



***Environmental Professionals Organization of Connecticut***

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Graham Stevens, Bureau Chief  
Bureau of Water Protection and Land Reuse  
CT DEEP

Sent via Email to: [DEEP.Cleanup.Transform@ct.gov](mailto:DEEP.Cleanup.Transform@ct.gov), [graham.stevens@ct.gov](mailto:graham.stevens@ct.gov)

Dear Graham,

EPOC is pleased to submit the following comments on the discussion of the concept of *Significant Existing Releases (SERs) and their associated triggers* for reporting under the proposed Release-Based Remediation Program presented by DEEP staff during the monthly meeting of the Release-based Working Group on March 14, 2023.

As you are aware, several of the Working Group subcommittees and the two drafting teams have raised the existing Significant Environmental Hazard (SEH) statute (CGS 22a-6u) as one of the many existing statutes that will need to be revised or terminated upon adoption of the Release-Based Remediation regulations. EPOC agrees with this sentiment and with the incorporation of similar or modified concepts into the new regulations. We appreciate that DEEP has raised this issue as one of the substantive topics for discussion now.

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

- The SER triggers address risks associated with impacted groundwater used or potentially used for drinking water, impacted groundwater discharging to surface water, exposure to contaminated soil, exposure to vapor from VOCs in groundwater and now in soil, and exposure to VOCs in indoor air. We appreciate that the presence of one or more of these conditions at elevated concentrations may in fact represent a significant risk to human health or the environment that has to be mitigated promptly. At the same time, we are concerned that several of the new SER triggers may result in over-regulation, as well as unintended consequences and/or financial burden to the regulated community.
- The new SER triggers and revisions to the current SEH criteria have been presented as a means to simplify the identification of a condition or conditions that require reporting. Under the existing SEH statute, professional judgement and experience characterizing contaminants in the environment allow a Technical Environmental Professional to determine if a SEH exists and requires reporting. The new SER triggers appear designed to roll back the evaluation of potential risk and to eliminate professional judgement in the reporting scheme.

- The proposed SER triggers have the potential to greatly increase the number of releases identified as significant hazards due to the new broader criteria as well as revised criteria that is more conservative than under the current SEH statute, including
  - Requiring reporting for contamination above laboratory reporting limits within 500 feet of a drinking water well, regardless of groundwater flow direction,
  - New requirements for reporting of NAPL or contamination 10 times the SWPC within 500 feet of a surface water body,
  - New threshold criteria for VOCs in soil vapor and indoor air, and
  - The reduction in threshold DEC criteria at industrial/commercial properties from 30 times the applicable DEC to 15 times the applicable DEC.
- We understand that it is DEEP's intent that SERs will be remediated to a point where they comply with the RSRs, unlike the current SEH program where SEHs are addressed to a point where a significant hazard no longer exists. We assume that SERs will be addressed on a more compressed timetable. It is unclear if once the SER condition no longer exists, the release will be able to be addressed as if it was a typical release that did not have an SER trigger.

As we have routinely stated, it is challenging for us to provide further comments on this topic without the knowledge of how other parts of the proposed regulations will fit together. Accordingly, we reserve further comments until such time as details become available.

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