



Release Reporting



Purpose

- Connecticut General Statutes (CGS) 22a-450(c) requires DEEP to adopt regulations to define the threshold amounts for releases of oil, petroleum, chemical liquids and harmful hazardous wastes that must be reported to the Department. DEEP is committed to moving these regulations forward as Goal #20 of the Department's **20 BY 20** initiative.
- This presentation outlines components of release reporting regulations that DEEP intends to propose in the fall of 2020. Until such regulations are adopted, current law requires that *all* releases be reported, regardless of the quantity. As such, DEEP anticipates that these regulations will reduce the compliance burden on regulated entities.
- DEEP's proposed approach builds upon a 2009 DEEP proposal that received significant stakeholder input, but was never adopted.
- DEEP's proposed approach is less stringent than the 2009 proposal, but more stringent by comparison to Massachusetts' program. Unlike in MA, CT DEEP has responsibility for emergency response functions. The value of reporting for DEEP emergency response triage is that such actions can remove the threat and thereby diminish the extent of or eliminate entirely the need for further long-term actions. Moreover, >30% of CT residents rely on groundwater for drinking.



Summary of Proposal

3 Categories of Reporting (with exceptions)

1) Category 1: Report ANY Quantity

- i. Release to a waterway;
- ii. Release from a UST;
- iii. Release of PCB, halogenated solvent, and certain pesticides;
- iv. When quantity or substance is unknown;
- v. Release or imminent release posing a risk or potential risk to human health, public safety, or the environment; or
- vi. Release containing 30% or more of a material listed in Appendix A



2) Category 2: 5 Gallons

- i. Oil or petroleum releases of 5 gallons or more, except in containment;
- ii. Oil or petroleum releases of less than 5 gallons which have not been cleaned within 1 hour;

3) Category 3: 1.5 gal (liquid) or 10 lbs (solid)

- i. Releases of material other than oil or petroleum of 10 pounds or more or 1.5 gallons or more, except in containment;
- ii. Releases of less than 10 pounds or 1.5 gallons which have not been cleaned within 1 hour;



Exceptions to Reporting – No Report

- 1) Releases authorized by:
 - i. A permit/license issued by the Commissioner (even if limits are exceeded);
or
 - ii. A state/federal law or judgement;
- 2) Releases contained under a lab hood of inconsequential amount;
- 3) Consumer or *industrial* product used as intended in a legal manner;
- 4) Agricultural activity in accordance with *Best Practices for Agriculture*;
- 5) Minor sheen from roadway, driveway, parking lot from vehicular use;
- 6) Food products that do not create an emergency;
- 7) Domestic sewage of less than 100 gallons;
- 8) Radioactive waste not mixed with reportable materials;
- 9) Releases to impervious containment that are cleaned within 1 hour and that do not:
 - i. Exceed 100 pounds or 15 gallons; and
 - ii. Create an emergency;

Reporting Process

2 Types of Reports

1) Initial Report & Action

- i. Report within 1 hour of discovery (via telephone 24 hours):
 - Contact information for reporter, responsible party, & property owner;
 - Date, time, and duration of release and whether it is ongoing;
 - Cause, material release, quantity released and quantity recovered;
 - Location, medium impacted, sensitive receptors impacted or at risk;
 - Injuries, response actions taken, licensed contractor hired to respond;
- ii. Immediately contain, remove, mitigate to the satisfaction of the commissioner;



2) Follow up report upon request of the commissioner:

- i. Responsible party prepare and submit a report that includes:
 - Confirmation of the information in the initial report;
 - Chronology of events regarding the release including:
 - Date/Time of release, discovery, termination;
 - Date/Time of report, response initiated, response completed;
 - Description of impacts/potential impacts:
 - Map showing:
 - » Point of release and surrounding area;
 - » Population centers & possible receptors;
 - » Area of known and potential impacts;
 - Copies of analytical results and other data;
 - Supplemental information requested by the commissioner;
- ii. Does not affect or satisfy other requirements to report, investigate, or remediate;



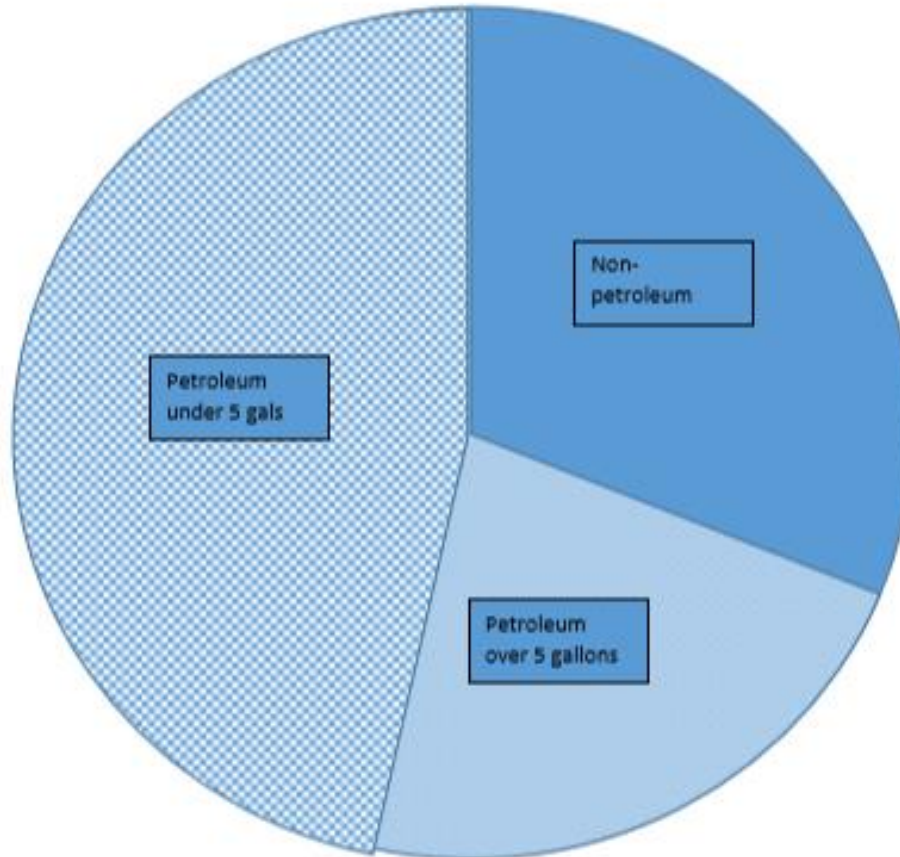
Universe

In 2019

- ✓ Total Reported Releases = 6,187
- ✓ 64% of these were petroleum spills (3,951)
 - 73% of petroleum spills were <5 gallons (2,877)
 - This is 47% of Total Reported Releases
- ✓ Under this proposal potential decrease in reportable releases of nearly 50%



2019 Spill Reports



Differences between this version & 2009

Current Proposal

2009

- | | |
|-------------------------|----------------------------------|
| 1) Day forward | Addressed historic contamination |
| 2) Petroleum RQ = 5 gal | Petroleum RQ = 1 gal |

In 2009, various groups were advocating for either the MCP RQs or the Federal RQs. Neither 2009 nor current proposal used these extremely high thresholds since the purpose of the Connecticut requirements is not the same and the risk in Connecticut is not the same for the reasons stated in the purpose.



Appendix A Basis

Appendix A is meant to be a list of materials so hazardous that DEEP should receive a report on a release of any quantity in order to be able to assess risk and ultimately need for emergency response. It was created in consultation with DPH. The concentration of 30% was chosen to distinguish between industrial grade chemicals and those commercially available to the public.

Sources for Appendix A Materials

- EPA Risk Management Plan
- EPA Extremely Hazardous Substance List
- FBI-ITF 40 Priority Chemicals List
- CT DPH legislatively mandated toxic chemicals list
- Banned and restricted pesticides



Governor Lamont and his administration is committed to:

- Modernizing Connecticut's cleanup framework;
- Transitioning from a site-based approach triggered by real estate transactions to a release-based approach;
- Advancing that effort through the promulgation of these Release Reporting Regulations;
- Providing relief for release reporting by adopting responsible reportable quantities that remain protective of human health and the environment.



Schedule for Release Reporting Regulations

- **Summer 2020 – Public/Stakeholder Engagement**
- **Summer/Fall 2020 – Complete Drafting of Proposed Language**
- **Fall/Winter 2020 – Public Notice Regulation**

