**Remediation Roundtable Questionnaire
Wave 2 RSRs Proposed Changes
June 9, 2015**

**This handout will be used in the large group discussion at the June 9, 2015 Roundtable. Please ponder the questions below. We hope that you participate in one or more of the following ways:**

**Option 1: Return the questionnaire through emailing** **DEEP.RemediationRoundtable@ct.gov** **by Friday, June 5th.**

**Option 2: Place written responses anonymously in the collection box at the start of the Roundtable.**

**Option 3: Discuss your responses during the Roundtable, but we ask that you still provide your written responses, if possible.**

***These questions are for discussion purposes only and do not reflect the Department’s policy, guidance, or interpretation.***

**95% UCL for SWPC**

1. Should the regulations allow the use of 95% UCL for SWPC when collecting 12 consecutive monthly samples from the monitoring well(s) at the point of discharge to surface water? One would not be able to use the 95% UCL provision in combination with the Alternative SWPC calculation. Would this be a useful and protective provision? How could we make this a better provision?

Response:

**Urban Soils**

**Characterization**

1. Since the Urban Soil determination is based primarily on the PMC exception for coal-ash, additional information and/or characterization would also be necessary to confirm there had not been other site-related releases which would have the potential to contribute similar constituents in a leachable form.
	1. What type of evaluation is currently being conducted to document the presence of coal ash (and/or other PMC-exempt materials) at a site?
	2. What should be the future level of characterization to appropriately identify and define the presence of Urban Soil at a site?
	3. How should one discern the Urban Soil from a release area, especially in situations where there are individual releases of similar constituents?

Response:

**Thresholds**

1. The [Discussion Document](http://www.ct.gov/deep/lib/deep/site_clean_up/remediation_regulations/discussiondraft_urbansoil.pdf) includes a table of maximum concentration thresholds as part of the characterization process for Urban Soils. There have been suggestions that a lower threshold be set, but allow for statistical exceedances. The Department is open to suggestions on the most workable approach.

Response:

**Dredge Fill**

1. One of the conditions for meeting the definition of Urban Soil is that it either has no PMC exceedances or that the material meets one of the exemptions for PMC. Since dredging frequently encounters sediments that have been impacted by industrial releases, the Department is seeking suggestions for a self-implementing process to address the different leachability issues and COCs in dredge fill that might be encountered in Urban Soil.
* For fill that might be mixed with dredged material, what approaches would be appropriate for determining whether the dredge portion of the fill has leachable metals, rather than having no industrial impacts?

* Other than simply the proximity of a source of contaminated sediment, or requiring SPLP testing, what could be used to determine whether dredge fill is impaired and would represent a leaching risk?

Response:

**Petroleum Hydrocarbons**

1. The [Discussion Document’s](http://www.ct.gov/deep/lib/deep/site_clean_up/remediation_regulations/discussiondraft_urbansoil.pdf) threshold table includes a value for ETPH. Since the hydrocarbons that would be expected in coal and asphalt would have a different hydrocarbon fingerprint than most petroleum releases, what alternative analytical methods would be appropriate for distinguishing between historic fill and subsequent short-chain petroleum releases (i.e., EPH, VPH, APH, or other forms of fingerprinting)?

Response:

**Alternative PMC**

1. The self-implementing site-specific alternative PMC option, as proposed in the [Discussion Document](http://www.ct.gov/deep/lib/deep/site_clean_up/comprehensive_evaluation/finaldraft_alternativepmc_2-18-14.pdf) of the same name, requires the collection of additional parameters that are not often collected as part of site characterization. At a minimum this would be the fraction organic carbon (foc), but could include other parameters, such as pH, bulk soil density, and soil volumetric water content. The option would also require a more detailed level of understanding of the soil stratigraphy than would normally be required. Depending on the complexity of the soil stratigraphy, further soil sampling may be necessary to provide full resolution for all of the soil layers. Since these soil samples are not typically collected unless used for this express purpose, how would collecting this information affect the use of this proposed option? What could be changed to make it more functional without reducing the science that the proposed self-implementing site-specific PMC option is based on?

Response:

**Notice of Activity and Use Limitation (aka Notice AUL, aka Deed Notice)**

**Purpose**

1. The Statute allows the regulations to add additional purposes for a Notice AUL. Under what other conditions or settings would it be beneficial to allow a Notice AUL rather than requiring a full ELUR?

For informational purposes the statute language currently allows Notice AULs to:

* Achieve compliance with industrial/commercial criteria by restricting to industrial or commercial activities, provided such property is zoned for industrial or commercial use;
* Prevent disturbance of an engineered control, where such engineered control is for the sole remedial purpose of eliminating direct exposure to polluted soil that does not exceed less than ten times the DEC;
* Prevent disturbance of inaccessible polluted soil that exceeds the applicable DEC by no more than ten times;
* Prevent demolition of a building or permanent structure provided that the soil beneath the building or permanent structure: (i) does not exceed ten times the DEC and PMC or (ii) includes no more than ten cubic yards that exceed ten times the DEC and PMC; and
* Allow other situations the Commissioner adopts in regulation.

Response:

**Environmental Use Restrictions - (EUR)**

EUR is a general term that covers ELUR, Notice AUL, Registries, or other forms of land use limitations.

1. Are there any other EUR scenarios that you can think of that are not currently being proposed?

Response:

1. Certain short-term temporary activities, such as those associated with short-term underground utility/construction work may be allowed within the restricted area that is subject to the ELUR. These could be included in the list of the “permitted site activity and use” in the ELUR with LEP oversight and notification prior to the work and after the work has been completed. Since the authorization could not be open-ended, what would be a good way to impose reasonable time limits for the activity:
* The allowable duration of those activities (e.g., 15 days, 30 days, 90 days?);
* The frequency (once per year?); and/or
* The volume of the disturbance?

Response:

**Alternative SWPC Attenuation Factor**

1. Currently there are two alternative SWPC options within the RSRs: a self-implementing Alternative SWPC that requires a calculation using known plume characteristics with the 7Q10 of the discharge stream and a Commissioner Approval option requiring specific information from upstream discharges.

Wave 2 proposes a third alternative that could be either self-implementing or for Commissioner Approval.

Self-Implementing: a simple distance calculation that would allow the SWPC or Aquatic Water Quality Standard to be multiplied based on the terminal end of the plume distance to the surface water discharge point. Below is an example for discussion purposes only:

Greater than 1000 ft = 5 x multiplier
Between 1000 ft to 500 ft = 2 x multiplier of SWPC
Less than 500 ft = no multiplier

1. Is there an alternative option for a simple distance calculation?

Commissioner approval option: providing site-specific information along with a detailed calculation.

1. What should a Commissioner Approval option require?
2. Should it include modeling? What would be some useful models?
3. Would it be chemical-specific and based on retardation factors?
4. What site-specific information would be needed and how much should it be factored into the determination?

Response:

**Public Notice**

In addressing the public’s right to know about remedial measures, how can we resolve the inconsistency between requiring public notice of remediation at a “site” when remediation usually occurs by “release area” under the RSRs?

Response:

1. The public notice for an ELUR requires “a brief description of the nature of the pollution on the subject parcel.” Should the RSRs have a similar requirement for all notices of remediation? What additional language should be added to the various notices to provide useful information to the public?

Response:

Currently, public notice is applied by site and supplemented for ELURs, engineered controls, injection permits and RCRA closure. For what additional activities should the general public notice be supplemented by an additional activity-specific notice?

Response:

In most cases, the public notice requirements include a 45 day comment period. In what setting or for what milestones might this be reduced to a notice with no comment period? How is this handled in other states?

Response:

Is the 30 day public notice comment period presently used for ELURs appropriate for the more streamlined Activity and Use Limitations or should public notice requirements for Notice AULs be handled differently?

Response:

**Long-term Obligations**

1. Some new provisions proposed in Wave 2 require long-term obligations, such as vapor mitigation systems and MNA. What are some recommended options for ensuring long-term operating, maintenance, and reporting?

Response:

**Alternative GWPC**

1. Public comments on the [Discussion Document](http://www.ct.gov/deep/lib/deep/site_clean_up/remediation_regulations/discussiondraft_altgwpc.pdf) were received that questioned why public water is required to be present between the Alternative GWPC plume and surface water discharge point. This requirement was proposed because, if no one controls the water between the terminal extent of the plume and surface water body, a well could be installed in an area where public water is not available and use groundwater that is above the GWPC. Any questions/comments regarding why this requirement is still necessary?

Response:

1. In the cases where the owner of a site also owns all the land between the terminal extent of the plume and the discharge location, an ELUR to restrict groundwater use could be placed allowing the use of the Alternative GWPC. Would this be an acceptable exception to this requirement?

Response: