

Working Group members,

As discussed in our rearranged working group meeting on September 20th, please find attached draft charges for the next two subcommittees of the working group:

- **Role and Qualifications of Non-LEP Environmental Professionals, and**
- **Cumulative Risk and Risk-Based Alternative Approaches.**

Please recall that subcommittees can be comprised of working group members and non-members. Once these charges are approved, DEEP can announce the subcommittees with a call for volunteers. We look forward to your comments at our meeting on Tuesday.

In addition, and as requested by the working group, DEEP will begin a series of substantive conversations with the working group. This series will initiate at Tuesday's meeting and focus on integrating a Significant Environmental Hazard-like framework into the new release-based program. SEH-like framework was a common topic of the first phase subcommittees and bringing this framework into the future regulatory scheme would help unify the cleanup program.

Have a wonderful weekend and we look forward to seeing you for an active meeting on Tuesday.

Best and be well,
Graham

Cumulative Risk and Risk-Based Alternative Approaches:

Subsection 22a-134tt(f)(3) requires the Department to “provide flexibility, when appropriate, for licensed environmental professionals to establish and implement risk-based alternative cleanup standards developed in consideration of site use, exposure assumptions, geologic and hydrogeologic conditions and physical and chemical properties of each substance that comprise a release...”. One such approach is through the development of a cumulative risk assessment process. While certain aspects of a cumulative risk assessment, such as the assessment of toxicology of a substance, are not well aligned with Connecticut law (CGS 22a-1i and 22a-134tt), other cumulative risk assessment approaches may fit well within the current statutory framework and become integral to a successful release-based cleanup program.

This subcommittee should discuss the following:

- What components of a cumulative risk assessment are LEPs qualified to perform under existing Connecticut law?
- Are there alternative exposure scenarios that may warrant evaluation and integration into the cleanup standards and what, if any, institutional controls would be necessary to keep these scenarios valid?
- Are there certain clean up standard risk adjustments that can be made by LEPs using a process similar to the “short forms” used in the Massachusetts Method 3 Risk Characterization process without the advice of a risk assessor or toxicologist?
- Which parameters can be altered and what is a reasonable range of values that can be adjusted within the confines of a short form process? Would any of these parameters require consultation with professions with expertise beyond the expertise required of LEPs? What guidance is needed to support the use of such short forms?
- How should fees to support DEEP and DPH review of cumulative risk assessments be structured?
- If a short form process is utilized in a release verification, what percentage of those verifications should be audited? What level of documentation is necessary to support those verifications?
- Outside of short form process, is there an intermediary process for risk assessments that can be completed more expeditiously by the regulated community than the current process and reviewed by the state agencies?
- The Massachusetts Method 3 Risk Characterization includes the assessment of risk to the environment. How should ecological risk be considered under a release-based program?

The charge to this subcommittee is to determine which components of cumulative risk assessment can be implemented without increasing the human health risk on sites that have been remediated.

Role and Qualifications of Non-LEP Environmental Professionals:

The release based cleanup program pursuant to CGS 22a-134pp through 134xx (Chapter 445b) provides an opportunity to expand the universe of professionals who may oversee certain types of environmental investigation and remediation of releases. In the statute, some releases may be remediated without being verified by a Licensed Environmental Professional. During the previous subcommittees, it has become clear that the class of professionals that would certify such releases needs to be defined. This subcommittee should discuss the following:

- Under what conditions could other professionals certify that releases have been remediated, and, if required, investigated? Conditions mentioned in the statute include pollutant type, concentration or volume, and the imminence of harm to public health (Sec. 22a-134tt(c)(5)).
- What other types of environmental activity could they supervise and what type of activity is currently being supervised by non-LEPs?
- What education, experience or other qualifications are appropriate to ensure protection of public health and the environment in the specific scenarios contemplated.
- What mechanism other than a new licensure can be used to demonstrate someone is qualified?
- What mechanisms could be employed to limit concerns associated with relying on certifications by non-LEP environmental professionals?

This subcommittee should respond to the above questions in the context of releases that non-LEP environmental professionals may confirm have been remediated without a verification being required.

In the release based cleanup program, “verification” means the written opinion of a licensed environmental professional on a form prescribed by the commissioner that the remediation of a release satisfies the standards established in regulations adopted pursuant to section 22a-134tt.