

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



*IN THE MATTER OF*

:

*APPLICATION NO.:*  
*200901273*

*STEWARDSHIP PERMIT FOR*  
*CT RESOURCES RECOVERY AUTHORITY*  
*SHELTON LANDFILL*

:

*SEPTEMBER 11, 2009*

**PROPOSED FINAL DECISION**

The Department of Environmental Protection (DEP) issued a Notice of Tentative Determination on July 2, 2009 to approve the issuance of a Stewardship Permit to the Connecticut Resources Recovery Authority (CRRA). General Statutes §§22a-6h, 22a-430, 22a-454 and 22a-449(c). Regs., Conn. State Agencies §22a-449(c)-110. The issuance of the Stewardship Permit will end the interim status of CRRA's Shelton facility and impose long-term maintenance, monitoring, and financial assurance obligations on CRRA to ensure the facility's compliance with the applicable statutory and regulatory requirements.

A public information session and public hearing were held at the Shelton Board of Education Office on August 10, 2009. CRRA and DEP both made presentations on the record and submitted documentary evidence, including CRRA's application and the proposed draft permit to demonstrate the proposed activity's compliance with the applicable statutes and regulations. John F. Anglace of the Board of Alderman provided oral comment on the record in favor of CRRA's efforts. The hearing record was left open until August 20, 2009 for the submission of public comment. The U.S. EPA submitted a written comment to DEP staff on August 17, 2009. DEP staff submitted a copy of this comment and a document indicating its response, including any changes made to the draft permit.

On September 8, 2009, the parties jointly filed an Agreed Draft Decision (Attachment A) with the revised draft permit (Attachment B) for my consideration. Regs., Conn. State Agencies §22a-3a-6(1). The parties have also submitted an agreement to waive the 15-day period for the filing of exceptions to my decision. §22a-3a-6(y)(3)(A).

I have reviewed the agreed draft decision and the record in this matter, including the exhibits admitted into evidence and testimony of the applicant and the DEP presented at the hearing. The findings of fact and conclusions of law within the Agreed Draft Decision are supported by the evidence and testimony in the hearing record.

Based on this complete record and the parties' clear and concise presentation of the issues in this matter, I find that the application and proposed draft permit meet the applicable statutory and regulatory requirements. I accept the attached Agreed Draft Decision and adopt it as my proposed final decision. Therefore, I recommend that this Stewardship Permit be issued without delay.



Kenneth M. Collette  
Kenneth M. Collette, Hearing Officer

***SERVICE LIST***

Proposed Final Decision concerning CT Resources Recovery Authority, Shelton Landfill  
Application No. 200901273

PARTY

REPRESENTED BY

The Applicant

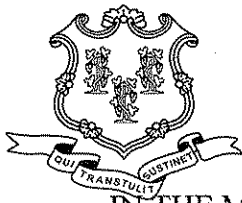
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79 Elm Street  
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Gabrielle Frigon  
Lauren Kostiuk



**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



IN THE MATTER OF : OFFICE OF ADJUDICATIONS  
 :  
 STEWARDSHIP PERMIT FOR :  
 CONNECTICUT RESOURCES RECOVERY :  
 AUTHORITY SHELTON LANDFILL : SEPTEMBER 1, 2009

**AGREED DRAFT DECISION**

**I. SUMMARY**

Pursuant to Section 22a-3a-6(1)(3)(A)(i) of the Regulations of Connecticut State Agencies (the "Regulations"), the Applicant, the Connecticut Resources Recovery Authority ("CRRA"), and the staff of the State of Connecticut Department of Environmental Protection (the "Department"), hereby respectfully submit the Agreed Draft Decision ("ADD"). This ADD sets forth the resolution stipulated by the above mentioned parties, to the above referenced matter, the issuance of a Stewardship Permit to CRRA for the property located at 866 River Road in the City of Shelton, known as the Shelton Landfill ("the landfill"). The stipulated permit (the "Permit"), appears as Attachment A to this ADD. The Permit incorporates revisions to the draft permit that was provided for public notice on July 7, 2009, in the Notice of Tentative Determination ("NTD"), as required by Section 22a-449(c)-100 of the Regulations.

A public hearing was held on August 10, 2009, at 7:30 p.m. at the Shelton Board of Education Office, 382 Long Hill Avenue, in the City of Shelton. The public notice for the public hearing was provided in conjunction with the NTD on July 7, 2009.

The submission of this ADD is intended to satisfy the Post-Hearing Directive dated August 13, 2009, issued by Hearing Officer Mr. Kenneth Collette.

**II. FINDINGS OF FACT**

1. The Shelton Landfill is located at 866 River Road in the City of Shelton. Mr. Alfred Gallucci owned the former sand and gravel mining operation and allowed the disposal of municipal solid waste to occur on the property in the 1960s. The Archer Company leased the property from Mr. Gallucci and operated the property as a landfill for municipal solid waste and metal finishing wastewater treatment sludge from local industries until April 1983. At

such time, CRRA purchased the property and continued the operation of the municipal solid waste landfill. From 1988 to 1996 the landfill was used for the disposal of ash residue from the Bridgeport Waste-to-Energy Facility. The various areas of the landfill were closed from 1989 to 2001.

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

3. On November 15, 1980 a RCRA Part A permit application in accordance with 40 CFR 270, for an operating hazardous waste management facility, was submitted to the United States Environmental Protection Agency (“US EPA”). The application was submitted by Mr. Alfred Gallucci. The submittal of the RCRA Part A permit application placed the facility in interim status.

On November 13, 2002 a revised RCRA Part A permit application in accordance with 40 CFR 270, was submitted to the United States Environmental Protection Agency (“US EPA”) by CRRA in order to modify the property owner.

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

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

6. The Permit sets forth certain requirements for the permittee, including Post-Closure Care inclusive of surface and groundwater monitoring, leachate collection, landfill decomposition gas monitoring, Corrective Action, and Financial Assurance for a RCRA facility. These requirements are delineated in 40 CFR 264 specifically Subparts F, G, H and N. 40 CFR 264 is referenced by 40 CFR 270 which is incorporated by reference and amended in Section 22a-449(c)-100 et seq.

of the Regulations. Public Participation is also a required element of the Permit as set forth in RCRA (Title 42, Chapter 82, Subchapter VII, Section 6974(b)).

7. CRRA submitted “application” materials on May 5, 2009. These application materials are administratively required paperwork and the associated fee enables the Department to process the RCRA Part A application submitted on November 15, 1980 and revised on November 13, 2002 and issue the Permit.

8. The Permit: provides the framework for measures of progress of the Permittee in the performance of post-closure care inclusive of surface and groundwater monitoring, leachate collection and landfill decomposition gas monitoring of the facility; has built into it reporting requirements to document the progress of the post-closure care and corrective action, if required; provides the establishment of financial assurance; and documents the post-closure care and corrective action of the facility.

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

10. The US EPA supports the issuance of this permit to achieve compliance with RCRA corrective action requirements. The U.S. EPA has reviewed the draft permit and submitted a letter with comments dated August 17, 2009 on the Permit.

11. At 6:00 p.m. on August 10, 2009, a public informational session was held at the Shelton Board of Education Office in the City of Shelton. CRRA and the Department participated by making brief presentations that provided the historical context for the proposed Permit. Also in attendance were elected officials and the general public.

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

13. After a short recess the formal public hearing was called to order shortly after 7:30 p.m. at which point Mr. Peter Egan of CRRA made an opening statement on the record. Mr. Egan was

followed by Ms. Diane Duva of the Department providing the opening statement for the Department. Hearing Officer Mr. Collette then provided the opportunity for interested persons to provide formal comment on the record.

14. No comment was provided in opposition to the Permit either during the public hearing or during the 45-day public comment period.

### **III. CONCLUSIONS OF LAW**

1. The RCRA Part A permit application submitted by Mr. Alfred Gallucci on November 15, 1980 and revised by CRRA on November 13, 2002, was submitted in accordance with Section 22a-449(c)-110 of the Regulations which incorporates by reference and amends 40 CFR 270.

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

### **IV. RECOMMENDATION**

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

**State of Connecticut**

Department of Environmental Protection

Yvonne Bolton 9/4/09  
Yvonne Bolton  
Chief  
Bureau of Materials Management and  
Compliance Assurance  
79 Elm Street Hartford, CT 06106

**Applicant**

Connecticut Resources Recovery Authority

Peter W. Egan 9/2/2009  
Peter W. Egan  
Director of Environmental Affairs &  
Development  
100 Constitution Plaza, 6<sup>th</sup> Floor  
Hartford, CT 06103



**CERTIFICATION**

I hereby certify that a copy of the foregoing **Agreed Draft Decision** was delivered on this <sup>8<sup>th</sup></sup> day of September, 2009, to the following:

Via Hand Delivery

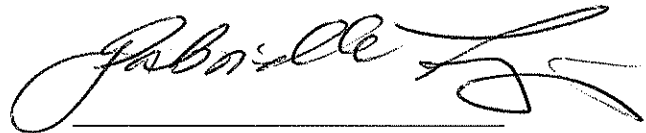
Hearing Officer Kenneth Collette  
Office of Adjudications  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

Diane Duva - DEP

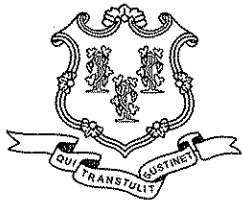
Lauren Kostiuk - DEP

Via Facsimile

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



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



**Stewardship Permit**

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

**Permittee:**

Connecticut Resources Recovery Authority  
Shelton Landfill  
866 River Road, Shelton, CT 06484

**Facility Identification:**

EPA ID No. CTD000604546  
Permit Number: DEP/HWM/CS-126-005

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

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

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

This permit is based on the information described in the Resource Conservation and Recovery Act ("RCRA") Part A filed by the applicant on November 7, 2002 and the Stewardship application filed on May 5, 2009. The Permittee must keep records of all data used to complete the permit application and any supplemental information submitted for the effective term of this permit. The permit application and RCRA Part A filing are incorporated by reference as part of the permit. Any false statements or inaccuracies contained in the information submitted by the Permittee may result in the suspension, revocation or modification of this permit and civil or criminal enforcement action.

The Permittee shall comply with all terms and conditions contained in the following sections of the permit: Section I (Standard Facility Conditions) pages 1 through 10; Section II (Authorized Activities) pages 11 through 19; Section III (Compliance Schedule) pages 20 through 21; Appendices A-1, and B-1; and the information contained in the Permittee's permit application, except where the application is superseded by the more stringent conditions contained herein. Any violation of any provision of this permit may subject the Permittee to enforcement action pursuant to the CGS including but not limited to Sections 22a-6a and 22a-131.

This permit is transferrable upon the Commissioner's written authorization, provided the Permittee and potential transferee have complied with the requirements set forth in CGS Section 22a-6o.

This permit may be revoked, suspended, modified, transferred, or reissued, in order to comply with applicable law. The Commissioner may also modify this permit when it is deemed necessary to do so.

(Page i of ii)

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

The terms and conditions of the permits listed below are hereby superseded with the terms and conditions of this permit. Subsequently, the permits listed below are hereby revoked for administrative purposes.

1. Approval of the Plans and Operational Specifications of Municipal Bulky Waste Disposal Area for the Town of Shelton, CT dated June 1969;
2. Permit to Operate No. 126-1 issued on October 6, 1977;
3. Approval for the metal hydroxide sludge disposal at the Shelton municipal landfill dated January 4, 1980;
4. Permit to Operate No. 126-1E issued on August 12, 1983;
5. Permit Modification No. 126-1EM issued on December 24, 1984;
6. Permit to Operate No. 126-1-E issued on November 14, 1986;
7. Permit Modification No. 126-1E-M issued on February 22, 1988;
8. Minor Permit Amendment No. 126-1E issued on September 1, 1988;
9. Minor Permit Amendment No. 126-1E issued on May 11, 1989;
10. Permit Variance No. 126-1VA issued on September 1, 1989;
11. Minor Permit Amendment No. 126-1E issued on February 25, 1993;
12. Permit to Operate No. 1260227 issued on April 19, 1994; and
13. Permit Modification No. 1260399 issued on August 25, 1998.

In the event of a conflict between any previously issued solid waste permit and the terms and conditions of this permit, the terms and conditions of this permit shall supersede.

Condition No. 3(B)(iii) of Groundwater Discharge Permit No. LF0000052 issued on August 27, 1996 and Condition No. 3E of Groundwater Discharge Permit No. LF0000023 issued on January 11, 1985 are superseded by the requirements of this permit.

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

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Date

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Amey W. Marrella  
Acting Commissioner

**STEWARDSHIP PERMIT**  
**Connecticut Resources Recovery Authority**  
**Shelton Landfill**

**866 River Road**  
**Shelton, CT**

**EPA ID No. CTD000604546**  
**Permit No. DEP/HWM/CS-126-005**

SECTION I

Stewardship Permit  
Standard Facility Conditions

Connecticut Resources Recovery Authority  
Shelton Landfill

EPA ID No. CTD000604546  
Permit No. DEP/HWM/CS-126-005

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**STEWARDSHIP PERMIT  
SECTION I  
STANDARD FACILITY CONDITIONS**

**A. EFFECT OF PERMIT**

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

The Permittee shall perform post-closure care inclusive of surface and groundwater monitoring, landfill decomposition gas monitoring, leachate collection and corrective action in accordance with its application (Application No. 200901273 and 200100602) received by the Department of Environmental Protection (“the Department”) on May 5, 2009 and February 28, 2001, respectively, 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 state, federal 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 the 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 the Resource Conservation and Recovery Act, 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. If the Permittee wishes to continue engaging in an activity regulated by this permit after the expiration date of this permit, the Permittee shall apply for renewal of this permit one hundred eighty (180) calendar days prior to the date of expiration of this permit, in accordance with the requirements of RCSA Sections 22a-449(c)-104(a) and 22a-449(c)-110 incorporating 40 CFR 264.101, 270.10(h) and any other applicable law.
3. Obligation for Post-Closure Care and Corrective Action. The Permittee is required to continue this permit for any period necessary to comply with the post-closure care and corrective action requirements of this permit.
4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce any activity authorized by this permit in order to maintain compliance with the conditions of this permit, unless otherwise required to do so by another state or federal authority.
5. Duty to Mitigate. In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent its noncompliance from having significant adverse impacts on human health or the environment. No action taken by the Permittee pursuant to this section of this permit shall affect or limit the Commissioner's authority under any other statute or regulation.
6. Permit Actions. This permit may be modified, revoked and reissued, or terminated as provided for in 40 CFR 270.41, 270.42 or 270.43, and in accordance with all applicable law, including but not limited to, CGS Sections 22a-6g and 6h and RCSA Sections 22a-3a-5 and 22a-449(c)-110. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this permit.
7. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege to the Permittee.



8. Duty to Provide Information. The Permittee shall furnish to the Commissioner, within a reasonable time, 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, operations regulated or required under this permit; and
  - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substance or parameters at any location.
11. Security. Pursuant to RCSA Section 22a-449(c)-104 incorporating 40 CFR 264.14, the Permittee shall prevent the unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock onto the active portion of the Facility. The Permittee shall secure the Facility to the extent necessary to protect human health.
12. Preparedness, Prevention, Contingency Plan and Emergency Procedures.
  - (a) The Permittee shall comply with the requirements of RCSA Section 22a-449(c)-104(a)(1) incorporating 40 CFR 264 Subpart C "Preparedness and Prevention" and 40 CFR 264 Subpart D "Contingency Plan and Emergency Procedures" until the termination of this permit.
  - (b) The Permittee shall choose an entity to provide emergency response services at the Site from the Department of Administrative Services contract (Contract No. 04PSX0275) and ensure that such entity has a permit issued by the Commissioner pursuant to CGS Section 22a-454 authorizing such entity to provide emergency response services. The Permittee shall ensure that any action(s) taken by an entity (including such entity's officers, employees, agents

and subcontractors) providing emergency response services at its Facility conform to the requirements of this permit.

13. 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, landfill gas 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.
14. Operating Record. The Permittee shall maintain, in writing, the following information in the Facility's operating record until termination of this permit:
- (a) Summary reports and details of all incidents that require implementing the Contingency Plan pursuant to 40 CFR 264 Subpart D;
  - (b) Records and results of inspections as required by this permit, except this data need only be kept for three (3) years from the date of any such inspection;
  - (c) Monitoring, testing or analytical data, and corrective action where required by 40 CFR 264 Subpart F or any regulatory section noted in 40 CFR 264.73(b)(6);
  - (d) All post-closure and corrective action cost estimates, as applicable, under RCSA Section 22a-449(c)-104 and 40 CFR 264.142 and 40 CFR 264 Subpart H; and
  - (e) Any other information required by this permit or by any applicable law to be maintained in the Facility operating record.
15. Signatory Requirements. The Permittee's application and all reports or information submitted to the Commissioner by the Permittee pursuant to this permit shall be signed by the person specified in and contain the certification prescribed in RCSA Section 22a-449(c)-110 incorporating 40 CFR 270.11.

16. Transfers. This permit is not transferable to any person without the advanced written authorization of the Commissioner. 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 RCSA Section 22a-449(c)100 et. al. The Permittee shall provide such prospective new owner or operator with a copy of this permit.

The Permittee's failure to notify the new Permittee of the requirements of this permit in no way relieves the new Permittee of 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 approved by the Commissioner prior to the sale of the Facility/Site. The agreement shall include the anticipated times, locations and frequency of access needed in order for the Permittee to complete closure, post-closure care and corrective action activities and conduct inspection, operation and management activities for all remedial systems. A copy of the Post Closure Plan, referenced in Condition No. II.A.1., and the Water Quality Monitoring Plan, referenced in Condition No. II.B.1 of this permit, shall be provided to the prospective new owner prior to transfer of the property.

17. Reporting Requirements.

(a) Anticipated Non-Compliance. The Permittee shall give as much advance written notice as possible to the Commissioner of any planned changes in the Facility or activity, which may result in non-compliance with any requirement of this permit.

(b) Compliance Schedules. Except where otherwise provided for in this permit, reports of compliance and non-compliance with, or any progress reports on, interim and final requirements contained in 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) Twenty-four Hour Reporting.

(i) The Permittee or designee shall orally report to the Commissioner any condition resulting from remedial activity or waste related activity at its Facility, irrespective of whether such activity is in compliance with the requirements of this permit, which does or may pose an imminent and substantial endangerment to human health or the environment, immediately but not later than twenty-four (24) hours from the time the Permittee becomes aware or should be aware of the circumstances causing such endangerment.

The report to the Commissioner shall include:

- (A) Name, address, and telephone number of the Permittee;
- (B) Name, address, and telephone number of the Facility;
- (C) Date, time and type of incident;
- (D) Description of the occurrence and its cause;
- (E) Name and quantity of waste(s) or constituents thereof involved;
- (F) The extent of injuries, if any;
- (G) An assessment of actual or potential hazards to human health and the environment;
- (H) Estimated quantity and disposition of recovered waste that resulted from the incident;
- (I) All information concerning the release of any waste or constituents thereof that may cause an endangerment to public drinking water supplies; and
- (J) All information concerning a release or discharge of waste or constituents thereof or of a fire or explosion from the Facility, which could threaten human health or the environment

(ii) 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 (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 recurrence 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.

(iii) 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 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.17.(c)(i) of this permit.

(e) Other Information. When the Permittee becomes aware that it failed to submit any relevant facts or information in a permit application, or submitted incorrect information in a permit application, report or other document provided to the Commissioner regarding this permit, it shall submit such relevant facts or correct information to the Commissioner within thirty (30) calendar days of becoming aware of such facts or information.

18. Computation of Time.
- (a) Except as is expressly provided for in this permit, the computation of time periods set forth in this permit shall be as follows:
    - (i) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
    - (ii) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.
    - (iii) If the final day of any time period falls on a Saturday, Sunday or a federally or state recognized legal holiday or state mandated furlough day, the time period shall be extended to the next working day.
  - (b) Submission of Reports. Where this permit requires the submission of a written report, a notification or other information or documentation to the Commissioner, the report or notification shall be deemed submitted on the date such report, notification or other information is received by the Department.
19. Availability, Retention and Disposition of Records. The Permittee shall ensure that all records required under RCSA Sections 22a-449(c)-100 to 119 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.
20. Additional Requirements. Requirements not included in this permit, which become effective by statute or regulation, and not made specifically inapplicable to facilities with a permit, shall apply to the Permittee's Facility. In the event of any conflict between this permit and any such requirement, the Permittee shall comply with the more stringent requirement. If the Permittee does not fully comply with the more stringent requirement, the Department may enforce either requirement.
21. Federal, State and Local Laws. Nothing in this permit shall be construed to prohibit any federal, state or political subdivision thereof from imposing any requirements to the extent authorized by law which are more stringent than those imposed by this permit. In addition, nothing in the permit shall relieve the Permittee of its obligation to comply with any other applicable federal, state, or local statute, regulation or ordinance.
22. Modification of 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

CRRA Shelton Landfill  
866 River Road  
Shelton, CT

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certain time or during a certain time interval, may be granted by the  
Commissioner if sufficient justification for the extension is demonstrated by the  
Permittee.

**F. DEFINITIONS**

Any term not otherwise defined herein shall be defined as that term is defined in RCSA 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 31<sup>st</sup> of the calendar year. The results of such sampling and analysis shall be submitted to the Commissioner no later than March 1<sup>st</sup> 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 Environmental Protection as defined in the CGS Section 22a-2 or the Commissioner’s duly authorized designee.
4. “Facility” shall mean, pursuant to 40 CFR 261.10, 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 in control of the owner or operator.

For the purposes of this permit, Facility shall mean the 110-acre parcel of land located at 866 River Road in Shelton, CT and subject to the requirements of this permit. Facility does not include the Former Crump Property.

5. “Former Crump Property” means the 6.3-acre parcel of land to the north of the Municipal Solid Waste/Ash Area.
6. “Hazardous Waste” or “Hazardous Wastes” shall mean hazardous waste as identified or listed as hazardous waste pursuant to 42 U.S.C. Section 6901 et. seq. and RCSA Section 22a-449(c)-101.
7. “Metal Hydroxide Sludge Cell Area” means the 1.7-acre area located in the northeast quadrant of the Facility atop the Municipal Solid Waste/Ash Area. This area was used for the disposal of approximately 10,000 to 16,000 cubic yards of hazardous wastes (EPA hazardous waste code F006) consisting of metal finishing wastewater treatment sludge and iron oxide from local industries.
8. “Municipal Solid Waste / Ash Area” means the 37-acre area located in the central portion of the Facility that was used for the disposal of municipal solid wastes and ash residue.
9. “Northeast Lined Ash Area” or “Northeast Expansion Area” means the 3.1 acre area located in the northeast corner of the Facility adjacent to the Housatonic River lagoon. This area consists of three double lined cells used for the disposal of ash residue.
10. “Period of Active Remediation” shall mean the period of time prior to the completion of remedial activity conducted pursuant to this permit, with the exception of that period when the only remaining activity is post-remediation monitoring and monitored natural attenuation.
11. “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.

12. “Post-Closure Period” means a minimum of thirty (30) years from the date of certification of closure of the Facility. This period may 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 April 27, 2001.

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

13. “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.
14. “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.
15. “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 five areas that comprise the Site: “Metal Hydroxide Sludge Cell Area”, “Municipal Solid Waste / Ash Area”, “Northeast Lined Ashe Area”, “Southeast Lined Ash Area”, and “Former Crump Property”. Herein after the term “Site” shall refer to all five areas.

16. “Southeast Lined Ash Area” or “Southeast Expansion Area” means the 6.5 acre area located in the southeast corner of the Shelton Landfill Property near the confluence of the Housatonic River and Farmill River. This area consists of four double lined cells used for the disposal of ash residue.
17. “Weekly” means once every seven (7) calendar days.



SECTION II

Stewardship Permit  
Authorized Activities

Connecticut Resources Recovery Authority  
Shelton Landfill

EPA ID No. CTD000604546  
Permit No. DEP/HWM/CS-126-005

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## SECTION II AUTHORIZED ACTIVITIES

### A. POST-CLOSURE REQUIREMENTS

1. Post-Closure Care Plan. The Permittee shall perform post-closure care of the Site in accordance with the Post-Closure Plan, included in CRRA's application (included as Appendix A-1 of this permit). Herein after, the "approved Post-Closure Plan".
2. Modifications of Post-Closure Plan. 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 CRRA Headquarters or at an alternate location acceptable to the Commissioner, until the Post-Closure 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 Northeast and Southeast Lined Ash Areas.
  - (b) Within sixty (60) calendar days after the completion of the Post-Closure Period, the Permittee shall submit to the Commissioner by registered mail or equivalent means, a certification signed by both the Permittee and by an independent registered professional engineer stating that the post-closure care for the Site, 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. Ecological Risk Assessment. Pursuant to RCSA Section 22a-133k-1 et. seq. ("Remediation Standard Regulations"), 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. Notification Requirements for Newly Discovered Releases.
  - (a) The Permittee shall notify the Commissioner in writing of any newly discovered release(s) of hazardous waste or hazardous waste constituents discovered during the course of post-closure care, surface and groundwater monitoring, environmental audits, or other means, within fifteen (15) calendar days of the date of discovery.

- (b) 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.

7. 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 that inspections are performed on a quarterly basis by a registered professional engineer. Such inspections shall include, but not be limited to:
  - (i) Odors and dust control;
  - (ii) Condition 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) Integrity of the containment structure and benchmarks;
  - (vi) Drainage control; and
  - (vii) Leachate seeps.
- (c) The Permittee shall record all inspections on an inspection log. Such inspection logs shall include: the date and time of the inspection, the name of the inspector and company affiliation, a notation of the observations made, and the date and nature of any repairs. Inspection logs shall be kept for at least three (3) years from the date of the inspection or for longer if a more stringent condition applies; and maintained in either an electronic format with a hard copy available to the Commissioner upon request, or as a written copy in the Facility's operating record.

8. Maintenance of Final Cover. The Permittee shall ensure that the final cover for the Site 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 inches for the Metal Hydroxide Sludge Cell Area, Northeast Lined Ash Area and Southeast Lined Ash 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.

9. Leak Detection System.

- (a) The Permittee shall ensure that the leak detection systems for the Southeast Lined Ash Area and Northeast Lined Ash Area are properly maintained and operational at all times. The Permittee shall ensure that any hazard that is identified is immediately corrected and noted in the inspection logs maintained pursuant to Condition No. II.A.7. of this permit.

- (b) The Permittee shall remove and inspect each primary and secondary leachate collection system sump pump on a semi-annual basis. Such inspections shall be recorded on an inspection log in accordance with the requirements of Condition No. II.A.7. of this permit. The Permittee shall repair or replace any malfunctioning pump within seventy-two (72) hours after the date of the inspection or the date the Permittee is made aware of the need for repair. When conditions arise which do not allow for the repair or replacement to be completed within seventy-two (72) hours, the Permittee shall notify the Department in writing. Such notification shall include a description of the repair to be made, the date the repair will be made and the interim measures taken until the repair is completed. This information shall also be recorded in the inspection records.
- (c) The Permittee shall inspect and monitor the flow meters for the pumps of the leak detection system on a monthly basis. During such inspections, the Permittee shall record a reading of the flow meter; and shall submit such records on a quarterly basis to the Department.

10. Leachate Collection and Removal System

- (a) The Permittee shall maintain and operate the leachate collection and removal systems for the Northeast Lined Ash Area and the Southeast Lined Ash Area in accordance with the requirements of the Pretreatment Permit (Permit No. SP0001459) issued by the Department on June 27, 2001 or as renewed or modified by the Commissioner.

11. Landfill Decomposition Gas System.

- (a) The Permittee shall operate and monitor the landfill decomposition gas collection system in accordance with the requirements of:
  - (i) 40 CFR 258.23;
  - (ii) The New Source Review Permit to Construct and Operate the Shelton Landfill Gas Collection System and Enclosed Flare (Permit No. 163/0119-0091), herein after the "Flare Permit" or as renewed or modified by the Commissioner; and
  - (iii) The CRRA Shelton Landfill Gas Systems Operation and Gas Migration Monitoring Plan originally issued April 20, 2000 and revised on February 27, 2002, herein after the "approved Gas Monitoring Plan" or as renewed or modified by the Commissioner.

In the event of a conflict between the requirements of the Flare Permit and the approved Gas Monitoring Plan, the requirements of the Flare Permit shall take precedence.

- (b) The Permittee shall prepare and submit for the Commissioner's review and written approval a revised gas monitoring plan for the Site to reflect current site conditions.
- (c) The Permittee shall submit a written notification or request for a permit modification to authorize a change in the approved Gas 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 gas monitoring plan for the Commissioner's review and written approval.

- (d) The Permittee shall ensure that the landfill decomposition gas collection system and associated equipment are properly operated and maintained at all times in accordance with the Flare Permit and approved Gas Monitoring Plan.
- (e) The Permittee shall monitor and inspect the landfill decomposition gas monitoring system in accordance with the requirements of the Flare Permit and approved Gas Monitoring Plan.
- (f) The Permittee shall inspect and test all on-site and off-site soil gas probes and continuous monitoring devices in accordance with the requirements of the Flare Permit and approved Gas Monitoring Plan to confirm proper operation of the sensors and to test for the presence of methane gas.

12. Public Participation Plan. The Permittee shall develop and implement a Public Participation Plan. Such plan shall, at a minimum, include provisions for:
- (a) A public notice prior to the start of or completion of remedial activities or the completion of post-closure care inclusive of landfill decomposition gas and surface and groundwater monitoring at the Site or area affected by the Site or any portion thereof consistent with Condition No. II.A.13. of this permit and the requirements of CGS Section 22a-134(i);
  - (b) The submittal of a copy of such notice to the Commissioner ten (10) calendar days prior to the date of the publication; and
  - (c) The submittal of a written summary of all comments received and responses thirty (30) calendar days after the end of the comment period.

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.

13. Public Notice Requirements. The Permittee shall provide public notice of any proposed remediation and the Commissioner's tentative determination that remediation and/or post-closure care inclusive of landfill gas decomposition and 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) days after the date of 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 Chief Elected Official and the Director of Health of the municipality where the Site or 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/or post-closure care inclusive of landfill decomposition gas monitoring and 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 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 the post-closure period and remediation 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 water and groundwater monitoring in accordance with the Groundwater Monitoring Plan, included in CRRA's application (included as Appendix B-1 of this permit) until it is superseded by the approval of a revised Water Quality Monitoring Plan submitted pursuant to Condition No. II.B.2. of this permit. Herein after, the "approved Water Quality Monitoring Plan".
2. Revised Water Quality Monitoring Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a revised water quality monitoring plan for the Site that incorporates the requirements of CGS Section 22a-430 and the Groundwater Discharge Permit (Permit Nos. LF0000023 and LF0000052) issued on January 11, 1985 and August 27, 1996 respectively.
3. Modifications of Approved Water Quality Monitoring Plan. 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.
4. Copy of Approved Water Quality Monitoring Plan. The Permittee shall ensure that a copy of the approved Water Quality Monitoring Plan is kept at CRRA Headquarters or at an alternate location acceptable to the Commissioner, until the groundwater monitoring has been completed and certified in accordance with the requirements of this permit.
5. 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.
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 Brownfield's 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 the investigation, potential remediation and monitoring of the Site.
7. Monitoring Frequency. The Permittee shall perform surface and groundwater monitoring on a quarterly basis until the Commissioner approves in writing the Ecological Risk Assessment submitted in accordance with Condition No. II.A.5. of this permit. After the Commissioner has approved 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. Future Corrective Action. 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, surface water and groundwater characterization and establishment of a corrective action program consistent with the objectives of 40 CFR 264.100.
9. Completion of Water Quality Monitoring. Within sixty (60) calendar days after the completion of surface and groundwater monitoring (i.e. end of the Post-Closure Period), the Permittee shall submit to the Commissioner by registered mail or equivalent means, 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. The Permittee shall submit for the Commissioner's review and written approval written estimate(s) of the current cost to performing post-closure care inclusive of surface and groundwater monitoring, landfill decomposition gas monitoring, and leachate collection of the Site for the Post-Closure Period in accordance with the requirements of this permit. The Permittee shall ensure that such written estimates are prepared in accordance with the methodology specified in RCSA 22a-449(c)-104 incorporating 40 CFR 264.142(a) and 40 CFR 264.144(a), as applicable. Note a fifteen percent (15%) contingency shall be applied to the estimates for unforeseeable elements or events which may increase the cost of performing corrective action.
2. 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 estimated costs.
3. 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.
4. Within sixty (60) calendar days after receiving the certification, submitted pursuant to Condition Nos. II.A.4.(b) and II.B.9., that post-closure care inclusive of surface and groundwater monitoring and landfill decomposition gas monitoring of the Site has been completed in accordance with the approved Post-Closure Plan, approved Water Quality Monitoring and approved Gas Monitoring 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 Site, 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, approved Water Quality Monitoring Plan and approved Gas Monitoring Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason(s) to believe that post-closure care has not been performed and/or completed in accordance with the approved plans.
5. 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. 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 RCRA Section 22a-449(c)-102 incorporating 40 CFR Part 262 "Standards Applicable to Generators of Hazardous Waste".

SECTION III

Stewardship Permit  
Compliance Schedule

Connecticut Resources Recovery Authority  
Shelton Landfill

EPA ID No. CTD000604546  
Permit No. DEP/HWM/CS-126-005

### 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. Consultant. The Permittee shall designate and assign an environmental compliance expert who may be a full-time employee of the Permittee, and/or retain one or more qualified consultants, acceptable to the Commissioner to prepare the documents required by Condition Nos. II.B.2. and III.C.2. and shall, by that date, notify the Commissioner in writing of the identity of such environmental compliance expert and/or consultants. The Permittee shall assign such environmental compliance expert and/or retain such qualified consultant, acceptable to the Commissioner, until Condition Nos. II.B.2. and III.C.2. of this permit is fully complied with. The Permittee shall notify the Commissioner in writing of the identity of any environmental compliance expert or consultant other than the one approved by the Commissioner, within ten (10) days after assigning or retaining any environmental compliance expert or consultant for the purpose of addressing the actions required by this permit. The Permittee shall submit to the Commissioner a description of the assigned environmental compliance expert's and/or consultant's education, experience and training which is relevant to the work required by this permit within ten (10) days after a request for such a description has been made. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable environmental compliance expert or consultant unacceptable.
  2. Cost Estimate. The Permittee shall submit for the Commissioner's review and written approval the cost estimate for performing post-closure care inclusive of surface and groundwater monitoring, landfill decomposition gas monitoring, and leachate collection in accordance with the requirements of Condition No. II.C.1. of this permit.
- B. All conditions set forth in Section III.B. of this permit, shall be conducted within one hundred twenty (120) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Contingency Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a Contingency Plan in accordance with the requirements of Condition No. I.E.12. of this permit. The Permittee shall submit a revised plan within sixty (60) calendar days whenever there are any significant changes to the condition of the Site.
  2. Ecological Risk Assessment. The Permittee shall prepare and submit for the Commissioner's review and written approval a Screening Level Ecological Risk Assessment in accordance with the requirements of Condition No. II.A.5. of this permit.
  3. Public Participation Plan. The Permittee shall submit for the Commissioner's review and written approval the public participation plan prepared in accordance with the requirements of Condition No. II.A.13. of this permit.

- C. All conditions set forth in Section III.C. of this permit, shall be conducted within one hundred eighty (180) calendar days of the effective date of this permit. Otherwise, the Permittee may be subject to formal enforcement actions.
1. Quality Assurance Project Plan. The Permittee shall prepare and submit for the Commissioner's review and written approval a Quality Assurance Project Plan prepared in accordance with the requirements of Condition No. II.B.6. of this permit.
  2. Revised Water Quality Monitoring Plan. The Permittee shall submit for the Commissioner's review and written approval a revised Water Quality Monitoring Plan prepared in accordance with the requirements of Condition No. II.B.2. of this permit.
  3. Revised Gas Monitoring Plan. The Permittee shall submit for the Commissioner's review and written approval a revised Gas Monitoring Plan prepared in accordance with the requirements of Condition No. II.A.11.(b) of this permit.
- D. All conditions set forth in Section III.D. 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.
  2. Installation of Additional Wells. The Permittee shall install the additional groundwater monitoring wells as proposed in the Groundwater Monitoring Plan specified in Condition No. II.B.1. of this permit.
- E. All conditions set forth in Section III.E. 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 approval of the cost estimate submitted in accordance with Condition No. III.A.1. of this permit, the Permittee shall establish and continually maintain financial assurance using one or more of the instrument formats prescribed by the Commissioner for post-closure care inclusive of surface and groundwater monitoring, landfill decomposition gas monitoring and leachate collection of the Site or areas affected by.