



***Environmental Professionals Organization of Connecticut***

**P.O. Box 176**

**Amston, Connecticut 06231-0176**

**Phone: (860) 537-0337, Fax: (860) 603-2075**

**EPOC Questions/Clarifications on  
*NEW EXPOSURE SCENARIOS*  
as presented by CT DEEP staff on November 14, 2023**

1. Can the Department provide any information on how they plan to modify the residential exposure scenarios for these new exposure scenarios? I.e., will it be a multiplier of existing values or separate individual criteria?
2. Are Passive Recreation and Managed Residential the only new exposure scenarios to be included in the new regulations?
3. Has the DEEP considered establishing a construction worker exposure scenario?
4. For the Managed Residential scenario, was there any consideration given to establishing areas for active residential using a soil cap or other similar structure that is not an Engineered Control?
5. As CT DEEP moves forward with CT DPH on these new exposure scenarios, will there be opportunities to provide additional comments?



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**EPOC Questions/Clarifications on  
*SOIL BENEATH ROADS, PARKING LOTS, AND BUILDINGS*  
as presented by CT DEEP staff on November 14, 2023**

1. Are transportation corridors in residential areas assumed to be industrial/commercial land use?
2. Transportation corridors often include portions that are covered with pavement and other portions that are not. If pollution is discovered in unpaved portions of a transportation corridor, will it need to be addressed to meet the DEC or can the permit by rule be used?
3. Why are soils contaminated with VOCs in excess of the DEC excluded from the Permit-by-Rule? (Presuming that site characterization activities have already determined that no risk of vapor intrusion exists).
4. Does the definition of VOC include both volatile organic substance (VOS) and volatile petroleum substance (VPS) as those terms are currently defined in the RSRs?
5. Were human health risk calculations used to justify the requirements that:
  - a. Soils less than or equal to both the industrial DEC and 15x the applicable DEC need not be remediated if under pavement, road or concrete building foundation?
  - b. Soil containing concentrations greater than the I/C DEC must be at least one foot below the pavement, road, or concrete building foundation?
  - c. If so, will the DEEP make those calculations available to the public?
6. Are any other contaminant types, such as PCBs, excluded from the permit-by-rule?
7. How does permit-by-rule conform with TSCA?
8. Will DEEP define or provide guidance regarding “managing the polluted soil properly” when the bituminous concrete or concrete is being repaired or work is being performed on underlying infrastructure?
9. Does DEEP intend that responsible parties prepare and execute a written soil management plan for repairs or infrastructure work?



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**EPOC Questions/Clarifications on  
*SPECIAL PATH FOR RESIDENTIAL HEATING OIL*  
as presented by CT DEEP staff on November 14, 2023**

1. Is it typically easily ascertainable as to who's responsibility a leak is (e.g., fuel oil delivery or installation contractor vs homeowner)?
2. Has the department considered potential delays to Immediate Actions (IA) in the event that there is a dispute or disagreement in responsibility for the release?
3. Please confirm that non-emergent releases found based on physical observation or laboratory analysis of soil samples at residential properties with less than four units cannot use this special path.
4. Does use of this special path discharge all future liability to the State for the heating oil release for the current and future owners?
5. The Special Path requires excavation to the extent "prudent". Can DEEP provide a preliminary definition of "prudent"?
6. Will there be guidance regarding determining the "extent prudent"?
7. To use the Special Path, must groundwater conditions be background, or can residual contamination be present if below applicable RSR criteria?
8. Is the Completion Report the only documentation that will be required under the Special Path or will something need to be filed on the land records?
9. If groundwater is impacted (either above background or in excess of RSR criteria), is there consideration for allowing pursuit of the special pathway once groundwater compliance is achieved?
10. If soil contamination has been removed to the extent "prudent" but contamination remains at concentrations greater than RSR criteria, will any other notice (other than the Completion Report) be required?