



**Department of Energy & Environmental Protection**  
**Remediation Division**  
**Remediation Roundtable**  
**Q&A Newsletter**  
Vol. 23 ~August 11, 2016

Presented below are the Department's responses to verbal comments made at the Remediation Roundtable held on June 21, 2016. The comments and responses may have been edited for clarification purposes.

**SELECTED VERBAL COMMENTS FROM THE JUNE 21, 2016 ROUNDTABLE:**

**SELECTED WRITTEN QUESTIONS**

Transformation Update:

**Comment:** The Science Advisory Panel concept was started about a year ago. Has there been any progress?

**Response:** *There have been internal discussions regarding how to structure the panel and whether DEEP would select a list of experts or use the Connecticut Academy of Science and Engineering (CASE). We continue to evaluate the scope of work that can be accomplished given recent budget cuts imposed upon the agency.*

**Comment:** Where do you think Eco Risk falls in the Transformation Diagram?

**Response:** *We have an internal group developing Eco guidance. After the release of the Wave 2 Public Discussion Documents we got a mixed response as to the challenges for Eco Risk, so the effort has focused on increasing guidance.*

Wave 2 RSR Progress Update:

**Comment:** As for releasing the formal proposed Wave 2 RSRs in August, is that internal or public?

**Response:** *It is for Commissioner review; he has not seen it in detail yet, so it is internal only. The document outlining the concepts has previously been released for public input.*

**Comment:** When you have formal revisions, can you put together a document of existing RSRs with some kind of redline version?

**Response:** *If we can do it – yes. We are hoping to have a separate document online, similar to conceptual language, but we are not sure we can do that based on the regulation review process. The specific software required for drafting regulations does not allow for much flexibility, so we are hoping we can produce a version that is easier to read.*

PCBs: Commonly Asked Questions:

**Comment:** What is the benefit of the “as found” language within the self-implementing option?

**Response:** *Under the performance-based language, when remediating PCB-contaminated soil, everything needs to be dug up and sent to a TSCA disposal facility based on the highest concentration found on the entire site. Under the self-implementing option, you can identify and delineate areas that are over and under 50 ppm, and dig up and dispose of soil that is over 50 ppm at a TSCA-permitted incinerator or landfill. The soil that is less than 50 ppm can go to a landfill permitted to take that concentration, as long as there was no mixing. If the soils with greater than and less than 50 ppm are mixed, you have to send it all to a TSCA disposal facility. You need to be careful to sample enough to know what is under and over 50 ppm. The benefit is that areas with contamination concentrations less than 50 ppb do not need to be shipped to the TSCA disposal facility.*

**Comment:** Is the risk assessment in the Risk-Based (40CFR761.61(c)) remedial option similar to a CERCLA Risk Assessment?

**Response:** *It is less than what would be required under CERCLA. You need to demonstrate why the contamination does not present a risk. Sometimes a written explanation of facts, remedies and rationale can suffice; however, EPA approval is required.*

**Comment:** Are there any instances where inaccessible soil under a cap would not be subject to DEC for PCBs?

**Response:** *Possibly, however, federal regulations require 10ppm or less regardless of whether the state Direct Exposure Criteria applies. An example of where a higher concentration could be left would be a site with an engineered control variance (ECV) and an EPA Risk-based Approval.*

**Comment:** If you have 4 feet of compliant soil under a slab, does direct exposure apply below that?

**Response:** *The RSR DEC section contains a ceiling concentration of 10 or 25ppm, depending on the site use. Also, you need to comply with the federal TSCA rule.*

Proposed Amendments to Environmental Use Restriction Regulations:

**Comment:** Have you considered an exemption for investigation on property, such as soil boring in a no-dig area?

**Response:** *That should be covered by “allowable disturbances”.*

**Comment:** Will you provide a draft and comment period before the formal RSR Wave 2 process moves forward?

**Response:** *We are not planning on it due to time constraints. However, we have reached out to local and national experts about various topics for technical assistance.*

**Comment:** When referring to the road registration provision, who would be considered the owner? Is it the municipality, or could it be the adjacent property owner?

**Response:** *The road registration provision is for roads wholly owned by a municipality or governmental entity. If the owner of the adjacent property owns halfway to the middle of the road, that road would not be covered by this provision as it is currently written at the time of this roundtable presentation and would need to be addressed through an EUR. It is important to note that this concept is under development and is subject to change.*

**Comment:** If pre-existing interests allow for excavation, is an activity and use limitation ("deed notice") ruled out?

**Response:** *Right now, yes, if the interest is within the subject area. This does limit the use of deed notices and DEEP will try to address this in the future.*

**Comment:** Under the deed notice, emergency repair work concept – electrical line, or sewer etc. – what kind of provisions for access are there?

**Response:** *Emergency provisions are included for both deed notices and ELURs to allow owners to address emergencies.*

#### General Questions:

**Comment:** There was a draft proposal developed to provide an alternative to the 30 year life expectancy for federally regulated USTs, what is the status of that proposal?

**Response:** *Connecticut Energy Marketers Association (CEMA) did request an extension for just one piece of the UST universe. On June 22, 2016, pursuant to section 22a-449(d)-111(d) of the Regulations of Connecticut State Agencies (RCSA), the Commissioner of Energy and Environmental Protection issued an [Approval of an Alternative Life Expectancy For Certain Underground Storage Tanks \(Approval\)](#). For underground storage tanks (USTs) subject to RSCA section 22a-22a-449(d)-101 et seq., that satisfy eligibility criteria and certain terms and conditions, this Approval extends the life expectancy of a tank to forty (40) years from the date of installation. Prior to this approval most USTs had a life expectancy of 30 years.*

*Eligible USTs that meet the terms and conditions of the Approval must send a [Notice of Alternate Life Expectancy for USTs](#) to the department. Also available in [PDF](#).*

*If you need assistance in determining if your UST's are eligible for this extension, or it is in your interest to meet and maintain the terms and conditions to maintain eligibility, it is recommended you consult with your UST equipment service provider, fuel supplier, or industry group.*