



**Department of Energy and Environmental Protection
Remediation Division
Roundtable
Q&A Newsletter
Vol. 10 ~ April 4, 2013**

Presented below are the Department's responses to verbal comments presented at the Remediation Roundtable held on February 5, 2013 as well as selected written comments received by the Remediation Roundtable Committee. The comments and responses may have been edited for clarification purposes.

SELECTED VERBAL COMMENTS FROM THE FEBRUARY 5, 2013 ROUNDTABLE:

Online Engineered Control Database:

Comment: Will the Engineered Controls Database be updated as new Engineered Controls come in?

Response: *Yes, periodically we will update the database depending on the rate that new engineered controls are approved and staff availability.*

Comment: Will the date of each update be posted so we know if it is the current version?

Response: *Yes, when the database is updated, the revised date will be updated as well.*

Comment: How many Engineered Controls has the Department approved?

Response: *The database contains about 25% of the total engineered controls. The exact number of historic engineered controls is still being tabulated, as that information has to be tabulated by reviewing each individual file by hand.*

Comment: Will there be a way of capturing information as a project is ongoing?

Response: *Information is primarily entered into the database based on what is contained in the approved Engineered Control application. If there are significant changes, staff can update each individual record, as needed. However, staff does this as time allows, so it is uncertain how timely it will be for each project. If you see that information for your site is not up-to-date, please contact me via email: Claire.Foster@ct.gov.*

Financial Surety Mechanisms Part 2: Engineered Controls:

Comment: There does not appear to be a mechanism in place when a property sells to transfer over financial assurance (FA). Can FA be transferred?

Response: *Either the existing Financial Assurance mechanism would remain in place or the new owner can submit a substitute financial assurance mechanism. The Department would have to approve the substitute Financial Mechanism to be used by the new party before the Department would release the previous party's mechanism.*

Comment: Is Financial Assurance required for sites that are small, for which acquiring a surety mechanism would be expensive in comparison to the cost of the actual control?

Response: *Some engineered controls are smaller and less expensive; therefore, the costs of maintenance and monitoring may not be very much money, so acquiring a surety mechanism may not be easy or economically practical. For these cases, we are working towards establishing a general account where people can make a one-time payment. This account has not been established yet. We encourage owners to contact the Department so we can discuss the specifics of such cases and come up with a more immediate solution.*

Comment: On a site with more than one Engineered Control, can you combine the site under one Surety Mechanism?

Response: *Yes.*

Comprehensive Evaluation and Transformation of CT's Cleanup Programs

Comment: Even with the proposed changes, Ecological Risk Assessment still appears to be at risk for a stall in approval preventing an Early Exit. Will further consideration be made regarding ECO Risk to prevent this stumbling block?

Response: *The Department is currently working to put together more guidance to help people work through this process. Also discussions will continue to take place to improve the process.*

Comment: In regards to historical contamination, what will be the requirement or trigger to look in the first place?

Response: *There will not be a requirement in the new program to conduct a comprehensive site-wide investigation. However, the Department continues to expect that people who are purchasing a property or securing new financing or preparing to sell a property will continue to perform due diligence.*

Comment: For sites with historical environmental conditions, could old reports and data be reviewed and used without triggering a reporting requirement?

Response: *The Department does not intend to require every person to review all previously collected environmental data to determine if release reporting of historical environmental conditions is required. However, the Department is still working to determine if and when current knowledge of older data could trigger a reporting requirement.*

Comment: You mentioned enhancing the Significant Environmental Hazard program, but isn't the plan to phase out the separate programs?

Response: *We are going to have one unified program. This program will have multiple components and exits, including the requirement for the notification and abatement of significant environmental hazards. Changes to the Significant Hazard program are being pursued in 2013.*

Comment: Who can certify compliance with an Early Exit?

Response: *The Department is working on a new program that will allow professionals to certify that the cleanup of a release meets an Early Exit. In most cases, it is anticipated that Early Exits will be available for new spills. However, the Department is considering an Early Exit for certain historical releases. Certifying that a historical release meets an Early Exit could only be done by Licensed Environmental Professionals (LEPs). Certifying that a new spill meets an Early Exit could be done by those licensed to certify Early Exits. This would be a distinct license from a LEP license; however, we are considering whether LEPs would need to apply for this license.*

Comment: With the prospect of significant changes to the RSRs, will LEPs need to be re-certified? Will there be new training?

Response: *Existing LEP licenses will remain valid. Training will be provided on new RSRs. As the remediation program evolves the LEP's roll will evolve with the program.*

Comment: How will the presence of pesticides be addressed in the Unified Program?

Response: *We are looking for feedback. Like many other states, we are looking into not adding into release reporting the normal application of pesticides consistent with labeling and manufacturers' instructions. Spills or catastrophic releases are not the normal application of pesticides, and therefore, those events would require reporting.*

Comment: Will the Transformation legislative package be made available for comment before it goes before the Legislature?

Response: *There will be plenty of opportunities to review the report and the proposed legislation.*

Newhall Project, Hamden CT

Comment: What was EPA's involvement with Newhall? Did they have their own requirements?

Response: *The Newhall Project was a state-led project. EPA was briefed throughout the process. EPA performed limited removal actions early on to address isolated instances of short-term risk.*

Comment: What expense is the \$2 million fund administered by the Town intended to cover?

Response: *The fund covers the cost to properly manage deep waste fill that may be unearthed in the future during homeowner activities, such as construction of a home addition.*

General Question and Answers

Comment: Does the division have a registry of ELURs that have been approved? If so, is there some way of accessing that registry?

Response: *There is nothing on the internet currently. You may contact Department Staff Kevin Neary (<mailto:kevin.neary@ct.gov>) or Peter Hill (<mailto:peter.hill@ct.gov>) if you would like to receive a copy of the list of ELURs. There will be future improvements moving towards making the information available in real time as part of the contaminated sites list; however, it involves a significant IT project that is still waiting for funding and development.*

Comment: As a point of confirmation, the currently-proposed RSR package is separate from the Transformation Legislative proposal correct?

Response: *That is correct. The public hearing for the proposed RSRs mini-package was in October and is continuing through the legislative process. That was a separate package and is a prelude to further changes that will be occurring as part of the Transformation.*

Comment: Based on public comment, were there any revisions to the RSR mini-package? Will a red-line version be made available?

Response: *The public comments were very useful in making changes to the proposed RSR package. We have not yet determined whether there will be a document with the red-line changes from the public hearing draft to the final proposed draft. The Hearing Officer's report lists all of the comments we received and describes how those comments were addressed, including any changes to the draft RSR package.*

Comment: When will that report come out?

Response: *It is likely that the legislative review committee will take up the RSR package at their meeting in May. They meet once a month and review all pending regulations. The Hearing Officer's report and final proposed regulations are publicly available on DEEP's Remediation Division [website](#).*

SELECTED WRITTEN COMMENTS

Comment: If the contaminants of concern can be determined, such as by prior analyses, can future analyte lists can be restricted to just the contaminants of concern?

Response: *Yes, if the analyte list for the existing data was appropriately selected and the existing analytical data is determined to be of sufficient quality for the intended purpose through a Data Quality Assessment and Data Usability Evaluation.*

The Environmental Professional will need to document the rationale for their decision regarding the selection and modification of the analytical suite. Guidance regarding the selection of analytical methods is provided in section 4.2.3 of the DEEP "[Site Characterization Guidance Document](#)."

Guidance regarding Data Quality Assessment and Data Usability Evaluation is provided in the DEEP "[Laboratory Quality Assurance and Quality Control Data Quality Assessment and Data Usability Evaluation Guidance Document](#)," ([DQA/DUE Guidance Document](#))

If the analytical data includes Non-Reasonable Confidence Protocol (RCP) or Pre-RCP data see Section 4.5 of the [DQA/DQE Guidance Document](#).