

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED

2009 DEC 18 A 11: 16

In the Matter of:)
)
The University of Bridgeport)
126 Park Avenue)
Bridgeport, Connecticut)
)
Respondent)
)
Proceeding under Section 16(a))
of the Toxic Substances Control)
Act, 15 U.S.C. § 2615(a).)

Docket No.
TSCA-01-2009-0050

EPA ORC
OFFICE OF
REGISTRAR AND HEARING CLERK

CONSENT AGREEMENT
AND FINAL ORDER

CONSENT AGREEMENT

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and in accordance with 40 C.F.R. § 22.18 of EPA’s “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

I. INTRODUCTION

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, initiated this proceeding against Respondent, the University of Bridgeport (“UB”), by issuing an administrative complaint (“Complaint”), pursuant to Section 16 of TSCA, on August 26, 2009.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint.

II. TERMS OF SETTLEMENT

4. The provisions of this Consent Agreement and Final Order (“CAFO”) shall apply to and be binding on Respondent, its officers, directors, successors and assigns.

5. Respondent agrees that EPA has jurisdiction over the subject matter alleged in the Complaint, and hereby waives any defenses it might have as to jurisdiction and venue.

6. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

7. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

8. Without admitting or denying the facts and violations alleged in the Complaint, Respondent consents to the terms and issuance of this CAFO, including the performance of the Supplemental Environmental Project (“SEP”) described herein, and consents for the purposes of settlement to the payment of the civil penalty as set out in this CAFO.

9. Respondent certifies that it has accepted and will fully comply with the University of Bridgeport PCB Remediation Notification, dated November 14, 2008, and its Addendum, dated February 2, 2009, as approved by EPA with certain conditions on March 5, 2009 (collectively, the “PCB Cleanup Plan”). EPA’s March 5, 2009 Approval is attached to this CAFO as Attachment #1. Within 60 days of completion of the cleanup activities described in the PCB Cleanup Plan, Respondent shall submit a final completion report to EPA, as required under Condition 19 of the PCB Cleanup Plan, certifying that the cleanup activities have been completed in accordance with the plan.

10. Respondent shall submit a remedial action plan ("RAP") to the Connecticut Department of Environmental Protection's ("CT DEP's") Underground Storage Program by no later than January 30, 2010 that addresses the closure of three former underground storage tanks ("USTs") located on Respondent's campus at Bodine Hall (Tank # B1), North/South Hall (Tank # A1), and the Cox Student Center (unregistered tank). In addition, Respondent shall:

- a. Address any comments to the RAP by CT DEP in writing within 30 days of its receipt of the comments; and
- b. Comply with all of the schedules and actions identified in the RAP once the plan is approved by CT DEP.

11. After consideration of the nature of the violations alleged in the Complaint, Respondent's agreement to perform the SEP, and other relevant factors, Complainant has determined that it is fair and proper that Respondent pays a civil penalty in the amount of \$12,900 in settlement of this matter.

Penalty Payment

12. Respondent shall pay the civil penalty set forth in this CAFO by no later than thirty (30) days after the effective date of this CAFO.

13. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.

14. Respondent shall make the penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077

St. Louis, MO 63197-9000

Respondent shall note the case name (“In the Matter of: The University of Bridgeport”) and the docket number (“TSCA-01-2009-0050”) of this action on the payment check and in an accompanying cover letter, and shall provide copies of each check and letter to:

Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (ORA18-1)
Boston, MA 02109-3912

and:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES04-4)
Boston, MA 02109-3912

15. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid within 30 calendar days of the effective date of this CAFO. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys’ fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due in

accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day that payment is due.

Description of SEP

16. Respondent agrees to complete the following SEP, which the parties agree is intended to secure significant environmental protection and improvements.

a. Respondent shall conduct an inventory of all of the electrical transformers on its campus in Bridgeport, Connecticut. Respondent shall also conduct sampling for PCBs of all of its transformers with an unknown PCB concentration. All transformers determined to contain PCBs at a concentration equal to or greater than 50 parts per million (“ppm”) shall be removed from service and either retrofilled or disposed. The SEP shall be completed no later than 36 months after the effective date of this CAFO, unless extended pursuant to Paragraph 28. The SEP is further described in the scope of work (“Scope of Work”), attached hereto as Attachment #2, and is incorporated herein by reference.

17. The total expenditure for the SEP shall be at least \$56,000. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Reports/Notices, described in Paragraphs 20-22 herein.

18. For Federal Income Tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

19. Respondent certifies that, as of the date of its execution of this CAFO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement or grant or as injunctive relief in this or any other action. Respondent also certifies that it has not

received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

SEP Reports/Notices

20. Within 100 days of the effective date of this CAFO, Respondent shall submit a SEP Report to EPA that shall contain the following information:

- a. A copy of its transformer inventory and any analytical test results regarding PCB concentration (or other documentation) associated with each transformer;
- b. A copy of the removal/disposal/retrofill schedule for its transformers; and
- c. A certified statement that Respondent is in compliance with the registration, marking and inspection requirements of 40 C.F.R. Part 761 (the “PCB Regulations”).

21. Within 36 months of the effective date of this CAFO, Respondent shall submit a notice in writing to EPA that it has completed the removal/disposal/retrofill activities associated with each transformer.

22. Within 30 days of the completion of the SEP, Respondent shall submit a SEP Completion Report to EPA that shall contain the following information:

- a. A detailed description of the SEP as implemented, including copies of any waste disposal manifests, bills of lading and analytical results regarding the transformers;
- b. Itemized costs, documented by copies of purchase orders and receipts or canceled checks;
- c. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and

d. A brief description of the environmental and public health benefits resulting from implementation of the SEP.

23. Respondent agrees that failure to submit any of the SEP Reports/Notices required by this CAFO shall be deemed a violation of this CAFO, and Respondent shall become liable for stipulated penalties pursuant to Paragraph 29 herein.

24. Respondent shall submit, by first class mail or overnight delivery, the SEP Reports/Notices required by this CAFO to Marianne Milette, Toxics and Pesticides Technical Unit, U.S. EPA, Region 1, 5 Post Office Square - Suite 100 (Mail Code: OES05-4), Boston, MA 02109-3912. The date of submission of such required SEP Reports/Notices shall be deemed the date on which such information is postmarked by the U.S. Postal Service, or delivered to an overnight delivery carrier.

25. Respondent shall maintain legible copies of documentation of the relevant and pertinent supporting evidence for any and all SEP Reports/Notices submitted to EPA pursuant to this CAFO for five (5) years following such submission, and Respondent shall provide documentation to EPA within seven (7) days of a request for such information. In all documents or reports submitted to EPA pursuant to this CAFO, Respondent shall, by and through an authorized official, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

EPA Response to SEP Reports

26. Following receipt of any SEP Report required by this CAFO, EPA will do one of the following: (i) accept the SEP Report; or (ii) reject the SEP Report, notify Respondent, in writing, of deficiencies in the SEP Report and grant Respondent an additional thirty (30) days in which to correct any deficiencies.

27. If EPA elects to exercise option (ii) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach an agreement on the issues in dispute. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, stipulated penalties shall be due and payable by Respondent to the United States in accordance with Paragraph 29 below.

Force Majeure

28. If any event occurs which causes or may cause delays in the completion of the SEP as required under this CAFO, Respondent shall notify EPA in writing within ten (10) days of the delay or of the date that Respondent knew or should have known of the event by the exercise of due diligence, whichever is earlier. The notice shall describe in detail the anticipated length of the delay, the cause or causes of the delay, the measures taken and/or to be taken by

Respondent to prevent or minimize the delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this Paragraph shall render this Paragraph void and of no effect as to the particular incident involved and shall constitute a waiver of Respondent's right to request an extension of its obligation under this CAFO based on such incident. If the parties agree that the delay or anticipated delay has been or will be caused by circumstances beyond the control of Respondent or any entity controlled by Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this CAFO has been or will be caused by circumstances beyond the control of Respondent or an entity controlled by Respondent, EPA shall notify Respondent in writing of its decision and any delays in the completion of the SEP shall not be excused.

Stipulated Penalties

29. In the event that Respondent fails to complete the cleanup activities in accordance with the PCB Cleanup Plan or comply with all of the conditions of the PCB Cleanup Plan (including, but not limited to, submitting a final completion report); fails to comply with any of the schedules and/or activities identified in the RAP and approved by CT DEP; or fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP, such as the filing of any SEP Report/Notice; and to the extent that the actual expenditures for the SEP do not equal or exceed the expected cost of the SEP, Respondent shall be liable for stipulated penalties in accordance with the provisions set forth below:

a. For the failure to comply with any condition of the PCB Cleanup Plan, Respondent shall pay a stipulated penalty to the United States in accordance with the following schedule: for the initial thirty days of violation, a \$200 penalty for each day until the condition is met; and for each subsequent day thereafter, an additional \$500 penalty for each day until the condition is met.

b. For the failure to comply with any schedule or action identified in the RAP as approved by CT DEP, Respondent shall pay a stipulated penalty to the United States in accordance with the following schedule: for the initial thirty days of violation, a \$100 penalty for each day until the condition is met; and for each subsequent day thereafter, an additional \$200 penalty for each day until the condition is met.

c. Except as provided by Subparagraph 29.d herein, if the SEP is not satisfactorily completed pursuant to the terms of this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$56,000 (in other words, 100 percent of the amount of money originally required to be spent on the SEP) plus interest accrued from the effective date of this CAFO.

d. If the SEP is not satisfactorily completed, but Respondent: (1) made good faith and timely efforts to complete the SEP; and (2) certifies, with supporting documentation, that it spent at least 90 percent of the amount of money originally required to be spent on the SEP (in other words, equal to or more than \$50,400), Respondent shall not be liable for any stipulated penalty.

e. If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money originally required to be spent for the SEP (in other words, less than

\$50,400), Respondent shall pay a stipulated penalty to the United States in the amount of one dollar for every dollar less than \$50,400 that Respondent actually spent for the SEP, plus interest accrued from the effective date of this CAFO.

f. For the failure to submit any SEP Report/Notice required by this CAFO, Respondent shall pay a stipulated penalty to the United States in accordance with the following schedule: for the initial thirty days after the report was originally due, a \$100 penalty for each day until the report is submitted; and for the thirty-first day after the report was originally due and for each subsequent day thereafter, an additional \$200 penalty for each day until the report is submitted.

30. The determination of whether the PCB Cleanup Plan, the RAP, the SEP, and/or a SEP Report/Notice has been satisfactorily completed or submitted shall be in the sole discretion of EPA.

31. Respondent shall pay stipulated penalties plus any interest thereon within fifteen (15) days of receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 14 herein. EPA may, in its sole discretion, elect not to seek stipulated penalties or to waive any portion of stipulated penalties that accrue pursuant to this CAFO.

Additional Provisions

32. The civil penalty, described in Paragraph 11 herein, and any stipulated penalties, interest, non-payment penalties, and/or other charges, shall represent penalties assessed by EPA and shall not be deductible for federal tax purposes.

33. Compliance with this CAFO, including payment of any penalties, interest, or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

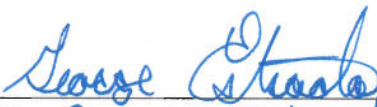
34. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA for the specific violations alleged in this CAFO. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or, with respect to matters other than the allegations and violations alleged in the Complaint, violations of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any other applicable provision of law. Nor shall this CAFO be construed to, nor is it intended to operate in any way to, resolve any criminal liability or any other civil liability of Respondent.

35. Except as described in Paragraph 15 herein, each party shall bear its own costs and fees in this proceeding.

36. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: The University of Bridgeport, Docket No. TSCA-01-2009-0050.

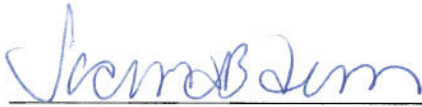
For the University of Bridgeport:


Name: George Estrada
Title: VP Facilities
The University of Bridgeport

12-4-09
Date

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: The University of Bridgeport, Docket No. TSCA-01-2009-0050

For U.S. EPA, Region 1:

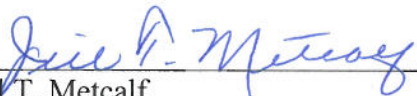


Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

12/16/09
Date

FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region 1



Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

1 CONGRESS STREET, SUITE 1100, BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 5 2009

Neil A. Salonen, President
University of Bridgeport
126 Park Avenue
Bridgeport, Connecticut 06604

Re: PCB Cleanup and Disposal Approval under § 761.61(a)
University of Bridgeport/Bridgeport, Connecticut

Dear Mr. Salonen:

This is in response to the Notification by the University of Bridgeport¹ (the University) to address PCB-contaminated materials located at Milford Hall and at 85 Park Avenue (together, "the Sites") on the University campus. PCB-contaminated materials, including *porous surfaces* (i.e. concrete), soils and *non-porous surfaces* (i.e. piping conduits), have been identified at these Sites that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.61. The PCB contamination is associated with leaking PCB transformers which have been removed and disposed. The University has requested cleanup and disposal of the PCB-contaminated materials under the self-implementing cleanup and disposal option at 40 CFR § 761.61(a).

In your Notification, you propose the following activities:

1. Removal and off-site disposal of the concrete transformer pad(s) and associated soils with PCB concentrations greater than ($>$) 1 part per million (ppm);
2. Decontamination of *non-porous surfaces* to achieve a PCB cleanup standard of less than ($<$) $10 \mu\text{g}/100 \text{ cm}^2$; and,
3. Disposal of all PCB-contaminated wastes as a greater than or equal to (\geq) 50 ppm in accordance with § 761.61(a)(5)(i)(B)(2)(iii).

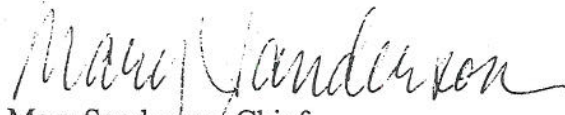
¹ Information was submitted on your behalf by HRP Associates, Inc. to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated November 14, 2008 and February 2, 2009. These submittals will be referred to as the "Notification."

The information provided meets the Notification requirements under § 761.61(a)(3). The University may proceed with its plan in accordance with 40 CFR § 761.61(a) and its Notification, subject to this Approval and the conditions of Attachment 1.

This Approval does not release the University from any applicable requirements of federal, state or local law, including but not limited to those requirements related to groundwater monitoring or to remediation of other contaminants at the Site by the Connecticut Department of Environmental Protection.

Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



Mary Sanderson, Chief
Remediation & Restoration II Branch

Attachment 1

cc: ✓ M. Milette, EPA
G. Trombly, CTDEP
Bridgeport Health Department
File

**ATTACHMENT 1: PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
UNIVERSITY OF BRIDGEPORT CAMPUS
MILFORD HALL AND 85 PARK AVENUE
BRIDGEPORT, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the PCB-contaminated materials identified in the Notification and located at Milford Hall and 85 Park Avenue (together, "the Sites") on the University of Bridgeport campus.
2. The University of Bridgeport (the University) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. This Approval may be revoked if the EPA does not receive written notification from the University of its acceptance of the conditions of this Approval within 10 business days of receipt.
4. In the event that the plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
6. The University must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the University shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
7. The University is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the University has or receives information indicating that the University or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the University are authorized to conduct the activities set forth in the Notification. The University is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
9. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the University from compliance with any applicable requirements of federal, state or local law; or 3) release the University from liability for, or otherwise resolve, any violations of federal, state or local law.

DISPOSAL CONDITIONS

10. Prior to initiating onsite work under this Approval, the University shall submit the following information:
 - a. A certification signed by its selected cleanup contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval.
 - b. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.
11. The cleanup level for *PCB remediation waste* at the Site shall meet *the high occupancy area* cleanup standards as follows:
 - a. Bulk *PCB remediation waste* (i.e. soil) shall meet a PCB cleanup standard of less than or equal to 1 part per million (≤ 1 ppm) based on dry-weight analysis. Verification sampling shall be conducted in accordance with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
 - b. *Porous surfaces* (i.e. concrete) shall meet a PCB cleanup standard of ≤ 1 ppm based on dry-weight analysis. All post-cleanup sampling for *porous surfaces* shall be conducted in accordance with the EPA's draft Standard Operating Procedure For Sampling Concrete in the Field, dated 12/30/97, at a maximum depth interval of 0.5 inches and as described in the Notification.

- c. *Non-porous surfaces* (i.e. metal) shall meet a PCB cleanup standard of less than ($<$) $10 \mu\text{g}/100 \text{ cm}^2$. At a minimum, verification sampling to document cleanup shall be conducted in accordance with Subpart P. In lieu of meeting the decontamination standards for *non-porous surfaces*, the University shall dispose of these materials in a TSCA-approved disposal facility or in a RCRA hazardous waste disposal facility.
 - d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and wipes and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
12. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with § 761.61(a)(5), unless otherwise specified as follows:
- a. Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

13. The University shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the University to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
14. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

15. In the event that the University discovers new material facts related to PCB contamination at the Site which was not contained in the Notification, the University shall submit this information to EPA within 5 days of discovery of said material facts. EPA reserves its rights to modify this Approval and/or to require modification to the PCB cleanup and disposal plan based on its review of the new material facts.
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
17. This Approval, issued pursuant to § 40 CFR 761.61(a), is conditioned on full and forthright disclosure of all material facts. Any misrepresentation or omission of material fact in the Notification or in any records or reports, or failure to notify EPA of new material facts may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The University shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of these remedial activities shall be established and maintained by the University in one centralized location until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
19. The University shall submit a final report to EPA within 60 days of completion of the PCB activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the activities, including any changes to the original proposed cleanup plan; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests and/or copies of bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.

20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1

ATTACHMENT #2
UNIVERSITY OF BRIDGEPORT
TSCA-01-2009-0050

Supplemental Environmental Project

Scope of Work

Project Name: Retrofill or Replace PCB-Containing Electrical Equipment

Project Type: Pollution Prevention

Rationale: This scope of work will be conducted at a location owned by the University of Bridgeport (UB) and subject to the Complaint and Consent Agreement and Final Order (CAFO). Implementation of the project will eliminate the potential for the release of polychlorinated biphenyls (PCBs) from specific "PCB-contaminated electrical equipment" and "PCB Transformers" (as defined under 40 C.F.R. § 761.3) to the environment at Respondent's site located in Bridgeport, Connecticut. Potentially, up to an estimated 1,831 gallons of transformer oil containing PCBs would be removed under this supplemental environmental project (SEP).

Background: UB owns and/or operates an educational institution of higher learning in the south area of Bridgeport, Connecticut. The UB campus is bounded by Atlantic Street to the north, Broad Street to the east, Waldemere Avenue to the south, and Iranistan Avenue to the west. The campus includes fifty one buildings and encompasses approximately 64 acres of land. Several of the larger campus buildings utilize separate oil-filled distribution transformers that are suspected of containing PCBs based on their vintage and historical laboratory analytical information from transformers removed from the campus.

Description of the SEP: UB will determine the PCB content of 28 oil-filled electrical distribution transformers at the site. Transformer oil containing PCBs at a level greater than or equal to 50 parts per million (ppm) will either be replaced with non-PCB oil or the transformer will be replaced with a non-PCB transformer.

A preliminary designation for removal or retrofill of each transformer has been performed for planning purposes. These designations are subject to change following transformer sampling and inventory.

First an inventory and inspection of the 28 oil-filled transformers will be performed. Samples of the transformer oil will be collected from each and analyzed to determine the concentration of PCBs. The overall condition of the units will be noted.

Each of the transformers that are designated for removal will be disposed of as a TSCA-regulated waste.

Each transformer designated for retrofilling will be reclassified in accordance with 40 C.F.R. § 761.30 (a) (2) (v). These transformers will be flushed following oil removal, and then rinsed prior to re-filling with clean oil. Samples of the oil in each of the retrofilled transformers will be collected and analyzed after 90-days following oil replacement. If the PCB concentration in the transformer is determined to be less than 50 ppm, then the transformer will be considered reclassified as a non-PCB transformer. If the PCB concentration is determined to be 50 ppm or greater, then, for a second time, the oil will be drained from the transformer, the transformer will be flushed and rinsed, and refilled with clean oil. Following 90 days of the re-retrofilling, the oil in the transformer will be sampled and analyzed for PCBs. If the PCB concentration is determined to be less than 50 ppm, the transformer will be considered reclassified as a non-PCB transformer. This process will be repeated until the PCB concentration of the oil within the transformer is less than 50 ppm. Removed PCB oil will be disposed as a TSCA-regulated waste.

The transformers that will be sampled and addressed during this project are listed in table below.

Address / Location	Transformer Information	Nos. of Units	Estimated Total Volume (gal.)	Retrofill (F), or Remove (R)
150 Marina Park Drive / Barnum Hall	50 KVA, Pot Canister, General Electric	3	117	F
225 Myrtle Avenue / Mandeville Hall	75 KVA, Pot Canister, General Electric	3	153	F
75 Linden Avenue / Chiropractic Building	100 KVA, Pot Canister	3	168	R
400 Linden Avenue / Cooper Hall	75 KVA, Pot Canister	3	153	F
30 Hazel Street / Eleanor Dana Hall	75 KVA transformers, Pot Canister, General Electric	3	153	R
120 Waldemere Avenue / Harvey Hubbell Gym	Pot Canister, General Electric	3	168	R
244 University Avenue / Cox Student Center	167 KVA, Pot Canister, General Electric	3	300	F
170 Lafayette Street / North Hall	100 KVA, Pot Canister, General Electric	3	168	R
60 Lafayette Street / Warner Hall	167 KVA, Pot Canister	3	300	R
400 University Avenue / Wheeler Recreation Center	225 KVA, Cabinet	1	151	R

The project will be considered complete when the 28 transformers listed in the table are either classified as non-PCB transformers or disposed of as a TSCA-regulated waste. Following completion of the project, copies of all manifests and analytical results documenting the PCB concentrations of the transformers will be provided to EPA to confirm project completion.

Schedule: The project will be completed during several phases.

- a) Inventory, inspection, and sampling of the 28 transformers listed in the table will be completed within 100 days of the CAFO effective date.
- b) An SEP status report will be submitted to EPA within 100 days of the CAFO effective date and will include the information listed in Item 20 of the CAFO.
- c) The transformer removal and retrofilling activities will be completed within 36 months of the effective date of the CAFO.
- d) An SEP Completion Report will be submitted within 30 days of project completion and will contain the information listed in Item 22 of the CAFO.

Costs: The minimum anticipated cost of the project is \$56,000, which assumes fifty percent of known oil-filled electrical equipment tested will require retrofill or replacement. If all known oil-filled electrical equipment requires retrofill or replacement, the project cost is estimated to be \$92,000.

In the Matter of: The University of of Bridgeport
Docket No. TSCA-01-2009-0050

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
By Hand Delivery:

Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (ORA18-1)
Boston, MA 02109-3912

One copy, By Overnight Mail:

Robert L. Berchem
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

One copy, By Overnight Mail:

Lee S. Sharp
Halloran & Sage LLP
One Goodwin Square
Hartford, CT 06103

Dated: 12/18/09

William D. Chin
William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES04-4)
Boston, MA 02109-3912



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

RECEIVED

2009 DEC 18 A 11:15

December 18, 2009

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Via Hand Delivery

Judy Lao-Ruiz
Acting Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (ORA18-1)
Boston, MA 02109-3912

RE: In the Matter of: The University of Bridgeport
Docket No. TSCA-01-2009-0050

Dear Ms. Lao-Ruiz:

I enclose for filing in the above-referenced matter the original and one copy of the Consent Agreement and Final Order and a Certificate of Service.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "William D. Chin".

William D. Chin
Enforcement Counsel

Enclosures

cc: Robert L. Berchem
Lee S. Sharp

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Judy Lao for William D. Chin 12/21/09
Name of Case Attorney Date

in the ORC (RAA) at 918-1454
Office & Mail Code Phone number

Case Docket Number TSCA-01-2009-0050

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

The University of Bridgeport
126 Park Avenue
Bridgeport, CT

Total Dollar Amount of Receivable \$ 12,900.00 Due Date: 1/18/10

SEP due? Yes No Date Due Dec. 17, 2012

Installment Method (if applicable)

INSTALLMENTS OF:

- 1ST \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number