



***Environmental Professionals' Organization of Connecticut***

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EPOC would like to thank the Department for reviewing, considering, and addressing our questions on *Special Path for Residential Heating Oil, Soil Beneath Roads, Parking Lots, & Buildings*, and *New Exposure Scenarios* at the November 28, 2023, Release-Based Working Group Meeting.

We have the following additional comments on these substantive topics:

### **Special Path for Residential Heating Oil**

EPOC supports the use of a special path for residential home heating oil releases due to financial hardships these releases subject individual homeowners to. From an administrative and liability perspective, we request that the regulations clearly state that the use of the special path will release the current and future homeowners of future investigation and remediation obligations. In other words, the use of the special path will discharge homeowners of their liabilities to the State for the heating oil release. Additionally, what occurs if a residential parcel with four units or less comes into ownership by a commercial entity via sale or foreclosure after the special path is used? We believe this scenario requires further discussion. Will that entity also be released from future investigation and remediation obligations based solely on the fact that it is residential property with less than four units?

### **Soil Beneath Roads, Parking Lots, & Buildings**

The application of the permit by rule concept to soil with Direct Exposure Criteria (DEC) exceedances beneath roads, parking lots, and buildings is also supported by EPOC. We believe this will be helpful for some portion of the universe of releases. In some situations, releases extend beyond the footprints of buildings and hardscaped surfaces and will require remediation via excavation, the recording of an ELUR to render soil greater than four feet inaccessible, or the use of an engineered control, also requiring an ELUR. Has the Department considered scenarios in which properties will be managed under the permit by rule and ELURs?

### **New Exposure Scenarios**

EPOC supports the development of new exposure scenarios and classes of criteria for the DEC that consider less stringent risk assumptions and result in less stringent clean up criteria than the baseline residential DEC for recreational properties and managed residential properties. We believe there are other exposure scenario categories that would be beneficial as well and wonder if regulatory language can be added that would permit the Commissioners of Public Health and Energy & Environmental Protection to approve the use of additional classes in the future, following a formal public comment and response period?