



## **MOTION & NOTICE OF DECLARATORY RULING**

Pursuant to section 22a-3a-4(a)(5) of the Regulations of Connecticut State Agencies (“RCSA”) and Conn. Gen. Stat. § 4-176(a), the Commissioner of the Department of Energy and Environmental Protection (“Department”) hereby provides notice that, on the Commissioner’s own motion, the Department is initiating a proceeding for a declaratory ruling.

A declaratory ruling may be initiated to determine “the applicability to specified circumstances of . . . a final decision on a matter within the jurisdiction of the agency.” Conn. Gen. Stat. § 4-176(a). In 2016, in the contested case proceedings on Administrative Order No. AOWSPCB 13-001, the Commissioner issued a final decision approving Partial Consent Order COWSPCB 15-001 (“PCO”) between the Department and The United Illuminating Company (“UI”), whereby UI was ordered to remediate the Site, English Station, in compliance with the terms of the PCO. The PCO is a final decision under Conn. Gen. Stat. § 4-166(5) and is on a matter within the jurisdiction of the Department, the remediation of a contaminated property in Connecticut. The specified circumstances are those circumstances described within the PCO, including the facts stated therein. The Department will issue a ruling on the following question related to the PCO:

To achieve compliance with the PCO, what is the applicable “high occupancy standard” necessary “to abate on-site pollution and impacts for industrial/commercial use of the Site . . . inside the buildings” as referenced in section (B)(1)(e)(4)?

Notice of this declaratory ruling proceeding is being provided by publication in the New Haven Register and the Connecticut Post. The Commissioner is also providing notice of this matter to persons or entities known to have an interest in this matter by first class mail. An electronic copy of this notice is available on the Department’s website at: <https://portal.ct.gov/DEEP/Laws/Rulings/Declaratory-Rulings>.

After receipt of notice that the Commissioner has commenced a declaratory ruling proceeding, any person may file a request to become a party or intervenor. RCSA § 22a-3a-4(c)(1). A request for intervention, and the Department’s response, is governed by RCSA Section 22a-3a-6(k).

Any person may file comments on the question specified in this notice. RCSA § 22a-3a-4(c)(2). Comments shall be filed on or before March 11, 2024. All comments shall be directed to Commissioner Katherine S. Dykes, signed by the commenter or his/her attorney or other representative, contain the name and telephone number of the commenter and his/her attorney or other representative. Comments may include legal briefs and documents or records to be considered when answering the question herein specified. All persons are requested to send comments or correspondence regarding this matter to Commissioner Katherine S. Dykes, c/o Julianne Naughton, Paralegal Specialist, Office of Legal Counsel, Connecticut Department of

Energy and Environmental Protection, 79 Elm Street, Hartford, Connecticut, 06106-5127 or via e-mail to [Julianne.Naughton@ct.gov](mailto:Julianne.Naughton@ct.gov).

Pursuant to Section 4-176(e) and 4-176(i) of the Connecticut General Statutes and RCSA Section 22a-3a-4(c)(3), on or before July 23, 2024, the Commissioner shall issue a declaratory ruling.



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Katherine S. Dykes  
Commissioner, DEEP

January 25, 2024

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Date

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