



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

# Comprehensive Evaluation and Transformation of Connecticut's Cleanup Laws

## **Final Visioning Session Report**

December 15, 2011

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## Introduction

The Department of Energy and Environmental Protection (DEEP) is undertaking a comprehensive evaluation of the state’s environmental cleanup laws. The DEEP intends to complete this evaluation and present a report and recommendations to the Governor and to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and commerce in advance of the 2012 Legislative Session.

To initiate the discussion, DEEP released a [Comprehensive Evaluation White Paper](#) that provided baseline information on Connecticut’s site cleanup programs and the underlying laws that effect pollution cleanup. The white paper offered a summary of the current cleanup construct, past evaluations and changes to the program, and started the discussion on the opportunities for future improvement.

A public Visioning Session was held at DEEP headquarters in Hartford, Connecticut on June 27, 2011. This event was the start of a robust and transparent public participation process to solicit public input from a broad array of stakeholders who have an interest in the effective and efficient cleanup of pollution and redevelopment of Brownfields in Connecticut. Almost one hundred of our partners in this process attended a full afternoon session. Representatives from government, municipalities, the regulated community (including responsible parties, brownfield redevelopers and property owners), environmental constituents, licensed environmental professionals, and environmental attorneys attended this session.

## Objective of Visioning Session

The goal of the Visioning Session was to determine what is important in achieving a successful transformation and, in broad terms, what would good look like. Put another way – What does an excellent remediation program provide and what do we, as a state want from our remediation program?

## Breakout Group Process

In order to have as many productive conversations and solicit ideas from the largest number of people, DEEP divided the meeting attendees into ten breakout groups. Each group was lead by a DEEP facilitator, who provided each group with a series of questions to be answered by the group. The questions were designed to capture a broad spectrum of ideas and to focus the groups to a consensus on some topics.

The sign in sheet for each breakout group is located in **Appendix A**. The guided questions used by each breakout group are located on the [Stakeholder page](#) of the Comprehensive Evaluation and Transformation of Connecticut Cleanup Laws web page. Each work group had two hours to go through the guided questions and record their collective and group responses. At the end of the breakout group exercise, a representative from each group participated in a panel report out. Panel members presented their respective breakout group responses to the guided questions.

## Breakout Group Results

Each breakout group appointed a reporter who recorded answers to the series of questions. These answers are presented in their original form in **Appendix B**. DEEP reviewed these responses and has provided a high-level summary of these responses as **Appendix C**.

## Follow-up Questions and Public Comments

Following the Public Visioning Session, DEEP released the Draft Visioning Session Report for public review and comment. The report includes the documents prepared by each of the ten breakout groups from the Public Visioning Session in their original content. In addition, DEEP posted follow-up questions to the Visioning Session on-line for stakeholders to answer and transmit to DEEP. Comments on the Draft Report, responses to the Follow-up Questions, and visioning process were received through October 17, 2011.

Responses to the Follow-up Questions in included as **Appendix D** and public comments DEEP received relating to the visioning process are included as **Appendix E**.

## **Appendices**

***Appendix A: Breakout Group Sign-In Sheets***

***Appendix B: Breakout Group Answers to Questions***

***Appendix C: Guided Questions Summary***

***Appendix D: Responses to Follow-up Questions***

***Appendix E: Public Comments on Vision***

# Appendix A: Breakout Group Sign-In Sheets



## Visioning Session – Breakout Group

Group 1

### Sign-in Sheet

Breakout Group Name: We're #1

| Name                                  | Representing          | E-mail                       |
|---------------------------------------|-----------------------|------------------------------|
| <sup>Reporter</sup> JOHN WERTAM       | Shipman + Goodwin     | jwertam@goodwin.com          |
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## Visioning Session – Breakout Group

Group 2

### Sign-in Sheet

Breakout Group Name: 2

| Name               | Representing                   | E-mail                       |
|--------------------|--------------------------------|------------------------------|
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Visioning Session – Breakout Group

Group 3

Sign-in Sheet

Breakout Group Name: Group 3

| Name              | Representing                  | E-mail                       |
|-------------------|-------------------------------|------------------------------|
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Visioning Session – Breakout Group

Group 4

Sign-in Sheet

Breakout Group Name: Significant Environmental Hazards

| Name         | Representing                | E-mail                |
|--------------|-----------------------------|-----------------------|
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| Mark Franzen | Charter Oak Environmental   |                       |
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| Scott Burrus | Burrus Sovereign Consulting |                       |
| → John Zbell | LBG                         |                       |
| → Ken Grant  | Winstone Enterprises, LLC   |                       |



Visioning Session – Breakout Group

Sign-in Sheet

Breakout Group Name: World Changers #5

| Name             | Representing  | E-mail                     |
|------------------|---|----------------------------|
| James Belden     | Pomperaug River Watershed Ad.   | jbelden@pomperaug.org      |
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Visioning Session – Breakout Group

Sign-in Sheet

Breakout Group Name: Simplicity

| Name                        | Representing           | E-mail                          |
|-----------------------------|------------------------|---------------------------------|
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Visioning Session – Breakout Group

Group 7

Sign-in Sheet

Breakout Group Name: Rocket-Propelled Flying Squirrels

| Name             | Representing  | E-mail                     |
|------------------|---|----------------------------|
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| David Went       | Alliance Energy   | dwent@allianceenergy.com   |
| DIANE LAURICELLA | Environment Innovations Group<br>CT Coalition for Environmental Justice | dlauricella24@yahoo.com    |



Visioning Session – Breakout Group

Group 8

Sign-in Sheet

Breakout Group Name: \_\_\_\_\_

| Name              | Representing        | E-mail                           |
|-------------------|---------------------|----------------------------------|
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| RICK STANDISH     | HARRY & ALDRICH     | RSTANDISH@HARRYALDRICH.COM       |
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| Dave Hurley       | Foss & O'Neill      | dhurley@fandoc.com               |





Visioning Session – Breakout Group 9

Group 9

Sign-in Sheet

Breakout Group Name: 6 of one half dozen of the other

| Name           | Representing                  | E-mail                           |
|----------------|-------------------------------|----------------------------------|
| Lauren Levine  | UTC                           | lauren.levine@utc.com            |
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Visioning Session – Breakout Group

Group 10

Sign-in Sheet

Breakout Group Name: Mag. 7

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## Appendix B: Breakout Group Answers to Questions

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**Numbered Questions** – the group should discuss the numbered questions and record the various perspectives of the group members.

**Lettered Questions** – these questions will require the group to further refine your answers and try to come to a consensus answer. Where consensus was not easily reached, opposing ideas should be documented.

*Numbered questions are more brain storming ideas – in order to put out a lot of ideas*

*Letter questions are to synthesize the details into a consensus*

### 1. WHAT SHOULD BE THE GOALS OF A CLEANUP PROGRAM? LIST ALL THAT APPLY.

- Group 1:** Reasonable remediation standards, Protect human health and the environment in balance with risk and economic factors, Truly risk based, Reasonably accomplishable, Economically viable, Restore some ecological habitat
- Group 2:** Clean-up sites in a cost effective and timely manner, Protection of human health and the environment, Incentivize economic redevelopment of contaminated properties, Encouraging collaborative process between regulated community and regulators
- Group 3:** Risk Management – environment, social, economic, Protection of public health and the environment, Marketable properties
- Group 4:** Protect human health, Protection of environmental resources, Certainty, Clarity, Easily understandable, Attainable, Support, Encourage economic development, All encompassing, Universe of sites need to be well defined, Every site needs to have a “home”, Not one size fits all, Establish goals and triggers, Find way to simply deal with urban fill and asphalt fragments appropriately (Cap/ELUR)
- Group 5:** Many sites into and out of program, Easily implemented, Clean water, Clean soil, Clean air, Get properties back into use and quickly, Protect green fields, Protecting health of residents and neighborhoods, Incentives to do the right thing, Certainty, Improve the environment, Integrated/streamlined with other regulations, Economic feasibility of cleanup that is still protective of human health and the environment
- Group 6:** A simple yet flexible program that is consistently applied, Risk-based, Yet adequately protective of human health and the environment. The program shall be used to promote economic viability of existing entities or productive reuse of properties.
- Group 7:** Promote sustainable economic development, protect public health, Protect the environment, Site closure to no further action stage, Clear exit strategy, Improve quality of life
- Group 8:** Reduce risk, Protect human health and the environment, Protect natural resource(s), Facilitate economic development or re-development, Environmental justice, Better use of public and private resources (self-implementing options), Promote green technology, Enhance public use
- Group 9:** Protect human health and the environment, Expedite clean-up as economic tool, Managing risk in cost effective manner
- Group 10:** Protect human health and the environment, The cleanup program should be a “one stop shop;” one program, Attract economic development, Should be simplified, Need greater consistency, Use of guidelines to allow different DEP staffers to arrive at similar results when presented with similar issues, Should result in expedited, or if not expedited, predictably timed cleanups, Lower the “final level” of approval for final decision (i.e., not every final decision should require Commissioner approval). Once established, publicize who at DEP is responsible for which decisions, Flatten management structure so that fewer pairs of eyes are required for approvals

**2. WHAT ARE THE MOST IMPORTANT ATTRIBUTES AND BENEFITS OF A GOOD CLEANUP PROGRAM?  
TRY TO LIST AT LEAST TEN.**

- Group 1:** Equitable and uniformly applied, Uniform criteria for entry into the program, Inclusive conversation about what would benefit the community, Cost effective, Timely, Risk based standards based on good science, Definite end point of the clean-up process, Definite starting point – what are the triggers?, Stable and predictable process the does not change (during the process), Flexible with respect to advances in feasible modifications, The process ought to result in a marketable property , There ought to be limitations on liability
- Group 2:** Clear, concise, easy to navigate, eliminate ambiguity, Common sense reasonable standards, risk based, Cost and economic considerations, Understandable to lay people, Flexibility to accommodate endpoint usage, Predictability and certainty, Opposite of one size fits all, Timeliness, Integrated remediation approach – including standards, agencies, local authorities and financing, Provides direction for eligibility of applicant for funding, Flexible framework regardless of scale of project
- Group 3:** Consistency of process & predictability of result, Realistic cleanup goals, Value-based decisions, Optimize resources, Well-trained staff – consistency of competence, Consistency of ethical perspective, Staff that’s not afraid to make decisions (fear of retribution), The Governor and the commissioner are the clients (and your backstop) – not the environment, Those outside the agency have greater success dealing with the managers / supervisors than the staff, Guidance that can be relied on, Self-implementing, Timeliness, Managers that manage their staff in a way that encourages them to make decisions, Stakeholders may not have expectations of staff’s familiarity/authority with respect to particular programs, Better internal coordination among staff assigned with different responsibilities
- Group 4:** Protect human health and environment, Self-implementing, Meaningful oversight, Agile (ability to change), Remove fear of making mistakes, Move sites forward, Risk based, Maximize use of engineered controls (ECs), Flexibility w/VOCs
- Group 5:** Flexibility, Incentives, Protective of human health and the environment, Easily understandable, Self implementing, Economic feasibility, Certainty, Timely
- Group 6:** Protective of public health, Safety, Welfare and the environment, Cost effective, Understandable, Well defined, Flexible, Appropriate for the setting, Allows for the documentation of closure, Reflective of reuse, Consistent in review process
- Group 7:** Predictability, Efficient, Timeliness, Transparency, Encourages business growth, Makes CT more competitive, Encourages redevelopment, Improves quality of life, Improves property values and tax receipts, Decreases future liability, Pollution prevention, Improves historic preservation, Maintains green space – preserves open space, Flexibility, Clear identification of roles and responsibilities, Self-implementing.
- Group 8:** ATTRIBUTES: Economic viability and growth, Clarity, Efficiency, Certainty, Fairness, Transparency, Reasonability, Public outreach and awareness, Prioritization, Consistency with terminology, Flexibility (schedules and timeframes) Communication, Incentivize, Standards and Process  
BENEFITS: Real estate values, Clean water, air and soil, Public Health Recreation, Image of the State, Improve natural habitats, More efficient use of government resources
- Group 9:** Assign priority for clean-up to highest risk issues of particular sites, Inclusive program (not one size fits all approach) allowed to leave site at different levels of risk, Assign priority for clean-up to highest risk sites, Quick response protocol by all stakeholders, Simplicity, Certainty, Consistency by the Department with the review process, Flexibility, Where there is further difference of opinion a dispute resolution can be conducted

**Group 10:** Needs to be inclusive of all stakeholders, Provides guidance/source of information to go to with questions, Predictability and consistency – An LEP or DEP staffer, when faced with the same factual pattern, should reach the same (or at least a similar) answer, Cleanup should be achieved at a lower cost, so long as the environment is not compromised – efficiency is key, The most recent technology for remediation should be available as an option, without needing to go through permitting – See, for example, the New Jersey program (NJCAT), If you roll all programs together, you have to have one set of standards; you need to have one standard of care across all programs, Need to have agreement as to the standard of care to be used between LEPs and DEP, Clear timelines established – both for private party action as well as DEP action

**A. WHAT'S THE MOST CRITICAL GOAL OF A CLEANUP PROGRAM, AND WHAT ATTRIBUTES WOULD HELP ATTAIN THIS GOAL?**

- Group 1:** Protect human health and the environment in balance with risk and economic factors, Risk based standards based on good science, Cost effective, timely with definite starting and ending point
- Group 2:** Remediating an impacted property to an appropriate level that is protective of Human Health and the Environment and returns it to beneficial use. Attributes: Certainty in regulations with flexibility to accommodate endpoint usage, Commonsense, reasonable and cost effective and risk based standards, Timeliness with a certain path to obtain closure documentation
- Group 3:** See above answer
- Group 4:** Protect human health and the environment – Timely revisions of standards and ability to change outside of regulatory process, getting sites done, Certainty & endpoints, cleanup based on Risk/ Notice of Release
- Group 5:** Improve the environment and human health by getting 'dirty' sites cleaned up and protecting Greenfields
- Group 6:** To allow for an achievable end point. Consistency/flexibility.
- Group 7:** To improve the quality of life
- Group 8:** Protection and preserve human health and the environment by employing the following attributes, Reasonable, Fair, Consistent, Prioritization, Efficient use of public/private resources, Economic viable
- Group 9:** Managing risk and economic development
- Group 10:** Achieving protection of human health and the environment is the most critical goal. Therefore, you need a way to measure success. Right now, there is not a great deal of measurement of success, and what is measured is what will drive a program to various goals. There are several ways to measure success: number of properties in a remediation program; number of properties successfully completed a remediation program; reduction/elimination of risk to human health or the environment; more severely contaminated properties properly prioritized; amount of economic development gained by remediation, etc. There should also be a formalized program of interim milestones for the remediation, with recognition that achievement of certain milestones diminishes risk to human health and/or the environment. In addition, greater predictability, in terms of scope, cost and time of remediation, will be beneficial for getting remediation projects completed, and completed in a timely fashion.

**3. HOW SHOULD POLLUTION BE ADDRESSED, BY RELEASE AREA, BY PROPERTY, OR OTHER GEOGRAPHIC AREA? IF BY GEOGRAPHIC AREA, WHAT WOULD THIS AREA BE? WHY?**

- Group 1:** Yes, by geographic area, based on watersheds, Release areas, Pollution should be based on a risk perspective
- Group 2:** Release Area (5 group members): That is where the contamination is located and to address known liabilities. Property (4 group members): More conducive to economic development
- Group 3:** Not a one-size-fits-all. It depends, first and foremost on the risk posed to the environment and public health. Areas – not areas of concern (AOC) but rather site-specific flexibility, Current site characterization guidance document doesn't provide adequate flexibility or presumptive remedies
- Group 4:** Release area =defines endpoint for each release, Release area for recent spills/whole property for historical industrial sites, By release area for more recent Industrial Sites (site developed post environmental law), If release area leaves property and to address off-site
- Group 5:** Release area helps create certainty in cleanup process, by property for risk assessment purposes
- Group 6:** Any of the above as determined by risk
- Group 7:** By release area because it focuses on release source
- Group 8:** Release area, but there may be times that the geographic area is considered (i.e. aquifer protection area, public water supply watershed).
- Group 9:** Assigning priority of the level of risk for larger scale development where there is economic development potential, Characterization of sites can be burden (yearly monitoring, etc.) and sometimes impossible, Look at different remediation process based on the level of risk for smaller sites
- Group 10:** By release area

**4. SHOULD THERE BE ONE TRIGGER OR MULTIPLE TRIGGERS TO INITIATE INVESTIGATION/REMEDIATION AND WHY? IF MULTIPLE, WHEN AND WHY WOULD THEY BE APPROPRIATE?**

- Group 1:** One trigger would be the goal, Is it a reportable quantity (MA has flexible clean-up processes, based on multiple trigger types, including MA a merge of parcel and release area), Multiple triggers would be appropriate, The transfer act raises awareness about liability that is not raised in other states, however it initiates high standards (rather than a reasonable remediation program). A stumbling block is that there is no easy way out of the clean-up process. However if a property owner manages to clean-up a property, it increases the value of a property, Spills, transfer acts, and release areas (3 primary ways into a clean-up process)
- Group 2:** One (4 group members): contamination which requires remediation is present, Multiple (5 group members): one trigger would be too broad and implicate too many sites. The number of triggers is not the issue; it is the consequences of the triggers
- Group 3:** Multiple triggers: ex. 22a-6u imminent environmental hazards. Reporting of events, Cost-effective and efficient triggers (*DEP: The general concept of due-diligence has matured in industrial settings but not retail or agricultural*)
- Group 4:** Multiple triggers => spills One=>whenever there is pollution, Detections (becoming aware of historic release), Industrial site when transferred, Becoming aware of contamination
- Group 5:** No Response
- Group 6:** Multiple triggers. Current spill or significant environmental hazard, private transactions (voluntary as part of due diligence), state carrot and stick

- Group 7:** Upon knowledge, how do you get knowledge?
- Group 8:** Multiple triggers, would account for variability in site conditions
- Group 9:** Should be based on property transfer, development, significant environmental hazard and/or proactive response by the Department
- Group 10:** Since the group does not believe that a single trigger will be possible, we opt for multiple triggers.

**5. SHOULD THERE BE A DIFFERENCE IN HOW WE TREAT HISTORICAL AND CURRENT RELEASES? IF SO, WHAT IS THE DIFFERENCE AND WHY?**

- Group 1:** Liability is different, If there are reasonable standards, it does not matter when you became the property owner, the goal is to have healthy environments, Changing the use of a site can make historic pollutants problematic, The time frame and the remedy for the clean-up of historic pollutants ought to be reasonable with respect to the stability of the pollutants on the site, Yes there is a difference in how we treat historic and current releases. Why, that there is a difference in time frame, depending upon urgency of the condition based on the stability of the release.
- Group 2:** No Difference (1 group member): Technical issue with the definition of current/historical release (trigger mechanism). Should not be the role of the agency to differentiate responsibility. Yes there should be a difference (8 group members): Recognize and properly allocate the liability and to encourage parties to address historical contamination.
- Group 3:** With respect to reporting – may need to deal with differently, With respect to remediation – need to apply principles discussed above. Treat potentially differently with respect to remedy and “responsible” party.
- Group 4:** Historic: Every site needs a home, Process for addressing current/historical need to be different.
- Group 5:** Yes, because when there is a current release can act quickly to address the issue, Historic may not be from current owner, laws have changed
- Group 6:** Yes, current releases should be evaluated immediately and addressed in a timely manner on a risk basis. Historic contamination addressed on a risk basis on a schedule that makes economic and health risk sense.
- Group 7:** Yes, because of large number of historic fill issues; No because it is historic doesn’t mean that there is reduced risk; Yes – current releases easier to address and can be handled in an expeditious manner; Yes – prioritize historic releases to address first.
- Group 8:** Yes, it should be a risk-based evaluation and considerations for economic liability (who is paying for the historical contamination).
- Group 9:** Yes, there is a difference. Site use and risk of the contaminants on-site
- Group 10:** They should be treated differently. For current releases, one can use a reportable quantity standard, much as is done under federal spill reporting requirements (i.e., a release in excess of a reportable quantity of a substance over a period of 24 hours necessitates reporting). Reporting of historical releases is far more difficult. There is no consensus among the group as to what would be an appropriate trigger for reporting historical releases.

**6. WHAT SHOULD A GOOD CLEANUP PROGRAM ADDRESS?**

- Group 1:** Trust the LEP, The science and legal details ought to be understandable to average (or relatively informed) citizens, Site wide risk assessment, Reasonable Standards
- Group 2:** See answers 1 and 2

- Group 3:** Already discussed above. Should effectively and efficiently address the most pressing environmental or public health risks, Any property that presents a “risk” should be pulled into the data-base but there must be risk-appropriate decision-making on what, if any action should be taken. The innocence of owners of properties with deeply historic contamination from the past. This should be treated as a social expense. Special consideration for homeowners who suffer from UST releases.
- Group 4:** See above, Industrial properties at transfer (independent of hazardous waste manifesting)
- Group 5:** Refer to question 1.
- Group 6:** Eliminate risk pathways. Increased self-implementing mechanisms / privatization. More flexibility in implementing solutions. Foster risk assessment options.
- Group 7:** Imminent health risks, Target economic development areas and transportation nodes, Target sensitive receptor areas, Long-term health risks, Proper communication with local and health officials, Environmental equity, Prioritize risks, Technical oversight, Public participation, Standardization.
- Group 8:** High risk sites, Voluntary, self-implementing option to address impact, Clear guidance for farm and agricultural lands, Urban lands
- Group 9:** What is the risk appropriate to site use?
- Group 10:** True risks to human health or the environment, Economic realities/balancing between cost and benefit of remediation, Should address stakeholder concerns for significant remediation activities

## 7. WHAT SHOULD A GOOD CLEANUP PROGRAM EXCLUDE?

- Group 1:** Excessive bureaucracy, Exclude meticulous audit at the end of the process. Exiting the Ct program is excessively difficult due to minor technicalities, where appropriate, remediate urban fill on-site, or exclude contaminated fill.
- Group 2:** State standards which are not in line with federal standards, Inconsistent standards, Long term indefinite regulatory review process (need responses from all parties in timely manner), Inability to access site specific information (Online data and document/permit submittals), Delineation/responsibilities for entire parcels with multiple tenants
- Group 3:** Minor releases that pose no meaningful risks to human health or the environment should be excluded. Different treatment based on hydro-geological setting, If you’ve been through an approved cleanup, you should not be required to go back later on and conduct further cleanup based on a change in standards.
- Group 4:** Ambiguity for categorical triggers which no longer make sense (e.g. dry cleaners that don’t use PCE), Triggers for small waste generators.
- Group 5:** Liability against bona fide prospective purchaser; should exclude the applicability of a change in cleanup standards after obligation to clean up taken on
- Group 6:** Minimize the NEED for agency involvement and emphasize the support role Current definition of “establishment”
- Group 7:** Deminimus conditions, Low risk releases, Overreliance on engineered controls, Undue meddling by DEP – streamline review process by DEP
- Group 8:** The “Esthetics” associated with the “revised RSR language”, Deminimus spills/releases
- Group 9:** Complicated Process
- Group 10:** Unless there is a significant environmental risk demonstrated, the following should be excluded: Urban fill, Background levels of contamination (e.g., pesticides in the Connecticut River Valley), Politics, Naturally-occurring materials (e.g., arsenic, radionuclides, lead, etc.)

## **B. WHAT SHOULD BE TREATED DIFFERENTLY FOR INVESTIGATION AND FOR REMEDIATION? WHY?**

- Group 1:** Characterize what's important – identify the issues as you need to resolve the problem, rather than seeking out other site conditions. Is the site characterization document useful or does it led to excess detail? The exposure risk within heavily populated areas ought to be treated differently
- Group 2:** What: Metals, ETPH/TPH, Standards of Care, Water (surface, ground et al) Usage. Why: Existing/Future Property use, Human Risk/Exposure
- Group 3:** See responses Below
- Group 4:** Usual building materials (PCB caulk, lead paint, etc.), Urban fill, asphalt, Parking lot runoff, Legal pesticide application
- Group 5:** No Response
- Group 6:** No Response
- Group 7:** Investigation – sites/releases with sensitive receptors should have more thorough and expeditious investigation. Remediation - yes focus on end use and sensitive receptors; prioritize risk
- Group 8:** Sites where the remedy is known upfront and will address all COCs, can you forgo additional site characterization and move right into remediation. Can ELURs be placed on the property without completing site characterization? Groundwater monitoring
- Group 9:** No Response
- Group 10:** See response to question #3. If release areas are the geographic area that forms the basis of the remediation program, then it is the release areas that should be investigated, and the release areas that should be remediated. The two activities should be as closely linked as possible

## **8. WHAT ARE THE MOST IMPORTANT ROLES FOR STATE GOVERNMENT TO SERVE?**

- Group 1:** Protect human health and the environment in balance with risk and economic factors
- Group 2:** Generating policy and rule making, establishing clear goals, Guidance, Enforcement, Overseeing licensure, permitting
- Group 3:** DEP: Provide answers in a meaningful timeframe, Make existing spill-response program more simplified robust by conducting the type of investigation and remediation that would be satisfactory to the DEP, Streamlined permitting – for certain types of activities in certain areas – quick streamlined process, Better communication with the consulting community and advocacy community Legislature: Ensure authority granted is clear and balances a variety of social interests; Governments should be more inclusive of responsible parties
- Group 4:** Establish the standards, establish the “universe” and Triggers (clear and unambiguous), educate the regulated community
- Group 5:** Protect human health and the environment; improve degraded environment; promote economic vitality and community well-being; protecting private property rights; improve quality of life of its residents; level playing field
- Group 6:** To Protect and to Serve (the stakeholders)
- Group 7:** Expedited review and response when required, Guidance and policy (scientifically based), Regulatory Oversight and enforcement, Advocate protection of the environment, ensure safe drinking water impacted by pollution
- Group 8:** Analyzing risk, Policy leadership, Fairness, level playing field, Trust and verification
- Group 9:** Expediter, financier and regulator



**Group 10:** Collector and distributor of information – be a resource to environmental professionals. If the Commissioner’s proposal to go paperless in two years, the group would be thankful. The more information that is available on line, the better. Also, consistency, and the ability for DEP staffers to provide answers to LEPs is key. The technical staff should be facilitators of cleanups and providers of information, not “regulators” in the classic sense where they are looking to find fault with individuals undertaking remediation. This is particularly important for when a party comes to a point of decision (a “fork in the road”) where DEP staff input would be helpful before a decision is made.

## 9. WHO SHOULD BE RESPONSIBLE TO INVESTIGATE POLLUTION?

- Group 1:** The MA Contingency Plan – there are multiple ways to enter and exit the plan and there are specific time tables for remediation. Entry is based on parcel conditions and \_\_. This is a private sector approach, because the owner may never test the property – and may transfer the property. However the bank or buyer can ask for site test. The responsible party, the polluter, ought to be responsible to investigate, Whoever volunteers (as a contractual matter), Where no responsible party is available, municipal, state or federal government ought to investigate
- Group 2:** Property owner, Person who caused release, Potential buyer/developer
- Group 3:** Those who caused the pollution.
- Group 4:** One who created pollution, whoever contractually agrees to investigate, Current property owner
- Group 5:** The financial responsibility should fall on any one of a variety of responsible people as long as one is actually responsible for every release area--polluters, owners and operators
- Group 6:** The polluter (current/new pollution); the person taking responsibility (private business deal).
- Group 7:** Polluter – responsible party, Property Owner, State, Town, Federal government
- Group 8:** Responsible party (Polluter) \* some disagreement
- Group 9:** Whoever agrees to it More discussion necessary
- Group 10:** Where possible, the responsible party should investigate the pollution, although other parties can certainly do so.

## 10. WHO SHOULD BE RESPONSIBLE TO REMEDIATE POLLUTION?

- Group 1:** Based on the MA Contingency Plan, the responsible party is the owner and/or the polluter.
- Group 2:** Person who caused release, if the party that caused contamination does not exist; the parties can identify a certifying party, Property owner
- Group 3:** Those who caused the pollution.
- Group 4:** One who created pollution, whoever contractually agrees to remediate, Current property owner
- Group 5:** The person who caused the pollution (where a current entity exists) or is otherwise contractually obligated to do so (at least for current polluter) For historic contamination public and private consortium
- Group 6:** No response
- Group 7:** Polluter – responsible party, Property Owner, State, Town, Federal government
- Group 8:** Responsible party (Polluter) \* some disagreement
- Group 9:** Owner? EPA (under imminent threat)? Whoever agrees to it – should be polluter. No answer to question
- Group 10:** Once contamination has been identified, the burden should shift to make sure that the responsible party performs remediation.

**C. SHOULD DEP EXPEND MORE RESOURCES ATTEMPTING TO COMPEL PARTIES THAT DON'T ADDRESS POLLUTION WITHIN A REASONABLE TIME PERIOD TO TAKE ACTION OR ASSIST PARTIES THAT ARE FULFILLING THEIR OBLIGATIONS? WHY?**

- Group 1:** Focus DEP resources on parties that are fulfilling their obligations, by working with these parties in constructive ways, Clarify a project engineer that actually answer the telephone, and follow a project through the clean-up process, Find cost effective incentives to motivate voluntary clean-up. What are the triggers for polluted sites that are being ignored? Assist parties that are fulfilling their obligations (80% of DEP time), there ought to be a special group that focuses on the conditions of state property
- Group 2:** Assist parties who are trying to fulfill their obligations (7 group members), Enforcement (2 group members). Need to establish reasonable time frames
- Group 3:** Assistance is preferable. Orders and other tools can be used to address problem cases
- Group 4:** Want both => both are important
- Group 5:** Yes, the DEP should expend more resources on enforcement because it helps to level the playing field for businesses that are doing the right thing (stick). They should also assist parties that are fulfilling their obligations as incentive to do the right thing (carrot).
- Group 6:** Both, more resources to enforce, but also assist parties that are trying to fulfill their obligations.
- Group 7:** Assist parties that are fulfilling their obligations, because it is a better economic return and more sites cleaned up (4 Group members). Enforcement, because it levels the playing field and promotes compliance and restores public confidence (3 Group members).
- Group 8:** Generally yes. Educate smaller businesses re their potential for cost and liabilities.
- Group 9:** Regulatory agencies should have ability to do both - 50/50. Assisting those parties who are making the effort
- Group 10:** Why can't the DEP do both? Indeed, the Department has to do both. It has to go after the "bad guy," if for no other reason than to act as a deterrent to others who are considering similar bad acts. In addition, those who are complying with regulatory standards should be given assistance. They should not be treated as adversaries.

**11. SHOULD THERE BE TIME FRAMES FOR INVESTIGATION, REMEDIATION, OR BOTH? WHY? SHOULD TIMING VARY BY TYPE OF RELEASE, TYPE OF CONTAMINANT, TYPE OF PROPERTY USE, PROXIMITY OF RECEPTORS, OR BY OTHER FACTORS?**

- Group 1:** Yes, there ought to be time frames, yet the time frames ought to be flexible. There ought to be sliding scales of time table that are dependent on property use and the proximity of receptors. (Other states have such sliding scale time tables)
- Group 2:** There should be time frames but with the ability to extend based on site specific conditions.
- Group 3:** Regulations and statutes can set timeframes for assessment based on conditions, need to have flexibility, Timeframes often already exist based on transaction language and development plans.
- Group 4:** Should be benchmarks instead of timeframes. Timeframes should vary by type of release, based on risk, an EPA stabilization type approach, off-site vs. on-site investigation, etc.
- Group 5:** Yes, for both because it fosters clean ups. Yes, the timing should vary.
- Group 6:** Certainly by type/risk – proposed by responsible party and agreed to by the parties involved. Step program based upon elimination of immediate hazard/stabilization.
- Group 7:** Yes, to ensure that investigation and remediation do get conducted, sensitive receptors should be addressed more quickly; also different contaminants should be handled on different schedules; type of property use should also play a role in timing. The more mobile the contamination the more quickly it should be remediated.

- Group 8:** Yes
- Group 9:** Yes for both. With the ability for extensions depending upon site conditions, which should be periodically reviewed. Time frames and cost should be clearly defined.
- Group 10:** Without time frames, there is no completion of remediation. See, for example, progress with the current Transfer Act. Exceptions could be made for parties who have limited ability to pay, but are making good faith progress on remediation, consistent with their limited ability to pay.

**12. WHAT PROGRAMMATIC TOOLS OR PROCESSES DO YOU THINK COULD OR DO HELP EXPEDITE INVESTIGATION, REMEDIATION, OR BOTH?**

- Group 1:** Online click-it-fix-it programs that would allow citizens to report pollution, and for there to be a public record of the location of the sighting and the date reported. Institutional controls, such as land use restrictions, A “case officer” who can take a project through different DEP divisions, Align and coordinate DEP divisions around a specific larger goal for an area – such as the North Branch Park River Watershed Management Plan, Use averaging as a process to determine if clean-up is needed. The current regulations are so strict that it is difficult to look at the data in meaningful increments. Thus, refine the statistics based criteria.
- Group 2:** EFILE, Policy statements, Guidance Documents, Flexibility to receive communications in writing and interim feedback on demand, Default remedial options, Standard forms
- Group 3:** Should be alternatives to site characterization document (ex. Brownfield – the effort should be more realistic). Amend the document to alleviate the extent of vertical and horizontal characterization. Even the accelerated site-characterization process is unnecessary, other state programs are more effective / sensible, Potential buyers need to know what the problem is and that a specific solution is going to be acceptable to DEP. Use presumptive remedies – 90/10 rule that the remedy is going to work. That’s good enough because an insurance company can cover the remaining risk –If the remaining risk is quantifiable from an actuarial perspective. To expedite: Must define criteria. Don’t require approval / wait from DEP. Guidance on how to calculate a parameter for pollutant not listed in the RSRs.
- Group 4:** Standards for all EPA normal testing methods, and a way to update the standards outside of regulatory approval. Clear guidance on Urban fill, Clear guidance on ecological risk
- Group 5:** Self implementation; flexibility in approach (not standards); meaningful, targeted risk-based investigation (real risk); timelines; shorter audit timeframe; broader trust/use of LEPs; increased access to information/transparency
- Group 6:** Risk assessment. Flexible approach/flexible intensity of assessment. Assessment with end use in mind.
- Group 7:** Risk based standards, Risk based assessments, Triad Approach to investigation, Institutional/Use limitations, one cleanup program.
- Group 8:** Presumptive remedies, General permits, Education, Ecological risk assessment, Additional polluting substances, engineered controls, More self-implementing options, Communication amongst related agencies
- Group 9:** Continuing with advisory groups on regular schedule, Review of case studies, Ongoing communication through website, Database for current and historic sites (sort by location or remediation type) and clean-up methodology, Consideration of presumptive remedy
- Group 10:** If you establish deadlines, then programmatic changes can be made simpler. The standard of care and the standard of cleanup can be indexed to when a particular cleanup was started. So, for example, if standards change, those changed standards can be applied prospectively, or at least not to all sites that are still pending remediation.

### 13. WHAT WOULD MAKE A PROGRAM(S) SIMPLE?

- Group 1:** SEE ABOVE
- Group 2:** Knowing who to submit documentation to, Default criteria, Checklist, Ability to close out minimum releases, Access to DEP files electronically (more file room time), More transparency in files, One Preemptive Program, Ability to opt into a program, One all encompassing program
- Group 3:** Presumptive remedy, One trigger / one process, Remove ecorisk assessment, Keep ecorisk assessment, Simplify ecorisk assessment, Get everyone on the same page as to what level of risk is acceptable
- Group 4:** More options
- Group 5:** Real accountability, clarity, streamlining, moving away from transfer act?
- Group 6:** Clear standards. See question #2. Flexibility. TSCA – like
- Group 7:** One cleanup program with multiple exit points, Public access to standards and guidelines.
- Group 8:** See Above
- Group 9:** Consistency with agencies (state and federal) involved, One clean-up program
- Group 10:** Consistency, predictability, and standardized time frames. Also, one set of standards for all programs should be enacted.

### 14. WHAT ARE THE BENEFITS OF HAVING MULTIPLE PROGRAMS WITH MULTIPLE PROCESSES?

- Group 1:** Multiple programs can create a clear time table, flexibility of process and successful remediation with respect to specific types of pollution (such as underground tanks).
- Group 2:** None, Flexibility
- Group 3:** Multiple programs – yes, provides flexibility, Multiple processes under multiple programs – no, If you're willing to sacrifice flexibility for speed, than single process, Increased coordination can lead to more "I'll get back to you", No conflicting federal / state programs
- Group 4:** Can tailor program/process to type of trigger (most flexibility)
- Group 5:** None
- Group 6:** None. Need a program that encompasses all scenarios but provides flexibility.
- Group 7:** Flexibility
- Group 8:** Specialized Expertise
- Group 9:** Benefits are that clean-up can be accomplished based on risk and site use
- Group 10:** Developing the "one size fits all" program will require significant investment up front, because such a program will need to be scalable to cover all contingencies. However, once that investment is made, it should pay dividends.

### D. WHAT ARE YOU WILLING TO SACRIFICE TO EXPEDITE THE INVESTIGATION AND REMEDIATION OF POLLUTION?

- Group 1:** Fully defining the extent and the degree of the pollution when it does not matter, The site characterization document (not consensus) is unnecessarily aggressive, for example, the AOC that do not really need to be investigated. Technical and impractical ability ought to be expanded.
- Group 2:** 100 percent certainty, Money for an expedited review and approvals, pristine environment, RSRs
- Group 3:** Near-zero risk (ex. 1 in a million risk if you eat a certain amount of dirt every day for 70 years). Reasonable timelines for the regulated community if DEP would abide by reasonable timelines (DEP has resource issue).

- Group 4:** Lower priority for lower risk, Set standards and give roadmap, sacrifice DEP command & control.
- Group 5:** Transfer Act
- Group 6:** No response
- Group 7:** "GA" standard closure if site use is non-residential
- Group 8:** some degree of certainty and risk
- Group 9:** Acceptance that some sites would be remediated to some remaining level of risk, More rigid process for less stringent level of risk
- Group 10:** If one accepts the axiom that a project can be done with two out of three of the following: speed, low cost and/or high quality, then this issue narrows, since speed is pre-supposed by the question. Therefore, since the Department is likely unwilling to sacrifice quality, it would appear that the only consideration is to pay more for a faster process. There is a question as to whether that's fair. Occasionally, you can sacrifice investigation for speed. For example, remediation of a small oil spill can just involve removal of supposed contaminated soil, rather than testing, waiting for test results and completing remediation. That won't always work.

**15. WHEN IS CERTAINTY MORE IMPORTANT THAN FLEXIBILITY? IS THIS CERTAINTY IMPORTANT TO EVERYONE?**

- Group 1:** Where the public health and environmental risk is high – certainty is more important. For example, drinking water standards are essential. Flexibility that results in certain improved condition
- Group 2:** Property development situations, Certainty when financing, Certainty once endpoint is selected/achieved. Yes, certainty is important to everyone
- Group 3:** It depends on conditions
- Group 4:** High risk to public health. Standards are risk based, therefore if sufficient data then flexibility should be available.
- Group 5:** Certainty can be more important when looking at highly sensitive receptors
- Group 6:** It depends. Need off-ramps
- Group 7:** When client wants no liability, Sensitive receptors are impacted
- Group 8:** Risk Based
- Group 9:** Certainty is important in transactions.
- Group 10:** Certainty is more important at the beginning of the project, when there are so many unknowns. Often, users are willing to perform "over and above" standards, in order to obtain such certainty. Therefore, if there is a step that reasonable individuals could disagree is necessary for remediation, a party may agree to take this step in order to achieve certainty.

**16. WHEN IS FLEXIBILITY MORE IMPORTANT THAN CERTAINTY? IS THIS FLEXIBILITY IMPORTANT TO EVERYONE?**

- Group 1:** Where the risk is minimal, such as the fill beneath asphalt.
- Group 2:** Flexibility when developing an approach/endpoint. Yes, flexibility is important to everyone
- Group 3:** It depends on conditions
- Group 4:** Low risk sites
- Group 5:** Flexibility can be more important when looking at less sensitive receptors
- Group 6:** It depends. Need flexible off-ramps
- Group 7:** Site use, Immediate Economic potential
- Group 8:** Economic driven considerations, Knowledge of risk

- Group 9:** When level of risk is less with connection of use of property and there are no transactions
- Group 10:** Once the remediation is undertaken, that's when flexibility becomes a more desirable commodity. Not every site is alike, and every site will present unique challenges. Therefore, at that time, flexibility is desired, so long as such flexibility does not unduly increase risk of harm to human health or the environment.

**17. WHAT CAN BE DONE TO PROVIDE MORE CERTAINTY FOR PARTIES INVESTIGATING OR REMEDIATING POLLUTION?**

- Group 1:** Provide definite start and end points to the clean-up process. No open-ended audits.
- Group 2:** Regulatory approvals, Default standards, Interim communications/approvals from regulatory personnel during process (i.e. at a completion of investigation), Less review after work is complete, Consistent direction and policy directives, Rewarding/consequences for regulatory staff (i.e. performance based evaluation)
- Group 3:** Preferred not to discuss
- Group 4:** Lower priority for lower risk, Set standards and give roadmap, sacrifice DEP command & control
- Group 5:** Ensuring that the initial investigation is reviewed and audited before clean up begins
- Group 6:** Multiple layers of approvals / DEP and/or LEP depending upon need
- Group 7:** Closure letters, Periodic DEP input – milestone reviews, More rapid response from DEP
- Group 8:** Education and clear expectations
- Group 9:** Solidify or make RSRs up-to-date, Staff only enforces enacted regulations
- Group 10:** Identifying who the decision maker for a given decision within the Department is (preferably, not the Commissioner), and getting decisions from that decision maker, preferably in writing. Even better would be decisions that are posted on the Department's web site. This also needs to be tied into clearer and more concise regulations.

**18. WHAT CAN BE DONE TO PROVIDE MORE CERTAINTY FOR THE GENERAL PUBLIC AND OTHER THIRD PARTIES REGARDING THE EFFECTIVENESS AND SPEED OF A CLEANUP?**

- Group 1:** Involved informed environmental organizations throughout the process, at specific input points, (forward public notices directly to these groups). Include the public in the review of the clean-up goals the determination of what actually will benefit the public.
- Group 2:** Making information publically accessible, Building a level of trust
- Group 3:** Preferred not to discuss
- Group 4:** Prepare a fact sheet for dissemination to general public (post of website)
- Group 5:** Access to information and transparency
- Group 6:** Education as to risk and increased transparency.
- Group 7:** Release accurate information, No false promises, LEP Training and auditing; LEP grading system, Transparency –, Public accessibility - find site/case status more easily.
- Group 8:** Risk communication, transparency
- Group 9:** Clearer rules, clearer process, clearer timeframes and clearer standards, Allowing for risk and site use
- Group 10:** Putting those decisions up on the website, as well as all backup documentation upon which that decision is based. The more information that is available on the Department's website, the more transparent the Department's decisions will be.

**E. [TIME PERMITTING] WHAT QUESTION HASN'T BEEN ASKED TODAY THAT YOU THINK SHOULD HAVE BEEN ASKED? WHAT IS THIS QUESTION AND WHAT'S THE ANSWER?**

**Group 3:** Predictability, certainty, timeliness, Presumptive remedies especially in GB areas, GB easier than GA, Expedite groundwater reclassification – especially to rightfully classify areas that are GB, to be GB. Prioritization, Reasonable risk, Economic considerations, Most significant risks addressed first, Appendix D cleanup criteria – “crazy low” for compliance in certain settings (wetlands), Definition of “responsible party”, Widespread polluted fill – especially in urban areas – creative solutions beyond paving, Don’t be too politically sensitive – especially to 11<sup>th</sup> hour interests “parachuting” into the process. Give groundwater time to attain compliance with criteria over time in the release areas.

## Appendix C: Guided Questions Summary

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The guided questions provided the structure for a broad array of stakeholders to present their various ideas and suggestions on what a good clean-up program look like. Although many thoughts were offered there were some common themes that provided by the 10 workgroups. These common themes were repeated in many of the answers provided to the guided questions.

- Protective: Human health and the environment
- Prioritize: Risk based assessment and standards
- Flexible: Set cleanup goals and timelines based on land use
- Efficient: More self implementing options
- Simple: One process for all sites with uniform time tables
- Reasonable: Balance economic factors with clean up goals
- Transparent: Additional guidance and public interaction (database)
- Certainty: Establish entry points and exit points with interim milestones

The guided questions summary combines all workgroup answers into the most common themes or suggestions. This summary is not intended to capture all suggestions provided. Please refer to Appendix B for the complete workgroup answers.

### **1. WHAT SHOULD BE THE GOALS OF A CLEANUP PROGRAM? LIST ALL THAT APPLY.**

- Protect human health and the environment
- Balance with economic factors while protect green fields and reduce risk
- Truly risk based, managing risk in cost effective manner
- Incentivize economical viability, clean-up sites for reuse in a cost effective and timely manner
- Encourage public outreach process between regulated community and regulators
- Reasonable, Attainable, Consistent, Clear and Certain to get properties back into use and quickly
- All encompassing and integrated with other regulations into a “one stop shop;” one program
- Establish goals and triggers with incentives to do the right thing
- Find simpler ways to deal with issues slowing down site redevelopment (urban fill, asphalt fragments)
- Clear exit strategy with established milestones throughout the process
- Environmental justice
- Better use of public and private resources (self-implementing options)

### **2. WHAT ARE THE MOST IMPORTANT ATTRIBUTES AND BENEFITS OF A GOOD CLEANUP PROGRAM? TRY TO LIST AT LEAST TEN.**

- Protect human health and environment
- Equitable and uniformly applied with predictable results
- Cost effective that encourages business growth and makes CT more competitive
- Prioritization: assign priority for clean-up to highest risk issues
- Improves historic preservation, encourages redevelopment and maintains green space
- Reasonable standards based on good science centered around risk resulting in realistic cleanup goals
- Well defined definite starting point (triggers) and end points (exits)
- Stable and predictable process the does not change (during the process)
- Limitations on liability
- Timely, clear, easy to navigate, understandable



- Transparency with more guidance and education opportunities
- Maximize use of institutional controls (ELURs, EC, TIs) and self-implementing options
- The most recent technology for remediation should be available as an option

**A. WHAT'S THE MOST CRITICAL GOAL OF A CLEANUP PROGRAM, AND WHAT ATTRIBUTES WOULD HELP ATTAIN THIS GOAL?**

**Goal:**

- Protect human health and the environment in balance with risk and economic factors
- Improve the quality of life

**Attributes:**

- Risk based standards based on good science
- Prioritization, managing risk that increases economic development
- Consistency, Certainty, Cost effective and timely with definite starting and flexible ending point
- Timely revisions of standards and ability to change outside of regulatory process
- Reasonable, Fair, Efficient use of public/private resources
- Ability to measure success
- Interim milestones, certain milestones diminish risk to human health and the environment
- Greater predictability, in terms of scope, cost and time of remediation

**3. HOW SHOULD POLLUTION BE ADDRESSED, BY RELEASE AREA, BY PROPERTY, OR OTHER GEOGRAPHIC AREA? IF BY GEOGRAPHIC AREA, WHAT WOULD THIS AREA BE? WHY?**

**Geographic Area:**

- Sensitive areas: aquifer protection area, public water supply watershed, historical industrial sites
- If release area leaves property and to address off-site
- More conducive to economic development
- Current site characterization guidance document doesn't provide adequate flexibility

**Release Area:**

- Where contamination is located and addresses known liabilities
- For recent spills or more recent Industrial Sites (site developed post environmental law)
- Focuses on release source
- Helps create certainty in cleanup process
- Allows for site-specific flexibility
- Defines endpoint for each release

**Both Geographic and Release Area:**

- Not a one-size-fits-all
- Assigning priority, first and foremost on the risk posed to the environment and public health

**4. SHOULD THERE BE ONE TRIGGER OR MULTIPLE TRIGGERS TO INITIATE INVESTIGATION/REMEDiation AND WHY? IF MULTIPLE, WHEN AND WHY WOULD THEY BE APPROPRIATE?**

**One Trigger:**

- Reportable quantity
- Contamination which requires remediation is present
- Upon knowledge (What is knowledge?)

**Multiple Triggers:**

- Spills, transfer act, significant environmental hazard, proactive response by the DEEP or Detections
- Multiple triggers, would account for variability in site conditions
- One trigger difficult and would be too broad and implicate too many sites
- The number of triggers is not the issue; it is the consequences of the triggers

**5. SHOULD THERE BE A DIFFERENCE IN HOW WE TREAT HISTORICAL AND CURRENT RELEASES? IF SO, WHAT IS THE DIFFERENCE AND WHY?**

- Yes, there should be a difference in how we treat historical and current releases. Historical pollutants are different because they make changing the use of the site more difficult. For historical releases the liability is different, there needs to be proper allocation of the liability to encourage parties to address historical contamination. Also, remedial time frame for the clean-up of historic pollutants ought to be reasonable with respect to the stability of the pollutants. Historic contamination needs to be addressed on a risk basis on a schedule that makes economic and health risk sense. There also need to be a difference in how historical releases are reported. Current releases should be evaluated immediately and addressed in a timely manner also on a risk basis.
- No, historical and current releases should be delta with the same. If there are reasonable standards, it does not matter when you became the property owner; the goal is to have healthy environments. Also, no because it is historic doesn't mean that there is reduced risk

**6. WHAT SHOULD A GOOD CLEANUP PROGRAM ADDRESS?**

- Site wide risk assessment the eliminate risk pathways
- Prioritize imminent health risks targeting sensitive receptor areas
- Reasonable Standards
- Innocence for owners of properties with deeply historic contamination
- Special consideration for homeowners who suffer from UST releases
- More flexibility in implementing solutions and increased self-implementing mechanisms
- Target economic development areas and transportation nodes
- Proper communication with local and health officials
- Technical oversight and guidance on environmental issues causing delays
- Public participation: the science and legal details ought to be understandable to average citizens
- Economic realities/balancing between cost and benefit of remediation

**7. WHAT SHOULD A GOOD CLEANUP PROGRAM EXCLUDE?**

- Minor releases that pose no meaningful risks to human health or the environment
- Exiting the CT program is excessively difficult due to minor technicalities and meticulous audits
- State standards which are inconsistent and not in line with federal standards
- Inability to access site specific information
- Delineation of responsibilities for entire parcels with multiple tenants
- Different treatment based on hydro-geological setting
- Categorical triggers which no longer make sense (PCE free dry cleaners, small waste generators)
- Liability against bonafide prospective purchaser
- Change in cleanup standards after obligation to clean up taken
- Excessive bureaucracy and long term regulatory review process
- Overreliance on engineered controls

- Unless there is a significant environmental risk excluded: urban fill, background levels of contamination and naturally-occurring materials

**B. WHAT SHOULD BE TREATED DIFFERENTLY FOR INVESTIGATION AND FOR REMEDIATION? WHY?**

- Characterize what's important, identify the issues to resolve the problem
- Prioritize exposure risk, heavily populated areas ought to be treated differently
- Focus on end use and sensitive receptors
- Water (surface, ground et al), Metals, ETPH/TPH
- Standards of care
- Usual building materials, urban fill, asphalt, parking lot runoff, legal pesticide application
- Remedy that is known upfront and will address all COCs, forgo additional site characterization
- ELURs be placed on the property without completing site characterization
- Groundwater monitoring
- Investigate and remediate by release areas

**8. WHAT ARE THE MOST IMPORTANT ROLES FOR STATE GOVERNMENT TO SERVE?**

- Protect human health and the environment in balance with risk and economic factors
- Promote economic vitality and community well-being; improve quality of life of its residents
- Establishing clear goals by generating policy and rule making (universal trigger, exit points)
- Better communication and education with the consulting community and advocacy community
- Expedited review and response when required
- Inclusive of responsible parties and conduct enforcement to level playing field
- Simplify existing spill-response program, investigation and remediation satisfies the DEEP
- Financier & Legislature: Ensure authority granted is clear and balances a variety of social interests
- Analyzing risk, protecting private property rights (ensure safe drinking water)
- Collector and distributor of information – be a resource to environmental professionals.

**9. WHO SHOULD BE RESPONSIBLE TO INVESTIGATE POLLUTION?**

- The responsible party (the polluter)
- Whoever volunteers (as a contractual matter)
- Where no responsible party is available, municipal, state or federal government ought to investigate
- Property owner
- Potential buyer/developer

**10. WHO SHOULD BE RESPONSIBLE TO REMEDIATE POLLUTION?**

- The responsible party is the owner and/or the polluter.
- Person who caused release
- No responsible party the parties can identify a certifying party
- For historic contamination public and private consortium
- EPA (under imminent threat)

**C. SHOULD DEP EXPEND MORE RESOURCES ATTEMPTING TO COMPEL PARTIES THAT DON'T ADDRESS POLLUTION WITHIN A REASONABLE TIME PERIOD TO TAKE ACTION OR ASSIST PARTIES THAT ARE FULFILLING THEIR OBLIGATIONS? WHY?**

**More resources for parties not fulfilling obligations:**

- Find cost effective incentives to motivate voluntary clean-up
- Need to establish reasonable time frames
- Orders and other tools can be used to address problem cases
- Helps to level the playing field for businesses that are doing the right thing
- Promotes compliance and restores public confidence
- Special group that focuses on the conditions of state property
- Educate smaller businesses of their potential for cost and liabilities
- Deterrent to others who are considering similar bad acts

**More resources for parties fulfilling obligation:**

- Focus DEEP resources (80% of DEEP time), by working with these parties in constructive ways
- Incentive to do the right thing
- Better economic return and more sites cleaned up
- Those complying with regulatory standards should be given assistance, not be treated as adversaries

**11. SHOULD THERE BE TIME FRAMES FOR INVESTIGATION, REMEDIATION, OR BOTH? WHY? SHOULD TIMING VARY BY TYPE OF RELEASE, TYPE OF CONTAMINANT, TYPE OF PROPERTY USE, PROXIMITY OF RECEPTORS, OR BY OTHER FACTORS?**

- Yes, there ought to be flexible time frames based on site specific conditions
- Sliding scales of time table that are dependent on property use (risk) and the proximity of receptors
- Receptors should be addressed more quickly upon elimination of immediate hazard/stabilization
- Different contaminants should be handled on different schedules (more mobile, more quickly)
- Without time frames, there is no completion of remediation

**12. WHAT PROGRAMMATIC TOOLS OR PROCESSES DO YOU THINK COULD OR DO HELP EXPEDITE INVESTIGATION, REMEDIATION, OR BOTH?**

- One cleanup program
- Online click-it-fix-it programs that would allow citizens to report pollution
- EFILE and database for current/historic sites with clean-up methodology
- Ongoing communication through website
- Align and coordinate amongst related agencies around a specific larger goal for an area
- Refine the statistics based criteria and have an update process outside of regulatory approval
- Create policy statements, clear guidance/documents, general permits, and standard forms
- Use presumptive remedies – 90/10 rule that the remedy is going to work
- More self-implementing options; don't require approval / wait from DEEP
- Standards for all EPA normal testing methods
- Flexibility in approach (not standards)
- Targeted risk-based investigation (real risk)
- Shorter audit timeframe
- A "case officer" for institutional controls to take a project through DEEP process
- Triad Approach to investigation

**13. WHAT WOULD MAKE A PROGRAM(S) SIMPLE?**

- One Preemptive encompassing program with multiple exit points
- Ability to close out minimum releases
- Establishing what level of risk is acceptable
- Clear standards with default criteria
- Moving away from transfer act
- Expand Voluntary programs
- Presumptive remedy
- Standardized time frames
- Real accountability, clarity, streamlining
- Consistency with agencies (state and federal) involved
- Knowing who to submit documentation too
- Better access to DEP files electronically
- Checklist

**14. WHAT ARE THE BENEFITS OF HAVING MULTIPLE PROGRAMS WITH MULTIPLE PROCESSES?**

- Flexibility of process and successful remediation with respect to specific types of pollution
- Can tailor program/process to type of trigger
- Clean-up can be accomplished based on risk and site use
- Create a clear time table
- Specialized expertise
- None - Need a program that encompasses all scenarios but provides flexibility
- Multiple processes under multiple programs not efficient

**D. WHAT ARE YOU WILLING TO SACRIFICE TO EXPEDITE THE INVESTIGATION AND REMEDIATION OF POLLUTION?**

- Fully defining the extent and the degree of the pollution when it does not matter
- 100 percent certainty
- Money for an expedited review and approvals
- Pristine environment; lower priority for lower risk
- RSRs
- Reasonable timelines for the regulated community if DEEP would abide by reasonable timelines
- Set standards and give roadmap
- DEP command & control
- Transfer Act
- "GA" standard closure if site use is non-residential
- Sites would be remediated to some remaining level of risk
- More rigid process for less stringent level of risk

**15. WHEN IS CERTAINTY MORE IMPORTANT THAN FLEXIBILITY? IS THIS CERTAINTY IMPORTANT TO EVERYONE?**

- Where the public health and environmental risk is high
- Property development situations when financing or want no liability
- Once endpoint is selected/achieved

- Beginning of the project, when there are so many unknowns.
- Perform “over and above” standards

**16. WHEN IS FLEXIBILITY MORE IMPORTANT THAN CERTAINTY? IS THIS FLEXIBILITY IMPORTANT TO EVERYONE?**

- Where the risk is minimal, such as the fill beneath asphalt
- When developing an approach/endpoint.
- Site use has immediate economic potential
- When there are no transactions
- Once the remediation is undertaken
- Does not unduly increase risk of harm to human health or the environment

**17. WHAT CAN BE DONE TO PROVIDE MORE CERTAINTY FOR PARTIES INVESTIGATING OR REMEDIATING POLLUTION?**

- Provide definite start and end points to the clean-up process
- Lower priority for lower risk
- Default clear, concise and up-to-date standards
- Sacrifice DEP command & control with less review after work is complete
- More rapid response from DEEP
- Multiple layers of regulatory approvals
- No open-ended audits with Closure letters
- Rewarding/consequences for regulatory staff (i.e. performance based evaluation)
- Education and clear expectations
- Staff only enforces enacted regulations
- Identifying DEEP decision maker for a given decision and getting decisions from that decision maker

**18. WHAT CAN BE DONE TO PROVIDE MORE CERTAINTY FOR THE GENERAL PUBLIC AND OTHER THIRD PARTIES REGARDING THE EFFECTIVENESS AND SPEED OF A CLEANUP?**

- Involve informed throughout the process and forward public notices
- Include the public in review of the clean-up goals of what actually will benefit the public
- Making accurate information publically accessible, building a level of trust
- Education as to risk and increased transparency
- No false promises
- LEP Training and auditing; LEP grading system
- Allowing for risk and site use

## Appendix D: Responses to Follow-up Questions

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The homework assignment includes four questions as a continuation of the Visioning Session Guided Questions. The homework assignment answers are provided below.

### 1. What are the pros and cons of the current cleanup programs? Why?

#### PROS:

- Some flexibility on cleanup requirement based on risk and site use
- The use of LEPs to leverage DEEP resources and address more sites than a standard 'command and control' regulatory approach
- We want a clean / cleaner environment and to know any issues prior to or at the time of a business/property transfer
- Risk based clean up criteria; provides flexibility to address cleanups.
- Provides a mechanism for a regulatory driven cleanup process; this provides comfort to lenders, buyers and sellers.
- Forces investigation and cleanup; which otherwise may go unchecked.
- Prescribes the process of clean up and dictates how site should be studied.

#### CONS:

- Multiple programs make it more difficult to have consistent, quality cleanups, than having one standard cleanup program.
- There is too much DEEP agency interaction required in the current programs; DEEP has an obvious lack of trust with the LEP community in making any decision (example is current policy on using 2005 criteria)- this is the opposite mindset needed for a effective, privatized cleanup program
- Despite the high level of required DEEP agency interaction, DEEP is unwilling to accept responsibility for its decisions (it is all the responsibility of the LEP even where the LEP has no authority), so the tendency is for very long decision schedules and deferring decisions on complex issues.
- Programs lack sufficient self implementing flexibility (ie. risk based approach) to cleanups
- Programs do not make sufficient distinction between decisions and the types of risk involved – there is too much of an emphasis on trying to be 'perfect' and cover every contingency, no matter how remote the possibility, than being good enough for what the site and circumstances dictate. Leads to very expensive site investigations.
- Current program treats all hazardous wastes the same, whether a current issue or an historical issue. Current remediation process appears to be too restrictive...either remove it or cover it... Does not appear to take into consideration historical issues (those prior to establishment of DEP in 1980s); if there is no known risks; or take into consideration the site surroundings, etc.
- Historical issues are quite different than current issues and therefore should be treated differently when there has been no know health or environmental risk. And the risk of each hazardous waste item may be different from the other items.
- Remediation of historical items is too time consuming, too costly, too restrictive on the owner and user... especially when owner purchased the site prior to DEP regulation were established in the 1980s. Current owner is now responsible for historical problems.

- Investigation requirements (per State guidance) are too rigorous (costly and time consuming). There is no need to over examine how contamination got there, just what is the extent and how do I treat it. The approach pushed by the State is overly structured.
- Some criteria are too stringent (i.e., meeting Appendix D of the WQS) for wetlands;
- Not any easy mechanism to get criteria approved. CTDEEP should have mechanism to routinely update criteria. For additional polluting substances, development of these criteria should be self-implementing like alternative SWPC (i.e., use formula and toxicity from approved agency list).
- RSRs often force capping as a solution because showing compliance with PMC or other criteria are too difficult because of the need for commissioner approval. Overall, capping is a poor solution, because the contamination will never be cleaned through natural processes (i.e., biologic, phyto or dissolution);
- Too many alternatives/variances require commissioner approval; to expedite cleanup, LEPs should be allowed to approve.
- PMC are not based on real world values. Recommend that these values be based on experience or science (i.e., this concentration leaches and shows up in groundwater above applicable standards).
- Many criteria are often too low for their setting (commercial/industrial facilities). The industrial/commercial standards provide little flexibility because clean up criteria for key constituents (benzo(a)pyrene, arsenic, etc) have the same cleanup standards.
- Criteria are set too low for many constituents, when there are some studies that show problems occur at low concentrations (i.e., lindane causing hermaphrodites in frogs). The problem is that we identify a high end threshold where these chemical cause problems, and then arbitrarily set a low end where they are safe. Unfortunately, these chemicals may be safe in a middle zone (many studies for dioxins also suggest this).
- If ecological is to be part of the investigation/clean up; there must be standards.
- Removes a lot of the creativity that any individual may add based on site knowledge and creates a cookie cutter approach.
- It also filled with jargon and language most citizens cannot understand and they are reliant on their LEP to be a translator.
- Cons of Transfer Act
  - Discriminatory – by including only a small subset of the population of the
  - Doesn't include enough dirty sites
  - Includes too many clean sites – costs tens or hundreds of thousands of dollars to address a site that has no significant releases and poses NO RISK
  - Allows multiple certifying parties, each responsible for exactly the same thing, which makes it impossible to enforce fairly, and results in stagnation; law suits are the only way to rectify the situation and allow the property to redevelop.
  - Tied to property transfers, but with a great many exceptions, resulting in a great many sites that are never cleaned up.
  - Little or no enforcement. No effort by DEP to identify transferors who fail to file, and little or no penalty to a transferor if such transfer is discovered, thereby rewarding non-compliance. I know of at least five sites at which the transferor did not file and has had no consequences.
  - Occasional quality control problems and little consistency from DEP when responding to Form III filings; example: DEEP recently ordered my client (certifying party) to spend hundreds of thousands of dollars to install a sewer connection, on property he no longer owns, to prevent a



possible future release of contaminants to a legally-installed septic system that receives only domestic wastewater.

- Cons of Significant Environmental Hazard
  - Not a good name! From the minute a property is tagged as a “Significant Environmental Hazard” and this is recorded on the municipal land records, the property is forever stigmatized. Who would ever want to buy a property (or give a loan for a property), that has the moniker “Significant Environmental Hazard?”
  - Sometimes, there are notifications that are made that are NOT significant at all. A common example is the detection of pollutants in a private well – which must be reported under 22a-6u, but which might mean nothing. Example – the presence of low level organic compounds, which might come from electrical tape (toluene) used to wrap pump wire to water line, or from other well construction materials.
  - Even if contaminants are present in a well, if the source of the contamination is from an offsite plume, the designation of “Significant Environmental Hazard” might be attached to a property that is the innocent victim of someone else’s pollution. The victim’s property should not be stigmatized in this manner. This is a surefire way to create brownfields – sites that no one wants.

**2. Please diagram what you envision as the ideal cleanup program, including triggers, submittals, LEP roles, DEP roles, etc.**

- The ideal program would cover releases regardless of mechanism or trigger (e.g. tank, spill, Brownfield, etc..) and have the LEP have broader authority in using EPA approved risk based approaches to cleanup. Have as many decisions as possible be made by the LEP on a self-implementing basis; technical reports (Phase I, II, III, RAP, etc) to be submitted to DEP annually (electronically preferred). Once an LEP verification has been submitted DEEP should have maximum of 90 days to decide on whether or not to audit.
- Suggest two categories when reviewing Transfer Act requirements – Current and Historical. Each should be treated differently depending on the hazard, risk, site, etc. We now have a very expensive, time consuming process that may not be value added to the future. It appears the LEP is too cautious because of potential liability and potential loss of license... therefore this adds to costs (like medical costs).
- In some cases the site can be left as is with possibly a note in the deed that there is this historical “hazardous” material from a certain time period; in other cases some remediation may be needed; and in others full remediation may be needed.
- Regarding current issues, this may want to be put into 2 categories also... known and unknown consequences... if known issue it is one thing but if it is unknown (and these are issues from the 80s and 90s) then it may be treated differently. Example: what triggers a Phase II... any 1 month of > 100Kg of waste removal; what if in the 1980s and 1990s an organization properly stored what was thought to be hazardous waste and then properly disposed of if but it exceeded the limit. Paperwork is minimal but if it was just over the limit for over a 12 or 18 month time in the 1980s, the organization becomes a site because of the limit... time is not considered and the level was not known at that time.

- We are not far off, as long as the cons above are addressed. LEPs should be given broader ability for approvals. Biggest problem is that there is no regulatory mechanism to clean up residential properties. I don't want to force costs on homeowners, but we turn blind eyes to environmental problems where they matter most.
- The ideal program would not be selfish but service oriented and would reserve the most complex sites for DEP oversight. The ideal program would include more data sharing and cooperation between departments and agencies and less turf wars and confusion over who does what. In addition there would be a more seamless transfer of sites between departments with less lag time. Finally all of the departments would agree on the most serious of sites and focus their effort accordingly in a more disciplined manner.
- See Massachusetts Contingency Plan – it is not “ideal,” but probably comes as close to ideal as a state program can get. CT would do itself a great service if it were to simply adopt the MCP in its entirety, and to discard virtually all aspects of most other cleanup programs. This would benefit the environment and the economy of CT. I believe that attempts to fix the many existing CT cleanup programs will likely fall far short of the State's goals, resulting in another decade of disappointment. Sure, there are problems with the MCP – but many problems have already been solved.

**3. Please provide some suggestions on how parties can or must transition to new program(s), if new programs are created.**

- Being a small State, there are a relatively few environmental professionals with an excellent communications network (EPOC) to describe a new program. Communication through the DEEP website and targeted e-mail notices (similar to DRS notices to businesses) can compliment direct meetings with the regulated community. LEP education on the new program (with multiple sessions) could be accomplished within six months of roll out.
- If new program is developed, to be fair, we must be able to review sites already established to any new criteria. Prioritize the real hazardous sites and free up the non hazardous sites so that they do not become an economic problem for the future.
- We are not suggesting new programs, just revisions to existing ones. However, there should be an alternative cleanup standard for Brownfield sites. Also, there should be release verification for GB sites (similar to Voluntary GA).
- The DEP has changed the program so many times since the 1980s that new changes would only add to the confusion. Make it simpler, streamlined and accessible to the layperson. Also more emphasis should be placed on the aquifer as a whole not individual sites. Finally the environment and groundwater not just business and LEP pressures need to be in your thinking, it seems your focus is more to serve the lawyers and the LEPs than the citizens of the state of Connecticut.
- This is where adopting the MCP would be especially helpful. It is a single program, which means that all sites in the various CT programs could be absorbed into the CT version of the MCP with the least amount of difficulty. Properties already in the Transfer Act or other CT program could be given the option of remaining in that program until closure, or to enter into the new MCP-type program. Few sites that have completed the investigation under the Transfer Act of CT VRP would opt to switch, but many sites where little investigation has yet been conducted would likely opt to switch.

**4. In your experience what states' cleanup programs should be reviewed during this Evaluation? What are the "good" aspects of each of these state programs?**

- The State of West Virginia has a very good program under its Voluntary Remediation Program and Redevelopment Act. Uses Licensed Remediation Specialists (LRSs) who can use broad, definable discretion in making cleanup decisions; includes a good guidance manual; and uses EPA approved risk-based approach to cleanup. Covers a large number of cleanup situations and relatively easy to navigate
- Always ask what is the most practical, timely and cost effective approach to resolving a problem; DEEP needs to help the "customer" to resolve the issue. And remember, while it would be nice to have everything go back to being perfect, it may not be practical. And just knowledge of a potential issue may be all that is appropriate.
- All programs should be reviewed. Comments from above should be addressed.
- Any state program would be better where enforcement is consistent and occurs on a predictable basis. Massachusetts, The Carolinas and New York data and GIS programs are superior and that allows staff and the public the ability to find the sites, the files and the person in charge of a site without hours of effort.
- The clean up is only part of the process agreeing on what is a site, what is a high risk site and focusing on the environment is done very well in Wisconsin and they have a good model for working with business and getting things done for the environment too.
- Massachusetts is best. Most other states I have worked in are far better, including: Pennsylvania, New York, New Jersey, Minnesota, New Hampshire. Even Rhode Island's cleanup programs are better, despite its many flaws. Each has its pros and cons, but all are better than CT at moving a site through cleanup programs. The good aspects of the other state programs include: True risk-based cleanup – human and ecological; Clearly defined endpoints, with multiple options to achieve these endpoints; Universal standards; Better use of self-implementing options; Better policies to address polluted fill, particularly with respect to avoiding cleanups that do not significantly improve the environment; and Streamlined approach

## Appendix E: Public Comments on Vision

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- Why not have an option that the certifying party can pick a person at the DEEP, i. e. the Environmental Analyst, with whom they prefer to work (otherwise someone will be assigned as is now the case). This would introduce some natural market driven feedback for the DEEP over time.
- As our session continually alluded to, introduce the “super LEP” where the LEP can really “call the shots” instead of what is the current case. The LEP is nothing more than an administrator; sort of speak, for the DEEP.
- Grant more “common sense” waivers and ELURs
- Immediately accept the SESOIL model which is used by 20 other states including, NJ and MA.
- If a property is zoned industrial, then treat it as industrial property.
- If nothing is in the ground water, then significantly reduce the ground water monitoring requirement in both terms of length of time (number of quarters) and the number of wells monitored
- Truly take into account the specific factors of each particular case in terms of the true, i. e., real environmental risk of the site, impact on jobs, economic impact on the community, the State of Connecticut, and the nation. These elements better be factored in if Connecticut has an interest in addressing its economic ills.
- Place a premium on CASH and JOBS. Currently, money and spending seem to have NO meaning with the current transfer program. And it seems that JOBS don’t really mean much as well.
- Three steps that Connecticut DEEP could take to improve their cleanup program include:
  - a. Delegate more responsibility for cleanup decision making to LEPs;
  - b. Place greater emphasis on the use of site specific risk assessment as the preferred tool for determining when site cleanup is sufficient; and
  - c. Revise the current groundwater protection classification system by differentiating between long term water quality objectives and realistic shorter term expectations for water quality given historic land use
- The definition of success should be informed by and consistent with state policy and and agency goals as defined in statute.
  - a. “conserve, improve and protect its natural resources and environment”;
  - b. “control air, land and water pollution in order to enhance the health, safety and welfare of the people” ;
  - c. “improve and coordinate the environmental plans, functions, powers and programs of the state”;

- d. “manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.”<sup>i</sup>
  - e. “use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Connecticut residents.”
- Synthesizing these policies and goals with respect to DEP’s remediation programs into a definition of “success” is a subjective exercise, but here is our suggestion, incorporating language from each of the policy and goals statements listed above:
    - a. “It is the goal of DEEP’s remediation programs to improve the environment and enhance the health, safety and welfare of the people through a coordinated approach, using practicable means and measures that foster sustainable development and fulfill the social, economic and other requirements of present and future generations.”
  - The most important goal of any cleanup program should be to protect human health and the environment, particularly in environmental justice communities. Part of ensuring that human health and the environment are protected is ensuring that as many sites as possible are cleaned up to the appropriate standards and returned to productive use. This will help minimize the risk of exposure to health and environmental hazards while also encouraging redevelopment as opposed to new development in Greenfields.
  - Prioritization: The biggest flaw with the Transfer Act is that outside of a property sale, the state has no authority to prioritize sites and require them to enter the program. As a result, we are not focusing our resources on the most important sites and assuring that they are cleaned up in a timely manner. Given the limited resources of the Department, this should be part of any cleanup program.
  - Timelines/Deadlines: Strict timelines and deadlines will help to ensure that once projects enter the program, they continue to move forward at a reasonable speed and ultimately reach completion. There should be timelines both on the person undertaking the project and the Department.
  - Milestones: Providing milestones throughout the cleanup process can be a good way of gauging progress while also ensuring that the project is proceeding according to the plan. This also gives people or entities engaged in the cleanup the opportunity for good public relations and positive reinforcement.
  - Meaningful Oversight: It is important that the Department engage in consistent, meaningful oversight to ensure that the program is being administered appropriately and that sites are actually being cleaned up the right way to the right standards. Without meaningful oversight from the Department, projects might linger in the program longer than they should or people might cut corners if they think no one is watching them.
  - Clarity: The cleanup program should be as clear and easy to understand as possible. One result of a clear program will be more certainty, something that is also important for cleanup programs. Currently there is a lot of confusion about which program to enter, when to enter, and how to

exit—much of which could be eliminated if there were more clarity.

- **Certainty:** Providing more certainty to people entering the cleanup process could alleviate some of the reluctance people currently feel about entering the program. Of course some things are bound to change as the project proceeds, but providing certainty wherever and whenever possible should be a goal of any cleanup program. This is beneficial not only to the person undertaking the cleanup, but also to the Department and the public.
  - **Incentives:** Any good cleanup program should provide meaningful incentives. Incentives can come in a variety of forms, and do not have to be solely financial. For example, providing an expedited review process for certain projects could prove to be an effective tool.
-