



MEMORANDUM

TO:	City of New Haven Environmental Advisory Council
FROM:	Gary B. O'Connor
DATE:	April 5, 2021
FILE NO:	81423.1
SUBJECT:	Status of Remediation Plan at English Station

This office represents GMP Property Solutions, LLC (“GMP”) with respect to environmental issues related to its redevelopment of the English Station site (the “Site”). GMP is extremely committed to the development of a mixed use project at the Site. It is currently working with the current owners, United Illuminating (“UI”), the United State Environmental Protection Agency (“EPA”) and the Connecticut Department of Energy and Environmental Protection (“DEEP”) to assess the impact of the proposed remediation on any future development of the Site. GMP’s goal is to ensure that the proposed remediation will allow for the productive reuse of English Station – one which will be an asset to the entire community. The review of the investigation and remediation plans completed to date has been an enormous undertaking, because: (a) the environmental conditions at the Site are enormously complex; (b) the Site has not been fully investigated and (c) the proposed Remedial Action Plans (“RAPs”) only address a portion of the environmental conditions that need to be remediated. We understand that your organization is seeking an update regarding the remediation of the Site. In order to provide the Council with a clear understanding, we believe that it is necessary to provide some background information regarding the Site, its recent ownership history, and key regulatory matters.

I. General Description of the Site

English Station is the location of a former UI power generating plant in New Haven, Connecticut. It sits on an 8.9-acre site, located on Ball Island in the Mill River, that fronts on 510 Grand Avenue. The Site is entirely enclosed by a steel bulkhead, except for the portion along Grand Avenue.

The portion of the Site identified as "Parcel A" (the northern portion) is approximately 3.58 acres in size. Parcel A was occupied by a portion of a former electrical generating plant commonly referred to as "Station B", now demolished. Station B was a two-story structure that occupied a footprint of approximately 25,000 square feet. Station B was immediately adjacent to Grand Avenue, which runs along the Site's northern property boundary.

The remainder of the property, identified as "Parcel B", encompasses the southern portion of the Site and is approximately 5.32 acres in size. Parcel B is occupied by the English Station power generating plant, which has an approximate footprint of 100,000 square feet and it stands 10 stories

tall. Parcel B was created in the 1920's by expanding the bulkhead structure at the southern end of the island and filling the interior to construct English Station.

II. Ownership History

UI sold the Site on August 16, 2000 to Quinpiac Energy, LLC, which subdivided it and sold Parcel A to Evergreen Power, LLC (“Evergreen”) and Parcel B to ASNAT Realty LLC (“ASNAT”), both in December 2006. On May 23, 2016, GMP entered into Lease Agreements with Evergreen and Asnat for the lease of Parcel A and Parcel B respectively. In December 2018, title to Parcel A was vested in Haven River Properties, LLC (“Haven”) and title to Parcel B was vested in Paramount View Millennium LLC (“PVM”).

III. Regulatory Summary

As a result of UI’s past activities at the Site, UI entered into a partial Consent Order (“PCO”) with DEEP, in July of 2016, under which UI agreed to investigate and remediate the Site in accordance with the terms of the proposed PCO. The PCO addresses only investigation and remediation within the site boundary which is defined as all areas within the bulkhead and does not address the Mill River. UI obtained access to the Site on August 10, 2016 and has been progressing through the various phases of documentation, investigation and remediation since that time.

The previous owners of the Site, ASNAT and Evergreen, also entered into a Consent Order in July of 2016 with DEEP (the “Owner CO”). The Owner CO specifically prohibits current and future owners of the Site from: (a) disturbing the soil; (b) creating a release of any contaminant; or (c) interfering with UI’s investigation and remediation activities at the Site.

IV. Status of Remedial Activities

UI has conducted a number investigations and have submitted several RAPs that separately address certain types of contaminants (PCB v. Non-PCB), limited categories of environmental media (soil, but not groundwater) and only partial areas of the Site. To date, as a result of UI’s investigation it has submitted a Parcel A PCB Soil RAP, a Parcel B Partial PCB RAP, a Partial Non-PCB Soil RAP for Parcels A and B, and a Boiler 13 IRM RAP (to address PCB impacted soil in interstitial fill).

The Parcel A PCB Soil RAP has been separately approved by DEEP and EPA (respectively, the “DEEP Approval” and the “EPA Approval”). The DEEP Approval requires the Parcel A owner to prepare a document which acknowledges that the owner has reviewed the Parcel A PCB Soil RAP and has no objection to the implementation of such RAP. The EPA Approval requires a written certification by the Parcel A owner of acceptance of the conditions contained in the EPA Approval. The Deep Approval and the EPA Approval are highly technical and have required GMP and Haven to seek a number of clarifications from DEEP and EPA regarding certain provisions in the respective approvals. These clarifications were essential in order for Haven to be in a position to prepare and sign the owner’s acknowledgment and the owner’s certification. For instance, in EPA’s Parcel A PCB Soil RAP approval, there is a reference to a deed restriction specified in 40 CFR § 761.61(a)(8), which raised concern about GMP’s ability to develop the Site, in the future, beyond a “low occupancy” use, which would have limited occupancy of any building to 16.8 hours per week. This restriction would have essentially eliminated any residential, commercial, or manufacturing use of the Site. In 2021, EPA provided the critical clarification, and as a result, an

owner's certification has been prepared for Haven's signature. A number of drafts of the owner's acknowledgment have been submitted to DEEP, and DEEP has requested additional revisions to each draft. GMP and Haven are continuing to work with DEEP to finalize the owner's acknowledgment. DEEP has recently asked GMP and Haven to include DEEP's approval of the Partial Non-PCB Soil RAP in the owner's acknowledgment.

The Partial Non-PCB Soil RAP Approval was granted by DEEP with conditions. The RAP is considered partial, because it does not address PCBs, groundwater, and contaminated soils in certain areas on the Site, including the soils under the power plant. Despite the added complexity of incorporating the DEEP Conditional Approval of the Partial Non-PCB Soil RAP into the owner's acknowledgment of the DEEP Approval of the Parcel A PCB Soil RAP, GMP and Haven are hopeful that they will shortly have a draft of the owner's acknowledgment, which is acceptable to DEEP, and ready for Haven's signature.

Given the complexity of the environmental conditions at the Site, the lack of complete environmental investigations, the submission of partial RAPs, the highly technical requirements of the RAP approvals, and the significant remaining data gaps relating to the environmental conditions at the Site, GMP and Haven have proceeded carefully in their review of the voluminous documents, assessments, administrative orders and reports related to UI's RAPs. Likewise, GMP and Haven have been deliberate in their negotiations with EPA and DEEP in order to ensure that any owner's acknowledgment or certification will not foreclose the development of a viable mixed use project. They sincerely believe that remediation without a pathway to the productive reuse of the Site is a tremendous disservice to the community.

GMP and Haven will be happy to provide the Council with periodic updates, and collaborate with it on the successful remediation and redevelopment of this historic brownfield site.