Electronic Transmittal Form for DEEP Remediation, LUST, and PCB Secure File Transfer (SFT)

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
REMEDIATION DIVISION, PCB PROGRAM, AND
LEAKING UNDERGROUND STORAGE TANK COORDINATION PROGRAM
www.ct.gov/deep

This Electronic Transmittal Form must be completed and included as the cover sheet of your electronic document when uploading a document to the Connecticut SFT website. Requirements for Transmittals through the SFT website:

- Documents submitted through the SFT website must include all applicable figures, tables and laboratory data.
- Files must be formatted as PDF/A and use the appropriate naming convention:
  - For Remediation Filings: **REM_REMID #_SiteAddress_Town_DocumentType_DateofDocument**
  - For LUST Filings: **LUST_SiteAddress_Town_AbbreviationForDocumentType_DateofDocument**
  - For PCB Filings: **PCB_SiteAddress_Town_AbbreviationForDocumentType_DateofDocument**
  Example: LUST_1MainStreet_Hartford_ESA_01-01-2001
  Note: For "AbbreviationForDocumentType" use appropriate abbreviation at Transmittal of Documents
- If no Rem ID assigned (new filing) or REM ID is unknown leave field blank

Part I: Primary Recipient*: PCB Program (* required)

For Remediation documents:	For PCB/LUST documents:
Primary Program*: Other Remediation Program	UST Facility ID: (if applicable)
Rem ID*:	Spill Case Number: (if known)

Part II: Site Information

Site Name*: Berlin Settling Basin
Site Address*: 107 Selden Street
City/Town*: Berlin State: CT Zip Code: 06037

Secondary Programs (complete as many as applicable for this document):

Program: Select Secondary Program	Project ID:
Program: Select Secondary Program	Project ID:
Program: Select Secondary Program	Project ID:
Program: Select Secondary Program	Project ID:

Provide Project ID for each secondary program if it is known.
Each program has a unique ID (i.e. Rem ID, Spill Case #, UST Facility ID, etc.)

Part III: Document Information (document type required for appropriate program[s] only)

Remediation*: Monitoring Report
LUST/PCB*: Site Status Report
Date of Document*: 12/23/2025 Version: Select version

Part IV: Submitter Information

Name*: Matthew Calvert
E-mail*: matthew.calvert@eversource.com
Name of company/business this document is being submitted on behalf of: *
Eversource Energy Service Company

EVERSOURCE ENERGY

107 Selden Street, BNM2
Berlin, CT 06037

December 23, 2025

Ms. Amber Sanford, Environmental Analyst
Storage Tank & PCB Enforcement Unit
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Consent Order No. COWSPCB 16-002
Settling Basin Progress Report 28

Dear Ms. Sanford:

Pursuant to Section B.2 of the above-captioned Consent Order (CO), on behalf of The Connecticut Light and Power Company dba Eversource Energy, Eversource Energy Service Company (Eversource) is providing this Progress Report. Progress reports are required on a quarterly basis until all actions required by the CO have been completed and approved by the Commissioner of the Connecticut Department of Energy and Environmental Protection (DEEP).

Recent Updates

According to Section B.2, Eversource shall describe all actions to date taken to comply with the CO. The following actions have occurred to date:

- On December 18, 2025, Eversource recorded the Environmental Use Restriction (EUR) signed by the Commissioner on the Town of Berlin Land Records in Book 842 Page 624. We also submitted the EUR and other required documents to DEEP on December 18, 2025. This fulfills all remaining obligations under the CO, aside from ongoing responsibilities associated with maintaining the EUR.

Please let me know if you have any questions or need anything else. You can contact me at 860-665-3446 or matthew.calvert@eversource.com.

Sincerely,

Matthew P. Calvert, LEP, LSP, PG, CHMM
Supervisor, Remediation
Eversource Energy Service Company

Enc: Certification of Documents Final Consent Order COWSPCB 16-002
Declaration of Environmental Land Use Restriction and Grant of Easement
cc: Gary Iadarola, Manager, Remediation, Eversource Energy Service Company

EVERSOURCE ENERGY

Certification of Documents Final Consent Order – COWSPCB 16-002

I, have personally examined and am familiar with the information submitted in the enclosed document and all attachments thereto and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate, and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53-a-157b of the Connecticut General Statutes and any other applicable law.



Duly Authorized Representative
Marc Richards, PE, LSP
Vice President, Sustainability and Environmental Affairs
Eversource Energy Service Company



Bk: 842 Pg: 624

After Recording Return to:
Connecticut Department of Energy and Environmental Protection
Environmental Use Restriction Coordinator
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127
Re: N/A

DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION AND GRANT OF EASEMENT

This Declaration of Environmental Land Use Restriction ("ELUR") and Grant of Easement is made this 4th day of December, 2025, between The Rocky River Realty Company (the "Grantor") and the Commissioner of the Department of Energy and Environmental Protection of the State of Connecticut (the "Grantee").

WITNESSETH:

WHEREAS, Grantor is the Owner in fee simple of certain real property (the "Property") described below:

Street address: 107 Selden Street
City/Town: Berlin
State: Connecticut
Assessor's Map: 5-1-122-1-7867 And/or Assessor's Account Number: N/A
Volume and Page of Deed: 0158/0265

A description of the Property is attached hereto as Exhibit A, which is made a part hereof; and

WHEREAS, this Declaration of Environmental Land Use Restriction and Grant of Easement ("ELUR") and associated exhibits identified herein, collectively represent the ELUR for the subject property, and

WHEREAS, the Grantee has the authority to enter into this ELUR pursuant to sections 22a-5, 22a-6, and 22a-133o et seq. of the Connecticut General Statutes and Section 22a-133q-1 to 22a-133q-9, inclusive, of the Regulations of Connecticut State Agencies ("EUR regulations"); and

WHEREAS, the Grantee has determined that the ELUR set forth below is consistent with regulations adopted pursuant to section 22a-133k of the Connecticut General Statutes; and

WHEREAS, the Grantee has determined that this ELUR will effectively protect human health and the environment from the hazards of pollution on the Property; and

WHEREAS, the Grantee's written acceptance of this ELUR is evidenced by the signature of the Commissioner or Commissioner's designee below; and

WHEREAS, the EUR opinion attached hereto as Exhibit B which is made a part hereof, includes the information required by section 22a-133q-5 of the Regulations of Connecticut State Agencies; and

WHEREAS, the Property or portion thereof that is subject to this ELUR (the "Subject Area") and identified in the survey attached hereto as Exhibit C which is made a part hereof, contains pollutants; and

WHEREAS, to prevent exposure to, or migration of, such pollutants and to abate hazards to human health and the environment, and in accordance with the EUR opinion, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Subject Area, and to grant this ELUR to the Grantee on the terms and conditions set forth below; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns.

NOW, THEREFORE, Grantor agrees as follows:

1. Purpose. In accordance with the EUR opinion, the purpose of this ELUR is to assure that the use and activity at the Property and the Subject Area is restricted, obligations are carried out, and conditions maintained in accordance with the requirements of the EUR opinion, attached hereto as Exhibit B.

2. Restrictions and Obligations Applicable to the Subject Area. In furtherance of the purposes of this ELUR, Grantor shall assure that use, occupancy, and activity of and at the Subject Area are conducted in accordance with the EUR opinion attached hereto as Exhibit B. The Grantor shall fulfill the obligations and maintain the conditions necessary to meet the objectives of the ELUR in accordance with the requirements of the EUR opinion attached hereto as Exhibit B. Such restrictions shall remain in effect unless and until a release is obtained under paragraph 5 below.

3. Except as provided in paragraphs 4 and 5 below, no action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:

i. Create a risk of migration of pollutants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the integrity of any engineered controls or remedies designed

or utilized at the Subject Area to contain pollutants or limit human exposure to pollutants.

4. Emergencies. In the event of an unforeseen combination of circumstances or the resulting state that calls for immediate action to prevent a significant risk to human health or the environment, the destruction of property, or the disruption of public utility service, the application of paragraphs 2 and 3 above may be suspended, provided such risk cannot be abated without suspending said paragraphs and the Grantor:

i. Immediately notifies the Grantee of the emergency;

ii. Limits both the extent and duration of the suspension to the minimum reasonably necessary to adequately respond to the emergency;

iii. Implements all measures necessary to limit actual and potential present and future risk to human health and the environment resulting from such suspension; and

iv. After the emergency is abated, implements a plan approved in writing by the Grantee, on a schedule approved by the Grantee, to ensure that the Subject Area is remediated in accordance with sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies and restored to the condition described in the ELUR.

5. Release of ELUR; Temporary Allowable Disturbance. Except as provided in paragraph 4, the Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of any Subject Area inconsistent with this ELUR unless and until, either:

i. A Temporary Allowable Disturbance is implemented in accordance with section 22a-133q-6 of the Regulations of Connecticut State Agencies, or

ii. A release has been approved by the Grantee in accordance with section 22a-133q-7 of the Regulations of Connecticut State Agencies.

6. Grant of Easement to the Grantee. Grantor hereby grants and conveys to the Grantee, the Grantee's agents, contractors, and employees, and to any person performing pollution remediation activities under the direction thereof, a non-exclusive easement (the "Easement") over the Subject Area and over such other parts of the Property as are necessary for access to the Subject Area or for carrying out any actions to abate a threat to human health or the environment associated with the Subject Area. Pursuant to this Easement, the Grantee, the Grantee's agents, contractors, and employees, and any person performing pollution remediation activities under the direction thereof, may enter upon and inspect the Property and perform such investigations and actions as the Grantee deems necessary for any one or more of the following purposes:

i. Ensuring that use, occupancy, and activities of and at the Property are consistent with this ELUR;

ii. Ensuring that any remediation implemented complies with sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies;

iii. Performing any additional investigations or remediation necessary to protect human health and the environment;

iv. Ensuring that the Grantor is fulfilling the obligations of the ELUR and maintaining the conditions necessary to meet the purposes of the ELUR; and

v. Ensuring the structural integrity of any engineered controls described in Exhibit B and their continuing effectiveness in containing pollutants and limiting human exposure to pollutants.

7. Notice and Time of Entry onto Property. Entry onto the Property by the Grantee pursuant to this Easement shall be upon reasonable notice and at reasonable times, provided that entry shall not be subject to these limitations if the Grantee determines that immediate entry is necessary to protect human health or the environment.

8. Notice to Lessees and Other Holders of Interests in the Property. Grantor, or any future holder of any interest in the property, shall cause any lease, grant, or other transfer of any interest in the Property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this ELUR. The failure to include such provision shall not affect the enforceability, validity or applicability to the Property of this ELUR.

9. At least 30 days prior to transferring an interest in the property, the Grantor shall submit to the potential purchaser a complete copy of the EUR and copies of all documents required to be retained by the Owner pursuant to section 22a-133q-9 of the Regulations of Connecticut State Agencies.

10. Persons Entitled to Enforce Restrictions. The restrictions in this ELUR on use, occupancy, and activity of and at the Property shall be enforceable in accordance with section 22a-133p of the Connecticut General Statutes.

11. Severability and Termination. If any court of competent jurisdiction determines that any provision of this ELUR is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court. In the event that the provision invalidated is of such nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect. Further, in either case, the Grantor shall submit a copy of this restriction and of the Judgment of the Court to the Grantee.

12. Binding Effect. All of the terms, covenants and conditions of this ELUR shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and any other party entitled to possession or use of the Property during such period of ownership or possession.

13. Terms Used Herein. The definitions of terms used herein shall be the same as the definitions contained in sections 22a-133k-1 and 22a-133q-1 of the Regulations of Connecticut State Agencies as said sections existed on the date of execution of this ELUR.

14. Burden of Proof. With respect to any claim or cause of action asserted by the Grantee against the Grantor under this ELUR, the Grantor shall bear the burden of proving that any activities at the subject area do not or will not violate the restrictions imposed by this ELUR, that the obligations of the ELUR have been carried out, and that conditions at the Subject Area have been maintained in accordance with the requirements of the EUR opinion. The Grantor, or its successors in interest, shall be responsible for demonstrating that use on the property is in conformity with the ELUR.

15. Inspections. The Grantor or its successors and assigns shall perform or cause to be performed the inspections required by section 22a-133q-8 of the Regulations of Connecticut State Agencies. If the required inspection indicates non-compliance with the ELUR, the Grantor or its successors and assigns shall take the action required by section 22a-133q-8 of the Regulations of Connecticut State Agencies.

16. Non-Waiver. No failure on the part of the Grantee at any time to require performance of any term of this ELUR shall be taken or held to be a waiver of such term or in any way affect the Grantee's rights to enforce such term.

17. Nothing in this ELUR shall affect the Grantee's authority to institute any proceeding, or take any action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law or violations of this ELUR. If at any time the Grantee determines that the ELUR does not protect human health and the environment from the hazards of pollution, the Grantee may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution. The approval of this ELUR relates only to pollution or contamination identified in the EUR opinion attached hereto as Exhibit B of this ELUR.

18. The Grantor shall retain copies of all documents related to this ELUR as required by section 22a-133q-9 of the Regulations of Connecticut State Agencies.

19. DEEP Contact Information. Any document required to be submitted to DEEP pursuant to this ELUR shall, unless otherwise specified in writing by DEEP, be directed to:

Connecticut Department of Energy and Environmental Protection
Environmental Use Restriction Coordinator
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127
Re: N/A

Signature Page Follows

By signing below the undersigned certifies that:

i. He or she is fully authorized to sign this ELUR.

ii. The Grantor has the power and authority to enter into this ELUR, to grant the restrictions, fulfill the obligations, and maintain the conditions necessary to meet the objectives of the ELUR in accordance with the requirements of the EUR opinion attached hereto and made a part hereof as Exhibit B.

In witness whereof, the undersigned has/have executed this ELUR this 19th day of November, 2025.

Witnessed by:	The Rocky River Realty Company
Lori Ragas Signature of Witness 1	By:
Lori Ragas Printed/typed name of Witness 1	Craig J. Dikeman Printed/typed name of authorized signatory for the entity It's duly authorized President
Signature of Witness 2	
MICHAEL LICATA Printed/typed name of Witness 2	

Mailing Address:
Street Address: 107 Selden Street
City/Town: Berlin
State and Zip Code: CT 06037

State of New Hampshire
County of Hillsborough

On this 19th day of November, 20 25 before me, - Lori Ragas, the undersigned officer, personally appeared Craig J. Dikeman, who acknowledged himself /herself to be the President of The Rocky River Realty Company, a corporation, and that he/she, as such is the President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as President.

In witness whereof I hereunto set my hand.

-Lori Ragas
Notary Public
Date Commission Expires:

-Lori Ragas
Notary Public - New Hampshire
My Commission Expires
May 7, 2030

Grantee: The Grantee, the Commissioner of Energy and Environmental Protection or by the Commissioner's designee, Graham J. Stevens, Bureau Chief.

By: _____

Date: 12/4/2025

Printed/typed name: Graham J. Stevens
Its Duly Authorized: Bureau Chief

Mailing Address:

Connecticut Department of Energy and Environmental Protection
Environmental Use Restriction Coordinator
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127
Re: N/A

Exhibit A. Parcel Description (Metes and Bounds)

The Rocky River Realty Company
107 Selden Street
Berlin, CT

The Parcel Description (Metes and Bounds as derived from Exhibit C. ELUR Survey. "Legal Description" from the Deed may also be included) is as follows:

A certain piece or parcel of land containing 1.207 Acres ± depicted hereon as ELUR Subject Area A and being further bounded described as follows:

Beginning at a point within land now or formerly of Rocky River Realty Corp. at the southeast corner of ELUR Subject Area A with Connecticut South Plane Coordinates N 796,372.305, E 1,007,387.106;

Thence running through said land now or formerly of Rocky River Realty Corp. the following eleven courses and distances: N 81° 09' 05" W 45.87 feet, N 71° 54' 45" W 145.00 feet, N 18° 05' 26" E 215.41 feet, N 36° 56' 43" E 21.57 feet, N 68° 37' 15" E 10.54 feet, N 87° 03' 39" E 30.84 feet, N 79° 19' 14" E 61.78 feet, S 40° 56' 21" E 161.81 feet, S 35° 36' 01" W 74.76 feet, S 45° 48' 33" W 36.87 feet and S 22° 30' 50" W 89.01 feet to the point or place of beginning.

BEING THE SAME property described in Exhibit C. ELUR Survey recorded on the Land Records in the Town of Berlin as Map(s) # _4592 + 4593

Exhibit B. Environmental Use Restriction Opinion Overview

Property/Facility Name: Berlin Settling Basin Eversource Energy Campus

Grantor Legal Name: Rocky River Realty

Address: 107 Selden Street

City/Town: Berlin

An Environmental Use Restriction (EUR) can be either an Environmental Land Use Restriction (ELUR) or Notice of Activity and Use Limitation (NAUL). The EUR Opinion is in accordance with section 22a-133q-5 of the Regulations of Connecticut State Agencies (RCSA) and consists of this overview, the attached restriction and obligation forms, and the table below titled "Summary of EUR Restrictions and Affirmative Obligations". The EUR opinion satisfies the requirement to prepare a NAUL Decision Document specified in section 22a-133o(c)(5)(B) of the Connecticut General Statutes (CGS).

The purpose of this EUR Opinion is to:

- Identify historic industrial/commercial activity on the parcel;
- Describe why the restriction and affirmative obligation was chosen for the conditions present in the subject area;
- Describe the restriction and affirmative obligation imposed by the EUR at the Subject Area as defined in RCSA section 22a-133k-1(a)(88);
- Describe how compliance with the EUR restriction and affirmative obligation will ensure compliance with the Remediation Standard Regulations (RSRs) section 22a-133k-1 to 22a-133k-3 of the RCSA; and
- For NAULs only: Describe any activities and uses permitted and inconsistent with maintaining compliance with such NAUL.

"I certify the contents of the EUR opinion are accurate and complete; and each restriction and affirmative obligation to be imposed by the EUR is consistent with the RSRs and is protective of human health and the environment."

5/30/2025
Date

Malcolm G Beeler
LEP Printed Name: Malcolm Beeler

Information for Licensed Environmental Professional:	
Title: Senior Technical Leader, LEP	
Company: Weston & Sampson	
Street Address: 712 Brook Street, Suite 103	
City/Town: Rocky Hill	
State and Zip Code: CT 06067	Affix LEP Stamp: STATE OF CONNECTICUT MALCOLM BEELER No. 586 LICENSED ENVIRONMENTAL PROFESSIONAL

Exhibit B. Environmental Use Restriction Opinion Overview

Historic Industrial/Commercial Activity on the Parcel:
The Site formerly had an approximately 8,000 square-foot stormwater settling basin on the ~114-acre Eversource Berlin Campus property located at 107 Selden Street in the Town of Berlin, CT. To the north of the settling basin is an access road (Campus Access Drive), wetlands, and additional parking lots. Remedial activities extended to include a portion of the access road, but not into the wetlands. Total area of remediation was approximately 1.2-acres. Prior to construction of the settling basin, the Site was utilized as a training area that may have used PCB oil-containing equipment. However, because the highest concentrations of PCBs identified during Site investigations were typically found beneath the surficial materials and variably within the soil column, the primary source for PCBs and other COC impacts, including PAHs, ETPH and metals, is believed to be from previously impacted fill materials used during regrading of this area.

Summary of EUR Restrictions and Affirmative Obligations

This EUR Opinion consists of the following restriction(s), for which the applicable individual Restriction and Obligation Forms are attached. The location of the Subject Area(s) are depicted on the survey.

Restriction and Obligation Form	Applicable Criteria Exceeded	Pollutants at concentrations greater than applicable criteria	Extent of pollutants greater than applicable criteria
Inaccessible Soil and Residential Activity (PCBs) 22a-133k-2(b)(4)(A) *ELUR Only	Soil ☒ RDEC Subject Area A ☐ I/C DEC Subject Area	☒ PCBs Subject Area A	The horizontal extent of the pollutants is limited to the Subject Area. The vertical extent of the pollutants is: ☒ Ground Surface Subject Area A; Beneath a minimum of four feet of clean fill in grassy or landscaped areas to a maximum depth of 9 feet below grade. ☒ Paved Surface Beneath a minimum of three inches of pavement and at a depth of four feet or more below the paved surface to a maximum depth of 9 feet below grade. ☐ Building Slab ☐ Permanent Structure ☐ Other

Exhibit B. Environmental Use Restriction Opinion Overview

Acronym List

NAPL: non-aqueous phase liquid

PAHs: polycyclic aromatic hydrocarbons

PCBs: polychlorinated biphenyls

SVOCs: semi-volatile organic compounds

VOCs: volatile organic compounds

RDEC: residential direct exposure criteria

I/C DEC: industrial/commercial direct exposure criteria

PMC: pollutant mobility criteria

RSVVC: residential soil vapor volatilization criteria

I/C SVVC: industrial/commercial soil vapor volatilization criteria

GWPC: groundwater protection criteria

SWPC: surface water protection criteria

RVC: residential volatilization criteria

I/C VC: industrial/commercial volatilization criteria

LEP: Licensed Environmental Professional

Commissioner: Commissioner of the Department of Energy and Environmental Protection

Exhibit B. EUR Opinion

Inaccessible Soil and Residential Activity (PCBs) Restriction and Obligation

In accordance with RCSA section 22a-133k-2(b)(4), inaccessible soil, as defined in RCSA section 22a-133k-1(a)(39) at a release area containing PCBs that is less than fifteen feet below the ground surface is not required to be remediated to the applicable direct exposure criteria provided an ELUR is in effect for the Subject Area.

Pursuant to RCSA Section 22a-133k-1(a)(39):

☒ The inaccessible soil is polluted soil which is more than four (4) feet below the ground surface.
or

☐ NA

Restrictions and Obligations Applicable to the Subject Area

In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at the Subject Area(s) **A** as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:

☐ **Option A – No Disturbance** **or** ☒ **NA**

The following restrictions and obligations apply to **Subject Area :**

- Excavation, demolition or other intrusive activities are prohibited below the ground surface;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- Soil used to render polluted soil inaccessible shall be maintained and immediately replaced, as needed to maintain the four feet of soil cover and topography of the ground surface;
- Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

☒ **Option B – Limited Disturbance** **or** ☐ **NA**

The following restrictions and obligations apply to **Subject Area A:**

- The polluted soil rendered inaccessible at is at a depth of **four** feet below the ground surface;
- Excavation, demolition or other intrusive activities are prohibited at depths greater than **three** feet below the ground surface;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- Soil used to render polluted soil inaccessible shall be maintained and immediately replaced, as needed to maintain the four feet of cover and topography of the ground surface;
- Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited

Pursuant to RCSA Section 22a-133k-1(39):

☐ The inaccessible soil is polluted soil which is more than two (2) feet below a paved ground surface comprised of bituminous concrete that, at a minimum, is three (3) inches thick, or reinforced concrete that, at a minimum, is four (4) inches thick.

or

☒ NA

Restrictions and Obligations Applicable to the Subject Area

In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:

☐ **Option A – No Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** :

- Excavation, demolition or other intrusive activities are prohibited below the ground surface;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition, free of gaps or cracks that could expose such soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

☐ **Option B –Limited Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** *Subject Area*:

- The polluted soil rendered inaccessible is at a depth of *Enter Depth* feet below the paved surface;
- Excavation, demolition or other intrusive activities are prohibited at depths greater than *Enter Depth* feet below the paved surface;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- Bituminous or reinforced concrete used to render polluted soil inaccessible shall be maintained in good condition, free of gaps or cracks that could expose such soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

Pursuant to RCSA Section 22a-133k-1(39):

☐ The inaccessible soil is polluted soil which is beneath a building.

or

☒ NA

Restrictions and Obligations Applicable to the Subject Area

In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) *Subject Area* as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:

☐ **Option A – No Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** *Subject Area*:

- Excavation, demolition or other intrusive activities are prohibited below the concrete building slab;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- The building that is used to render soil inaccessible shall shall not be removed and shall consist of a roof, exterior walls, and a concrete floor. The concrete floor and concrete foundation shall be maintained in good condition, free of gaps or cracks that could expose such inaccessible polluted soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

☐ **Option B – Limited Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** *Subject Area*:

- The polluted soil rendered inaccessible is at a depth of *Enter Depth* feet below the surface of the concrete building floor;
- Excavation, demolition or other intrusive activities are prohibited at depths greater than *Enter Depth* feet below the surface of the concrete building floor;
- The building that is used to render soil inaccessible shall shall not be removed and shall consist of a roof, exterior walls, and a concrete floor. The concrete floor and concrete foundation shall be maintained in good condition, free of gaps or cracks that could expose such inaccessible polluted soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

Pursuant to RCSA Section 22a-133k-1(39):

☐ The inaccessible soil is polluted soil which is beneath a permanent structure.

Description of permanent structure: *Enter Description*

or

☒ NA

Restrictions and Obligations Applicable to the Subject Area

In accordance with RCSA section 22a-133k-2(b)(4), the Grantor shall ensure that use, occupancy, and activity of and at Subject Area(s) *Subject Area* as depicted on Exhibit C of this ELUR are restricted and obligations complied with as follows:

☐ **Option A – No Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** *Subject Area*:

- Excavation, demolition or other intrusive activities are prohibited below the permanent structure ("No Disturbance");
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- The permanent structure is prohibited from being removed and shall be maintained in good condition to the extent required to prevent exposure of such inaccessible soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

☐ **Option B – Limited Disturbance** **or ☐ NA**

The following restrictions and obligations apply to **Subject Area** *Subject Area*:

- The polluted soil rendered inaccessible is at a depth of *Enter Depth* feet below the base of the permanent structure;
- Excavation, demolition or other intrusive activities are prohibited at depths greater than *Enter Depth* feet below the base of the permanent structure;
- The polluted soil rendered inaccessible shall not be exposed, including but not limited to, as a result of excavation, demolition, other intrusive activities, or natural occurrences;
- The permanent structure is prohibited from being removed and shall be maintained in good condition to the extent required to prevent exposure of such soil; and
- Residential activity as defined in RCSA section 22a-133k-1(a)(76) is prohibited.

Type of Substances at Subject Area

PCBs

How Compliance with the Restrictions and Obligations Will Ensure Future Compliance with the RSRs at the Subject Area

Compliance with the restrictions and obligations are necessary to adequately protect human health and the environment.

Provided residential activity is prohitbited at the subject area and the soil is not exposed such that people may come in contact with it, as required by the ELUR, such polluted soil does not pose an unacceptable risk to human health.

Reasons Why the Restrictions and Obligations Chosen are Appropriate for the Conditions Present at the Subject Area

The restriction or limitation and obligations are consistent with the RSRs because:

- The current condition of the Subject Area is in compliance with the restrictions and obligations of this ELUR; and
- Substances present in soil at the parcel which is not inaccessible are in compliance with the applicable direct exposure criteria;.

- Substances present in soil at the parcel which exceed the applicable direct exposure criteria have been rendered inaccessible;

and/or

☒ The Direct Exposure Criteria for PCBs applied to inaccessible soil (as defined in RCSA section 22a-133k-1(a)(39)) at Subject Area **A** are:

- ☐ An alternative criterion, as approved in accordance with section 22a-133k-2(d); or
- ☒ Ten (10) ppm PCBs by dry weight; or
- ☐ Twenty-five (25) ppm PCBs by dry weight if such inaccessible soil is located on an "other restricted access non-substation location" as this terms is defined in 40 CFR 761.123; or
- ☐ Twenty-five (25) ppm PCBs by dry weight if such inaccessible soil is located on an an "outdoor electrical substation" as this term is defined in 40 CFR 761.123; or
- ☐ Fifty (50) ppm by dry weight at an outdoor electric substation if a label or notice is visibly placed in the area in accordance with 40 CFR 761.125(c)(2).

Connecticut
Department of Energy &
Environmental Protection



To Town Clerk **- Index under The Rocky River Realty Company as Grantor(s).**

After Recording Return to:
Environmental Use Restriction Coordinator
State of Connecticut Department of Energy and Environmental Protection
Remediation Division
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, CT 06106

December 4, 2025

To:
Craig Dikeman
The Rocky River Realty Company

c/o Kenneth Collette
Eversource Energy Service Company
107 Selden Street
Berlin, CT 06037

Re: Environmental Land Use Restriction
107 Selden Street
Berlin, CT

APPROVAL
REQUEST FOR WAIVER FROM CERTAIN SUBORDINATION AGREEMENTS

The Bureau of Water Protection and Land Reuse ("Department") has reviewed the *Environmental Use Restriction Form, Section F, Land Title Analysis* received January 10, 2025 ("Form"). The Form includes a request for a waiver from the requirement to obtain certain subordination agreements in conjunction with the proposed Environmental Land Use Restriction (ELUR) for the above referenced property ("Property"). The Form was prepared by John Mulcahy, Esq of Updike, Kelly & Spellacy, P.C. on behalf of The Rocky River Realty Company.

The following interests at the Property are so minor as to be unaffected by the ELUR or when acted upon, are not capable of creating a condition contrary to the purpose of the ELUR:

Title Exception 8, Volume 83 Page 773: Right for State of Connecticut to discharge water onto subject premises as set forth in a certain Warranty Deed from Arthur E. Webster to State of Connecticut recorded on January 8, 1941, sin Volume 83 at Page 773 of the Berlin Land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Craig Dikeman
Environmental Land Use Restriction
Approval Request for Waiver from Certain Subordination Agreements
107 Selden Street, Berlin, CT

Title Exception 9, Volume 160 Page 310: Easement from The Connecticut Light and Power Company to the Town of Berlin recorded on July 21, 1970, in Volume 160 at Page 310 of the Berlin Land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Title Exception 10, Volume 182 Page 62: A sewer Easement from The Rocky River Realty Company to the Town of Berlin recorded on October 4, 1974, in Volume 182 at Page 62 of the Berlin Land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Title Exception 12, Volume 323 Page 759: Easement and Right of Way from The Rocky River Realty Company to the Town of Berlin recorded on February 20, 1992, in Volume 323 at Page 759 of the Berlin Land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Title Exception 15, Volume 344 Page 910: Easement from Rocky River Realty Company to the State of Connecticut to install and maintain, among other things, traffic signal controls over and under the easement area recorded on June 4, 1993, in Volume 344 at Page 910 of the Berlin land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Title Exception 20, Volume 798 Page 707: Use Restriction by Rocky River Realty Corporation recorded on December 29, 2021, in Volume 798 at page 707 of the Berlin Land Records. Federally required and does not conflict with the material terms of the subject ELUR.

Title Exception 21, Volume 825 Page 666: Traffic easement from Rocky River Realty Company to the State of Connecticut to install and maintain, traffic signal controls over and under the easement area recorded on May 29, 1993, in Volume 825 at Page 666 of the Berlin land Records. The easement is located outside of the subject areas and therefore will not affect the purpose of the ELUR.

Title Exception Schedule B1 (13), Volume 808 Page 424: Mechanics Lien claimed by Gopher Mats, LLC, and filed against Eversource, recorded on August 26, 2022, in Volume 808 at Page 424 of the Berlin land Records. The lien statutorily expired as of 8/26/2023 and therefore will not affect the purpose of the ELUR.

The request to waive the requirement to obtain a subordination agreement for the above referenced interests is hereby approved. This approval is based on the information presented in the Form.

Please record this approval letter, and any other documents that are necessary to show that all other interests in the land have been irrevocably subordinated to the ELUR, as required by Connecticut General Statutes section 22a-133o(b).

Craig Dikeman
Environmental Land Use Restriction
Approval Request for Waiver from Certain Subordination Agreements
107 Selden Street, Berlin, CT

Nothing in this approval shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions pertaining to this matter, please contact Jade Barber of my staff at (860) 424-3341.

Sincerely,

Graham J. Stevens
Bureau Chief
Bureau of Water Protection and Land Reuse

Sent Certified Mail, Return Receipt Requested

After Recording Return to:
Connecticut Department of Energy and Environmental Protection
Environmental Use Restriction Coordinator
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127
Re: N/A

LEASE SUBORDINATION AGREEMENT

WHEREAS, The Rocky River Realty Company, a Connecticut corporation ("RRR"), intends to grant to the Commissioner of Energy and Environmental Protection of the State of Connecticut (the "Commissioner") an environmental land use restriction ("ELUR") on property owned by RRR at 107 Selden Street, Berlin, Connecticut (the "Property"), which property is more particularly described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Eversource Energy Service Company ("Eversource") entered into an Office Lease and Project Lease with RRR, which leases either include the Property or contain rights in the Property, both dated as of April 14, 1992 (the "Leases"), notice of which Leases were recorded on in Volume 326, Page 776 (Volume 829, Page 175), Volume 326, Page 990 (Volume 829, Page 189) of the Belin, Connecticut Land Records; and

WHEREAS, Section 22a-133o of the Connecticut General Statutes requires that all persons having an interest in the Property that is subject to the ELUR must subordinate their interest in the Property to the ELUR.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Eversource in consideration of the premises and in order that the said ELUR may be granted, has agreed and does hereby, for itself and its successors and assigns, covenant and agree to irrevocably subordinate, waive, and surrender to the Commissioner all such right of priority as the undersigned has or ought to have in the Property by virtue of the Leases, and hereby covenants and agrees that the ELUR shall take precedence to said Leases as it relates to the Property and shall be entitled to the same rights and benefits both in law and equity as it would have had if it had been executed, delivered and recorded prior to the Leases.

IN WITNESS WHEREOF, the undersigned has hereunto set its seal this 2nd day of December, 2025.

Signed, sealed and delivered
in the presence of

Lavna Roscoe

Annemarie Kannally

EVERSOURCE ENERGY SERVICE COMPANY

By _____
Name: Craig J. Dikeman
Its: Vice President

COMMONWEALTH OF MASSACHUSETTS)
) ss. , 2025
COUNTY OF NORFOLK)

On this the 2nd day of December, 2025, before me the undersigned officer, personally appeared Craig J. Dikeman, who acknowledged himself to be the Vice President of Eversource Energy Service Company, a corporation, and that he as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such Vice President.

In witness whereof I hereunto set my hand.

Diane Citrone
Notary Public

DIANE CITRONE
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
February 22, 2030

5109662

EXHIBIT A

Property Description

That certain piece or parcel of land located easterly of and adjoining the Berlin Turnpike - Route 5 & 15 (aka Wilbur Cross Parkway), southerly of and adjoining Webster Street, northerly of and adjoining Deming Road - Route 160 and easterly of and adjoining Selden Street in the Towns of Berlin and Newington, County of Hartford, State of Connecticut. Said parcel containing 137.55 acres, more or less, consisting of 133.75 acres, more or less, in the Town of Berlin and 3.8 acres, more or less in the Town of Newington is bounded and described as follows:

Commencing at a point marking the intersection of the easterly line of the Berlin Turnpike and the southerly line of Webster Street and the northwesterly corner of the herein described parcel; thence the following six (6) courses and distances along said southerly line of Webster Street: N 85°04'28"E 477.63 feet to a point; N 7°10'32"W 8.22 feet to a point; N 83°56'28"E 709.60 feet to a point; N 89°07'28"E 1.31 feet to a point marked by a monument on the Berlin-Newington Town Line; N 89°07'28"E 387.34 feet to a point; and easterly following a curve to the right having a radius of 1333.07 feet and an arc length of 59.83 to a point marking the northeasterly corner of the herein described parcel and the northwesterly corner of land now or formerly of Judson J. Meigs, et al; thence the following thirteen (13) courses and distances along said land now or formerly of Judson J. Meigs, et al; S 6°28'46"W 323.45 feet to a point marked by a monument; S 6°28'46"W 8.15 feet to a point; S 89°45'56"E 4.40 feet to a point marked by a monument; S 89°45'56"E 421.52 feet to a point marked by a monument; S 89°45'56"E 3.78 feet to a point; S 1°27'11"E 101.13 feet to a point; S 5°48'04"E 201.82 feet to a point marked by a monument; S 5°48'04"E 8.11 feet to a point; N 86°35'24"E 9.78 feet to a point marked by a monument; N86°35'24" E 165.54 feet to a point marked by a monument; N 86°35'24"E 9.11 feet to a point; S 3°57'57"E 85.39 feet to a point marked by a monument; and S 4044'33"E 477.68 feet to a point marking a corner of said land now or formerly of Judson J. Meigs, et al and land now or formerly of Thomas W. Neilson et al; thence the following eight (8) courses and distances along said land now or formerly of Thomas W. Neilson et al: S 86°47'28"W 201.80 feet to a point marked by a monument; S 2°06'35"W 384.61 feet to a point; S 4°16'18"W 107.15 feet to a point; S 86°26'25"W 382.43 feet to a point; S 87°33'09"W 151.32 feet to a point; S 13°53'20"W 221.26 feet to a point; S 12°32'08"W 139.48 feet to a point; and S 4°57'02"E 568.92 feet to a point marking a corner of land now or formerly of Claire L. White; thence S 17°29'33"W 703.76 feet along said land now or formerly of Claire L. White to an iron pipe marking a corner of said land now of formerly of Claire L. White and the northwesterly corner of land now or formerly of John Pipkin, Jr. and others; thence S 18°29'58"W 335.17 feet along said land now or formerly of John Pipkin, Jr. and others to a point on the northerly line of Deming Road marking the southeasterly Corner of the herein described parcel and the southwesterly

corner of said land now or formerly of John Pipkin, Jr. and others; thence S 79°13'24"W 204.26 feet along said northerly line of Deming Road to a point marking the southeasterly corner of land now or formerly of John Stankiewicz, said point being N 79°13'24"E 31.00 feet from a Connecticut Highway Department (CHD) monument; thence the following five (5) courses and distances along said land now or formerly of John Stankiewicz: N 18°31'24"E 245.35 feet to a point marking the northeasterly corner of said land now or formerly of John Stankiewicz; S 87*46'39"W 123.05 feet to a point marking the northwesterly corner of said land now or formerly of John Stankiewicz; S 23000'19"W 198.00 feet to a point; S 21*42'51"E 49.05 feet to a point; and S 64°06'51"E 34.81 feet to a point on said northerly line of Deming Road marking the southwesterly corner of said land now or formerly of John Stankiewicz; said point being southwesterly following a curve to the left having a radius of 756.78 feet and an arc length of 43.50 feet from a point marked by a CHD monument; thence southwesterly along said northerly line of Deming Road following a curve to the left having a radius of 756.78 feet and an arc length of 220.46 feet to a point marked by a CHD monument; thence S 59°14,51"W 15.00 feet again along said northerly line of Deming Road to a point marking the southwesterly corner of the herein described parcel and a corner of other land now or formerly of John Stankiewicz; thence N 0°41'02"E 195.10 feet along said land now or formerly of John Stankiewicz and along Elm Street, partly by each, to a point on the northerly line of said Elm Street; thence the following ten (10) courses and distances along said northerly line of Elm Street: N 67°04'57"W 250.37 feet to a point; N 68°51'24"W 340.00 feet to a point; N 69°12'18"W 230.36 feet to a point; N 65°32'45"W 49.05 feet to a point; N 70°12'39"W 115.84 feet to a point; N 68°16'50"W 93.84 feet to a point; N 70°06'46"W 40.55 feet to a point; N 56°11'31"W 52.18 feet to a point; N 30°57'59"W 31.91 feet to a point; and N 23°33'45"W 51.76 feet to a point on the easterly line of Selden Street; thence the following nine (9) courses and distances along said easterly line of Selden Street: N 2°39'10"W 395.11 feet to a point northwesterly following a curve to the left having a radius of 230.00 feet and an arc length of 31.06 feet to a point; thence N 10°23,24"W 235.36 feet to a monument; N 10°42'51"W 56.63 feet to a point; N 10°19'17"W 34.00 feet to a point; northwesterly following a curve to the left having a radius of 540.00 feet and an arc length of 161.48 feet to a point; N 27°27'17"W 399.40 feet to a point marked by a monument; northwesterly following a curve to the left having a radius of 330.00 feet and an arc length of 231.73 feet to a point; and N 67°41117"W 19.50 feet to a point on said easterly line of the Berlin Turnpike; thence the following four (4) courses and distances along said easterly line of the Berlin Turnpike: N 22°18143"E 70.00 to a point marked by a CHD monument on the Berlin-Newington Town Line; S 80°43'28"W 5.87 along said Town Line to a point marked by a CHD monument; N 22°17'46"E 711.20 feet to a point marked by a CHD monument; and N 22°17'28"E 414.00 feet to the point and place of commencement.

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RECEIVED FOR RECORD AT BERLIN, CT
12/17/2025 12:51:42 PM

Town Clerk