

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



SDMS DocID 448257

**State of Connecticut
Department of Environmental Protection**

Superfund Records Center
SITE: Broad Brook Mill
BREAK: _____
OTHER: SDMS# 448257

Hamilton Sundstrand Corporation's Proposed Remediation Action Plan
dated May 2010 for the "Broad Brook Mill Site" in East Windsor, Connecticut.

HEARING REPORT
Dated November 18, 2010

Hearing Date: August 30, 2010

Hearing Officer:
David A. Sattler, Supr. Sanitary Engineer
Remediation Division
Bureau of Water Management and Land Reuse
Department of Environmental Protection

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I. INTRODUCTION

On July 29, 2010 and July 31, 2010, the Commissioner of Environmental Protection (“DEP” or “Department”) published Notice in the Hartford Courant and the Journal Inquirer, respectively, that the Commissioner was accepting public comment on the proposed Remedial Action Plan (RAP) for the “Broad Brook Mill Site” in East Windsor, Connecticut, from July 22, 2010 through September 20, 2010. Furthermore, this Notice identified information repositories where interested parties may obtain access to the proposed RAP and other related information as well as identifying the time and location for an information meeting and Public Hearing regarding the proposed RAP.

The Remedial Action Plan (RAP) identifies the nature and extent of the contamination at the Site, the options or alternatives to address the contamination and presented the respondent’s (Hamilton Sundstrand Corporation) preferred alternative for the Site.

On August 30, 2010, the Department conducted an informational meeting and Public Hearing regarding Hamilton Sundstrand Corporation’s proposed Remediation Action Plan dated May 2010 for the remedial activities to be conducted at the “Broad Brook Mill Site”.

The Public Hearing was conducted and this Hearing Report has been prepared: pursuant to subsection C.1.b of Consent Order No. SRD-154, issued as a final order of the Commissioner of DEP on November 19, 2003 and subsequently modified on March 15, 2005 (SRD-154M) to the Hamilton Sundstrand Corporation (HSC); and pursuant to a “Deferral Agreement” between the U.S. Environmental Protection Agency (“EPA”) and the State of Connecticut DEP regarding response actions which shall be taken in response to the release or threat of releases of hazardous substances at the Broad Brook Mill Site, formally known as the Millbrook Condominiums Site.

The purposes of Consent Order No. SRD-154M, specifically “State of Connecticut V. Hamilton Sundstrand Corporation”, is to, among other things, identify the criteria and standards for the remediation of the Broad Brook Mill Site. The purpose of the EPA/DEP Deferral Agreement are: to outline a mechanism to ensure the equivalent of a prompt Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, protective cleanup of the Site; to define the level of DEP and EPA involvement necessary to ensure adequate remediation of the Site; and to defer the process of finalizing the listing of the Site on the National Priorities Listing (NPL) in favor of a cleanup under the authority of Connecticut’s statutory, regulatory and administrative provisions. The Consent Order and Deferral Agreement are included as Appendix II of Section VIII, List of Appendices.

This public hearing has been conducted to allow for community participation in a manner comparable to the public involvement required under CERCLA. Therefore, this Hearing Report documents DEP’s responses to any questions or comments raised during the comment period. DEP shall consider the comments summarized in this document before approving the final RAP for the Site. DEP’s and EPA’s approval of the RAP will be through the approval of subsections C.1.b. and C.1.c. of Consent Order No. SRD-154M. Approval of the RAP allows for the implementation of remedial activities onsite. Such approval shall not constitute compliance with all of the requirements of either the Remediation Standard Regulations (“CT RSRs” or

Regulations of Connecticut State Agencies, Sections 22a-133k-1 through 22a-133k-3) or the list of applicable or relevant and appropriate Federal and State requirements and other criteria (collectively known as "ARARs").

II. SITE BACKGROUND

The "Broad Brook Mill Site", formerly known as the Millbrook Condominiums site, is located in the Broad Brook section of East Windsor, Hartford County, Connecticut. The property encompassed by the Broad Brook Mill Site includes two separate lots, identified as Block 37, Lots 8 and 8A on East Windsor's Tax Assessor Map 22. This property has been utilized for both commercial and residential purposes. Lot 8 (8.67 acres) is occupied by a former industrial mill building converted into a residential condominium building (21 units), two garage units, and a former boiler house. Lot 8A (1.93 acres) is occupied by a commercial complex, and a two-story brick office building.

The Broad Brook Mill Site is bordered by a stream (known as Broad Brook) to the north, Main Street to the east, Mill Street to the south, and Broad Brook and a parcel containing 58 townhouses to the west. The 58 townhouses to the west of the Broad Brook Mill site are members of the Millbrook Condominium Association which are no longer a part of the subject remediation site. Brookside Drive bisects Lot 8 and was the former driveway to the former industrial mill building converted into a residential condominium building. Broad Brook flows west along the northern portion and south along the western portion of the site, respectively. The central area of the site is overgrown with wooded vegetation. The eastern portion of the site, along Main Street, slopes west and is covered by areas of bituminous pavement and grass. The western portion of the site is level. The southern portion of the site is bisected by Brookside Drive, slopes toward Mill Street and is covered with wooded vegetation.

The site was historically used for industrial purposes dating back to approximately 1835 when a woolen mill was built by the Phelps Manufacturing Company, displacing an earlier gristmill, sawmill, and a tannery. In 1849, the Broad Brook Company bought the mill and continued manufacturing woolen products until 1951. Manufacturing processes performed during this period included picking, carding, spinning, dressing, weaving, scouring, carbonizing, napping, shearing, and dyeing. These woolen manufacturing processes were housed in several on site buildings. In order to provide power for the woolen mill, the Broad Brook Company operated a coal gasification plant on a portion of the site.

In 1954, United Aircraft Corporation, now United Technologies Corporation (UTC), purchased the site property and owned it until 1977, at which point UTC leased storage space at the site until 1981. From 1954 to 1967, UTC's division, Hamilton Standard Corporation was engaged in the manufacture of printed circuit boards at the site. In manufacturing these printed circuit boards, the following associated processes were also conducted: coil winding to produce low-voltage transformers; electroplating; chemical etching; photographic development; potting; soldering; assembly; and testing. In addition, former mill buildings housed the following manufacturing activities: operation of a machine shop to produce small parts needed in the manufacturing process; a parts cleaner station, which utilized chlorinated solvents; a wastewater treatment plant to treat electroplating water; a paint spray booth to paint assemblies; a boiler

house to provide steam and heat in the facility structures; a water treatment plant to provide quality water for manufacturing processes; and storage of surplus materials and equipment. From 1968 to 1974, UTC's Hamilton Standard Division engaged in the initial boron filament manufacturing operations at the site. Then from 1974 to 1977, the boron filament manufacturing operations at the site were operated by Composite Materials Corporation, a subsidiary of Aluminum Company of America.

In 1977, UTC conveyed the site property to Broad Brook Center, Inc. whose current existence is unknown. Broad Brook Center, Inc. leased building space to commercial and industrial users. Hamilton Standard Division leased space for warehousing in a portion of the buildings until 1981. In 1982, Broad Brook Center, Inc. transferred title to the site property to Broad Brook Center Associates. In January 1986, the site property was sold to Connecticut Building Corporation. In May 1986, a fire destroyed many of the former mill buildings. In July 1986, Connecticut Building Corporation applied for a permit to develop 21 residential condominium units in the former mill building that had survived the fire. In 1989, the commercial complex on Lot 8A was developed from former mill buildings that had also survived the fire. Between 1990 and 1993, the residential condominiums were developed on Lot 8 and became part of the Millbrook Owners' Association property.

On May 26, 2004, the property owned by the Millbrook Owners' Association was split into two parcels: the 1st parcel is the town houses and associated property located on Church Street, and the 2nd parcel is the former mill building converted into 21 unit condominiums and associated property. The 21 condominiums in the former mill building were vacated and on October 29, 2004 Hamilton Sundstrand Corporation (HSC), a wholly owned subsidiary of UTC (and the former Hamilton Standard Division of UTC) purchased the former mill building and associated property. Currently, the Site property includes the strip mall complex located at 110-112 Main Street where commercial retail stores and a two-story commercial office building are located; the vacated former mill building, situated on Brookside Drive, that formerly housed the 21 unit condominium residential dwellings; and the vacant powerhouse building.

Threats and Contaminants:

Extensive surface and subsurface investigations have been performed at the Broad Brook Mill site. In August 1993, Heynen Teale Engineers collected soil gas, soil, and ground water samples. In October 1994, DEP collected soil samples from 13 locations on the site. In October 1995, EMG Consulting collected soil and ground water samples. From December 1996 to October 1998, United Technologies Corporation and HSC contracted Loureiro Engineering Associates, Inc. (LEA) to collect soil gas, soil, sediment, and ground water samples from the Broad Brook Mill site. In 1998, the CT Department of Public Health conducted an initial review of the data and recommended that children's access to the contaminated soil be prevented. EPA initiated a Removal Site Investigation in December 1999 that included soil sampling, soil gas sampling and an evaluation of indoor air. On June 8, 2000, EPA's soil gas survey of Volatile Organic Compounds ("VOCs") in soil near the condominiums found low levels, but such levels were determined not to be a hazard to the occupants. In April 2001, at EPA's request, UTC and its subsidiary, HSC agreed to perform voluntary removal activities at the site. In May 2001, LEA began interim remedial activities including installation of interim soil cover materials around the occupied 21 unit residential condominium building.

Previous investigations and evaluations have determined historic sources of contamination were from the following equipment and activities: above ground fuel oil storage tanks, a manufactured gas plant, cleaning solvents, plating solutions containing heavy metals, and a former coal storage area and coal fired boilers. Semi-volatile Organic Compounds (SVOCs) including Polycyclic Aromatic Hydrocarbons (PAHs), Volatile Organic Compounds (VOCs) including Total Petroleum Hydrocarbons (TPH) and metals are identified as present in the onsite soils. The PAHs soil contamination is a coal gasification byproduct which may have been generated by the Broad Brook Company when they operated their coal gasification plant on a portion of the site. In addition, there were coal fired boilers used onsite to provide heat and steam for various owners and their operations. The combustion byproducts from the coal burning activities are coal ash, fly ash, cinders, and coal slag fragments. The vast majority of the contamination on the Site property is coal ash and its residues. Common practices during this time period was to dispose of such ash and fragments either onsite or have such material landfilled. Typical constituents of coal ash include SVOCs and metals (such as: arsenic, barium, cadmium, chromium, copper, mercury, nickel, lead, selenium and zinc). Site soils are also contaminated with industrial solvents, TPH and hexavalent chromium which may be attributed to the more modern Site activities.

Current Site Status:

In approximately 1994, the condominium owners became aware of the contamination on the Site property. From a review of some of DEP's records, it appears that in the period from 1994 until January 2001, the owners of condominiums on the contaminated site and local citizens concerns were the health impacts, long-term liabilities, litigation issues, property devaluation, remedial activities and the options for the reuse of the former mill building. Numerous public meetings were held by town officials' (which were also attended by DEP, EPA and HSC) in many attempts to resolve all the outstanding issues. Unfortunately, these efforts were unable to resolve the issues to everyone's satisfaction.

As a result of this impasse, EPA proposed this Site for the National Priorities List (NPL) on December 1, 2000 and the public comment for this proposal ended on January 30, 2001. As identified above, in April and May 2001 interim remedial activities were conducted at the site. EPA and the DEP subsequently proposed to defer consideration and the finalization of the NPL Listing of the Site instead to the DEP for cleanup. In December 2003, EPA, DEP, and HSC finalized certain agreements necessary to defer this Site to the State. EPA and DEP entered into a "Deferral Agreement", with the State taking the lead in ensuring cleanup of the Site and EPA providing oversight. DEP entered into an enforceable Consent Order with HSC to develop and implement a cleanup plan. Lastly, EPA and Hamilton Sundstrand have entered into an Agreement for Recovery of Past and Future Response Costs, by which EPA will be reimbursed for its response costs.

The Deferral Agreement and Consent Order became effective on October 29, 2004 when Hamilton Sundstrand (HSC) acquired ownership of the 21-unit residential condominiums (and formerly used mill building) and associated property from the Millbrook Condominium Association and individual unit owners. Residents are no longer living on the property and the site is fenced.

A draft proposed Remedial Action Plan (RAP) was made available for public review at the Library Association of Warehouse Point in East Windsor, CT and at the DEP offices in Hartford, CT as well as EPA's office in Boston, MA.

EPA has agreed not to pursue finalizing the proposed NPL listing at this time. If, however, cleanup cannot proceed under the Consent Order and Deferral Agreement, EPA may restart efforts to finalize the proposed NPL listing with the intent of performing cleanup under the CERCLA (Superfund) program.

III. OVERVIEW OF REMEDIAL ALTERNATIVES CONSIDERED IN THE PROPOSED REMEDIAL ACTION PLAN

The Broad Brook Mill site was used for industrial purposes for over 150 years. As a result of the various activities, the soil and the groundwater at the site have been impacted. Several remedial alternatives were reviewed to determine if they could be used at the Site. The feasibility evaluation included an assessment of: 1) the technology's ability to meet the clean-up goals, 2) applicability to the site conditions, 3) compliance with applicable or relevant and appropriate federal and state requirements, standards, and criteria, 4) cost, and 5) acceptance by the community. The following remedial alternatives are proposed because HSC believes they best achieve these requirements.

Soil Remedial Alternatives:

Three remedial alternatives have been reviewed for the soils exceeding the CT RSRs at the Site. Soil Remedial Alternatives 1 and 2 involve a combination of in-situ technologies (including soil vapor extraction, bioventing, and excavation), with and without the use of Environmental Land Use Restrictions (ELURs). Soil Remedial Alternative 3 includes an engineering control option to prevent contact with soils and includes an ELUR.

The recommended remedial alternative in the proposed RAP that may provide the most effective protection of health and the environment, and will promote beneficial reuse of the property for the community as a whole, is the engineering control/site cover option (Soil Remedial Alternative 3). Much of the surface soil impacts are related to common coal ash which do not appear to be contributing to underlying groundwater contamination. The combination of an engineering control, as identified in the RAP (and in the CT RSRs), to create a physical barrier, and an ELUR to prevent disturbance of this barrier, would immediately eliminate potential risk via direct exposure contact with this media (whereas other in-situ treatment options, such as bioventing, could require several years to achieve remedial goals). The Site cover option would be extended to the banks of the Broad Brook adjacent to the impacted areas of the Site. Various options were considered to physically isolate and stabilize the banks of Broad Brook to prevent potential erosion of soils into the stream (which are included in the discussion in the RAP).

The RAP identifies that the Site cover will consist of a clean fill soil layer and in some areas a pavement system. "Clean Fill" is defined in the proposed RAP and in the Regulations of Connecticut State Agencies, at Section 22a-209-1. An ELUR is defined in the CT RSRs and is a

declaration of an environmental land use restriction that is placed on the property land records which identifies specific restrictions that must be maintained indefinitely for such parcel (unless a release has been requested and approved by the Commissioner). This engineering control and the use of an ELUR is a common and accepted remedial practice for these types of coal ash residue compounds in Connecticut.

Under Soil Alternative 3, the soil contamination related to VOCs and TPH would be addressed through soil vapor extraction and bioventing, which will be conducted in conjunction with portions of the groundwater remedy. VOCs readily evaporate when exposed to air. Soil vapor extraction and air sparging technologies remove the VOCs from the soils (and groundwater). These technologies involve injecting and extracting air through wells to evaporate the VOCs and remove them from the subsurface.

Biosparging and bioventing technologies are used to treat areas of TPH impacts. Biosparging involves injecting fresh air into the groundwater. Bioventing involves moving air through the soils above the water table. The air provides oxygen for biological organisms (i.e., common soil bacteria), so that they can then biologically break down the TPH compounds.

This alternative is anticipated to have a high level of success for protection of human health and the environment and for community acceptance. This remedial alternative will also attain federal and state ARARs that apply to the Site. The recommended alternative will take up to 12 months for design/installation (including pilot testing) and an active remedy (e.g., soil vapor extraction/bioventing) timeframe of approximately three to five years.

Sediment removal (excavation) will be conducted in one area of the Broad Brook on the west property boundary. Even though there are no specific sediment clean-up goals, this limited area has sediment containing SVOCs and TPH in concentrations that are higher than the rest of the brook, so sediment removal will be conducted as a conservative measure.

Groundwater Remedial Alternatives:

Three remedial alternative approaches have been developed for the groundwater areas that exceed the CT RSRs. Groundwater Remedial Alternative 1 includes a combination of active in-situ treatment technologies (air sparging, biosparging, and chemical reduction). Groundwater Remedial Alternative 2 includes a combination of a passive Permeable Reactive Barrier (PRB), with air sparging and biosparging in selected areas. Groundwater Remedial Alternative 3 involves a hydraulic containment strategy (i.e., pump and treat).

The recommended remedial alternative in the proposed RAP that may provide the most effective protection of health and the environment, and achieve groundwater restoration goals in the shortest time frame, is Groundwater Remedial Alternative 1 (in-situ air sparging/biosparging and chemical reduction option). Treatment of metals, specifically hexavalent chromium, is recommended to be performed using a chemical reduction system, which involves injection of a Calcium Polysulfide Solution (CPS) into the subsurface to stabilize and immobilize the metals. Calcium polysulfide will chemically remove the dissolved chromium from the groundwater by chemically bonding with the chromium to produce an environmentally stable mineral in the soil.

Air sparging and biosparging is recommended to remove the VOCs, TPH and the limited SVOCs from the groundwater.

Groundwater Remedial Alternative 1 is anticipated to have a high level of success for protection of human health and environmental and for community acceptance. This remedial alternative will also attain federal and state ARARs that apply to the Site. It is estimated that the design and implementation of this alternative would require six to eight months, with a remedy timeframe of three to five years following implementation of the soils remediation.

After implementation of clean-up activities, it is expected that the property will be able to be reused with some restrictions (e.g., prohibiting disturbance of the engineered control cap and use of groundwater) in accordance with the recorded ELURs.

IV. HISTORY OF COMMUNITY INVOLVEMENT AND CONCERNS

Key Community Concerns:

Based on information reported to date, several key concerns have been identified by the citizens of the Broad Brook community. The key community concerns that have been identified generally include concerns related to health issues, economic issues, and quality of life issues. More specifically, key concerns raised by community members at public meetings include: applicable soil cleanup standards; potential risks to people who use the Site in the future; potential human health risks associated with indoor air quality of buildings remaining on the Site; possible remedial alternatives, including alternatives that result in the removal of contaminated soil from the Site and those that result in contaminated soil remaining on the Site; the length of time required to clean-up the Site; and potential future uses and benefits of the Site property.

Additional Community Concerns:

Additional community concerns involve government trust and communication issues. Issues regarding the past activities at the Site, the nature of the contamination, and the potential designation of the Site as a CERCLA Superfund site are also concerns. It is reported that community members at public meetings have identified concerns regarding: the differences between a DEP-led response action conducted under the "Deferral Agreement" and an EPA-led response action conducted under CERCLA; the accountability of the responsible parties for cleaning up the Site; diminution in property values for those properties associated with or near the Site; and the stigma of a CERCLA Superfund site in the community.

V. ADMINISTRATIVE REQUIREMENTS

The Public Hearing was conducted and this Hearing Report has been prepared: pursuant to subsection C.1.b of Consent Order No. SRD-154, issued as a final order of the Commissioner of DEP on November 19, 2003 and subsequently modified on March 15, 2005 (SRD-154M) to the Hamilton Sundstrand Corporation (HSC); and pursuant to a "Deferral Agreement" between the U.S. Environmental Protection Agency ("EPA") and the State of Connecticut DEP regarding response actions which shall be taken in response to the release or threat of releases of hazardous substances at the Broad Brook Mill Site, formally known as the Millbrook Condominiums Site.

Consent Order No. SRD-154M requires Hamilton Sundstrand Corporation (HSC) to prepare a summary of the Site investigation, evaluate the options for remediating all releases at the Site in accordance with the CT RSRs and ARARs, and propose a preferred remedial action plan for the Site. This Consent Order also requires HSC to implement, operate, monitor and maintain the remedy approved by DEP.

The "Deferral Agreement" between the EPA and DEP require the agencies to work to obtain a remedial response action that will be substantially similar to a response required under CERCLA. Specifically, the response action shall meet the criteria identified in the agreement that defines a CERCLA protective cleanup. As a requirement of the "Deferral Agreement", specifically section V.5, DEP shall ensure community participation in a manner comparable to the public involvement required under CERCLA. DEP was to ensure that the following actions were to be undertaken: a) Ensure that the affected community, EPA and other interested parties be provided adequate notice of the proposed RAP; b) Ensure that the proposed RAP will be described and presented for comment at a public hearing; c) Make available all documents in support of the proposed RAP at the DEP's offices and at a location near the Site; d) Give the public an opportunity to provide comments on the proposed RAP within at least thirty (30) calendar days of the public notice of the availability of the administrative record; and e) Consider, and prepare a response to significant comments received on the proposed RAP within sixty (60) days after the close of the public comment period.

The DEP's public participation requirements identified section V.5 in the "Deferral Agreement" is similar to that identified in the Federal Environmental Laws at 42 USC § 9617, regarding CERCLA public participation. In addition, DEP has identified specific statutory and regulatory public hearing requirements pursuant to the Uniform Administrative Procedure Act (UAPA), Connecticut General Statutes (CGS) Sections 4-166 through 4-189 and the Regulations of Connecticut State Agencies (RCSA) 22a-3a-2(c) through 22a-3a-6, DEP's "Rules of Practice", as applicable. While Connecticut's hearing procedures may be more specific to addressing adjudicated cases, the procedures for public notification, hearing process procedures and the approval of a final action, nonetheless, are similar enough that both the federal and state requirements have been achieved.

HSC submitted the proposed RAP dated May 2010 for the remedial activities to be conducted at the "Broad Brook Mill Site" in East Windsor, Connecticut. DEP held a sixty (60) day public comment period from July 22, 2010 through September 20, 2010 to provide an opportunity for public comment on the Proposed Plant. The proposed RAP provided a detailed description of the environmental impacts at the site, as well as the recommended approach to clean up the Broad Brook Mill Site, formerly known as the Millbrook Condominiums, in the Broad Brook section of East Windsor, Connecticut.

The public notice of the proposed RAP is included as Appendix 1, attached. This notice identified informational repositories where the RAP was available for review, contact persons, and the date, time and place for an informational meeting and Administrative Hearing addressing the RAP. This notice also identified where and to whom comments on the RAP may be

submitted until the close of the comment period. Lastly, this notice identified that the Department will produce a response to comments received, and if such comments resulted in substantive changes to the RAP, these changes would be highlighted and communicated to the public.

Subsection C.1.b. of Consent Order No. SRD-154M requires HSC to submit, for the Commissioner's review and approval, a plan for allowing any other interested party to provide comments on the proposed RAP in a manner consistent with the public involvement requirements under the CERCLA at 42 USC § 9601, et seq., as amended. This Plan was titled the "Community Involvement Plan" and such Plan included a description of the roles and responsibilities of HSC and the Commissioner as well as a schedule for conducting public involvement activities prior to the Commissioner's decision regarding the approval of the Remedial Action Plan. HSC submitted the Community Involvement Plan to DEP on December 17, 2004. A section of the Community Involvement Plan identified the procedures for conducting an informational meeting and hearing in accordance with the procedures identified in the Federal Environmental Laws at 42 USC § 9617, "Public Participation".

As required by the Connecticut General Statutes, Sections 4-166 through 4-189, the Regulations of Connecticut State Agencies 22a-3a-2(c) through 22a-3a-6, and in conformance with the requirements of 42 USC § 9617, "Public Participation, as applicable, this report describes a response to comments received, and if such comments resulted in substantive changes to the RAP, these changes would be highlighted and communicated to the public. Therefore, DEP published notice and held an Administrative Hearing in accordance with the procedures identified by both the Federal Environmental Laws at 42 USC § 9617, "Public Participation" and pursuant to DEP's statutory and regulatory requirements.

A list of individuals who submitted comments on the proposed RAP are identified as part of Appendix III in Section VIII, List of Appendices.

VI. SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSES

All statements received by the Department during the comment period were in support of the proposed HSC's Remedial Action Plan, dated May 2010, and prepared by XDD, LLC. in Stratham, NH. Two speakers (commenters) presented verbal testimony at the public hearing and one written comment letter were received in favor of the proposed Remedial Action Plan. The Remedial Action Plan dated May 2010 is as presented and described during the informational meeting just prior to the Public Hearing on August 30, 2010. The consistent themes of the comments on the proposed Remedial Action Plan are: support for the proposals for soil and groundwater remedial activities at the Site, support that the active remedial activities should be implemented as soon as practical, and that restoration of the parcel as a valuable piece of property for some community purpose due to its central location was ideally requested.

The commenters also recognized the efforts and professionalism made by Hamilton Sundstrand Corporation and their consultant XDD, LLC. in the preparation and explanation of the Remedial Action Plan, in DEP's and EPA's continued involvement to review the proposed Remedial Action Plan, answer any questions asked, and to ensure and address community involvement

input, and finally, acknowledged the local Town Officials (e.g., 1st Selectwoman's Office and Town Planner, Zoning and Building Officials) for their diligence and perseverance in reviewing the Remedial Action Plan, asking questions and communicating with all interested parties to bring a very complicated and previously emotionally charged remedial action towards resolution within a proposed timeframe.

It appears that the informational meeting and Public Hearing participants acknowledge that the parcel is owned by the Hamilton Sundstrand Corporation and while the UTC subsidiary has identified no definite plans for the site's future use at this time, HSC did identify that UTC will look for an end use (for the property) to benefit the community as a whole.

It appeared that the informational meeting and Public Hearing were attended by approximately twenty to twenty-five people, including the representatives of the Town of East Windsor, Hamilton Sundstrand Corporation and their consultant XDD, LLC, the DEP, EPA, a member of the press and the local area residents.

The principal reasons cited in favor of the proposed Remedial Action Plan are identified above. There were no comments that were received which would have proposed changes or modifications to the proposed Remedial Action Plan which would have been considered "significant" under the CERCLA at 42 USC § 9601, et seq., as amended. In addition, both EPA and DEP have indicated their support for the proposed Remedial Action Plan and selected remedy for the "Broad Brook Mill Site".

VII. PROPOSED FINAL DECISION

Based upon the comments submitted by interested parties and addressed in this Hearing Report, I recommend as the proposed final decision the Approval of the Remedial Action Plan, as attached hereto, by the Director of the Remediation Division, Bureau of Water Protection and Land Reuse of the Department of Environmental Protection as a final decision and deemed in compliance with the Subsection C.1.b. of Consent Order SRD-154M issued as a final order of the Commissioner of the Department of Environmental Protection on March 15, 2005.

In addition, the hearing procedures followed by the Department appears to comply with all aspects of Consent Order SRD-154M and the DEP/EPA "Deferral Agreement" and is determined to be equivalent to the response action required to be considered CERCLA-protective.



David A. Sattler

Hearing Officer

Date: November 18, 2010

VIII. LIST OF APPENDICES

List of Appendices:

Appendix I: Notice of Intent to Accept Written Comments on a proposed Remedial Action Plan and Hold a Public Hearing published in the Hartford Courant and Journal Inquirer on July 29, 2010 and July 31, 2010, respectively

Appendix II: Modified Consent Order SRD -154M and Deferral Agreement

Appendix III: Representatives of Parties to the Consent Order and Deferral Agreement and List of Commenters

APPENDIX I

Notice of Intent to Accept Written Comments on
a proposed Remedial Action Plan and Hold a Public Hearing

SLEEPING BAG 20' BELOW ZERO! Great for camping. \$60 call 860-763-3412

SLIDE CURVED SLIDE FOR in-ground pool. Asking \$350 call 860-614-2011

STAINLESS SET for salads, 4 piece, never used. \$12.00 860-528-2455

STORAGE RACK metal, 30" wide, 4 shelves. \$10. 860-643-6526

SUITCASE 28" green brocade type. Never used. \$25.00. 860-228-5143

TEDDY BEAR Large \$2.00 860-872-6050

TGI Fridays \$50. Gift card selling for \$35. 860-878-1926

Toilet St Thomas never used in box. \$125. 860-870-4822

TOY WAGON air, tires, never used extra tow, handle. \$150. 860-872-8752

TUB: never used in box. fiber-glass \$475.00 860-870-4822

UNIDEN RADAR DETECTOR mini cond. Don't get caught! Asking \$60/bo. 860-595-8347

VACUUM Kirby Classic, floor buffer, shampoo hoses, mint. Never used \$175 860-649-8821

WASHER POWER KARCHER 520 m. ELECTRIC Asking \$75. call 860-875-4090.

WATER COOLER Counter top mdl. Hot & cold water commercial white. \$50 860-763-3963.

WROUGHT IRON RAILING (1) 52" inch. Asking \$125. call 860-649-6072

308 ARTS & CRAFTS
CRAFTERS. Bik velvet, earring stand. \$1.45. 860-490-3761

CRAFTERS. Jewelry string tags. Box of 1,000 \$15.00 860-490-3761

315 BUILDING MATERIALS
CASEMENT WINDOWS (4) w/ screens exc. cond. \$200. 860-649-2622.

GLASS DOOR -Never used. No frame, wht, wood Marvin. Asking \$200. Call 860-763-3963

PUBLIC NOTICE

NOTICE TO CREDITORS
ESTATE OF

Patricia A. Girard
The Hon. Susan L. Warner, Judge of the Court of Probate, District of Enfield, by decree dated July 29, 2010, ordered that all claims must be presented to the fiduciary at the address below. Failure to promptly present any such claim may result in the loss of rights to recover on such claim.

Michelle L. Tallis, Assistant Clerk
The fiduciary is:
Cynthia A. Barber, c/o
Christopher W. Bromson, Esq.

Bromson & Reiner
546 Halfway House Road
Windsor Locks, CT 06096
Journal Inquirer
July 31, 2010

Journal Inquirer
July 31, 2010

PUBLIC NOTICE
ESTATE OF STANLEY F. GLADYSZ

TO ALL ATTORNEYS IN THE STAFFORD, CT, AND SPRINGFIELD, MA, GEOGRAPHICAL AREAS:

Stanley F. Gladysz died on May 5, 2010, and we have been requested by an heir to attempt to locate any wills, codicils or other estate planning documents that may have been executed by Stanley F. Gladysz prior to his death.

If you have any information regarding documents prepared by your office and/or executed by Stanley F. Gladysz, please contact:

Joseph P. Capossela, Esq.
Kahan, Kerensky & Capossela, LLP
45 Hartford Turnpike
Vernon CT 06066
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Fax 860-647-9302

Joseph P. Capossela, Esq.
Vernon, Connecticut

Journal Inquirer
July 29, 2010
July 31, 2010

PUBLIC NOTICE

The Connecticut Department of Environmental Protection (CT DEP) is accepting public comment on the Proposed Remedial Action Plan (RAP) for the Broad Brook Mill Site from July 22 through September 20, 2010. The Broad Brook Mill site, formerly known as the Millbrook Condominiums, is located on Scott Road (off of Mill Street) in the Broad Brook section of East Windsor, Connecticut. The RAP provides a detailed description of the environmental impacts at the site, as well as the recommended approach to clean up the site.

The RAP is available for review at the information repositories at the Library Association of Warehouse Point:

Public Information Repository
Library Association of Warehouse Point
107 Main Street, East Windsor, CT 06088
Library Director: Vincent Bologna, Tel: 860-623-5482
Monday - Thursday 10:00 am - 8:00 pm
Friday 10:00 am - 5:00 pm
Saturday 10:00 am - 3:00 pm
(closed on Saturdays during July and August).

On August 30, 2010, CT DEP will conduct a public meeting that will include an informational session followed by a public hearing to formally accept comments:

Public Meeting and Hearing
Monday, August 30, 2010
Public Information Session at 7:00 p.m.
Public Hearing begins at 8:30 p.m.
East Windsor Town Hall
11 Rye Street, Broad Brook, CT 06016

If you are unable to attend the public hearing, you may also submit comments in writing, or through E-mail to:

Maurice Hamel
Connecticut Dept. of Environmental Protection
Remediation Division
79 Elm Street, Hartford, CT 06106-5127
e-mail: maurice.hamel@ct.gov

Following the public comment period, the CT DEP will produce a response to comments received. If comments result in substantive changes to the RAP, these changes will be highlighted and communicated to the public.

Journal Inquirer
July 31, 2010

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Today's Cryptoquip clue:
© 2010 by King Features Syll

HARTFORD COURANT PROOF

Customer: XDD
Contact: EMAIL - KERRI BURKE Phone: 6037781100

Ad Number: **2393361**

Insert Dates: 07/31/2010

Price: 312.75
Section: CL Class: 2174; CONNECTICUT Size: 1 x 5.00
Printed By: JFCRUZ Date: 07/29/2010

Signature of Approval: KERRI BURKE Date: 7/29/10

PUBLIC NOTICE

The Connecticut Department of Environmental Protection (CT DEP) is accepting public comment on the Proposed Remedial Action Plan (RAP) for the Broad Brook Mill Site from July 22 through September 20, 2010. The Broad Brook Mill site, formerly known as the Millbrook Condominiums, is located on Scott Road (off of Mill Street) in the Broad Brook section of East Windsor, Connecticut. The RAP provides a detailed description of the environmental impacts at the site, as well as the recommended approach to clean up the site.

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APPENDIX II

Modified Consent Order SRD-154M and “Deferral Agreement”



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT :
V. :
HAMILTON SUNDSTRAND CORPORATION :

MODIFIED CONSENT ORDER SRD-154

Preamble: This Modified Consent Order supersedes and replaces Consent Order No. SRD-154 between the Commissioner of the Department of Environmental Protection and Hamilton Sundstrand Corporation (“Respondent”) executed by the Commissioner of the Department of Environmental Protection (“the Commissioner”) on November 19, 2003. The sole reason for this Modified Consent Order is to clarify that, consistent with the intent of the parties on and since November 19, 2003, the interests in the Site to be transferred as provided in Paragraphs B.1. and C.19. of Consent Order No. SRD-154 are limited to those interests in the twenty-one condominium units and these units’ mill building and associated common property. These interests were all transferred on October 29, 2004.

- A. With the agreement of Hamilton Sundstrand Corporation (“Respondent”), the Commissioner of the Department of Environmental Protection (“the Commissioner”) finds:
1. This Consent Order concerns certain real property located at Brookside Drive and 110-112 Main Street in East Windsor (“the Site”).
 2. The Respondent engaged in one or more of the following activities at the Site:
 - a. storage of material and equipment;
 - b. operation of a machine shop;
 - c. manufacture of printed circuit boards;
 - d. operation of a wastewater treatment plant to treat electroplating wastewater;
 - e. operation of a paint spray booth;
 - f. operation of a boiler;
 - g. manufacture of boron filament and boron composites;
 - h. operation and maintenance of petroleum under ground storage tanks, and
 - i. operation of plastic injection molding equipment.
 3. On February 10, 1997 and May 1, 1998, Respondent submitted reports describing the investigations performed documenting the extent and degree of soil, surface water and ground water pollution (“the Remedial Investigation Reports”). The reports summarize in detail the investigations performed; identify the type, quantity and location of all wastes on Site; and define the existing and potential extent and degree of soil, surface water and ground water pollution which is on, is emanating from or has emanated from the Site. These reports were shared with the owners of the Site and any interested parties at public meetings. These reports were approved by the Commissioner on May 13, 1999.

4. By virtue of the above, Respondent has created a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state.
5. On December 1, 2000, the United States Environmental Protection Agency (EPA) proposed the listing of the Site on the National Priorities List (NPL) as the Broad Brook Mill Superfund Site.
6. In May 2002 and November 2002, EPA and the Commissioner provided Hamilton Sundstrand a list of applicable or relevant and appropriate Federal and State requirements and other criteria, advisories, or guidance to be considered (collectively known as "ARARs").
7. On or about the date of entry of this Consent Order, EPA and the State of Connecticut have entered or will enter into a Deferral Agreement for the Site. This agreement designates the State as the lead agency for this Site, allowing the Site to be addressed under State law.
8. By agreeing to the issuance of this Consent Order, the Commissioner and Respondent make no admission of fact or law with respect to matters asserted herein.

B. Contingencies.

1. If any or all interests in what is known as the old mill section of the Site, including ownership of the twenty-one condominium units and these units' mill building and associated common property, fail to be transferred by September 1, 2004, then this Consent Order is voidable at the sole discretion of any Signatory and the terms of this Consent Order may not be used as evidence in any litigation concerning any of the Signatories. Should the transfer of all interests in the Site be completed subsequent to the date referenced herein, the right of any Signatory to void this Consent Order shall expire upon the completion of such transfer.
2. In the event that the Respondent, or any affiliated person, sell or rent some or all of the Site, to the extent the State has funded the remedial actions as provided in paragraph C.1.e., the Respondent shall ensure that any proceeds of the sale or rental, minus reasonable expenses, shall first be used to reimburse the State for the State's contribution pursuant to paragraph C.1.e. to the remediation of pollution on the Site that was not created by Respondent. This reimbursement obligation shall not apply to any subsequent purchaser of all or part of the Site, provided such purchaser is not and has not been in any way affiliated with any person responsible for such pollution or source of pollution, including the Respondent, through any direct or indirect familial relationship or any contractual, corporate or financial relationship.

C. With the agreement of the Respondent, the Commissioner, acting under Section 22a-6, 22a-424, and 22a-432 of the Connecticut General Statutes, orders Respondent as follows:

1.
 - a. Respondent has retained Loureiro Engineering Associates, Inc. ("LEA") to prepare the documents and oversee the actions required by this Consent Order. Respondent shall retain LEA or other qualified consultants acceptable to the Commissioner until this Consent Order is fully complied with, and, within ten days after retaining any consultant other than LEA, Respondent shall notify the Commissioner and EPA in writing of the identity of such other consultant. Respondent shall submit to the Commissioner and EPA a description of a consultant's education, experience and training which is relevant to the work required by this Consent Order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
 - b. On or before 30 days from the effective date of this Consent Order, Respondent shall submit for the Commissioner's review and approval a plan for allowing any other interested party to provide comments on the proposed Remedial Action Plan in a manner consistent with the public involvement requirements under CERCLA ("Community Involvement Plan"). Such Community Involvement Plan shall include a description of the roles and responsibilities of Respondent and the Commissioner as well as a schedule for conducting public involvement activities prior to the Commissioner's decision regarding the Remedial Action Plan submitted pursuant to paragraph C.1.c. Respondent shall perform the requirements of the Community Involvement Plan as part of this Consent Order.
 - c. On or before 60 days from the effective date of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a report which: summarizes the results of the remedial investigation described in paragraph A.4.; evaluates the alternatives for remedial actions to abate the ground water, soil and sediment pollution on or emanating from the Site in accordance with the Remediation Standard Regulations (Regulations of Connecticut State Agencies, Sections 22a-133k-1 to k-3) and ARARs, including but not limited to any alternative specified by the Commissioner; states in detail the most expeditious schedule for performing each alternative subject to paragraph C.1.e. below; identifies any permits under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes that would be required to implement each alternative; and proposes a preferred alternative for the Site (i.e., the proposed Remedial Action Plan) with supporting justification therefor.
 - d. On or before 60 days from the date the Commissioner approves a final Remedial Action Plan for the Site, Respondent shall submit for the review and approval of the Commissioner a detailed plan and schedule to perform the approved remedial actions for ground water pollution only, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial

actions, a schedule for the construction of such remedial measures, a schedule for the submission of a thorough and comprehensive report documenting that the remedial measures for ground water pollution only have been implemented as approved, and a schedule for performing any operation, inspection, or maintenance programs for such remedial measures. Such detailed plan shall also include a monitoring program (the "Ground Water Remediation Monitoring Plan") to determine the effectiveness of the approved remedial actions for ground water pollution only, and a schedule for performing the approved Ground Water Remediation Monitoring Plan.

- e. On or before 60 days from the date when \$3,900,000 in state funding towards the cost of remediating soil pollution on the Site that was not created or maintained by Respondent becomes available to Respondent, Respondent shall submit for the review and approval of the Commissioner a detailed plan and schedule to perform the approved remedial actions for soil and sediment pollution, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial actions, a schedule for the construction of such remedial measures, a schedule for the submission of a thorough and comprehensive report documenting that the remedial measures for soil and sediment pollution have been implemented as approved, and a schedule for performing any operation, inspection, or maintenance programs for such remedial measures. Such detailed plan shall also include a soil and surface water monitoring program (the "Soil and Surface Water Remediation Monitoring Plan") to determine the effectiveness of the approved remedial actions, and a schedule for performing the approved Soil and Surface Water Remediation Monitoring Plan.
- f. Respondent shall perform the approved Remedial Action Plan in accordance with the detailed plans and schedules submitted and approved pursuant to paragraphs C.1.d., C.1.e. and C.5.
- g. Respondent shall perform the approved Monitoring Plans to determine the effectiveness of the remedial actions in accordance with the approved schedule. If the approved remedial actions do not result in the prevention and abatement of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional remedial actions and measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval following implementation of the Remedial Action Plan and the approved Monitoring Plans and on or before thirty days after written notice from the Commissioner that they are required.

with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall be deemed to excuse noncompliance or delay.

6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or an agent of the Commissioner. "EPA" means the US Environmental Protection Agency, or a duly authorized employee or agent of the US Environmental Protection Agency.
7. Dates. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
8. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately notify the Commissioner and EPA and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner and EPA, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval specifically so stated by the Commissioner in writing.
9. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by a responsible corporate officer of the Respondent or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the

submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with applicable laws and regulations.”

10. Noncompliance. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and enforceable subject to section B. of this Consent Order. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
11. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 22a-438 or 22a-131a of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157b of the Connecticut General Statutes.
12. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or future action to prevent or abate pollution.
13. Access to Site. If the Site, or any other property where access is needed to implement this Consent Order, is owned or controlled by persons other than Respondent, Respondent shall use best efforts, including the payment of reasonable sums of money in consideration of securing access, to secure access to the Site from such persons for Respondent, the State and EPA.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance or prevent or abate pollution.
16. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order, including, but not limited to, the following activities: (1) verifying the data or information submitted to the State and EPA; and (2) assessing Respondent's compliance with this Consent Order or the approved Remedial Action Plan.

17. Notice to Commissioner of changes. Within fifteen days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner and to EPA.
18. Submission of documents. Respondent shall submit any document required to be submitted to the Commissioner under this Consent Order simultaneously to the U. S. EPA. Such documents shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Maurice Hamel
Department of Environmental Protection
Waste Management Bureau
Remediation Section
79 Elm Street
Hartford, Connecticut 06106-5127

and

Ms. Anni Loughlin
Office of Site Remediation and Restoration
US Environmental Protection Agency - New England Region
1 Congress Street
Suite 1100 (HBT)
Boston, Massachusetts 02114-2023

19. The effective date of this Modified Consent Order, once fully executed, is the date of transfer of the interests in what is known as the old mill section of the Site, including ownership of the twenty-one condominium units and these units' mill building and associated common property. The Respondent shall provide the Commissioner and EPA with copies of the deeds evidencing the transfer of all interests in the Site.
20. Respondent consents to the issuance of this Consent Order without further notice. The undersigned Signatories certify that they are fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.

RESPONDENT

February 25, 2005
Date

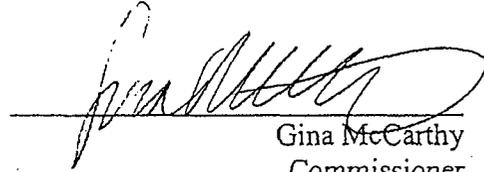


Clinton Gardiner
Vice President and General Counsel
Hamilton Sundstrand Corporation

MODIFIED CONSENT ORDER SRD-154

Issued as a final order of the Commissioner of the Department of Environmental Protection.

3/15/05
Date


Gina McCarthy
Commissioner

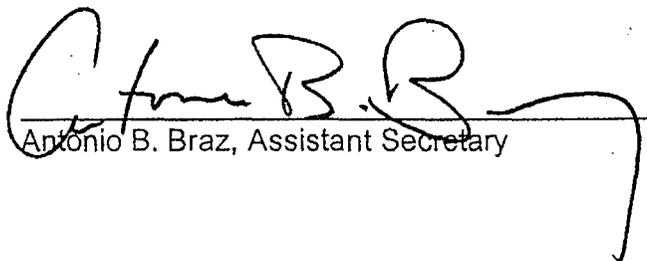
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HAMILTON SUNDSTRAND CORPORATION
ASSISTANT SECRETARY'S CERTIFICATE

THE UNDERSIGNED, Antonio B. Braz, Assistant Secretary of HAMILTON SUNDSTRAND CORPORATION, a corporation duly organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certifies as follows:

1. Pursuant to a Unanimous Consent of Directions of the Corporation dated September 3, 1999 (the "Consent"), Clinton L. Gardiner, acting in his capacity as Vice President, General Counsel & Secretary of the Corporation, is authorized to and empowered, for and on behalf of the Corporation, to execute certain contracts, agreements, instruments and documents (including modifications thereto) as he may deem necessary and proper to carry out the business of the Corporation.
2. Pursuant to the aforesaid Consent, Clinton L. Gardiner, in his capacity as Vice President of the Corporation, has authority to execute that certain modified Consent Order (the "Order"), and to take any and all actions necessary to effectuate the Order, in the matter of the State of Connecticut v. Hamilton Sundstrand, a subsidiary of United Technologies Corporation, concerning certain real property located at Brookside Drive and 110-112 Main Street, East Windsor.

IN WITNESS WHEREOF, the undersigned has executed the Certificate as of the 16th day of February 2005.


Antonio B. Braz, Assistant Secretary

DEFERRAL AGREEMENT

Broad Brook Mill Site

This is a Deferral Agreement ("Agreement") between the U.S. Environmental Protection Agency ("EPA") and the State of Connecticut Department of Environmental Protection ("DEP" or the "State") (hereinafter EPA and DEP are collectively referred to as the "Parties") regarding response actions which shall be taken in response to the release or threat of release of hazardous substances at the Broad Brook Mill Site (the "Site"), formerly known as the Millbrook Condominiums Site, located in East Windsor, Connecticut. This Agreement adheres to the "Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions," OSWER Directive 9375.6-11 (May 3, 1995) ("Deferral Guidance").

I. Background

EPA has determined that there has been a release or threat of release of hazardous substances at or from the Site. A Hazard Ranking System ("HRS") package was developed, and the Site was proposed to the Superfund National Priorities List ("NPL") (65 Fed. Reg. 75215 (December 1, 2000)) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601 *et seq.* Prior to the proposed listing of the Site, DEP was the lead agency. On March 26, 1996, the Commissioner of DEP issued Order No. SRD-069 to twelve (12) Respondents ordering them to investigate and remediate the Site. On September 30, 1996, the Commissioner of DEP entered into a consent order with Respondent United Technologies Corporation, Hamilton Standard Division (now also known as, and hereinafter referred to as, "Hamilton Sundstrand Corp.") whereby Hamilton Sundstrand Corp. conducted an investigation which characterized the extent and degree of soil, surface water and ground water pollution on and emanating from the Site. DEP and Hamilton Sundstrand Corp. shared the results of that investigation with the Town of East Windsor, the owners of the Site, and other interested parties at public meetings. On September 3, 1998 and on April 4, 1999, the Commissioner of DEP entered into Consent Orders Nos. SRD-104 and SRD-104 Modified with Aluminum Company of America, John Bartus and James R. Testa d/b/a Broad Brook Center Associates, and Hamilton Sundstrand Corp. (the "Participating Respondents"), wherein the Participating Respondents agreed to fund DEP's purchase of twenty-one (21) residential condominium units and these units' mill building and associated common property located on the Site. Agreement, however, could not be reached between DEP and the owners of the Site on the purchase of the twenty-one (21) units and these units' mill building and associated common property. On September 23, 1999, the Commissioner of DEP revoked Order No. SRD-069. Accordingly, with a letter of support from the Governor of Connecticut, EPA proposed the Site for listing to the NPL. Following the proposed listing of the Site, DEP and Hamilton Sundstrand Corp. have agreed to provide for the Site's long-term cleanup in a manner that is acceptable to the owners of the Site, the community, and EPA. EPA, DEP, Hamilton Sundstrand Corp., and the owners of the Site contemplate that the ownership interests of the twenty-one (21) condominium units and these units' mill building and associated common property will be transferred to allow for the relocation of the mill building residents in order to facilitate the cleanup of the Site as part of the deferral process.

II. Purpose

The purposes of this Agreement are: to outline a mechanism to ensure a prompt CERCLA-protective cleanup of the Site; to define the level of DEP and EPA involvement necessary to ensure adequate remediation of the Site; and to defer the process of finalizing the listing of the Site on the NPL in favor of a cleanup under the authority of the State's statutory, regulatory and administrative provisions. In accordance with this Agreement, EPA intends to defer further consideration of the Site for listing on the NPL while DEP requires Hamilton Sundstrand Corp. to conduct response actions funded by Hamilton Sundstrand Corp. and DEP. Once the necessary response actions at the Site are successfully completed, EPA will have no further interest in finalizing the listing for the Site, unless EPA receives new information of a release or potential release that poses a significant threat to human health or the environment which is not adequately addressed under State authority. In addition, when DEP certifies that the response actions are completed to the satisfaction of EPA, and provided that this Agreement has not been terminated as provided in Section VII. below, EPA will withdraw the proposed NPL listing of the Site.

III. State Authority and Capacity to Ensure a CERCLA-Protective Cleanup

The State has adequate state authority under the Title 22a of the Connecticut General Statutes and the Connecticut Remediation Standard Regulations (Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies) to ensure that response actions at the Site are carried out and that these actions are protective of human health and the environment. The State confirms through this Agreement that it has sufficient capabilities, resources, and expertise to ensure that a CERCLA-protective cleanup will be conducted, and to coordinate with EPA, other interested agencies, and the public on the various phases of such cleanup.¹ It is expected that the Connecticut Remediation Standard Regulations are CERCLA-protective at this Site. On or about the date of entry of this Agreement, the State has issued or will issue an enforceable Consent Order (Consent Order No. SRD-154) (hereinafter "Consent Order" or "enforceable Consent Order," attached to this Agreement as Appendix A), whereby Hamilton Sundstrand Corp. will perform, among other things, the remedial action at the Site.

IV. Site Eligibility

A. State Interest—The State has requested that the process of finalizing the NPL listing of the Site be deferred while the long-term remedial action is addressed under the authority of the State's statutory, regulatory and administrative provisions.

¹The criteria which define a "CERCLA-protective cleanup," as used in this Agreement, and in accordance with the Deferral Guidance, are set forth in Section V.A.4. below.

B. CERCLIS Listing and NPL Caliber—The Site is included in the CERCLIS inventory (CERCLIS ID No. CT0002055887) and has been assessed and scored for listing on the NPL. After an HRS package was developed, on December 1, 2000, the Site was proposed to be added to the NPL.

C. Viable and Cooperative PRPs—As discussed in Section III. above, Hamilton Sundstrand Corp. has entered into an enforceable Consent Order with the State to perform the remedial action (including providing for operation and maintenance) at the Site. In addition, Hamilton Sundstrand Corp. has agreed to reimburse EPA for past response costs and all future response costs related to this Site (CERCLA Section 122(h)(1) Agreement for Recovery of Past and Future Response Costs, U.S. EPA Region 1 Docket No. CERCLA-01-2003-0014, attached to this Agreement as Appendix B).

D. Timing—While a site-specific HRS package was developed and the Site has been proposed for listing on the NPL, the listing process should nonetheless be halted because the State has provided a compelling argument for a cleanup under the authority of the State's statutory, regulatory and administrative provisions. The State has provided adequate assurance that the threats to public health and the environment at the Site will be addressed sooner than, and at least as quickly as, EPA would expect to respond. Moreover, the performance of the remedial action under State authority will ensure the timely and effective relocation of residents from the twenty-one (21) condominiums located on the Site. Because the Parties contemplate the transfer of the Site properties as part of the deferral process, this Agreement shall become effective upon the transfer of all interests in the Site, including ownership interests of the twenty-one condominium units and these units' mill building and associated common property.

E. Community Acceptance—The State and EPA have taken appropriate steps to inform the affected community and other affected parties of this deferral. The State and EPA have explained to the community and other parties any differences between a response action under this Agreement and a response conducted under the CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. Part 300. In addition, the State and EPA have documented their interactions with the community and have determined that sufficient community acceptance exists to support this decision to defer the Site's NPL listing.

V. Terms and Conditions

A. Roles and Responsibilities of the Lead Agency—The State is the lead agency to provide for a timely and CERCLA-protective cleanup and to support the public's right of participation in the decision-making process. As the lead agency, DEP has the following responsibilities:

1. DEP shall enforce Consent Order No. SRD-154, which requires Hamilton Sundstrand Corp. to prepare a summary of the Site investigation (as described in Section I. above), evaluate the options for remediating all releases at the Site in accordance with the Connecticut Remediation Standard Regulations and applicable or relevant and appropriate Federal and State requirements, and propose a preferred remedial action plan for the Site. Consent Order No. SRD-154 also requires Hamilton Sundstrand Corp. to implement, operate, monitor and maintain the remedy approved by DEP.

2. DEP shall require Hamilton Sundstrand Corp. to submit a copy of all documents and notifications required by Consent Order No. SRD-154 simultaneously to EPA.

3. DEP shall provide EPA with an opportunity for review and comment on all documents required by Consent Order No. SRD-154 prior to the approval of such documents.

4. DEP shall utilize its own statutory and regulatory authorities to set standards for the remedial action at the Site. The Parties agree to work cooperatively to obtain a response action that will be substantially similar to a response required under CERCLA. More specifically, the response action will meet the following criteria which define a CERCLA-protective cleanup:

a. The response action will be considered CERCLA-protective if it is protective of human health and the environment, as generally defined by a 10^{-4} to 10^{-6} risk range for carcinogens, a hazard index of 1 or less for non-carcinogens, and ecological risk requirements as defined by RSCA § 22a-133k-2(i), and will be reliable over the long term.

b. To be considered CERCLA-protective, the remedy selected must comply with all applicable Federal and State requirements and provide a level of protectiveness comparable to relevant and appropriate Federal requirements for the Site.

EPA will provide assistance to DEP in identifying applicable or relevant and appropriate Federal requirements, including interpreting CERCLA requirements, as described in Section V.B.1. below. DEP retains the responsibility and discretion to identify and comply with applicable or relevant and appropriate State requirements, including those that are more stringent than Federal requirements.

5. DEP shall ensure community participation in a manner comparable to the public involvement required under CERCLA. DEP shall ensure that the following actions are undertaken:

a. DEP shall ensure that the affected community, EPA and other interested parties will be provided adequate notice of the proposed remedial action plan.

b. DEP shall ensure that the proposed remedial action plan will be

described and presented for comment at a public hearing.

c. DEP shall make available all documents in support of the proposed remedial action plan at DEP's offices and at a location near the Site.

d. DEP shall give the public an opportunity to provide comments on the proposed remedial action plan within at least thirty (30) calendar days of the public notice of the availability of the administrative record.

e. DEP shall consider, and prepare a response to, significant comments received on the proposed remedial action plan within sixty (60) days after the close of the public comment period.

6. DEP shall ensure that the approved remedial action plan is performed by Hamilton Sundstrand Corp. in accordance with the schedule and conditions set forth in the Consent Order (attached to this Agreement as Appendix A).

7. DEP has the responsibility for communications with Hamilton Sundstrand Corp. concerning its performance under the Consent Order.

8. DEP shall ensure that, every five years following the initiation of the remedial action work, if the remedial action results in hazardous substances, pollutants, or contaminants remaining at the Site above levels that allow for unlimited use and unrestricted exposure, Hamilton Sundstrand Corp. prepare a report on whether the remedy is protective of human health and the environment. The report shall examine the following three questions:

- a. Is the remedy functioning as intended by the decision documents?
- b. Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy selection still valid?
- c. Has any other information come to light that could call into question the protectiveness of the remedy?

The sole purpose of the report is to evaluate the implementation and performance of the remedy in order to determine if the remedy is or will be protective of human health and the environment; the evaluation of newly available remedial technologies for possible implementation is not required. If the remedy is determined to be not protective, DEP shall ensure that Hamilton Sundstrand Corp. implement steps to make the remedy protective of human health and the environment.

9. Once DEP considers the remedial action to be complete, DEP shall certify to EPA and the affected community that the remedial action, performed by Hamilton Sundstrand Corp. pursuant to Consent Order No. SRD-154, has been successfully completed and has achieved the intended cleanup levels. As part of the certification, DEP shall submit to EPA response action completion documentation substantially similar to that described in the January 2000 OSWER Directive "Close Out Procedures for National Priorities List Sites" (OSWER Directive 9320.2-09A-P).

B. Roles and Responsibilities of the Support Agency—EPA is the support agency for the remedial action at the Site. As the support agency, EPA has the following responsibilities:

1. EPA has provided DEP and Hamilton Sundstrand Corp. with a list of all applicable or relevant and appropriate Federal requirements and other criteria, advisories, or guidance to be considered.

2. EPA shall attend all public meetings and provide comments on documents required to be submitted under the Consent Order pursuant to Section V.E.

3. EPA may request, and shall receive, from DEP copies of other reports, data or documentation, as it deems appropriate, under this deferral.

4. Upon receiving certification from the State that the remedial action, performed by Hamilton Sundstrand Corp. pursuant to Consent Order No. SRD-154, has been successfully completed and has achieved the intended cleanup levels, and upon determining that the cleanup is CERCLA-protective, EPA shall withdraw the proposed NPL listing of the Site in accordance with NPL deletion criteria described in the January 2000 OSWER Directive "Close Out Procedures for National Priorities List Sites" (OSWER Directive 9320.2-09A-P). A site may be deleted from the NPL when no further response is appropriate, i.e., when all removals and remedial actions are completed. Operation and Maintenance ("O&M") is not defined as a response by the NCP; therefore, a site in O&M can be deleted.

5. Based upon reports provided by Hamilton Sundstrand Corp. or DEP, if a sufficient showing has been made, EPA shall make a determination that no hazardous substances, pollutants, or contaminants remain on site above levels that allow for unlimited use and unrestricted exposure.

C. Points of Contact—Whenever, under the terms of this Agreement, written notice is required to be given or a report or other document is required to be sent or submitted by one Party to the other, it shall be directed to the Project Coordinators at the addresses specified below, unless those individuals or their successors give notice of a change to the other Party in writing.

EPA Project Coordinator: Anni Loughlin
Remedial Project Manager
Office of Site Remediation and Restoration
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (HBT)
Boston, MA 02114-2023

DEP Project Coordinator: Maurice Hamel
CT DEP
Waste Management Bureau
Remediation Section
79 Elm Street
Hartford, CT 06106-5127

D. Documentation—DEP will report to EPA at least annually on whether the Terms and Conditions in this Agreement are being met, including the status of the process and any anticipated delays in meeting the schedule. DEP will report to EPA at least semi-annually on any difficulties it is having meeting the Terms and Conditions of this Agreement.

E. Coordination/Review Processes—

1. If EPA chooses to comment on any document required to be submitted by Hamilton Sundstrand Corp. under the Consent Order, EPA shall submit comments to DEP within fifteen (15) working days of receipt of the document unless another period is agreed to by the Parties.

2. DEP shall, within fifteen (15) working days of receipt of EPA's comments, provide in writing to EPA a rationale whenever EPA's comments are not included in the comments provided to Hamilton Sundstrand Corp. EPA's review comments submitted to DEP shall include disclaimer language that specifies that EPA's review and comment on documents does not constitute EPA concurrence on any and all points contained in the document and EPA concurrence is not a prerequisite to DEP approval of any or all documents submitted pursuant to the Consent Order.

F. Natural Resource Trustees—By a letter dated August 31, 2001, DEP notified the U.S. Department of Commerce's National Oceanic and Atmospheric Administration and the U.S. Department of Interior (hereinafter collectively referred to as the "Trustees"), as Federal trustees for natural resources of discharges or releases that are injuring or may injure natural resources related to the Site, of the proposed deferral. On or about the date of entry of this Agreement, the Trustees, the State, United Technologies Corporation, Hamilton Sundstrand Corp., and the

Aluminum Company of America (now also known as ALCOA) entered into a Tolling Agreement for Broad Brook Mill Site, East Windsor, Connecticut, in order to toll any statute of limitations with respect to actions for natural resource damages.

VI. Effect of Agreement

EPA recognizes that, on or about the date of entry of this Agreement, DEP has issued or will issue an enforceable Consent Order to remediate the Site with the consent of Hamilton Sundstrand Corp. who may be liable, under CERCLA, for the costs of the response actions taken and to be taken at the Site. This Agreement is intended to benefit only DEP and EPA. It extends no benefits or rights to any party, including potentially responsible parties, not a signatory to this Agreement.

Notwithstanding any provision of this Agreement, EPA and the State retain all authority and reserve all rights to take any and all response actions authorized by law.

The State shall not seek reimbursement from the Hazardous Substance Superfund, established by 26 U.S.C. § 9607, for expenses incurred under this Agreement, nor shall the State seek credit for any state cost-share requirement for any remedial action under 40 C.F.R. §§ 35.6285 & 300.510 for any response costs associated with this Site.

VII. Modification and Termination

This Agreement may be modified at any time upon agreement of the Parties. Minor modifications, such as a delay to the schedule for performance which is not protracted, may be adjusted by the joint authority of the Project Coordinators without a formal agreement. Changes that significantly alter the Terms and Conditions of this Agreement shall necessitate an agreement in writing by the signatories of this Agreement or their successors.

If, at anytime during the performance of or upon completion of the response action, EPA determines that the response is not CERCLA-protective as defined in Section V.A.4. above, is unreasonably delayed, or does not adequately address the affected community's concerns, EPA may terminate this Agreement, after thirty (30) days written notice to the State. EPA agrees to meet with the State to discuss termination within this thirty-day period with the goal of avoiding termination if possible. EPA may also terminate this Agreement if, after the State has used Best Efforts to enforce the Consent Order, Hamilton Sundstrand Corp. fails to comply with the terms of the Consent Order. "Best Efforts" shall mean all necessary actions, including appropriate legal action, taken by the State to enforce the Consent Order. In addition, EPA may terminate this Agreement and implement an emergency or time-critical response action without thirty (30) days notice to the State if such actions are determined necessary. The State may choose at any time, after thirty (30) days written notice to EPA, to terminate this Agreement for any reason.

If, prior to the withdrawal of the proposed NPL listing of the Site, the response action is determined by EPA not to be CERCLA-protective upon termination of this Agreement, then EPA will consider taking any necessary response actions pursuant to CERCLA, including compelling PRPs to perform response actions, and continuing the Federal rule-making process for finalizing listing of the Site on the NPL. EPA and the State will coordinate efforts to notify the community and PRPs of the termination of this Agreement. At EPA's request, the State will provide all information in its possession regarding the Site to EPA.

This Agreement will terminate upon EPA's determination that no hazardous substances, pollutants, or contaminants remain on site above levels that allow for unlimited use and unrestricted exposure.

In addition, EPA and the State may terminate this Agreement upon mutual consent.

VIII. Effective Date

If any or all interests in the Site, including the ownership interests of the twenty-one condominium units and these units' mill building and associated common property, fail to be transferred by September 1, 2004, then this Agreement is voidable at the sole discretion of any Party and the terms of this Agreement may not be used as evidence in any litigation concerning any of the Parties. Should the transfer of all interests in the Site be completed subsequent to the date referenced herein, the right of any Party to void this Agreement shall expire upon the completion of such transfer.

Following the undersigned signatures of EPA and State representatives on this Agreement, the effective date of this Agreement is the date of transfer of all interests in the Site, including the ownership interests of the twenty-one condominium units and these units' mill building and associated common property. DEP shall ensure that Hamilton Sundstrand Corp. provide it and EPA with copies of the deeds evidencing the transfer of all interests in the Site.

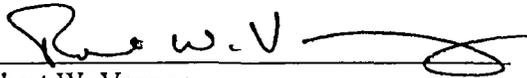
IX. Signatories

Each undersigned representative of the U.S. Environmental Protection Agency and the State of Connecticut Department of Environmental Protection certifies that he or she is authorized to enter into the terms and conditions of this Deferral Agreement and to execute and bind legally such Party to this document.

THE UNDERSIGNED PARTY enters into this Deferral Agreement regarding the Broad Brook Mill Site.

FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Date: 12-8-03



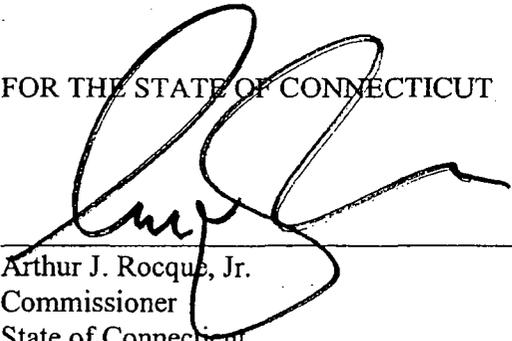
Robert W. Varney
Regional Administrator
EPA Region 1—EPA New England
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (RAA)
Boston, MA 02114

THE UNDERSIGNED PARTY enters into this Deferral Agreement regarding the Broad Brook Mill Site.

FOR THE STATE OF CONNECTICUT

Date:

December 3, 2003



Arthur J. Rocque, Jr.
Commissioner
State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

Appendix A



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



STATE OF CONNECTICUT
V.
HAMILTON SUNDSTRAND CORPORATION

CONSENT ORDER

A. With the agreement of Hamilton Sundstrand Corporation ("Respondent"), the Commissioner of the Department of Environmental Protection ("the Commissioner") finds:

1. This Consent Order concerns certain real property located at Brookside Drive and 110-112 Main Street in East Windsor ("the Site").
2. The Respondent engaged in one or more of the following activities at the Site:
 - a. storage of material and equipment;
 - b. operation of a machine shop;
 - c. manufacture of printed circuit boards;
 - d. operation of a wastewater treatment plant to treat electroplating wastewater;
 - e. operation of a paint spray booth;
 - f. operation of a boiler;
 - g. manufacture of boron filament and boron composites;
 - h. operation and maintenance of petroleum under ground storage tanks, and
 - i. operation of plastic injection molding equipment.
3. On February 10, 1997 and May 1, 1998, Respondent submitted reports describing the investigations performed documenting the extent and degree of soil, surface water and ground water pollution ("the Remedial Investigation Reports"). The reports summarize in detail the investigations performed; identify the type, quantity and location of all wastes on Site; and define the existing and potential extent and degree of soil, surface water and ground water pollution which is on, is emanating from or has emanated from the Site. These reports were shared with the owners of the Site and any interested parties at public meetings. These reports were approved by the Commissioner on May 13, 1999.
4. By virtue of the above, Respondent has created a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state.
5. On December 1, 2000, the United States Environmental Protection Agency (EPA) proposed the listing of the Site on the National Priorities List (NPL) as the Broad Brook Mill Superfund Site.

6. In May 2002 and November 2002, EPA and the Commissioner provided Hamilton Sundstrand a list of applicable or relevant and appropriate Federal and State requirements and other criteria, advisories, or guidance to be considered (collectively known as "ARARs").
7. On or about the date of entry of this Consent Order, EPA and the State of Connecticut have entered or will enter into a Deferral Agreement for the Site. This agreement designates the State as the lead agency for this Site, allowing the Site to be addressed under State law.
8. By agreeing to the issuance of this Consent Order, the Commissioner and Respondent make no admission of fact or law with respect to matters asserted herein.

B. Contingencies.

1. If any or all interests in the Site, including ownership interests of the twenty-one condominium units and these units' mill building and associated common property, fail to be transferred by September 1, 2004, then this Consent Order is voidable at the sole discretion of any Signatory and the terms of this Consent Order may not be used as evidence in any litigation concerning any of the Signatories. Should the transfer of all interests in the Site be completed subsequent to the date referenced herein, the right of any Signatory to void this Consent Order shall expire upon the completion of such transfer.
2. In the event that the Respondent, or any affiliated person, sell or rent some or all of the Site, to the extent the State has funded the remedial actions as provided in paragraph C.1.e., the Respondent shall ensure that any proceeds of the sale or rental, minus reasonable expenses, shall first be used to reimburse the State for the State's contribution pursuant to paragraph C.1.e. to the remediation of pollution on the Site that was not created by Respondent. This reimbursement obligation shall not apply to any subsequent purchaser of all or part of the Site, provided such purchaser is not and has not been in any way affiliated with any person responsible for such pollution or source of pollution, including the Respondent, through any direct or indirect familial relationship or any contractual, corporate or financial relationship.

C. With the agreement of the Respondent, the Commissioner, acting under Section 22a-6, 22a-424, and 22a-432 of the Connecticut General Statutes, orders Respondent as follows:

1.
 - a. Respondent has retained Loureiro Engineering Associates, Inc. ("LEA") to prepare the documents and oversee the actions required by this Consent Order. Respondent shall retain LEA or other qualified consultants acceptable to the Commissioner until this Consent Order is fully complied with, and, within ten days after retaining any consultant other than LEA, Respondent shall notify the

Commissioner and EPA in writing of the identity of such other consultant. Respondent shall submit to the Commissioner and EPA a description of a consultant's education, experience and training which is relevant to the work required by this Consent Order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

- b. On or before 30 days from the effective date of this Consent Order, Respondent shall submit for the Commissioner's review and approval a plan for allowing any other interested party to provide comments on the proposed Remedial Action Plan in a manner consistent with the public involvement requirements under CERCLA ("Community Involvement Plan"). Such Community Involvement Plan shall include a description of the roles and responsibilities of Respondent and the Commissioner as well as a schedule for conducting public involvement activities prior to the Commissioner's decision regarding the Remedial Action Plan submitted pursuant to paragraph C.1.c. Respondent shall perform the requirements of the Community Involvement Plan as part of this Consent Order.
- c. On or before 60 days from the effective date of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a report which: summarizes the results of the remedial investigation described in paragraph A.4.; evaluates the alternatives for remedial actions to abate the ground water, soil and sediment pollution on or emanating from the Site in accordance with the Remediation Standard Regulations (Regulations of Connecticut State Agencies, Sections 22a-133k-1 to k-3) and ARARs, including but not limited to any alternative specified by the Commissioner; states in detail the most expeditious schedule for performing each alternative subject to paragraph C.1.e. below; identifies any permits under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes that would be required to implement each alternative; and proposes a preferred alternative for the Site (i.e., the proposed Remedial Action Plan) with supporting justification therefor.
- d. On or before 60 days from the date the Commissioner approves a final Remedial Action Plan for the Site, Respondent shall submit for the review and approval of the Commissioner a detailed plan and schedule to perform the approved remedial actions for ground water pollution only, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial actions, a schedule for the construction of such remedial measures, a schedule for the submission of a thorough and comprehensive report documenting that the remedial measures for ground water pollution only have been implemented as approved, and a schedule for performing any operation, inspection, or maintenance programs for such remedial measures. Such detailed plan shall also include a monitoring program (the "Ground Water Remediation Monitoring Plan") to determine the effectiveness of the approved remedial actions for ground water pollution only, and a schedule for performing the approved Ground Water Remediation Monitoring Plan.

- e. On or before 60 days from the date when \$3,900,000 in state funding towards the cost of remediating soil pollution on the Site that was not created or maintained by Respondent becomes available to Respondent, Respondent shall submit for the review and approval of the Commissioner a detailed plan and schedule to perform the approved remedial actions for soil and sediment pollution, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial actions, a schedule for the construction of such remedial measures, a schedule for the submission of a thorough and comprehensive report documenting that the remedial measures for soil and sediment pollution have been implemented as approved, and a schedule for performing any operation, inspection, or maintenance programs for such remedial measures. Such detailed plan shall also include a soil and surface water monitoring program (the "Soil and Surface Water Remediation Monitoring Plan") to determine the effectiveness of the approved remedial actions, and a schedule for performing the approved Soil and Surface Water Remediation Monitoring Plan.
- f. Respondent shall perform the approved Remedial Action Plan in accordance with the detailed plans and schedules submitted and approved pursuant to paragraphs C.1.d., C.1.e. and C.5.
- g. Respondent shall perform the approved Monitoring Plans to determine the effectiveness of the remedial actions in accordance with the approved schedule. If the approved remedial actions do not result in the prevention and abatement of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional remedial actions and measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval following implementation of the Remedial Action Plan and the approved Monitoring Plans and on or before thirty days after written notice from the Commissioner that they are required.
- h. Respondent shall perform the work and other actions specified in any supplemental plan submitted and approved pursuant to paragraphs C.1.g. and C.5. in accordance with the approved schedule. Within 45 days after completing all remedial actions, Respondent shall provide a thorough and comprehensive report documenting and certifying to the Commissioner that the remedial actions have been completed as approved, and that the remedial actions have achieved compliance with the Remediation Standard Regulations and all requirements of this Consent Order.

2. Progress reports. On or before the last day of even numbered months following the effective date of this Consent Order, and continuing during remedial activities required under paragraphs C.1.d., C.1.e. and C.5., until one year after the construction of all remedial activities has been completed as submitted and approved by the Commissioner pursuant to paragraphs C.1.d., C.1.e. and C.5., Respondent shall submit a progress report to the Commissioner and EPA describing the actions which Respondent has taken to comply with the Consent Order to date, including the results of the monitoring program to determine the effectiveness of the remedial actions, when implemented. Additional reporting concerning the effectiveness of the remedial measures, including whether the remedy is protective of human health and the environment, shall be submitted in accordance with the schedule approved pursuant to paragraphs C.1.d., C.1.e., C.1.g., and C.5. The frequency of such reporting shall not be less than every 5 years, if the remedial action results in hazardous substances, pollutants, or contaminants remaining at the Site above levels that allow for unlimited use and unrestricted exposure.
3. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until the remedial actions have been completed as approved and to the satisfaction of the Commissioner, and all soil, surface water and ground water pollution which is on, is emanating from or emanated from the Site and their sources have been abated to the satisfaction of the Commissioner, in accordance with the Remediation Standard Regulations, ARARs and all other applicable Statutes and Regulations.
4. Sampling and sample analyses. All sampling and sample analyses that are required by this Consent Order and all reporting of such sample analyses shall be done by a laboratory certified by the Connecticut Department of Public Health for such analyses. All sampling and sample analyses performed under this Consent Order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR Part 136. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the Analytical Detection Limit as defined in R.C.S.A. § 22a-133k-1(a)(1).
5. Approvals. Respondent shall use best efforts to submit to the Commissioner and to EPA all documents required by this Consent Order in a complete and approvable form. If the Commissioner, after reasonable opportunity for review and comment by EPA, notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall be deemed to excuse noncompliance or delay.

6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or an agent of the Commissioner. "EPA" means the US Environmental Protection Agency, or a duly authorized employee or agent of the US Environmental Protection Agency.
7. Dates. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this Consent Order, the work "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
8. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately notify the Commissioner and EPA and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner and EPA, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval specifically so stated by the Commissioner in writing.
9. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by a responsible corporate officer of the Respondent or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with applicable laws and regulations."

10. Noncompliance. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and enforceable subject to section B. of this Consent Order. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
11. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 22a-438 or 22a-131a of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157b of the Connecticut General Statutes.
12. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or future action to prevent or abate pollution.
13. Access to Site. If the Site, or any other property where access is needed to implement this Consent Order, is owned or controlled by persons other than Respondent, Respondent shall use best efforts, including the payment of reasonable sums of money in consideration of securing access, to secure access to the Site from such persons for Respondent, the State and EPA.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance or prevent or abate pollution.
16. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order, including, but not limited to, the following activities: (1) verifying the data or information submitted to the State and EPA; and (2) assessing Respondent's compliance with this Consent Order or the approved Remedial Action Plan.

17. Notice to Commissioner of changes. Within fifteen days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner and to EPA.
18. Submission of documents. Respondent shall submit any document required to be submitted to the Commissioner under this Consent Order simultaneously to the U. S. EPA. Such documents shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Maurice Hamel
Department of Environmental Protection
Waste Management Bureau
Remediation Section
79 Elm Street
Hartford, Connecticut 06106-5127

and

Ms. Anni Loughlin
Office of Site Remediation and Restoration
US Environmental Protection Agency - New England Region
1 Congress Street
Suite 1100 (HBT)
Boston, Massachusetts 02114-2023

19. The effective date of this Consent Order, once fully executed, is the date of transfer of all interests in the Site, including ownership interests of the twenty-one condominium units and these units' mill building and associated common property. The Respondent shall provide the Commissioner and EPA with copies of the deeds evidencing the transfer of all interests in the Site.
20. Respondent consents to the issuance of this Consent Order without further notice. The undersigned Signatories certify that they are fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.

RESPONDENT

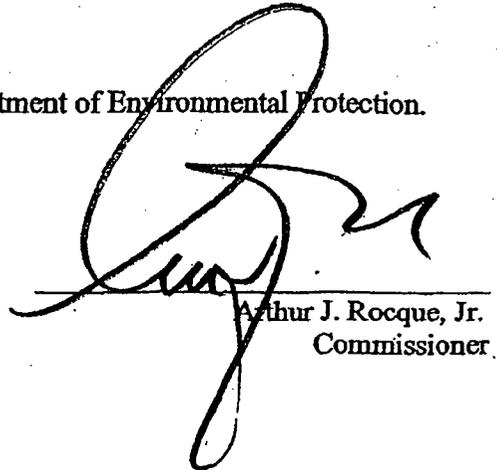
November 4, 2003
Date


Michael A. Monts
Vice President and General Counsel
Hamilton Sundstrand Corporation

CONSENT ORDER SRD-154

Issued as a final order of the Commissioner of the Department of Environmental Protection.

November 19, 2003
Date



Arthur J. Rocque, Jr.
Commissioner

ORDER NO. SRD-154
DISCHARGE CODE H
TOWN OF EAST WINDSOR
LAND RECORDS

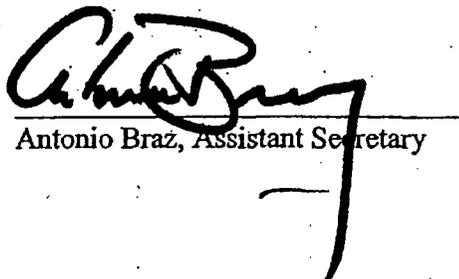
HAMILTON SUNDSTRAND CORPORATION

ASSISTANT SECRETARY'S CERTIFICATE

THE UNDERSIGNED, Antonio Braz, Assistant Secretary of HAMILTON SUNDSTRAND CORPORATION, a corporation duly organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certifies as follows:

1. Pursuant to a Unanimous Consent of Directors of the Corporation dated September 3, 1999 (the "Consent"), Michael A. Monts, acting in his capacity as Vice President, General Counsel & Secretary of the Corporation, is authorized to execute certain contracts, agreements, instruments and documents (including modifications thereto) as he may deem necessary and proper to carry-out the business of the Corporation.
2. Pursuant to the aforesaid Consent, Michael A. Monts, in his capacity as Vice President of the Corporation, has authority to execute that certain Consent Order in the matter of the State of Connecticut v. Hamilton Sundstrand, a subsidiary of United Technologies Corporation, concerning certain real property located at Brookside Drive and 110-112 Main Street, East Windsor.

IN WITNESS WHEREOF, the undersigned has executed the Certificate as of the 10th day of November, 2003.


Antonio Braz, Assistant Secretary

APPENDIX III

Parties to Consent Order/Deferral Agreement and List of Commenters

Representatives of Parties to the Consent Order and Deferral Agreement:

Maurice Hamel, DEP

Anni Loughlin EPA

Brian Kielbana, UTC Envir. Director, Hamilton Sundstrand Corporation

Scott Crawford and Edward Droste, XDD, LLC.

List of Commenters:

Verbal Comments at the Hearing from: Ms. Denise Menard (1st Selectwoman) and Mr. Paul Anderson; and Written testimony from Margaret Hoffman dated September 20, 2010.