

SECTION III Design and Operating Requirements

Consolidation of Polluted Soils and/or Sediments

1. The designation holder shall ensure that the polluted soil(s) and/or sediment(s) will only be placed within the aerial configuration of the CAMU as shown in Figure No. 9 of the CAMU application.
2. Prior to placement of polluted soils and/or sediments in the CAMU, the designation holder shall prepare this area by stripping and temporarily stockpiling one (1) to four (4) feet of clean cover material.

The designation holder shall ensure that approximately six (6) inches of existing cover material and the existing geotextile membrane for the metal hydroxide sludge landfill is left in place.

3. The designation holder shall ensure that polluted soils and/or sediments are consolidated and placed in the CAMU in accordance with the operation plans in the CAMU application and in this designation. At a minimum, the designation holder shall ensure that polluted soils and/or sediments are:
 - a. Placed in a maximum of two (2) foot lifts;
 - b. Compacted to no less than 90% compaction in accordance with Standard Proctor Test (ASTM-D698-78) until the final grades have been achieved; and
 - c. All polluted soils and sediments shall be placed in covered stockpile or placed in the CAMU and compacted by the end of the fifth working day, unless otherwise approved in writing by the Commissioner.
4. The designation holder shall maintain a Site Operating Log. The Site Operating Log will be available for inspection at the facility during operation of the CAMU and for at least three years following closure of the CAMU. A summary of the Site Operating Log shall be included in the final remedial action report. The designation holder shall ensure that the following information is maintained in the Site Operating Log:
 - a. Up-to-date records clearly identifying the origin of the soil and/or sediment;
 - b. The quantity of polluted soil(s) and/or sediments placed in the CAMU
 - c. The date such soils and/or sediments were transported to the CAMU;
 - d. A list of the specific storage bins /cells, if applicable; for staged materials.

Stabilization of Hazardous Soils and/or Sediments

5. The designation holder shall determine if the soil and/or sediment generated from the "hot spots" included in Figure 5 of the Remedial Action Plan contains hazardous waste and requires stabilization based on the Soil Characterization Protocol included in the Remedial Action Plan.
6. The designation holder shall ensure that in accordance with 40 CFR 268.49 (Alternative Land Disposal Restriction (LDR) Treatment Standards for Contaminated Soil), if the soil is characterized as containing a hazardous waste prior to treatment then the soil must comply with the LDRs after treatment.

The designation holder shall ensure that any soil characterized as containing hazardous waste that is generated from the "hot spots" shown in Figure 5 of the Remedial Action Plan be stabilized in accordance with a Stabilization Plan, either in-situ or within the boundaries of the CAMU prior to consolidation within the CAMU. Pursuant to 40 CFR 268.49(c)(1) the hazardous constituents must be reduced by at least 90% through treatment so that no more than 10% of the initial concentration remains or comparable reductions in mobility for metals is achieved; and/or the hazardous constituents must not exceed ten (10) times the universal treatment standards of 40 CFR 268.48.

7. The designation holder shall stage any soil and/or sediment containing hazardous waste that is not stabilized in accordance with the above requirements, for off-site transportation and disposal in accordance with the requirements of section 15 through 22 of this section.

Staging and Re-use of Excavated Soils

8. The designation holder shall ensure that the clean fill stockpiles comply with the following requirements:
 - a. Constructed with side slopes no greater than 2 feet horizontal to 1 foot vertical;
 - b. Silt fencing, Silt Soxx™ or approved equal shall be placed a minimum of ten (10) feet from the toe of the stockpile;
 - c. Any stockpile remaining for greater than thirty (30) days shall be hydro-seeded or covered with 10-mil polyethylene sheeting that is held in place with appropriate weights to prevent wind damage; and
 - d. The clean fill material shall be sampled in accordance with Section 3.6.2 in the CAMU Construction Quality Assurance Plan included as an appendix to the CAMU application.
9. Soil in which sampling has confirmed to be acceptable for reuse in accordance with the Remedial Action Plan, as approved by the Commissioner, may be used to backfill the excavated areas in the Manufacturing Area.
10. Soils in which sampling has confirmed the presence of hazardous waste shall be stabilized and placed in the CAMU or staged for off-site transportation and disposal in accordance with the requirements of section 15 through 22 of this designation.

Air Monitoring

11. The designation holder shall perform continuous perimeter air monitoring of the CAMU during the excavation and consolidation of polluted soil and/or sediment to evaluate the airborne concentration of particulate matter in accordance with "Air Monitoring Plan, revised June 25, 2007" (Appendix G of the Remedial Action Plan).
12. At a minimum, the continuous perimeter air monitoring shall consist of the following:
 - a. Calibrated mini-rams shall be placed downwind of the active excavation and consolidation areas each operating day;
 - b. The results shall be checked at a minimum of every 8 hours during excavation and/or consolidation; and
 - c. Standards and responses identified in "Air Monitoring Plan, revised June 25, 2007" (Appendix G of the Remedial Action Plan).

Health and Safety Plan

13. The designation holder shall ensure that a Health and Safety Plan for the site is developed prior to the excavation and consolidation of the polluted soil and/or sediment. A copy of this plan shall be maintained on-site until final closure of the CAMU has been completed in accordance with the approved Closure Plan.

Installation of Interim Cover

14. The designation holder shall ensure that within thirty (30) days of reaching the maximum capacity or the approved elevations and grades the interim cover is installed in accordance with the CAMU Construction Quality Assurance Plan and the Interim Grading Plan of the application. At a minimum, the interim cover shall comply with the following requirements:
 - a. Side slopes graded at a maximum of 3 feet horizontal to 1 foot vertical;
 - b. Non-woven geotextile fabric;
 - c. Six (6) inches of clean cover; and
 - d. Temporary vegetative cover or if outside the growing season hay or fiber mulch.

Temporary Staging of Excess Polluted Soil and Soils Containing a Hazardous Waste

15. The designation holder shall ensure that the CAMU does not exceed 40,000 cubic yards or the approved elevations identified in accordance with the Interim Grading Plan of the application. Excess soil may be temporarily staged in piles within the boundaries of the CAMU prior to off-site transportation.
16. The designation holder may temporarily stage at the Manufacturing Parcel, while awaiting off-site transportation and disposal, a maximum of 20,000 cubic yards throughput at any one time of excess soil and/or sediment and soils and/or sediments characterized as containing hazardous constituents above the hazardous waste threshold.
17. The designation holder shall ensure that the piles of excess polluted soil and/or sediment comply with the following requirements:
 - a. The staging area is not located within a distance of twelve (12) feet from the property lines;
 - b. The staging area is underlain with 20-mil polyethylene sheeting capable of preventing seepage;
 - c. Piles are covered with 10-mil polyethylene sheeting that is held in place with appropriate weights to prevent wind damage;
 - d. Absorbent barriers and/or granular absorbent shall be placed around the piles to eliminate any surface run-off;
 - e. Piles shall be constructed with side slopes no greater than 2 feet horizontal to 1 foot vertical and shall not exceed 10,000 cubic yards; and
 - f. Silt fencing, Silt Soxx™ or approved equal shall be placed a minimum of ten (10) feet from the toe of each pile; and
 - g. No piles shall remain on-site for greater than two (2) years.
18. The designation holder shall ensure that excess polluted soil and/or sediment characterized as containing hazardous constituents above the hazardous waste threshold comply with the following requirements:
 - a. The staging area is not located within a distance of twelve (12) feet from the property lines;

- b. Containers or stockpiles are kept covered at all times to prevent precipitation infiltration, except when adding soil and/or sediment; and
 - c. No container or stockpile of soil and/or sediment shall remain on-site for greater than ninety (90) days from the date soil and/or sediment was placed in the container.
19. The designation holder shall ensure that the staging area is inspected each operating day; excluding weekends and state and federal holidays to ensure compliance with the requirements set forth in sections 15 through 18 of this section. The designation holder shall immediately remedy any deterioration that an inspection reveals, to ensure that the problem does not lead to an environmental hazard.
20. Unless otherwise posted with signs indicating that the property is undergoing remediation or being used as a soil staging area, the designation holder shall post and maintain a sign that is visible from a distance of at least twenty-five (25) feet at the Staging Area(s) entrance identifying:
- a. The name of the designation holder;
 - b. The contact phone number;
 - c. The hours of operation; and
 - d. The phrase "Temporary Soil Staging Area."
21. The designation holder shall operate the staging area(s) such that receipt, unloading, and processing does not occur for periods longer than that which is consistent with local zoning requirements, if applicable, of the municipality.
22. The designation holder shall employ anti-tracking measures (street sweepers, anti-tracking pads) to ensure entering and exiting vehicles do not track soils onto a public roadway at any time.

Sedimentation and Erosion Controls

23. The designation holder shall ensure that all sedimentation and erosion control measures installed at the site are in accordance with the 2002 Connecticut Guidelines for Soil Erosion & Sediment Control and the General Permit for Stormwater and Dewatering Wastewaters from Construction Activities. At a minimum this shall include:
- a. Silt fencing and hay bales or Silt SoxxTM installed along the banks of the Norwalk River, downgrade of all excavation areas, around the perimeter of the CAMU, and a minimum of ten (10) feet from the soil staging areas; and
 - b. An anti-tracking pad at the entrance(s) of the CAMU and staging area(s).

Queuing and Idling of Transport Vehicles

24. The designation holder shall: (a) control all traffic related to the operation of the facility in such as way as to mitigate the queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the facility is located; and (b) ensure that except as allowed in Section 22a-174-18(b)(3)(C) of the RCSA, trucks are not left idling for more than three (3) consecutive minutes.

SECTION IV
Closure and Financial Assurance

A. CLOSURE REQUIREMENTS

1. The designation holder shall close the CAMU in a manner that:
 - a. Minimizes the need for further maintenance; and
 - b. Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, surface waters or to the atmosphere.

2. The designation holder shall have a written Closure Plan, that includes but is not limited to the following requirements:
 - a. The decontamination and removal of equipment, devices and structures used in the waste management activities within the CAMU;
 - b. Areas of the CAMU in which the constituent concentrations are at or above remedial levels or goals shall have a final cover designed and constructed to meet the following performance criteria:
 - i. Long-term migration of liquids through the closed unit;
 - ii. Function with minimum maintenance;
 - iii. Promote drainage and minimize erosion of the cover;
 - iv. Accommodate settling and subsidence in order to maintain the integrity of the cover; and
 - v. Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.
 - c. Establishment of an Environmental Land Use Restriction (ELUR) for the CAMU; and
 - d. Post-closure requirements necessary to protect human health and the environment, including but not limited to: monitoring and maintenance activities and the frequency of the activities necessary to ensure the integrity of the final cover.

3. The designation holder shall ensure that a copy of the approved Closure Plan is kept on-site or at an alternate location acceptable to the Commissioner until final closure is completed and certified in accordance with the requirements of this designation.

4. The designation holder may amend its closure plan at any time prior to the notification of intent to begin partial or final closure of the CAMU. A summary shall be provided to identify the proposed changes. The designation holder may integrate the CAMU Closure Plan schedule into the final Closure Plan for the RCRA Land Disposal Facility co-located at the facility.

5. The designation holder shall notify the Commissioner in writing at least ninety (90) days prior to the date it expects to begin either partial or final closure of the CAMU for the Commissioner's review and written approval.

The date that the designation holder "expects to begin closure" shall be no later than thirty (30) days after the date on which the CAMU has reached the maximum capacity or approved elevations and grades.

6. The Commissioner will provide notice that conforms to the requirements specified in Section 22a-6h of the CGS, regarding the designation holder's proposed Closure Plan of this designation. Comments on the designation holder's Closure Plan shall be accepted for up to thirty (30) days from the date of publication of the newspaper notice. At the discretion of the Commissioner, a public meeting or hearing may be held regarding the designation holder's proposed Closure Plan.

At the end of the public comment period, the Commissioner may approve the designation holder's Closure Plan with or without conditions that the Commissioner deems necessary. If the Commissioner approves the designation holder's Closure Plan, the approved plan with any conditions deemed necessary by the Commissioner will become a condition of this designation. If the Commissioner does not approve the proposed Closure Plan, a detailed statement of reasons for such refusal shall be provided to the designation holder. The designation holder must modify or submit a new Closure Plan within thirty (30) days of receiving such written statement. The Commissioner shall then approve or modify in writing the Closure Plan resubmitted by the designation holder. If the Commissioner modifies the plan, the modified plan will become the approved Closure Plan. A copy of the modified plan with a detailed statement of reasons for the modifications shall be provided to the designation holder.

7. The designation holder shall complete final closure activities, as applicable, in accordance with the approved Closure Plan. The Commissioner may approve a longer period for Closure if the designation holder demonstrates to the Commissioner's satisfaction that:
 - a. The activities required to comply with the approved Closure Plan will of necessity take longer than twenty-four (24) months to complete; and
 - b. The designation holder has taken and will continue to take all steps needed to prevent threats to human health and the environment and will comply with any additional conditions deemed necessary by the Commissioner arising from the final closure.
8. Within sixty (60) days of the completion of final closure, the designation holder shall submit to the Commissioner by registered mail, a certification signed by both the designation holder and by an independent registered professional engineer stating that the CAMU has been closed in accordance with the specifications in the approved Closure Plan. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.

B. FINANCIAL ASSURANCE

1. The designation holder shall have and maintain on-site or at an alternate location acceptable to the Commissioner a written estimate of the cost of closing the CAMU. The designation holder shall ensure that this written estimate is prepared in accordance with the methodology specified in 40 CFR 264.142(a).

2. The designation holder shall adjust the closure cost estimate for inflation and any changes that affect the cost of closing the CAMU. Adjustments for inflation shall be calculated in accordance with 40 CFR 264.142(b). This adjustment shall be made by September 30th of each year. The designation holder shall maintain the latest adjusted cost estimate and a signed copy shall be submitted to the Commissioner no later than thirty (30) days after its preparation, until the Commissioner releases the designation holder from the financial assurance requirements for closure under this designation.
3. The designation holder shall establish and continually maintain financial assurance for the final closure of the CAMU in accordance with the methods specified in 40 CFR 264 Subpart H. The designation holder shall ensure that the wording in the financial assurance mechanism(s) secured for the purposes of compliance with this section of the designation is substantially similar to the wording specified in 40 CFR 264.151 and approved by the Commissioner except that all references to the "Regional Administrator of EPA" shall be changed to the "Commissioner of DEP". The designation holder shall maintain such assurance in effect until the Commissioner notifies the designation holder in writing that it is no longer required to maintain such financial assurance, as is provided in section IV.B.4. of this designation.
4. Within sixty (60) days after receiving certifications from the designation holder and an independent registered professional engineer that final closure of the CAMU has been completed in accordance with the Approved Closure Plan, the Commissioner will notify the designation holder in writing that it is no longer required to maintain *financial assurance* for closure of the CAMU, unless the Commissioner has reason to believe that final closure has not been in accordance with the Approved Closure Plan. The Commissioner shall provide the designation holder with a detailed written statement of any such reason to believe that closure has not been in accordance with the Approved Closure Plan.
5. The designation holder shall establish and continuously maintain liability coverage for sudden accidental occurrences at the facility in the amounts and in the manner specified in 40 CFR 264.147(a). The designation holder shall ensure that the wording of the liability insurance secured for the purposes of compliance with this designation is identical to the wording specified in 40 CFR 264.151, except that all references to the "Regional Administrator of EPA" shall be changed to the "Commissioner of DEP." The designation holder shall maintain such liability coverage in effect until the Commissioner notifies the designation holder in writing that maintaining such coverage is no longer required, as is provided in section IV.B.6. of this designation.
6. Within sixty (60) days after receiving certifications from the designation holder and an independent registered professional engineer that final closure of the CAMU has been completed in accordance with the Approved Closure Plan, the Commissioner will notify the designation holder in writing that it is no longer required to maintain *liability coverage* for the CAMU, unless the Commissioner has reason to believe that final closure has not been in accordance with the Approved Closure Plan. The Commissioner shall provide the designation holder with a detailed written statement of any such reason to believe that closure has not been in accordance with the Approved Closure Plan.
7. The designation holder shall comply with the requirements specified in 40 CFR 264.148 in the event of incapacity of the designation holder, guarantors or financial institutions.

SECTION V
Compliance Schedule

- A. All requirements set forth below shall be conducted within one hundred twenty days (120) days of the approval of the Remedial Action Plan (the effective date of this designation) Otherwise, the designation holder may be subject to the revocation of this designation and shall be required to cease all designated activities upon receipt of written notification by the Commissioner.
1. The designation holder shall submit for the Commissioner's review and written approval, the Closure Plan required in section IV. A.2. of this designation. Such Closure Plan may be integrated with the final Closure Plan to be developed for the Land Disposal Facility co-located at the facility.
 2. The designation holder shall submit for the Commissioner's review and written approval, written documentation demonstrating that the designation holder has established a mechanism for financial assurance for closure, such that the value of the mechanism is at least one million five hundred and seventy (\$1,570,000) dollars. Documentation demonstrating compliance with this provision will depend on the type of financial assurance mechanism used, and must comply with the requirements of 40 CFR 264 Subpart H as incorporated in the RCSA.