Connecticut
Department of Energy &
Environmental Protection

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ACKNOWLEDGEMENT

NOTIFICATION OF SIGNIFICANT ENVIRONMENTAL HAZARD
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 22a-6u

May 26, 2023
Sent electronically

Mr. Jonathan Reich
Senior Environmental Engineer
Connecticut Light & Power Company dba Eversource
247 Station Drive, SE270
Westwood, MA 02090

RE: Notification of Significant Environmental Hazard
Hunts Brook Property
128 Moxley Road, Montville
SEH ID 1150
Rem ID 14384

Dear Mr. Reich:

This is to acknowledge receipt, on May 29, 2020 of written notification, under the requirements of Connecticut General Statutes (CGS) Section 22a-6u. The notification reported the presence of an environmental hazard at property owned by Connecticut Light & Power Company dba Eversource that is known as Hunts Brook Property located at 128 Moxley Road in Montville. The notification identified the following significant environmental hazard:

> Soil within the uppermost two feet below the ground surface is polluted with arsenic at a concentration of 195 milligrams per kilogram (mg/kg), exceeding the applicable notification criteria, and may pose a short-term risk of direct exposure.

Thank you for notifying the Department of Energy and Environmental Protection ("the Department" or "DEEP") of this condition. I apologize for the delay in sending this acknowledgement letter.

Approval of Mitigation and Abatement Plan

The Part V of the SEH Notification describes the next steps to evaluate and mitigate the environmental hazard. More specifically, access to the site is limited by a chain-link fence. Additionally, high-visibility fencing and warning signs were installed around the impacted soils to prevent contact with surficial soils as an interim mitigation measure. The aspects of Part V of the SEH Notification that pertain to evaluation and mitigation of the reported significant environmental hazard are hereby approved under the provisions of CGS Section 22a 6u (k).

The Department expects that as a result of this acknowledgement, annual monitoring reports will continue to be submitted by June 1 each year, to DEEP's Secure File Transfer Site[1] using the Department's Significant Environmental Hazard Status Follow Up Form[2]. In the event the Department does not receive the expected report it will reevaluate the potential short-term risk associated with this hazard condition. The continued presence of short-term risk associated with the hazard condition, if not mitigated, may cause the Department to initiate other actions.

Except for environmental hazards identified under CGS 22a-6u Section (b)(1), (c)(1) or (h)(1), further notifications resulting from investigations or monitoring conducted in the course of mitigation or abatement of this hazard condition are not necessary, provided that the Department is promptly advised of sample results. However, in the event any future investigation or monitoring discloses a more widespread or severe problem or an increasing trend in pollution concentration, please do not hesitate to contact the staff member identified below.

For your information, pursuant to the requirements of CGS Section 22a-6u (m), the Department must forward a copy of your written notification to the chief elected official of the municipality in which the site is located and to the Local Health Director. In addition, the Department sends a copy of this acknowledgement letter to these individuals. The Department must also, unless the hazard is abated or mitigated, add this site to the "List of Significant Environmental Hazards Reported to the DEEP" that is maintained on the Department's internet site. Also, be advised that CGS Section 22a-6u (l), requires that the Significant Environmental Hazard Notification Report be conspicuously posted at the site not later than five days after the commencement of an activity by any person that increases the likelihood of human exposure to known contaminants.

Please note that this letter pertains **solely** to the identified significant environmental hazard condition. This letter does not establish either a basis for determination that your site is 'clean', a basis for submittal of a 'Form II' or 'Form IV' in the event this property is an establishment, or a basis for resolution of any prior Form III filing under the Property Transfer Program pursuant to CGS Section 22a-134 et. seq. The evaluation of a release area or property to determine if it is in compliance with Connecticut's Remediation Standard Regulations (RSRs) is a separate and distinct activity from identification and resolution of an environmental hazard condition, although the same data may be used for both as appropriate. Both of these activities, resolution of a significant

[1] https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Transmittal-of-Documents
[2] https://portal.ct.gov/-/media/DEEP/site_clean_up/hazard_notification/HazUpdateFormSoildocx.docx

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environmental hazard and remediation of related pollution, are required, under separate laws. As one option to complete clean-up to comply with the RSRs, you are encouraged to enroll in the Voluntary Remediation Program available under Section 22a-133x of the CGS. Under the Voluntary Remediation Program a licensed environmental professional (LEP) may verify that the release area or property has been investigated in accordance with prevailing standards and guidelines and that the remediation of the release area or property has been completed in accordance with the RSRs. As with any formal opinion rendered by a LEP, the Commissioner has the authority to audit the adequacy of the verification. In any event, the Department expects you to continue implementing remedial activity to achieve closure of site issues.

This letter relates only to abatement of the significant environmental hazard identified above. Nothing in this letter shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law including but not limited to violations of any permit issued by the Commissioner. No provision of this letter and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken result in permanent abatement of the environmental hazard. If at any time the Commissioner determines that the information upon which the Commissioner's decision is based was incorrect, or the identified environmental hazard remains a risk, the Commissioner may institute any proceeding, or take any action to require further action to abate the hazard.

In addition, nothing in this letter shall relieve any person of his or her obligations under applicable federal, state, or local laws or regulations. Please address all submittals pertaining to this significant environmental hazard to the Remediation Division, to the attention of the staff member identified herein. If you have any questions regarding this letter, please contact Michael Senyk by phone at 860-424-3782 or e-mail at Michael.Senyk@ct.gov.

Sincerely,



Ray Frigon
Director
Remediation Division
Bureau of Water Protection and Land Reuse

RF:paz
C:

Mr. James T. Olsen PG, LEP, Vice President, Tighe & Bond, Inc., 213 Court Street, Suite 1100, Middletown, CT 06457

As noted above, under the provisions of CGS Section 22a-6u (m) copies are also provided to the following:
The Honorable Ronald K. McDaniel, Mayor, Town of Montville, 310 Norwich-New London Turnpike, Uncasville, CT 06382
Mr. Patrick McCormack, Director of Health, Uncas Health District, 401 West Thames Street, Suite 106, Norwich, CT 06360

e-copy (*including a copy of the significant environmental hazard notification)*:
Michael Senyk, Remediation Division, DEEP
Tiziana Shea, Remediation Division, DEEP
Monica Meschiatti, Remediation Division, DEEP