

RSRs –Response to Key Comments

The public comments received during the RSR public comment period ranged from the need to clarify language to comments identifying less need for a DEEP review and approval to achieve compliance with certain RSR requirements. Three larger themes emerged through the public comment process:

- applicability of the RSRs
- public notice requirements for remediation
- the reuse of polluted soil

Applicability

Comments in response to proposed amendments to the applicability section of the RSRs indicated that the proposed language did not clarify the issue of applicability but rather confused the issue. DEEP interprets the RSRs to apply to all remediation of polluted soil and groundwater in Connecticut. DEEP ultimately determined that the proposed language amendments were not necessary for DEEP to ensure that remediation of soil and groundwater are performed in accordance with requirements of the RSRs and the amended language seemed to confuse the issue of RSR applicability. Therefore the language was left unchanged.

Public Notice

DEEP has recognized the importance and value of notifying the public when remediation is being conducted since the initial adoption of the RSRs in 1996. However, public notice requirements differ based on specific statutes and regulations. DEEP's proposed amendments to the public notice requirements were intended to balance when additional notice was required with when notices could be combined to serve multiple purposes. The comments received helped identify the need to clarify language and resolve some implementation issues regarding noticing emergency or time-critical actions and providing sufficient time frames for supplemental notices.

Off-site Soil Reuse

DEEP's proposed amendments regarding the reuse of polluted soil are intended to minimize risks to human health and the environment, due to the movement and placement of polluted soil in a manner that could allow direct contact or the spread of pollutants in soil to areas not originally impacted. Erosion of soil or the leaching of pollutants from soil can potentially spread pollutants beyond the intended soil reuse areas and could run afoul of Connecticut's antidegradation policies for surface water and groundwater. DEEP's proposed amendments regarding the off-site reuse of polluted soil included a 4-foot depth limit that matched the 4-foot soil cover used to render polluted soil inaccessible. Comments in response to the proposed language, particularly the language that proposed

to limit polluted soil brought to a parcel from other parcels to a 4-foot depth, identified the occasional need for additional soil when redeveloping properties. DEEP's own experience with Brownfields supported the position that there are situations that require a soil depth in addition to the soil depth need to render polluted soil inaccessible. Based on these comments and DEEP's experience, the language was amended to allow for up to 10 feet of polluted soil depth to be used at a parcel. This 10-foot allowance can only be used under certain circumstances and requires the Commissioner to approve such soil reuse.