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U.S. EPA REGION 1
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

In the Matter of:)
The United Illuminating Company)
100 Marsh Hill Road) Docket Number:
Orange, Connecticut 06477) TSCA-01-2026-0035
Respondent.)
Proceeding under Section 16(a) of the)
Toxic Substances Control Act,)
15 U.S.C. § 2615(a).)

CONSENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency, Region 1 (“EPA” or “Complainant”) and The United Illuminating Company (“UIC” or “Respondent”) consent to the entry of this Consent Agreement and Final Order (“CAFO”) pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Suspension of Permits, 40 C.F.R. Part 22 (“Consolidated Rules of Practice”). This CAFO resolves Respondent’s liability for alleged violations of Section 6 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2614, and EPA’s regulations promulgated under this statutory provision at 40 C.F.R. Part 761.

2. EPA and Respondent hereby agree to settle this matter through this CAFO without the filing of an administrative complaint, as authorized under 40 C.F.R. §§ 22.13(b) and 22.18(b).

3. EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter.

4. Therefore, before taking any testimony, upon the pleadings, without adjudication or admission of any issue of fact or law, it is hereby ordered as follows:

I. Preliminary Statement

5. This CAFO is entered into under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice, 40 C.F.R. Part 22.

6. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

7. This CAFO both initiates and resolves an administrative action for the assessment of monetary penalties, pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). As more thoroughly discussed in Sections III and IV below, the CAFO resolves alleged TSCA violations that Complainant asserted occurred in conjunction with Respondent's storage and handling of polychlorinated biphenyls ("PCBs", and each a "PCB") in three roll-off containers previously located at the deactivated English Station power plant facility in New Haven, Connecticut (the "Facility").

II. Statutory and Regulatory Authority

8. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), makes it unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605. Section 15(3) of TSCA, 15 U.S.C. § 2614(3), makes it unlawful for any person to fail to establish or

maintain records, or to fail to submit reports, notices, or other information required by this chapter or a rule thereunder.

9. The Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (the “PCB Regulations”), 40 C.F.R. Part 761, were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. 2605(e).

10. The PCB Regulations establish “prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.” 40 C.F.R. § 761.1(a).

11. Forty C.F.R. § 761.3 provides definitions for the terms “PCBs,” “PCB bulk product waste,” “PCB Items,” and “PCB remediation waste,” among others.

12. Forty C.F.R. §§ 761.50 through 761.79 set forth the requirements for storage and disposal of PCBs, PCB waste, and PCB Items.

13. Forty C.F.R. § 761.65 sets forth the requirements for the storage for disposal of PCBs at concentrations of 50 parts per million (“ppm”) or greater. In particular, 40 C.F.R. § 761.65(a)(1) requires PCB waste to be disposed of within one year of the date the PCB waste was placed in storage for disposal; 40 C.F.R. § 761.65(b) provides storage unit requirements for PCBs and PCB Items that are designated for disposal, and 40 C.F.R. § 761.65(c)(8) requires out-of-service dates on PCB waste storage containers.

III. Factual Allegations

14. Respondent is a corporation incorporated under the laws of the State of Connecticut.

15. At all times relevant to this CAFO, Respondent is a “person” as defined in 40

C.F.R. § 761.3 and is subject to certain prohibitions set forth in TSCA and the PCB Regulations.

16. From 1929 until August of 2000, UIC owned English Station located at 510 Grand Avenue, New Haven, Connecticut (the “Facility”) and operated an electrical power plant at the Facility until it was deactivated in 1992. The Facility is located on a man-made island in the middle of the Mill River located south of Grand Avenue. The parcels comprising the Facility site are approximately 9 acres.

17. Connecticut Department of Energy and Environmental Protection (“CT DEEP”) executed a partial consent order (“Order”) signed by UIC related to PCB contamination at the Facility. The Order required UIC to conduct an investigation and cleanup of the Site in accordance with the Order and overseen by CT DEEP. The Order was made final by CT DEEP’s Office of Adjudications on August 4, 2016.

18. On August 17, 2023, during a monthly meeting regarding English Station, UIC notified CT DEEP that roll off containers containing PCB waste were present at the Facility. Subsequent to UIC notification, on August 17, 2023, UIC provided access to CT DEEP to conduct an inspection of the Facility to determine compliance with Section 6(e) of TSCA and the PCB Regulations.

19. At the time of the CT DEEP inspection, three covered and partially full roll-off containers, at least two of which contained PCB waste, were located outside at the Facility in an open space surrounded by vegetation at the front of the Facility.

20. According to the inventory shared with CT DEEP by TRC Companies, UIC’s contractor, at the inspection, a copy of which was provided to CT DEEP after the inspection, the first roll-off container identified as #6020 contained PCB remediation waste and bulk product

waste with concentrations of PCBs greater than 1 ppm and less than 50 ppm. Per this inventory, waste was initially placed in the steel roll-off container on February 12, 2020, and was also covered on that date. A second steel roll-off container identified as #125-20 contained PCB remediation waste greater than 50 ppm, including personal protective equipment and investigation derived waste consolidated in the roll-off container. Per the waste inventory, waste was initially placed in the container on April 29, 2019, and it was covered on October 1, 2019. A third roll-off container identified as #CTR-S-20-03 contained asbestos containing material, bulk product waste, and PCB remediation waste with concentrations of PCBs greater than 50 ppm. Per the waste inventory, waste was initially placed in the steel container on June 25, 2019, and it was covered on October 1, 2019.

21. Each of the three roll-off containers were labelled as containing PCBs but the labels were not dated.

22. EPA issued a Preliminary Notice of Non-Compliance ("NON") to Respondent on April 24, 2024. Respondent responded with additional information on May 17, 2024, and EPA issued a Final NON on July 25, 2024. Respondent provided a response to the Final NON on August 9, 2024.

IV. Alleged Violations

Count 1: Failure to Dispose of PCB Waste within One Year

23. Complainant realleges and incorporates by references Paragraphs 1 through 22.

24. Pursuant to 40 C.F.R. § 761.65(a)(1), any PCB waste (PCBs or PCB Items at concentrations of 50 ppm or greater) must be disposed of within one year from the date it was determined to be PCB waste and the decision was made to dispose of it.

25. At all times relevant to this CAFO, the PCBs or PCB Items contained in at least two of the roll-off containers described in Paragraph 20 met the definition of "PCB waste" as defined at 40 C.F.R. § 761.3.

26. As described in Paragraph 20, Respondent placed PCB waste in at least two of the roll-off containers for disposal between April 2019 and October 2019.

27. As described in Paragraphs 18 and 19, each roll-off was present at the Facility during the Inspection by CT DEEP on August 17, 2023.

28. At all times relevant to this CAFO, Respondent did not apply to EPA for a one-year extension to the one-year storage time limit pursuant to 40 C.F.R. § 761.65(a)(2).

29. Accordingly, Respondent's failure to dispose of PCB waste within one year of the date the PCB waste was placed in the roll-off containers is a violation of Section 15 of TSCA and 40 C.F.R. § 761.65(a)(1).

Count 2: PCB Storage Units Failed to Meet TSCA Requirements

30. Complainant realleges and incorporates by references Paragraphs 1 through 29.

31. Except as provided in 40 C.F.R. §§ 761.65(b)(2), (c)(1), (c)(7), (c)(9), and (c)(10), pursuant to 40 C.F.R. § 761.65(b), owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal must comply with certain storage unit requirements.

32. Pursuant to 40 C.F.R. § 761.65(b)(1)(i), the storage unit must have adequate roof and walls to prevent rain water from reaching the stored PCB waste.

33. As described in Paragraphs 20 and 21, Respondent stored PCBs and PCB Items in roll-off containers covered with plastic material that were placed outside at the Facility, at least

two of which were subject to 40 C.F.R. § 761.65(b). Respondent was therefore the owner or operator of a facility used for the storage of PCBs and PCB items designated for disposal.

34. Respondent's failure to store PCBs and PCB Items in a storage unit with an adequate roof is a violation of 40 C.F.R. § 761.65(b)(i).

Count 3: Failure to Record Out-of-Service Dates on PCB Containers

35. Complainant realleges and incorporates by references Paragraphs 1 through 34.

36. Pursuant to 40 C.F.R. § 761.65(c)(8), PCB Items must be dated on the item when they are removed from service for disposal.

37. At the time of the August 17, 2023 inspection, there were no out of service dates on the PCB waste or PCB labels that were on each of the roll-off containers.

38. Accordingly, for at least two of the roll-off containers, Respondent's failure to date the individual PCB waste or PCB labels that were on each of the roll-off containers identifying the date the PCB waste was removed from service violates 40 C.F.R. § 761.65(c)(8).

V. Terms of Settlement

39. The provisions of this CAFO shall apply to and be binding on EPA, and on Respondent and its officers, directors, agents, successors, and assigns.

40. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO and that this CAFO states a claim, upon which relief may be granted, against Respondent. Respondent hereby waives any defenses it might have as to jurisdiction and venue relating to the violations alleged in this CAFO.

41. Respondent also waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including, but not limited to any right to a jury

trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

42. Respondent neither admits nor denies the specific factual allegations contained in Sections III and IV of this CAFO or the violations alleged in Section IV of this CAFO. Respondent consents to the assessment of the penalty stated herein.

43. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in this CAFO and waives its right to appeal the Final Order.

44. Respondent certifies that it has corrected the alleged violations cited in this CAFO and is in compliance with Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated thereunder found at 40 C.F.R. Part 761.

45. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), together with the Civil Monetary Penalty Inflation Adjustment, 40 C.F.R. Part 19, and taking into account the relevant statutory penalty criteria, the 1990 Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990) ("PCB Penalty Policy") issued by EPA, the facts alleged in this CAFO, and such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty of \$57,728 for the violations alleged in this matter.

46. Respondent agrees to pay a civil penalty in the amount of **\$57,728** ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

47. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA

website: <https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>

48. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name, United Illuminating Company, and the docket number of this Agreement, TSCA-01-2026-0035,

b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Sarah Meeks at meeks.sarah@epa.gov

and

Regional Hearing Clerk

R1_Hearing_Clerk_Filings@epa.gov

and

EPA's finance office at CINWD_AcctsReceivable@epa.gov.

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

49. *Interest, Charges, and Penalties on Late Payments.* Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. *Interest.* Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not

paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. *Handling Charges.* Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. *Late Payment Penalty.* A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

50. *Late Penalty Actions.* In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Per 15 U.S.C. § 2615(a), the Attorney General may bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

51. *Allocation of Payments.* Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

52. *Tax Treatment of Penalties.* Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

53. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS") a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that

EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irspdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at chalifoux.jessica@epa.gov on or before the date that Respondent's penalty payment is due, pursuant to Paragraph 46 of the CAFO, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati

Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

54. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA, for the violations alleged herein. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO.

55. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment. Respondent reserves any and all defenses it may have to any claims brought relating to EPA's reservation of rights set forth in this paragraph.

56. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law; nor shall it be construed to be a ruling on, or determination of any issue related to any federal, state, or local permit.

57. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

VI. Effect of Consent Agreement and Final Order

58. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.

59. By signing this CAFO, Respondent acknowledges that this document will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

60. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

61. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

62. Except as qualified by Paragraphs 49 and 50 (collection of unpaid penalties), each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

63. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by e-mail to: David T. Martin, Vice President and General Counsel, UIL Holdings Corporation, david.martin@avangrid.com. The CAFO will be in pdf format. Respondent understands that this e-mail address may be made

public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

64. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

EFFECTIVE DATE

65. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, EPA will electronically transmit a copy of the filed CAFO to the Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

FOR RESPONDENT:


Signature

1/27/26
Date

Printed Name: Franklyn Reynolds

Title: President and CEO, UIL Holdings Corporation

Address: 100 Marsh Hill Road, Orange, CT 06477

FOR COMPLAINANT:

JAMES CHOW

Digitally signed by JAMES CHOW
Date: 2026.01.27 11:54:35 -05'00'

Signature

Date

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 1 – New England

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND

In the Matter of:)
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15 U.S.C. § 2615(a).)

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of EPA's Consolidated Rules of Practice, and Section 16(a) of TSCA, 15 U.S.C. § 2615(a), the Consent Agreement is incorporated by reference into this Final Order and is hereby ratified. Respondent, The United Illuminating Company, is ordered to pay the civil penalty of \$57,728 in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED THIS ____ DAY OF _____ 2026.

Michael J. Knapp
Acting Regional Judicial Officer
U.S. EPA, Region 1