

## **April 16, 2024 Meeting**

### **RESOLUTION REGARDING EXECUTION OF A DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION AND GRANT OF EASEMENT ASSOCIATED WITH THE SOUTH MEADOW STATION SITE REMEDIATION**

WHEREAS, the MIRA Dissolution Authority (the “Authority”) is the owner of the property known as 100 Reserve Road and 300 Maxim Road, Hartford, CT (the “Property”); and

WHEREAS, the Authority is a Party to an *Exit Strategy<sup>TM</sup> Contract* with TRC Companies, Inc. (“TRC”) for the remediation of pollution conditions that existed on the Property as of December 22, 2000, following the Property’s transfer from the Connecticut Light & Power Company to the Authority; and

WHEREAS, the *Exit Strategy<sup>TM</sup> Contract* obligates TRC to remediate the pre-existing pollution conditions on the Property to meet applicable laws and regulations, including, but not limited to, the State of Connecticut Transfer Act and the Connecticut Remediation Standard Regulations (the “RSRs”), without interfering with the current and future site operations, as such operations were defined at the time that the *Exit Strategy<sup>TM</sup> Contract* was executed; and

WHEREAS, the *Exit Strategy<sup>TM</sup> Contract* obligates the Authority to consent to the implementation of appropriate Environmental Land Use Restrictions (“ELURs”), a type of property easement established under Connecticut General Statutes section 22a-133n et seq. and regulated under the RSRs, provided that TRC consults with the Authority prior to implementing each ELUR, and that such ELURs do not materially interfere with the Authority’s use of the Property; and

WHEREAS, the Authority and TRC submitted applications to both the Connecticut Department of Energy & Environmental Protection (“DEEP”) and the U.S. Environmental Protection Agency (“EPA”) in June 2022 to remediate PCB soil contamination in a parking lot area of the Property identified as Area 3-3; and

WHEREAS, the proposed remediation of Area 3-3 called for removal and off-site disposal of polluted soil, to the extent that such polluted soil could be safely excavated; followed by installation of an engineered control (“EC”) over a 40’ by 40’ square area above two active high-voltage underground electrical duct banks to render polluted soil adjacent to and beneath the duct banks inaccessible (because such polluted soil could not be safely excavated due to concerns for contractor health and safety and the potential to damage the duct banks); followed by establishment of an ELUR ; and

WHEREAS, EPA and DEEP approved the proposed remediation plan for Area 3-3, including installation of the EC combined with the establishment of the ELUR, in February 2023 and March 2023, respectively; and

WHEREAS, TRC completed the proposed removal and off-site disposal of polluted soils and installation of the EC (a polyethylene membrane installed approximately 2' to 2.5' beneath this asphalt paved area of the Property) in October 2023.

NOW THEREFORE, BE IT RESOLVED: That the President of the Authority be authorized to execute the ELUR in favor of the Commissioner of the DEEP, in form and content as required by the Commissioner, associated with the remediation of PCBs in Area 3-3 (which will be identified as ELUR Subject Area G-c) at the Property; and

FURTHER RESOLVED; That the President of the Authority be authorized to execute all other documents associated and in connection with the EC and ELUR, including without limitation a property owner's acknowledgement and consent to the EC and the ELUR, an owner's affidavit of facts under Connecticut General Statutes section 47-12a and a subordination for the existing Connecticut Natural Gas ("CNG") easement; and

FURTHER RESOLVED: That the President of the Authority be authorized to record the ELUR on the City of Hartford land records, thus encumbering the Property with the ELUR, along with the CNG subordination, waiver letter from the Commissioner, owner's affidavit of facts, and any other documents or agreements necessary to implement the ELUR, as required by the Commissioner.