

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:

MacDermid, Inc.
526 Huntingdon Avenue
Waterbury, CT 06702

Facility Identification:

EPA ID No. CTD001164599
Permit Number DEP/HWM/CS-151-001

To perform sitewide environmental investigation and cleanup (“closure” and “corrective action” measures) at the former commercial hazardous waste storage and recycling 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 and attachments set forth herein. Subsequently, Permit No. DEP/HWM-151-208 is hereby revoked for administrative purposes.

This permit regulates and authorizes the Permittee to perform closure and corrective action measures at the facility. The permit does not authorize operation of a hazardous waste management facility in the sense of treating, storing, or disposing of hazardous wastes generated from an on-site manufacturing process or the commercial treatment, storage, or disposal of hazardous 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 B Permit application and the Closure Plan submitted to the Department of Environmental Protection by the applicant on February 11, 1999, revised January 18, 2002 and as amended. 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 Closure Plan, dated February 11, 1999, revised January 18, 2002 and as amended, are hereby 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.

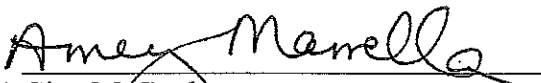
The Permittee shall comply with all terms and conditions of this permit. This permit consists of conditions contained in the following: Section I-Standard Facility Conditions; Section II-Authorized Activities; and Section III – Compliance Schedule; and the information as specified in the Permittee’s permit application and Closure Plan, 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 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. The Permittee shall submit a revised permit application to the Commissioner at least one hundred 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 changes.

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.

This permit shall become effective on September 28, 2007 and shall expire ten (10) years from this date or on September 28, 2017.

Sept. 28, 2007
Date


for Gina McCarthy
Commissioner
Department of Environmental Protection

cc: Ernest Waterman, Chief, Hazardous Waste Unit, EPA Region I
Mayor Michael J. Jarjura, City of Waterbury
Facility mailing list

Stewardship Permit

**MacDermid, Inc.
526 Huntingdon Avenue
Waterbury, CT 06702**

**EPA ID No. CTD001164599
Permit No. DEP/HWM/CS-151-001**

SECTION I

**Stewardship Permit
Standard Facility Conditions**

**MacDermid, Inc.
EPA ID No. CTD001164599
Permit No. DEP/HWM/CS-151-001**

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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 Section 22a-449(c) of the Connecticut General Statutes (CGS). 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 issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

Term (Duration)—This permit is in effect for a term of 10 years and may be renewed at the end of the term, in accordance with the requirements described in the section, "Duty to Reapply."

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 a trade secret in accordance with Section 1-19(b)(5) of the CGS.

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 (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 40 CFR 270.61.

Unless superseded by a more stringent provision in this permit, the Permittee shall comply with all of the applicable requirements of RCSA Section 22a-449(c)-100 et. seq., including any portion of 40 CFR 260 through 279 incorporated by reference therein.

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 within 10 years of 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 in accordance with RCSA Sections 22a-3a-5 and 22a-449(c)-104(a) incorporating 40 CFR 264.101 and any other applicable law.
3. Obligation for Corrective Action. The Permittee is required to continue this permit for any period necessary to comply with the 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.
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, Sections 22a-6g and 6h of the CGS 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. Operation and Maintenance of Remedial Systems. The Permittee shall at all times properly operate and maintain all facilities and remedial systems of treatment and control (and related appurtenances) which are installed or used by the 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 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 Permittee's premises 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. The Permittee shall prevent the unknowing and unauthorized entry of persons or livestock into the facility. The Permittee shall ensure that: 1) all entrances to the facility are locked at all times unless authorized personnel are present; 2) access to the facility is limited to the emergency coordinators, security personnel and/or other authorized personnel; and 3) the facility is provided with an artificial or natural barrier (e.g., a fence in good repair) which completely surrounds the site. The Permittee shall maintain all security systems in good repair until final closure of the facility.

12. Preparedness and Prevention.
 - (a) The Permittee shall comply with the requirements of 40 CFR 264 Subpart C Preparedness and Prevention.

 - (b) The Permittee shall ensure that each entity under contract to provide emergency response services at the facility has a permit, issued by the Commissioner pursuant to CGS Section 22a-454, authorizing such entity to provide emergency response services. The Permittee shall maintain a copy of such permit in the operating record for its facility. 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 conforms to the requirements of this permit.

 - (c) The Permittee shall ensure that each entity under contract with the Permittee to provide emergency response services visits the site every year so that such entity is familiar with the Permittee's site and can respond to an emergency. The Permittee shall maintain in the operating record for its facility a certification, in accordance with the requirements of 40 CFR 270.11, attested to by each emergency response entity under contract with the Permittee to provide emergency response services, stating that such entity has complied with the requirements specified in this paragraph.

13. Monitoring and Records.
 - (a) Samples and measurements taken for the purpose of monitoring shall be 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, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, certification, report or application. This period may be extended by request of the Commissioner at any time. The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.
- (c) Records for monitoring information shall include:
- (i) The date, exact place and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) 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 final closure of the facility:
- (a) Summary reports and details of all incidents that require implementing the Contingency Plan as specified in this permit;
 - (b) Records and results of inspections as required by this permit, except these 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 closure cost estimates 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 40 CFR 270.11.
16. Transfers. This permit is not transferable to any person without the advanced written authorization of the Commissioner, who may request whatever information the Commissioner deems necessary regarding the potential transferee. Before any such transfer, the Permittee and any proposed transferee shall fully comply with the requirements of Section 22a-60 of the CGS. 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.

Before transferring ownership or operation of its facility anytime before final closure, the Permittee shall notify the 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 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.

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 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 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.

(1) 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 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.

- (ii) Nothing in this section shall effect or relieve the Permittee of its obligations under CGS Section 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 of the date the Permittee is aware, or reasonably should have been aware of any such noncompliance. Any such report shall contain the information listed in Condition No. 17(c)(i) of this permit.
 - (e) Other information. When the Permittee becomes aware that it failed to submit any relevant facts or incorrect 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 promptly submit such relevant facts or correct information to the Commissioner.
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 federally or state recognized legal holiday, 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, 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 Department of Environmental Protection ("DEP") or 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, DEP may enforce either requirement.
21. Federal and state 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.

F. DEFINITIONS

1. "CFR" means the Code of Federal Regulations in effect on the date that this permit is issued.
2. "Commissioner" means the Commissioner of Environmental Protection as defined in the Section 22a-2 of the CGS or the Commissioner's designee.
3. "Facility" means contiguous property under the control of the owner or operator.
4. "Final Closure" means the completion of the closure of all waste management areas at the Permittee's facility in accordance with 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. Subpart 6901 and RSCA Section 22a-449(c)-101.
6. "North Parcel" means the 35-acre parcel of land located on the northern side of Huntingdon Avenue. This parcel incorporates a paved area located along the north side of Huntingdon Avenue and an asphalt capped sludge disposal area located approximately 400 ft north of Huntingdon Avenue.
7. "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.
8. "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, the site shall include the North and South Parcels.

9. "South Parcel" shall mean the 11-acre parcel of land located on the southern side of Huntingdon Avenue. This parcel incorporates three inter-connected buildings (Gear Street Building, East Aurora Street Building, and Huntingdon Avenue Building).

SECTION II

**Stewardship Permit
Authorized Activities**

**MacDermid, Inc.
EPA ID No. CTD001164599
Permit No. DEP/HWM/CS-151-001**

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SECTION II AUTHORIZED ACTIVITIES

A. RCRA CLOSURE REQUIREMENTS

1. The Permittee shall close the site in accordance with the Closure Plan, incorporated herein by reference, dated December 5, 2002, entitled "Closure Plan Modification for MacDermid Incorporated Hazardous Waste Storage Areas" with revisions dated January 24, 2003, and March 7, 2003.
2. The Permittee shall ensure that a copy of the Closure Plan referenced in Condition No. II.A.1. is kept at the Freight Street facility or at an alternate facility acceptable to the Commissioner until final closure is completed and certified in accordance with the requirements of this permit.
3. The Permittee shall notify the Commissioner in writing at least ninety (90) days prior to the date it expects to begin final closure of the facility.
4. The Permittee shall complete final closure activities, as applicable, in accordance with the approved Closure Plan referenced in Condition No. II.A.1. The Commissioner may approve a longer period for closure if the Permittee demonstrates to the Commissioner's satisfaction that the activities required to comply with the approved Closure Plan will of necessity take longer than twenty-four (24) months to complete and that the Permittee has taken and will continue to take all steps needed to prevent threats to human health and the environment and will comply with any additional conditions deemed necessary by the Commissioner arising from the final closure.
5. Within sixty (60) days of the completion of final closure, 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 facility, as applicable, has been closed in accordance with the specifications in the closure plan approved by the Commissioner. Documentation supporting the independent, registered professional engineer's certification shall be furnished to the Commissioner upon request.
6. The Permittee shall have and maintain at the Freight Street facility or at an alternate facility acceptable to the Commissioner a written estimate of the cost of closing the facility. The Permittee shall ensure that this written estimate is prepared in accordance with the methodology specified in 40 CFR 264.142(a).
7. The Permittee shall adjust the closure cost estimate for inflation and any changes that affect the cost of closing the facility. Adjustments for inflation shall be calculated in accordance with 40 CFR 264.142(b). This adjustment shall be made by September 30th of each year. The Permittee shall maintain the latest adjusted cost estimate in the operating record for the facility and a signed copy shall be submitted to the Commissioner no later than thirty (30) days after its preparation, until the Commissioner releases the Permittee from the financial assurance requirements for closure under this permit.
8. The Permittee shall establish and continually maintain financial assurance for final closure of the facility in accordance with one of the methods specified in 40 CFR 264

Subpart H. The Permittee shall ensure that the wording of the financial assurance mechanism(s) secured for the purpose of compliance with this section of the permit is substantially similar to the wording specified in 40 CFR 264.151 and approved by the Commissioner. The Permittee shall maintain such assurance in effect until the Commissioner notifies the Permittee in writing that it is no longer required to maintain such financial assurance.

9. Within sixty (60) days after receiving certifications from the Permittee and an independent registered professional engineer that final closure of the facility has been completed in accordance with the approved closure plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain *financial assurance* for closure of the facility, unless the Commissioner has reason to believe that final closure has not been in accordance with the approved Closure Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason to believe that closure has not been in accordance with the approved Closure Plan.
10. The Permittee shall establish and continuously maintain liability coverage for sudden accidental occurrences at the facility in the amounts and in the manner specified in 40 CFR 264.147(a). The Permittee shall ensure that the wording of the liability insurance secured for the purposes of compliance with this section of the permit is identical to the wording specified in 40 CFR 264.151, except that all references to the "Regional Administrator of EPA" shall be changed to the "Commissioner of DEP." The Permittee shall maintain such liability coverage in effect until the Commissioner notifies the Permittee in writing that maintaining such coverage is no longer required, as is provided for in Condition No. II.A.11 of this permit.
11. Within sixty (60) days after receiving certifications from the Permittee and an independent registered professional engineer that final closure of the facility has been completed in accordance with the approved closure plan, the Commissioner will notify the Permittee in writing that it is no longer required to maintain *liability coverage* for the facility, unless the Commissioner has reason to believe that final closure has not been in accordance with the approved Closure Plan. The Commissioner shall provide the Permittee with a detailed written statement of any such reason to believe that closure has not been in accordance with the approved Closure Plan. The Permittee shall maintain in effect the liability coverage required by this permit until the Commissioner notifies the Permittee in writing that maintaining such coverage is no longer required.
12. The Permittee shall comply with the requirements specified in 40 CFR 264.148 in the event of incapacity of the Permittee, guarantors or financial institutions.

B. RCRA CORRECTIVE ACTION REQUIREMENTS

1. The conditions of this section apply to:
 - (a) The Solid Waste Management Units ("SWMUs") and Areas of Concern ("AOCs") as identified in Appendix A-1.
 - (b) Any additional SWMUs and AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means.

As used in this permit, the terms "discover," "discovery," or "discovered" refer to the date on which the Permittee either: (1) visually observes evidence of a new SWMU or AOC, (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.

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

2. Schedule/Scope of Work. The Permittee shall within ninety (90) calendar days from the issuance of this permit submit to the Commissioner a schedule for the investigation and clean-up of releases of hazardous waste and hazardous substances at or from the facility such that the cleanup will achieve compliance with RCSA 22a-133k-1 et seq. ("Connecticut's Remediation Standard Regulations"). Such schedule should include a list of all known SMWUs and AOCs at the facility, a summary of investigation and mitigation activities conducted at the site to date and a list of activities remaining to be accomplished.

Such schedule shall include a Scope of Work to investigate the remaining contamination at the site. The Scope of Work must include:

- (a) An Ecological Risk Assessment ("ERA") evaluating the potential for ecological receptors to be exposed to contaminants and ensure that remedial goals and objectives address protection for those receptors from existing or potential contaminant exposures.
- (b) 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. The Permittee shall ensure that the data is of sufficient quality to make decisions regarding the investigation and remediation of the site.

The Permittee shall ensure that further investigations are completed within two (2) years from the date of issuance of this permit and that remediation be initiated within three (3) years from the date of issuance of this permit and that remediation be completed within 10 years of issuance of this permit or in accordance with the submitted schedule, whichever is earlier.

The Permittee shall propose dates for the interim milestones and for the completion of remediation at the request of the Commissioner. These deadlines are subject to approval and/or modification of the Commissioner in accordance with Section II.B.12. below.

3. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs.

The Permittee shall notify the Commissioner in writing, within fifteen (15) calendar days of discovery, of any new suspected or confirmed AOCs or SMWUs as discovered under Condition II.B.1.(b). Such notification shall include, at a minimum, the following information:

- (a) Location of the unit(s) on a topographic map of appropriate scale (such as required under 40 CFR 270.14(b)(19)).
- (b) Designation of the type and function of unit(s).
- (c) General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings).
- (d) The date that the unit(s) was operated.
- (e) Specifications of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous constituents in the wastes.
- (f) All available information (groundwater data, soil, soil gas, sediment, air, and/or surface water data) pertaining to any release of hazardous waste or hazardous constituents from such unit(s).

4. Notification Requirements for Newly Discovered Releases From SWMUs or AOCs.

- (a) The Permittee shall notify the Commissioner in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, within fifteen (15) calendar days of discovery. Such newly discovered release may be from SWMUs or AOCs identified in Condition II.B.1.(b) or SWMUs or AOCs identified for which further investigation is not required.
- (b) If the Commissioner determines that further investigation of the SWMUs or AOCs is needed, the Permittee shall be required to prepare a plan for such investigations within sixty (60) calendar days of notification by the Commissioner.

5. Interim Measures (IM)

- (a) Work Plan
 - (i) Upon notification by the Commissioner, the Permittee shall prepare and submit an Interim Measures ("IM") Work Plan for any SWMU or AOC that the Commissioner determines is necessary in order to minimize or prevent the further migration of contaminants, thereby limiting current and future potential for human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.

The IM Work Plan shall be submitted within sixty (60) calendar days of such notification and shall include the elements listed in Condition II.B.3. Such interim measures may be conducted concurrently with investigations required by this permit.

- (ii) The Permittee may initiate IM at a SWMU or AOC by submitting the appropriate notification pursuant to this permit. The Commissioner will process Permittee initiated IM by either conditionally approving the IM or imposing an IM Work Plan per Condition II.B.5.(a)(i). Permittee initiated IM shall be considered conditionally approved unless the Commissioner specifically imposes an IM Work Plan within thirty (30) calendar days of receipt of notification of the Permittee initiated IM. The scope and success of Permittee initiated IM conditionally approved shall be subject to subsequent in-depth review; the Commissioner will either comment on or approve the Permittee initiated IM. Permittee initiated IM must follow the progress and final reporting requirements in Condition II.B.5.(c).
 - (iii) The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with and integrated into any long-term solution at the facility. The IM Work Plan shall include: the interim measure's objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.
- (b) IM Implementation
- (i) The Permittee shall implement the IM under Condition II.B.5.(a)(i) in accordance with the approved IM Work Plan.
 - (ii) The Permittee shall give notice to the Commissioner as soon as possible of any planned changes, reductions or additions to the IM Work Plan imposed under Condition No. II.B.5.(a)(i) or initiated by the Permittee under Condition II.B.5.(a)(ii).
- (c) IM Reports
- (i) If the time required for completion of interim measures imposed under Condition II.B.5.(a)(i) or implemented under Condition II.B.5.(a)(ii) is greater than one year, the Permittee shall provide the Commissioner with progress reports at intervals specified in the approved Work Plan or semi-annually for Permittee initiated interim measures. The Progress Reports shall contain the following information at a minimum:
 - (A) A description of the portion of the interim measures completed;
 - (B) Summaries of the findings;
 - (C) Summaries of any deviations from the IM Work Plan during the reporting period;
 - (D) Summaries of any problems or potential problems encountered during the reporting period; and
 - (E) Projected work for the next reporting period.

- (ii) The Permittee shall prepare and submit to the Commissioner, within ninety (90) calendar days of completion of interim measures conducted under Condition II.B.5. an IM Report. Such report shall contain, at a minimum, the following information:
 - (A) A description of the interim measures implemented;
 - (B) Summaries of results;
 - (C) Summaries of all problems encountered;
 - (D) Summaries of accomplishments and/or effectiveness of interim measures; and
 - (E) Copies of all relevant laboratory/monitoring data etc. in accordance with this permit.

6. Environmental Indicators

The Permittee shall evaluate the U.S. EPA Environmental Indicator, Migration of Contaminated Groundwater Under Control; on a quarterly basis beginning no later than three (3) months after issuance of this permit and until such indicator is achieved. When the indicator is achieved, the Permittee will complete and submit the Documentation of Environmental Indicator Determination to both EPA and the DEP.

7. Remedy Selection and Notification of Remedial Implementation.

- (a) The Permittee shall propose a remedy or evaluate one or more remedial alternatives. The Commissioner may require that specific remedial alternatives be evaluated. All remedial alternatives must meet the threshold and balancing criteria specified below.

Threshold Criteria:

- (i) Protect human health and the environment;
- (ii) Achieve media cleanup objectives [using criteria in RCSA 22a-133k-1 et seq. ("CT Remediation Standard Regulations"); and
- (iii) Control sources of releases to reduce or eliminate further releases.

Balancing Criteria:

- (i) Long-term effectiveness;
- (ii) Toxicity, mobility and volume reduction;
- (iii) Short-term effectiveness;
- (iv) Implementability;
- (v) Cost;
- (vi) Community acceptance; and
- (vii) State acceptance.

The proposed remedy may include any IM implemented to date.

- (b) The Commissioner will select and approve the remedy to be implemented at the facility. The Commissioner is not confined to these alternatives evaluated by the Permittee when selecting and approving a remedy for the site.

- 8. The Permittee shall maintain, at the facility, a current, detailed written estimate of the cost of performing site-wide corrective action.

9. The Permittee shall maintain the financial assurance mechanism in accordance with and pursuant to 40 CFR 264 Subpart H, or alternate mechanism as approved by the Commissioner, for site-wide corrective action measures. The approved financial assurance mechanism shall be maintained by the Permittee until site-wide corrective action is complete and the Commissioner notifies the Permittee in writing that it is no longer required to maintain such financial assurance.
10. The Permittee shall adjust the cost estimate for any changes that affect the cost of performing site-wide corrective action. Adjustments for inflation shall be calculated in accordance with the same procedures used to adjust closure costs as identified in 40 CFR 264.142(b). The latest adjusted cost estimate shall be kept at the facility, and a signed original shall be submitted to the Commissioner within fourteen (14) days of preparation.
11. Public Notice Requirements.

At the Commissioner's direction, the Permittee shall provide public notice of proposed remediation and public notice of the Commissioner's tentative determination that remediation is complete. Each public notice must provide a forty-five (45) day comment period.

 - (a) Prior to the commencement of any remedial action. The notice shall summarize the investigations undertaken, results of the investigations, clearly identify the proposed remedial activities, provide a public location where relevant documents can be reviewed, 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 facility is located or the area affected by the facility;
 - (ii) Provide a copy of the notice to the Director of Health of the municipality where the facility is located;
 - (iii) Provide a copy of the notice to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and
 - (iv) Either 1) erect and maintain a sign at least 6 feet by 4 feet for at least 30 days in a legible condition at the facility, clearly visible from the public highway and includes the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION CONTACT:.", include a telephone number in which any interested person may obtain additional information about the remediation; or 2) mail a copy of the notice to each owner on record for the property which abuts the facility. The address for such property shall be obtained from the last-completed grand list of the municipality where the facility is located.
 - (b) Prior to final determination that remediation is complete; the notice shall be:
 - (i) Published in a newspaper having substantial circulation in the municipality in which the facility is located or the affected area by the facility;
 - (ii) Broadcast on a radio station during the high volume listening times on the same day the notice is published;
 - (iii) Provided to the owner or operator of the facility [if the permittee is not the facility owner or operator] and to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and

- (iv) A summary of the basis for the Commissioner's determination and that the Commissioner will accept public comments on the tentative determination for at least forty-five (45) days from the date of publication.
 - (c) Upon the completion of the public comment period the Commissioner shall make a final determination. If the final determination is that remediation is complete then the stewardship permit is terminated and a permit of completion will be issued.
12. Modification of the Corrective Action Schedule of Compliance.
- (a) The Commissioner may modify the Corrective Action Schedule of Compliance at any time, if it is deemed necessary.
 - (b) Modifications that are initiated and finalized by the Commissioner shall be in accordance with 40 CFR 270 and all applicable provisions. At any time, the Permittee may request to modify the Schedule of Compliance in accordance with 40 CFR 270.
 - (c) 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. Extensions to permit established schedules must follow the procedures in Condition II.B.12.b.

13. Miscellaneous
- (a) As authorized by RCSA 22a-133k-3(i), the Permittee shall use the lead clean-up level of 400 mg/kg for the residential direct exposure criterion.
 - (b) The Permittee shall comply with all requirements of RCSA Section 22a-449(c)-102 incorporating 40 CFR 262 for Large Quantity Generators.
 - (c) The Permittee shall not operate the facility in any manner that stores, treats, or disposes of hazardous wastes or in any way manages hazardous wastes other than hazardous wastes that may be generated during facility maintenance, authorized closure and/or corrective action activities. Such waste shall be stored in the facility's 90 day Storage Area.

APPENDIX A-1
Areas of Concern (AOC)

<u>AOC</u>	<u>Building</u>	<u>Description</u>
A	North Parcel	Monitoring Well No. MW-102
B	Huntingdon Ave.	5,000 gallon Heating Oil UST
C	Huntingdon Ave.	Dry Chemical Silos
D1	Huntingdon Ave.	Pilot Plant Department, Hazardous Waste Satellite Storage, QA/QC Labs
D2	Huntingdon Ave.	Main Mixing Area
E1	Huntingdon Ave.	Former Waste Lagoons (1975 and 1980) Two earthen lagoons for the decanting of organic and inorganic process wastes
E2	Huntingdon Ave.	Wastewater Treatment System 8- 15,000 gallon batch treatment tanks; 4- 15,000 gallon collection tanks; 2- 3,000 gallon metal hydroxide slurry tanks; 4,000 gallon recirculation tank; Ultrafiltration unit; 14 cubic foot filter press; 26 cubic yard metal hydroxide sludge roll-off container
E3	Huntingdon Ave.	Bulk Copper Spent Etchant Unloading and Storage Area Loading area: 45 ft by 65 ft concrete floor sloping towards floor trenches that are connected to AOC-E2 Storage area: consists of 3- 7,500 and a 3,500 gallon above ground FRP storage tanks
E4	Huntingdon Ave.	Spent Copper Etchant Recycling Areas Contains 2 above-ground stainless steel reactors, 6 above-ground ammonia scrub tanks, 3 above-ground product storage tanks and various above-ground process chemical tanks. All tanks are on an epoxy-coated floor that slopes towards a floor drain system connected to AOC-E2
E5	Huntingdon Ave.	Acid Tank Farm 30,000 gallons of process chemicals, epoxy coated concrete floor and berms with two collection sumps connected to AOC-E2
E6		1994 Spent Copper Etchant Spill 1,500 gallons of spent copper etchant was released to Steele Brook through the stormwater collection system
F	East Aurora Street	Former 6,000 gallon Heating oil UST
G	East Aurora Street	East Aurora Street Warehouse Consists of the Finished Products Storage, Shipping & Receiving, Main Container Storage Area, and Quality Control Areas
H	Huntingdon Ave.	Flammable Material Rack Storage Area Consists of 40 ft by 25 ft outside storage area
I	Gear Street	1987 Ink Spill Area Stained soil underneath a concrete pad located near a former ink spill sump
J	Gear Street	4,000 gallon Heating Oil UST
K1	Gear Street	Former Flammable Storage Area 8ft by 10 ft epoxy coated concrete base and berms for the storage of 16 55-gallon drums
K2	Gear Street	Former NMP Recycling Area 500 gallon above-ground reactor tank and 55-gallon stainless steel product tank with a concrete floor and floor trenches connected to AOC-E2
K3	Gear Street	Former Solder Stripper Recycling Area 3- 5,000 gallon above-ground process tanks with a concrete floor and floor trenches connected to AOC-E2

MacDermid, Inc.
526 Huntingdon Avenue
Waterbury, CT

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K4	Gear Street	2000 Industrial Waste Water Sump Release
K5	Gear Street	Ink Manufacturing Area Tank and roller mills used to prepare inks for the printed circuit boards
K6	Gear Street	Electroless Nickel Area 8- 1,200 gallon process tanks
K7	Gear Street	Hazardous Waste Satellite Storage Areas Three areas located in Former Solder Stripper Recycling Area, Ink Manufacturing Area and west of Ink Manufacturing Area Maximum of 2-55 gallon drums in each area, when full transferred to AOC-K8
K8	Gear Street	Chemical Storage Area (Former Combustible Storage Area) 54-55 gallon drums and 4-330 gallon storage totes
L	Gear Street	Transformer Vault

SECTION III

**Stewardship Permit
Compliance Schedule**

**MacDermid, Inc.
EPA ID No. CTD001164599
Permit No. DEP/HWM/CS-151-001**

**SECTION III
COMPLIANCE SCHEDULE**

1. The Permittee shall within sixty (60) calendar days from the issuance of this permit submit a comprehensive Operations and Management Plan for all remedial systems of treatment and control, in accordance with Condition No. I.E.9. of this permit. A revised plan shall be submitted within sixty (60) days of installation of any future remedial system of treatment and control.
2. The Permittee shall within thirty (30) days of receiving written approval of the Schedule/Scope of Work required by Condition No. II.B. 2. establish a financial assurance mechanism for the cost of performing site-wide corrective action.