



Connecticut Equity and Environmental Justice Advisory Council (CEEJAC) Water Subcommittee

Wed, July 24, 2024
11:00-12:00 pm

Link to Recording:

https://ctdeep.zoom.us/rec/share/ezfS6hu3bVt_2N3l2IXb13t1mputt3PksP5suv3pIFgfGlu5D1U0Kxiw7kSZ7vrb.UsNr9UcE5u6wDYXB

1. Introduction

Cierra Patrick, Water Subcommittee chair, welcomed everyone and started the meeting.

2. Release-based Regulations Presentation

The presentation was given by Graham Stevens, Bureau Chief of Water Protection and Land Reuse at CT DEEP and Brendan Schain, Office Director of Legal for Environmental Quality at CT DEEP.

These regulations are a transformation of State's Clean Up program towards release-based cleanup, which has implications for economic development and environmental conditions across the state. This program would replace the Transfer Act, which kicks into play when buyers and sellers were told to look at whether there was pollution on their property. But times have changed and now the system isn't as good as it should be. We want to utilize the financing to make sure that when sites are investigated and there is pollution, that it is cleaned up. The Transfer Act only applies to a small universe of properties. We want to create a distinction on low and high-risk releases – want to focus on the high risk and then create pathways to address the low risk.

Since mid-1980's there have been 3000 sites and only 300 sites have completed their cleanup. There was no requirement to finish the clean up. Only applies when someone sells a business or property, so many companies decided to abandon or demolish buildings instead of sell and clean up their property.

What is Included in these regulations: a new spill or release, newly discovered historical pollution (Brownfield). Not everything is a release – only land and water, so things like atmospheric deposition like auto exhaust or naturally occurring metals in the soil are not included.

- a. Phases of NEW Program
 - i. Discovery of an existing release – the obligation will now start when the release occurs or is discovered

1. Why would someone report this? How can residents be involved in this process?
- ii. Reporting – new and existing releases
 1. If you cleanup before 120 or 365 day deadlines, then you don't require reporting – meant to encourage speedy remediation
- iii. Cleanup Standards (since 1996)
 1. Changes on the Impacts on Multifamily Residential Housing and Passive Recreation Residential exposure criteria
- iv. Public Notice is required
 1. This is required before shovels are in the ground and can be aligned with local community desires and concerns

3. Question & Answer

Doris Johnson: At what point is an Administrative Order issued to a property owner? DEEP maintains its enforcement provisions. If an owner of a property is discovered to own a source of pollution, then DEEP can issue compliance.

Overwhelming majority of releases will really go through the program.

Sarah Huang: Can you talk about how local residents in an area can be involved in the "discovery" phase? DEEP is working on creating a new online system where folks will file their reports with DEEP. Case management structure for DEEP staff and transparency tool for the public.

Graham Stevens: We are in the process of going to public notice of intent. Will have more stakeholder engagement and do public comment and then submit to the LRRC. This will take a period of time for this to become effective. And in the meantime we are building the tools to be utilized.

Justin Farmer: In terms of consent order, how does the transfer act work retroactively? We are hoping to sunset the transfer act because that has caused a lot of stalled cleanups without requiring a "transfer" of property. The regulations will apply fee structures in hopes to incentivize quick and complete clean ups.

Graham Stevens: Engagement – DECD and DEEP co-convened a working group as required by statute. Do touch base with DPH on human health risk assessment.

Mary Pelletier: Park River area: overdevelopment, more burial of water so it will be inaccessible and that treatment features will be clean and then still dumping into tributaries. When we talk about clean up? Is there any way that we get nature back into urban areas as a part of this process?

Graham Stevens: Clean up program relates to removal of sources of pollution that impact groundwater, soil, etc. And doesn't have anything to do with development or general stormwater practices.

Registration List:

doris johnson
Terry Adams
Anne Hulick
Caitlin Daddona
Pallavi Mande
Jocelyn Phung
Sheila Barney

Graham Stevens
Emma Cimino
Cierra Patrick
Rodrigo Pinto
Brendan Schain
Danielle Russell
Tenaya Taylor

Rahiem Eleazer
Paul O Robertson
Justin Farmer
Yaw Darko
Terry Waller
Mary Pelletier