

Revised RSR FAQs

When can the new amendments be used?

The new amendments took effect on February 16, 2021, and can be used on or after that date. Please submit the proper forms outlined below when using any new provision of the amended RSRs.

How do I submit a request, variance or verification using the newly adopted regulations?

For Commissioner approval requests that require use of a form, new forms are being created. Until new forms are created, requests or variances can be submitted using the current [Electronic Document Transmittal Form](#). Be sure to include all of the information specified within the amended regulation.

Once new forms are created, they will be posted on the Remediation Division website. When available, the new forms will need to be attached to the Electronic Document Transmittal Form prior to uploading to [Connecticut Secure File Transfer \(SFT\) website](#).

New verification forms will also be created and posted to the Remediation Division website. In the meantime, please use the [Verification Addendum Form](#) and attach it to the verification form to identify all new provisions that such verification relies on. The Verification Report must include detailed discussion on the demonstration of compliance with the new provision(s).

How will the transition language within the RSRs for the volatilization criteria work?

Specific transition language regarding the use of volatilization criteria can be found at RCSA 22a-133k-1(i) of the RSRs. If a Remedial Action Plan was submitted to the Department prior to February 16, 2021, and an LEP has indicated that no remediation is necessary to achieve compliance with the volatilization criteria, provided a verification is submitted on or before February 16, 2026, or any deadline set forth in Section 22a-134a(g)(1)(B) or Section 22a-134a(g)(1)(C) of the Connecticut General Statutes (CGS), whichever is sooner, the volatilization criteria set forth in RCSA 22a-133k-1(i) can be used.

If remediation to comply with the volatilization criteria is required within the Remedial Action Plan that was submitted to the Department prior to February 16, 2021, such remediation must be completed on or before February 16, 2023, to support a verification or interim verification, and the verification must be submitted on or before February 16, 2026, or any deadline set forth in Section 22a-134a(g)(1)(B) or Section 22a-134a(g)(1)(C) of the CGS, whichever is sooner.

If a vapor mitigation system is used to secure an exemption from the volatilization criteria for a clean-up to be verified after February 16, 2021, an EUR will be required. The transition language is only for the modified volatilization criteria and the change in the applicability distance to 30 feet below the ground surface.

I submitted a request for Commissioner approval under the RSRs before the effective date (February 16, 2021) of the RSRs Amendments. Is my request still active with DEEP?

In general, a request for Commissioner approval under the RSRs will be processed and considered using the regulations in effect that the time the request was submitted. Except as noted in this paragraph, such a request will not need to be updated to meet new regulatory requirements. If, however, a request submitted before February 16, 2021, is approved, and an EUR is required, and an application for an EUR has not been submitted before February 16, 2021, any such EUR must set out the restrictions and obligations specified by the amended RSRs, and must comply with the EUR Regulations in effect after February 16, 2021. Also, if a request submitted before February 16, 2021 is disapproved, a new request using the newly adopted RSR amendments will be required.

I provided public notice of remediation prior to February 16, 2021. Do I need to provide public notice again?

If public notice associated with a remediation was published prior to February 16, 2021, new public notice **is not** required for those provisions that were the subject of the already published notice. However, public notice would be required for use of provisions requiring public notice that were not included in the previously published notice. Such notice will be considered an “additional public notice” pursuant to §22a-133k-1(d)(3) of the Regulations of Connecticut State Agencies (RCSA). Also, an additional public notice will be required if the three year time period specified in §22a-133k-1(d)(3) of the RCSA has elapsed since the publication of the initial notice.

Verifications

I submitted a verification prior to February 16, 2021, but have not heard back from DEEP or been audited. Do I need to resubmit a verification to verify compliance with the post February 16, 2021 RSRs?

A verification attests to compliance with the regulations that were in effect on the day it was submitted, so absent DEEP indicating there is a problem with a verification, verifications submitted prior to February 16, 2021 do not need to be resubmitted to verify compliance with the newly revised RSRs.

I'm planning to submit a verification after February 16, 2021. With which regulations must compliance be verified?

As noted above, a verification attests to compliance with the regulations that were in effect on the day it was submitted. As such, all verifications submitted after February 16, 2021 must verify compliance with the newly adopted amendments to the RSRs and the EUR Regulations. There is, however, an exception to this general rule when the verification relies on a request, or variance, previously approved by the Commissioner under the prior regulations, or when a complete application for an ELUR was submitted prior to February 16, 2021.

A verification submitted after February 16, 2021 may rely upon requests or variances approved by the Commissioner before that date. For example, if a verification is submitted after February 16, 2021, and relies on an alternative demonstration of compliance for Direct Exposure Criteria that was approved by the Commissioner prior to February 16, 2021, that approval under the prior regulations can be used to support a verification, even if that verification is submitted on or after February 16, 2021 and even if the requirements regarding an alternative demonstration of compliance changed after February 16, 2021.

I submitted a verification prior to February 16, 2021 and received an Administrative Rejection due to incomplete documentation. I will be submitting a revised verification to address the deficiencies after February 16, 2021. Which regulations apply?

If the date of the verification (and the date of the LEP's signature and seal) is before February 16, 2021, the verification may attest to compliance with the prior regulations. Please use the [Verification Addendum Form](#) and indicate that the prior regulations were used.

What happens if my verification was submitted prior to February 16, 2021 and has been deemed deficient?

If a verification submitted prior to February 16, 2021 is deemed deficient and not valid, the parts of the verification deemed deficient must be resubmitted and, for those parts resubmitted, must demonstrate compliance with the newly adopted amendments of the RSR and EUR Regulations.