

Subcommittee Guidance

Subcommittee 1 Discovery of Historical Releases

Scope: This subcommittee should evaluate the following:

Based on the definition of “release” in Public Act 20-9, what constitutes a historical release? Does the presence of non-naturally occurring pollutants in the environment indicate that a release has occurred?

When is a historical release discovered?

How should discovery of a historical release by parties other than an owner of property be addressed, including lessees, municipalities, and other interested parties? What role will LEPs play, if any?

How does Public Act 20-9 apply, if at all, when a release is discovered by a potential purchaser of property or similar person that did not create, or is not maintaining, the release? What if that same party subsequently purchases the property?

What if the release involves an imminent/substantial risk to public health or the environment?

In addition to who, what information is necessary to conclude that a release occurred? Is seeing a sheen on water enough? What about an oral report of disposal activity by a lay person?

What if analytical results point in different directions? For example, one results shows an exceedance while other results don't?

Discuss the conceptual framework for what constitutes a historical release and when such a release should be considered “discovered” for purposes of Public Act 20-9. This includes the various ways in which a release may be “discovered” and how, or whether, the obligations of Public Act 20-9 are triggered by such discovery.

Deliverable: A concept paper, or concept papers if consensus is not reached, that present concepts responsive to the questions identified above to advise the Department when drafting regulations concerning discovery of historical releases.

First Meeting Tasks:

- DEEP will introduce staff assigned to assist subcommittee and explain their role.
- Subcommittee members select two (2) subcommittee leads.
- Verify accuracy of contact information for all subcommittee members.
- Discuss the scope provided, and identify any questions regarding the scope.
- Identify a process for presenting and discussing concepts to be included in concept paper(s).
- Set a schedule for future subcommittee meetings (subcommittee must meet at least monthly).
- Identify topics for discussion at the next subcommittee meeting.

Subcommittee Ground Rules

1. Subcommittee time belongs to the subcommittee.
2. Every member participates.
3. All ideas deserve discussion.
4. Listen and ask questions.
5. Be respectful and courteous.
6. Stay on topic.
7. Work to understand every team member's perspective in order to better comprehend the motivation behind each concept put forth.
8. Meet deadlines and commitments.
9. Let people finish – no interruptions.
10. Ensure that all ideas requiring further evaluation are tracked for future discussion.