

STEWARDSHIP PERMIT
TOWN OF SOUTHLINGTON
SOUTHLINGTON LANDFILL

DEPAOLO DRIVE
SOUTHLINGTON, CT

EPA ID No. CTD000844308
Permit No. DEP/HWM/CS-131-017

SECTION I

Stewardship Permit
Standard Facility Conditions

Southington Landfill

DePaolo Drive
Southington, CT

EPA ID No. CTD000844308
Permit No. DEP/HWM/CS-131-017

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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), which incorporates by reference Title 40 of the Code of Federal Regulations (“40 CFR”) Parts 270.41, 270.42 and 270.43.

To fulfill the requirements with both the Connecticut Solid Waste Management Regulations and the Connecticut Hazardous Waste Regulations, the Permittee shall perform post-closure care inclusive of surface and groundwater monitoring, and corrective action in accordance with its applications (Application No. 201104719) received by the Department of Environmental Protection (“Department”) on May 27, 2011 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(a), upon issuance of this Permit the Permittee’s Interim Status granted under Resource Conservation and Recovery Act (“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 confidential information in accordance with CGS Section 1-210(b).

D. IMMINENT HAZARD ACTIONS

Notwithstanding any provision of this Permit, enforcement actions may be brought pursuant to Section 7003 of 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.

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 ten (10) years after the effective date of this Permit. The Permittee shall renew this Permit if any activity required by this Permit is not completed prior to 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 the Permit, in accordance with the requirements of RCSA Sections 22a-3a-5, 22a-449(c)-104 and 22a-449(c)-110 incorporating 40 CFR 264.101 and 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 applicable 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 the 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. Post-Closure Maintenance. The Permittee shall at all times properly operate and maintain all facilities and 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 laboratory quality assurance procedures. This provision requires the operation of backup, auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.
10. Inspection and Entry. The Permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:
 - (a) Enter at reasonable times upon the Site where a regulated activity is located or conducted, or where records must be kept under the conditions of this Permit;
 - (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, and 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 264.117, the Permittee shall prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the Facility in accordance with the approved Post-Closure Plan. The Permittee shall secure the Facility to the extent necessary to protect human health.
12. Monitoring and Records.
 - (a) The Permittee shall ensure that samples and measurements taken for the purpose of monitoring are representative of the monitored activity.
 - (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. records from groundwater monitoring and groundwater surface elevations), 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. 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.
13. Operating Record. The Permittee shall maintain, in writing, the following information in the Facility's operating record at a minimum of three (3) years beyond the expiration of this Permit:
- (a) Records and results of inspections as required by this Permit;
 - (b) 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);
 - (c) All post-closure and corrective action cost estimates, as applicable, under RCSCA Sections 22a-209, 22a-449(c)-104 and 40 CFR 264.142 and 40 CFR 264 Subpart H; and
 - (d) Any other information required by this Permit or by any applicable law to be maintained in the Facility operating record.
14. Signatory Requirements. The Permittee's application and all reports or information submitted to the Commissioner by the Permittee pursuant to this Permit shall be signed by the person specified in and contain the certification prescribed in RCSCA Section 22a-449(c)-110 incorporating 40 CFR 270.11.
15. Transfers. This Permit is transferable to any person with the advanced written authorization of the Commissioner. The Commissioner may request any information deemed necessary regarding the potential transferee. Before any such transfer, the Permittee and any proposed transferee shall fully comply with the requirements of CGS Section 22a-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 its Facility prior to the termination of this Permit, the Permittee shall notify the prospective new owner or operator in writing of the requirements of this Permit, 40 CFR 264 through 270, and of the RCSCA Section 22a-449(c)100 et. al. by providing 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 his obligations to comply with all applicable requirements.

If the 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 provided to 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 Post Closure Plan, referenced in Condition No.II.A.1. of this Permit, shall be provided to the prospective new owner prior to transfer of the property.

If no agreement for access to the property has been reached within sixty (60) days from the real property transfer, then the Commissioner shall issue the Permit to the new property owner.

16. Reporting Requirements.

- (a) Anticipated Non-Compliance. The Permittee shall give as much advance written notice as possible to the Commissioner of any planned changes in the Facility or activity, which may result in non-compliance with any requirement of this Permit.
- (b) Compliance Schedules. Except where otherwise provided for in this Permit, reports of compliance and non-compliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule (Section III) of this Permit, shall be submitted no later than fourteen (14) calendar days following each schedule date, to the extent such reports are required herein.
- (c) Imminent Endangerment Reporting.
 - (i) The Permittee or designee shall notify the Commissioner in writing of any newly discovered release(s) of solid or hazardous waste or hazardous constituents discovered during the course of post-closure care, groundwater monitoring, environmental audits, or other means, within fifteen (15) calendar days of the date of discovery.
 - (ii) 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
- (iii) A written submission shall also be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances described in subdivision (ii) above. The written submission shall contain a description of the endangerment and its cause; the period of endangerment including exact dates and times, if the endangerment has been abated, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the endangerment. The Permittee shall maintain in the operating record of its Facility a copy of all such written reports. The Commissioner may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days of the incident requiring reporting pursuant to 40 CFR 264.56(j).
- (iv) Nothing in this section shall effect or relieve the Permittee of its obligations under CGS Sections 22a-6u or 22a-450.
- (d) Other Noncompliance. The Permittee shall report all instances of noncompliance with this Permit not otherwise required to be reported by this Permit to the Commissioner along with any other required monitoring report, no later than thirty (30) days from or after the date the Permittee is aware, or reasonably should have been aware of any such noncompliance. Any such report shall contain, at a minimum, the information listed in Condition No. I.E.16.(c)(i) of this Permit.
- (e) Other Information. When the Permittee becomes aware that it failed to submit any relevant facts or information in a Permit application, or submitted incorrect information in a Permit application, report or other document provided to the Commissioner regarding this Permit, it shall submit such relevant facts or correct information to the Commissioner within thirty (30) calendar days of becoming aware of such facts or information.
17. Computation of Time.
- (a) Except as is expressly provided for in this Permit, the computation of time periods set forth in this Permit shall be as follows:

- (i) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
 - (ii) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.
 - (iii) If the final day of any time period falls on a Saturday, 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.
18. Availability, Retention and Disposition of Records. The Permittee shall ensure that all records required under RCSA Sections 22a-449(c)-100 to 119 et. seq. 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 the U.S. Environmental Protection Agency (“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.
19. Additional Requirements. Requirements not included in this Permit, which become effective by statute or regulation, and not made specifically inapplicable to facilities with a Permit, shall apply to the Permittee's Facility. In the event of any conflict between this Permit and any such requirement, the Permittee shall comply with the more stringent requirement. If the Permittee does not fully comply with the more stringent requirement, the Department may enforce either requirement.
20. Federal, State and Local Laws. Nothing in this Permit shall be construed to prohibit any federal, state or political subdivision thereof from imposing any requirements to the extent authorized by law which are more stringent than those imposed by this Permit. In addition, nothing in the Permit shall relieve the Permittee of its obligation to comply with any other applicable federal, state, or local statute, regulation or ordinance.
21. Modification of the Compliance Schedule.
- (a) The Permittee may request to modify the submittal due dates of the Compliance Schedule (Section III) of this Permit at any time. Such requests shall be submitted for the Commissioner's review and written approval and shall include sufficient justification for such request(s).
 - (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 this Permit explicitly defines as being due by a certain time or during a certain time interval, may be granted by the

Commissioner if sufficient justification for the extension is demonstrated by the Permittee.

22. Delegation of Licensed Environmental Professional

- (a) Pursuant to RCSA Section 22a-133v, a licensed environmental professional (LEP) may verify that post-closure care and site-wide environmental investigation has been performed in accordance with prevailing standards and guidelines and remediation activities have addressed any and all requirements of the Commissioner and have achieved compliance with the Remediation Standard Regulations.
- (b) The LEP shall submit the final report for site-wide corrective action for the Commissioner's review and written approval in conjunction with the submission of the verification.
- (c) In the event the Commissioner revokes the delegation of site-wide investigation and oversight of site-wide corrective action, the Permittee shall ensure all reports and documents required by this Permit are submitted for the Commissioner's review and approval within the timeframes specified.
- (d) The Permittee shall notify the Commissioner in writing of the identity of any LEP other than the one approved by the Commissioner, within ten (10) calendar days after assigning or retaining any LEP for the purpose of addressing the actions required by this Permit. The Permittee shall submit to the Commissioner a description of the assigned LEP's education, experience and training which is relevant to the work required by this Permit within ten (10) calendar days after a request for such description has been made. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable LEP unacceptable.

F. DEFINITIONS

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

1. “Annual” means that sampling and analysis shall occur no later than December 31st of the calendar year. The results of such sampling and analysis shall be submitted to the Commissioner no later than March 1st of the subsequent year.
2. “CFR” means the Code of Federal Regulations in effect on the date that this Permit is issued.
3. “Commissioner” means the Commissioner of Energy and Environmental Protection as defined in CGS Section 22a-2 or the Commissioner’s duly authorized designee.
4. “Facility” shall mean, pursuant to 40 CFR 260.10, all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous and solid waste and all contiguous property under control of the owner or operator.

For the purposes of this Permit, Facility shall mean the 28.4-acre parcel of land located on Depaolo Drive in Southington, CT as identified on the Site plan and subject to the requirements of this Permit.

5. “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 Section 22a-449(c)-101 of the RCSA.
6. “Land Disposal Units” shall mean for the purposes of this Permit, the Metal Hydroxide Sludge Disposal Area and Municipal Solid Waste Disposal Area as defined in this Permit.
7. “Metal Hydroxide Sludge Disposal Area” means the 100 square foot area located in the southeastern corner of the Facility that was used for the disposal of approximately 210 cubic yards of metal hydroxide sludge and neutralized spent pickle liquor from local industries between December 1980 and November 1982.
8. “Municipal Solid Waste Disposal Area” means the 18-acre area located in the central portion of the facility property on Depaolo Drive that was used by the Town of Southington for the disposal of solid wastes between 1967 and 1983.
9. “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.
10. “Post-Closure Period” means a minimum of thirty (30) years from the date of certification of closure of the Land Disposal Unit. This period shall be extended or shortened by the Commissioner in accordance with 40 CFR 264.117(a)(2).

For the purposes of this Permit, the start date of the post-closure period is September 30, 1987 for the Metal Hydroxide Sludge Disposal Area.

All Sites at which waste will remain in place, shall have the post-closure period determined by the Commissioner. In the event all waste is removed, an alternate post-closure period may be approved by the Commissioner in accordance with 40 CFR 264.117.

11. "Quarterly" means that sampling and analysis shall occur once every three (3) consecutive months in a calendar year (i.e. January, April, July, and October). The results of the sampling and analysis shall be submitted to the Commissioner within sixty (60) calendar days of the date of sampling.
12. "Semi-annual" means that sampling and analysis shall occur during the months of April and October each calendar year. The results of the sampling and analysis shall be submitted to the Commissioner within sixty (60) calendar days of the date of sampling.
13. "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, there are two areas that comprise the Site: Metal Hydroxide Sludge Disposal Area and Municipal Solid Waste Disposal Area. Herein after the term "Site" shall refer to both areas.

SECTION II

Stewardship Permit
Authorized Activities

SOUTHINGTON LANDFILL

DEPAOLO DRIVE
SOUTHINGTON, CT

EPA ID No. CTD000844308
Permit No. DEP/HWM/CS-131-017

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SECTION II AUTHORIZED ACTIVITIES

A. POST-CLOSURE REQUIREMENTS

1. Post-Closure Plan. The Permittee shall perform post-closure care of the Land Disposal Unit in accordance with the Post-Closure Plan, included in application and included as Appendix A-1 of this Permit. Herein after, the “approved Post- Closure Plan”.

The Permittee shall perform all post-closure care of the Facility in accordance with the requirements of the approved Post-Closure Plan.

2. Revisions to Approved Post-Closure Plan. If at any time the Commissioner or the Permittee determines that a revision to the Post-Closure Plan is needed or required, the Permittee shall prepare and submit for the Commissioner’s review and written approval a revised post-closure plan for the Land Disposal Unit developed in accordance with the requirements set forth in RCSA 22a-209-13 and 40 CFR 264 Subpart F and incorporates surface water monitoring, as applicable.

The Permittee shall submit a written notification 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.

3. Copy of Post-Closure Plan. The Permittee shall ensure that a copy of the approved Post-Closure Plan is kept at the Southington Town Hall, 75 Main Street Southington, CT or at an alternate location acceptable to the Commissioner, until the Post-Closure Care Period has been completed and certified in accordance with the requirements of this Permit.

4. Completion of Post-Closure Period.

- (a) The Permittee shall notify the Commissioner in writing two (2) calendar years prior to the anticipated end date of the Post-Closure Period for the Municipal Solid Waste Disposal Area.
- (b) Within sixty (60) calendar days after the completion of the Post-Closure Period, the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the post-closure care for the Land Disposal Unit, 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.

5. Inspections.

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

- (b) The Permittee shall ensure inspections are performed in accordance with the approved Post-Closure Plan under the direction of a registered professional engineer. Such inspections shall include, but not be limited to:
 - (i) Odors and dust control;
 - (ii) Conditions of the access road;
 - (iii) Erosion, settling, subsidence or other events that may affect the grading;
 - (iv) Integrity of the final cover soils and vegetation;
 - (v) Drainage control;
 - (vi) Leachate seeps; and
 - (vii) Groundwater monitoring systems.
 - (c) The Permittee shall record all inspections in an inspection log. The inspection logs shall include: the date and time of the inspection, the name of the inspector and company or affiliation, a notation of the observations made, and the date and nature of any repairs. Such records shall be kept for at least three (3) years from the date of inspection or for longer if a more stringent condition applies, and maintained in either an electronic format with a copy available to the Commissioner upon request, or a written copy in the Facility's Operating Record.
- 6. Maintenance of Final Cover. The Permittee shall ensure that the final cover for the Land Disposal Units is properly maintained and repaired when necessary in accordance with the approved Post-Closure Plan. Proper maintenance shall include, but not be limited to, ensuring that:
 - (a) Established vegetation is cut to the proper length to ensure that the root depth is less than six (6) inches for the Metal Hydroxide Sludge Disposal Area.
 - (b) For areas in which erosion has occurred, the lost material shall be replaced and the area re-seeded; and
 - (c) Obstructions to the drainage structures are removed and properly disposed.
- 7. Future Public Use and Recreation Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a plan for the proposed future public use and recreation plan for the Site in accordance with the requirements of RCSA Section 22a-209-13.
- 8. Public Participation Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a Public Participation Plan. Such plan shall include:
 - (a) The development of a Site mailing list that at a minimum includes: the Director of Health, the Fire Chief, and Planning and Zoning Department for the Town of Southington; the State Representative(s) and Senator(s) that represent the Town of Southington; and the property owners identified in Condition No. II.B.8.(b) and (c).
 - (b) A provision for notifying the owners and/or occupants of the properties adjacent to the or affected by the Facility 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.

- (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.
- (e) A public notice prior to the start of or completion of remedial activities or the completion of post-closure care inclusive of surface and groundwater monitoring at the Site or area affected by the Site or any portion thereof consistent with Condition No. II.A.11. of this Permit and the requirements of CGS Section 22a-134(i);
- (f) The submittal of a copy of such notice to the Commissioner ten (10) calendar days prior to the date of the publication; and
- (g) The submittal of a written summary of all comments received and responses thirty (30) calendar days after the end of the comment period.

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

The Commissioner shall review the summary of the comments and the Permittee's responses and shall either: adopt the responses, adopt the responses with modifications, or reject the responses and prepare a response to each comment.

In the event of substantial changes in the remedial or post-closure care approach, the Commissioner may require an additional opportunity for public comment with respect to such changes.

9. Public Notice Requirements. The Permittee shall provide public notice of any proposed remediation and the Commissioner's tentative determination that remediation and post-closure care inclusive of surface and groundwater monitoring is complete. Each public notice must provide a forty-five (45) calendar day comment period and a public information meeting no earlier than thirty (30) calendar days from the date of the public notice and no later than forty five (45) calendar days after the public notice.

- (a) Prior to the commencement of any proposed remedial action, the public notice shall summarize the investigations undertaken, the results of the investigations, clearly identify the proposed remedial activities, 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 Site or the affected area is located;

- (ii) Broadcast the notice on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provide a copy of the notice to the Director of Health for the Town of Southington; or the Chief Elected Official and Director of Health for the municipality in which the affected area is located;
 - (iv) Provide a copy of the notice to the owner or operator of the Site (if the Permittee is not the Site 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 Site, clearly visible from the public highway and including 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 the Commissioner’s final determination that remediation and post-closure care inclusive of surface and groundwater monitoring is complete, the Permittee shall:
- (i) Publish the notice in a newspaper having substantial circulation in the municipality in which the Site or the affected area is located;
 - (ii) Broadcast the notice on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provide a copy of the notice to the owner or operator of the Site (if the Permittee is not the Site owner or operator) and to all persons on the Facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (iv) Include a summary of the basis for the LEP’s recommendation and the Commissioner’s determination.
- (c) Upon the completion of the public comment period the Commissioner shall make a final determination. If the final determination is that remediation and post-closure care is complete then the Stewardship Permit will be terminated and a Certificate of Completion will be issued.

B. WATER QUALITY MONITORING REQUIREMENTS

1. Water Quality Monitoring Plan. The Permittee shall perform surface and groundwater monitoring in accordance with the Water Quality Monitoring Plan, included in the Application and included as Appendix B-1 of this Permit. Herein after, the “approved Water Quality Monitoring Plan”.

The Permittee shall perform all surface and groundwater monitoring in accordance with the approved Water Quality Monitoring Plan.

2. Revisions to Approved Water Quality Monitoring Plan. If at any time the Commissioner or the Permittee determines that a revision to the Water Quality Monitoring Plan is needed or required, the Permittee shall prepare and submit for the Commissioner’s review and written approval a revised water quality monitoring plan for the Site developed in accordance with the requirements set forth in RCSA 22a-209-13 and 40 CFR 264 Subpart F and incorporates surface water monitoring, as applicable.

The Permittee shall submit a written notification or request for a Permit modification to authorize a change in the approved Water Quality Monitoring Plan in accordance with the applicable requirements of 40 CFR 124 and 270. The written notification or request must include a copy of the amended water quality monitoring plan for the Commissioner’s review and written approval.

3. Copy of Approved Water Quality Monitoring Plan. The Permittee shall ensure that a copy of the approved Water Quality Monitoring Plan is kept at the Southington Town Hall, 75 Main Street, Southington, CT or at an alternate location acceptable to the Commissioner, until the surface and groundwater monitoring has been completed and certified in accordance with the requirements of this Permit.

4. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all monitoring wells which are installed or used by the Permittee to achieve compliance with this Permit. Proper maintenance, at a minimum, includes inspections to detect existing and potential problems and adequate funding to maintain proper conditions and repair any problems at the Site.

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

6. Quality Assurance Project Plan. The Permittee shall prepare and submit for the Commissioner’s review and written approval a Quality Assurance Project plan (“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, and incorporating Connecticut’s Reasonable Confidence Protocols. The Permittee shall ensure that the data is of sufficient quality to make decisions regarding investigation, potential remediation, and monitoring of the Site.

7. Monitoring Frequency. The Permittee shall perform surface and groundwater monitoring in accordance with the frequency specified in the approved Water Quality Monitoring Plan.

Upon the Commissioner's approval of the Ecological Risk Assessment, the Permittee may re-evaluate the Water Quality Monitoring Plan. If such re-evaluation results in proposed changes to the approved Water Quality Monitoring Plan, the Permittee shall submit written notification of such changes and an amended plan for the Commissioner's review and written approval.

8. Completion of Water Quality Monitoring. Within sixty (60) calendar days after the completion of surface and groundwater monitoring (i.e the end of the Post-Closure Period), the Permittee shall submit to the Commissioner by registered mail, a certification signed by both the Permittee and by an independent registered professional engineer stating that the surface and groundwater monitoring for the Site was performed in accordance with the specifications in the approved Water Quality Monitoring Plan. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.

C. FINANCIAL RESPONSIBILITY

1. Cost Estimates. The Permittee shall submit for the Commissioner's review and written approval written estimate(s) of the cost of performing post-closure inclusive of surface and groundwater monitoring of the Land Disposal Units for the Post-Closure Period and 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 closure, post-closure care and corrective action.
2. Establishment of Financial Assurance. The Permittee shall continue to maintain financial assurance using one or more of the instrument formats prescribed by the Commissioner's for investigation and remediation of the Site or areas affected by the Site inclusive of post-closure care.
3. Inflationary Adjustments. The Permittee shall adjust amounts of financial assurance to reflect inflationary costs as required by RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.142, and any factors that bear on the cost of performing the work that remains to be completed under this Permit. Adjustments shall be made each year, on the anniversary of the establishment of the mechanism(s) for financial assurance until the Commissioner releases the Permittee from the financial assurance requirements of this Permit.

The latest adjusted cost estimate(s) shall be kept at the Facility and a signed original shall be submitted to the Commissioner within fourteen (14) calendar days of preparation.

4. Periodic Reductions. Upon request by the Permittee, the Commissioner may approve periodic reductions in the amount of financial assurance commensurate with the completion of corrective action activities. Such request shall include a revised cost estimate and demonstration of completed work activities which equates to at least a fifteen percent (15%) reduction in the estimate costs.
5. 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.6. of this Permit.
6. Release of Financial Assurance.
 - (a) Within sixty (60) calendar days after receiving the certification, submitted pursuant to Condition No. II.A.5.(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.

- (c) Within sixty (60) calendar days after receiving the certification, submitted pursuant to Condition No. II.B.8., that water quality monitoring of the Site has been completed in accordance with the approved Water Quality Monitoring Plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain financial assurance for water quality monitoring of the Site, unless the Commissioner has reason to believe that water quality monitoring has not been performed and/or completed in accordance with the approved Water Quality Monitoring Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that water quality monitoring has not been performed and/or completed in accordance with the approved Water Quality Monitoring Plan.

7. Failure to Perform. If the Permittee fails to perform any of the terms or conditions of this Permit, the financial assurance shall be available to the Commissioner to perform such terms or conditions of this Permit provided that, prior to drawing upon any mechanism(s) for financial assurance, the Commissioner shall notify Permittee, in writing, of the alleged failure to perform and provide Permittee with a reasonable period of not less than fifteen (15) calendar days in which to remedy the alleged non-performance.

D. MISCELLANEOUS

1. Limitation of Hazardous Waste Management. The Permittee shall not operate the Facility in any manner that stores, treats, or disposes of hazardous or solid wastes or in any way manages hazardous or solid wastes other than hazardous or solid wastes that may be generated during Facility maintenance, authorized closure and/or corrective action activities. Such waste 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 Part 262 “Standards Applicable to Generators of Hazardous Waste”.
2. Additional Remediation Required by the Commissioner.
 - (a) If the Commissioner determines that further investigation of the Site is needed, the Permittee shall be required to prepare a plan for further investigation within sixty (60) calendar days of notification by the Commissioner.
 - (b) If the Commissioner determines that the surface and groundwater monitoring data indicates the soil and/or groundwater remediation was not effective, the Permittee shall within one hundred eighty (180) days of the Commissioner’s notice, submit for the Commissioner’s review and written approval, a plan for additional soil and groundwater characterization and establishment of a corrective action program consistent with the objectives of 40 CFR 264.100.
 - (c) In the event of a dispute or controversy resulting from the provisions of Condition No. II.D.2. the party raising such dispute shall promptly advise the other party of such dispute or controversy in writing which describes in reasonable detail the nature of such dispute. If there is no resolution/agreement between the parties within thirty (30) calendar days after recipient has received such notice of dispute, the dispute or controversy shall be the subject of mediation. Mediation services shall be provided by an impartial mediator selected by the Permittee and approved in writing by the Commissioner. The Permittee shall pay any costs associated with the use of such mediator. The parties shall select representative(s) who shall have the authority to bind such party, and shall additionally have advised the other party in writing of the name and title of such representative(s) not later than seven (7) calendar days prior to the start of mediation. If after good faith mediation the representatives of the parties have not been able to resolve the dispute within forty five (45) calendar days after the commencement of the mediation, the parties have the right to request an extension of no greater than forty five (45) days of additional mediation or either party may request a written statement from the mediator that mediation has ceased without resolution. The other party shall be concurrently notified of the request for such statement from the mediator. The Permittee no later than thirty (30) days from the date of the request for the written statement from the mediator, may then request a hearing pursuant to CGS Chapter 54 and in accordance with RCSA Section 22a-3a-2 through 22a-3a-6. If a hearing is not requested within thirty (30) days, then the Commissioner’s initial decision shall be final. In addition, if a hearing is requested, the final decision will be made by the Commissioner or the designated hearing officer pursuant to RCSA Section 22a-3a-2 through 22a-3a-6.

SECTION III

Stewardship Permit
Compliance Schedule

SOUTHINGTON LANDFILL

DEPAOLO DRIVE
SOUTHINGTON, CT

EPA ID No. CTD000844308
Permit No. DEP/HWM/CS-131-017

SECTION III COMPLIANCE SCHEDULE

- A. All conditions set forth in Section III.A. of this Permit shall be conducted within thirty (30) calendar days of the effective date of this Permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Retention of Consultant(s) or LEP(s). 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 consultant(s) or LEP(s), acceptable to the Commissioner to prepare the documents required by Condition Nos. II.A.2., II.A.7, II.A.8., II.B.2., II.B.5., and II.B.6. and shall, by that date, notify the Commissioner in writing of the identity of such environmental compliance expert, consultant(s) and/or LEP(s). The Permittee shall assign such environmental compliance expert and/or retain such qualified consultant(s) or LEP(s), acceptable to the Commissioner, until Condition Nos. II.A.2., II.A.7, II.A.8., II.B.2., II.B.5., and II.B.6. of this Permit is fully complied with. The Permittee shall notify the Commissioner in writing of the identity of any environmental compliance expert, consultant(s) or LEP(s) other than the one approved by the Commissioner, within ten (10) days after assigning or retaining any environmental compliance expert, consultant or LEP 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, consultant's and/or LEP'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 has been made. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable environmental compliance expert, consultant or LEP unacceptable.
- B. All conditions set forth in Section III.B. of this Permit, shall be conducted within two hundred seventy (270) calendar days of the effective date of this Permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Submittal of Schedule. The Permittee shall submit for the Commissioner's review and written approval a schedule for the submission of:
 - a) Ecological Risk Assessment. An Ecological Risk Assessment in accordance with the requirements of Condition No. II.B.5. of this Permit.
 - b) Public Participation Plan. A Public Participation Plan prepared in accordance with the requirements of Condition No. II.A.8. of this Permit.
 - c) Quality Assurance Project Plan. A Quality Assurance Project Plan prepared in accordance with the requirements of Condition No. II.B.6. of this Permit.
- C. All conditions set forth in Section III.C. of this Permit, shall be conducted within three hundred sixty five (365) 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 and annually thereafter until all actions required by this Permit have been completed to the Commissioner's satisfaction.

D. All conditions set forth in Section III.D. of this Permit, shall be conducted within the timeframe specified. Otherwise, the Permittee may be subject to formal enforcement actions.

1. Financial Assurance. Within one hundred fifty (150) calendar days of the Commissioner's written approval of the cost estimate submitted in accordance with Condition No. II.C.2. of this Permit, the Permittee shall establish and continually maintain financial assurance using one or more financial assurance mechanisms prescribed by the Commissioner for post-closure care inclusive of surface and groundwater monitoring of the Site or areas affected by the Site.
2. Retention of Additional or Replacement Consultant(s) or LEP(s). The Permittee shall notify the Commissioner in writing within ten (10) calendar days of retaining any additional or replacement consultant(s) or LEP(s) other than those approved in writing by the Commissioner pursuant to Condition No. III.A.1. of this Permit. Such notification shall include a description of the consultant's or LEP's education, experience and training which is relevant to the work required by this Permit.

Any consultant(s) or LEP(s) retained to perform all investigation and remediation activities in response to this Permit, must be an independent, licensed environmental professional, and must provide professional services in accordance with RCSA Section 22a-133v-1 through 8 (the Licensed Environmental Professional Regulations). Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant or LEP unacceptable.

3. Revision to the Approved Post-Closure Plan. Within the timeframe specified by the Commissioner or upon the Permittee's determination that a revision to the Approved Post-Closure Plan is required, the Permittee shall submit for the Commissioner's review and written approval a revised Post-Closure Plan and associated cost estimate prepared in accordance with the requirements of Condition Nos. II.A.2. and II.C.1 of this Permit.
4. Revision to the Approved Water Quality Monitoring Plan. Within the timeframe specified by the Commissioner or upon the Permittee's determination that a revision to the Approved Water Quality Monitoring Plan is required, the Permittee shall submit for the Commissioner's review and written approval a revised Water Quality Monitoring Plan and associated cost estimate prepared in accordance with the requirements of Condition Nos. II.B.2. and II.C.1. of this Permit
5. Future Public Use and Recreation Plan. Within the timeframe specified by the Commissioner or upon the Permittee's determination that a Future Public Use and Recreation Plan is required, the Permittee shall submit for the Commissioner's review and written approval a Future Public Use and Recreation Plan prepared in accordance with the requirements of Condition No. II.A.7. of this Permit.