



Environmental Professionals Organization of Connecticut

P.O. Box 176

Amston, Connecticut 06231-0176

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

October 18, 2022

Graham Stevens, Bureau Chief

Bureau of Water Protection and Land Reuse

CT DEEP

Sent via Email to: DEEP.Cleanup.Transform@ct.gov, graham.stevens@ct.gov

Dear Graham,

EPOC is pleased to submit the following comments on the discussion of the Significant Environmental Hazard (SEH) framework for the proposed Release-Based Remediation Program presented by DEEP staff during the monthly meeting of the Release-based Working Group on October 11, 2022. We wish to thank the department for initiating “Substantive Conversations” as part of the monthly meetings, as we believe that sharing the agency concepts and proposals on issues and allowing for feedback from stakeholders and workgroup members will ultimately lead to a better final regulation.

Based on the information presented, here are our initial comments:

- We support the merging of the SEH requirements into the Release-Based Remediation Program regulations and the repeal of Section 22a-6u of the Connecticut General Statutes (CGS). We consider one of the major goals of moving to a new release-based regulatory program is to create a unified program which can be clearly implemented and understood by environmental professionals and stakeholders. Incorporating the SEH statute provisions into the new program is one step in this process.
- While we appreciate the concepts and overview that was presented, to more completely evaluate how the SEH provisions will work with the other elements of the new program, we will need more details on several issues which include, but are not limited to, the following:
 - What constitutes discovery of a historical release,
 - Who is obligated to report, and
 - How will the SEH reporting requirements align with those for contemporaneous releases under CGS 22a-450.

As more details emerge on the specifics of the SEH requirements and how they fit into the overall regulation, we would expect to have additional comments on this topic.

- We believe the one-week comment period on these important topics is too short and suggest comments be accepted until the next monthly workgroup meeting, at a minimum.
- We hope that all received comments are posted on the DEEP website and that there will be time allotted for future discussion at subsequent workgroup meetings.
- Because many of these topics are complicated, it would also be helpful to review the regulation/statute language that is being drafted as part of these reviews.
- Finally, we suggest that the details of future topics to be addressed be provided ahead of time so that participants can be prepared and provide more thoughtful comments and questions during the discussion period.

We welcome the opportunity to continue to participate in the development of the Release-Based Remediation Program.