

Hi all,

Thank you to everyone who submitted comments on the draft Release-based Cleanup Regulations. The Department is working to organize comments received and we look forward to engaging with the Working Group on certain comments in the near future.

Today, we would like to go through and discuss the Draft General Permit to Act as a Contractor to Contain or Remove or Otherwise Mitigate the Effects of Certain Releases authorized under section 22a-454 of the general statutes.

We look forward to seeing you soon!

Best,  
Emma

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**DRAFT**

# **General Permit to Act as a Contractor to Contain or Remove or Otherwise Mitigate the Effects of Certain Releases**

Issuance Date:  
Expiration Date:

Bureau of Water Protection and Land Reuse  
Remediation Division  
860-424-3705



# General Permit to Act as a Contractor to Contain or Remove or Otherwise Mitigate the Effects of Certain Releases

## Table of Contents

<b>Section 1.</b>	<b>Authority</b> .....	3
<b>Section 2.</b>	<b>Definitions</b> .....	3
<b>Section 3.</b>	<b>Authorization Under This General Permit</b> .....	4
	(a) Eligible Activities.....	4
	(b) Requirements for Authorization.....	5
	(c) Geographic Area.....	5
	(d) Effective Date and Expiration Date of this General Permit.....	5
<b>Section 4.</b>	<b>Registration Requirements</b> .....	5
	(a) Who Must File a Registration.....	5
	(b) Scope of Registration.....	5
	(c) Renewal of Registration.....	5
	(d) Contents of Registration.....	6
	(e) Effective Date of Authorization.....	6
	(f) Where to File a Registration.....	6
	(g) Additional Information.....	7
	(h) Action by Commissioner.....	7
<b>Section 5.</b>	<b>Conditions of This General Permit</b> .....	7
	(a) Operating Conditions.....	8
	(b) Reporting and Record Keeping Requirements.....	8
<b>Section 6.</b>	<b>General Conditions</b> .....	8
	(a) Reliance on Registration.....	8
	(b) Duty to Correct and Report Violations.....	9
	(c) Duty to Provide Information.....	9
	(d) Certification of Documents.....	9
	(e) Date of Filing.....	9
	(f) False Statements.....	9
	(g) Correction of Inaccuracies.....	9
	(h) Other Applicable Law.....	9
	(i) Other Rights.....	9
<b>Section 7.</b>	<b>Commissioner’s Powers</b> .....	9
	(a) Abatement of Violations.....	9
	(b) General Permit Revocation, Suspension, or Modification.....	9

# General Permit to Act as a Contractor to Contain or Remove or Otherwise Mitigate the Effects of Certain Releases

## Section 1. Authority

This general permit is issued under the authority of section 22a-454(e) of the General Statutes.

## Section 2. Definitions

As used in this general permit:

*“Approval of registration”* means an approval of registration issued under Section 4 of this general permit.

*“Authorized activity”* means any activity authorized by this general permit.

*“Brownfields program”* means the brownfields liability relief program established pursuant to section 32-764 of the General Statutes, the abandoned brownfields program authorized by section 32-768 of the General Statutes, the brownfield remediation and revitalization program authorized by section 32-769 of the General Statutes, or the municipal brownfield liability relief program authorized by section 22a-133ii of the General Statutes.

*“Commissioner”* means commissioner as defined by section 22a-2(a) of the General Statutes.

*“Day”* means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

*“Department”* means the department of energy and environmental protection.

*“Groundwater”* means that portion of “waters” as defined in section 22a-423 of the Connecticut General Statutes at or below the water table.

*“Land and waters of the state”* means land and waters of the state defined by section 22a-134pp of the General Statutes.

*“Licensed Environmental Professional”* means an environmental professional defined by section 22a-133v.

*“Municipality”* means a municipality defined by section 22a-423 of the General Statutes.

*“Permittee”* means a person who, or municipality that, has filed a registration with the commissioner.

*“Person”* means person as defined by section 22a-423 of the General Statutes.

*“Property Transfer Act”* means sections 22a-134a to 22a-134e, inclusive, and sections 22a-134h and 22a-134i of the General Statutes.

*"Registrant"* means a person who, or municipality that, files a registration pursuant to Section 4 of this general permit.

*"Registration"* means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

*"Release"* means a release as defined by section 22a-134pp of the General Statutes.

*"Release-Based Cleanup Regulations"* means regulations adopted pursuant to section 22a-134tt of the General Statutes.

*"Release Reporting Regulations"* means regulations adopted pursuant to section 22a-450 of the General Statutes.

*"Soil"* means unconsolidated geologic material overlying bedrock, including, but not limited to, sediment that has been removed from any surface water body and placed on dry land.

*"Underground Storage Tank Regulations"* means regulations adopted pursuant to section 22a-449 of the General Statutes.

### **Section 3. Authorization Under This General Permit**

#### ***(a) Eligible Activities***

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the registrant to act as a contractor to contain, remove or otherwise mitigate releases to the land and waters of the state further provided that:

- (1) The Registrant may contain, remove, or otherwise mitigate soil impacted by certain releases, including saturated soil below the groundwater table. The Registrant may not contain, remove, or otherwise mitigate surface water impacted by a release or contain, remove, or otherwise mitigate groundwater impacted by a release that is encountered during the excavation of impacted soil, provided, however, that the installation, operation, and maintenance of long term, in-situ groundwater, soil, or soil vapor remediation systems (e.g., pump-and-treat, passive groundwater treatment systems, air sparging systems, soil vapor extraction systems, or sub-slab depressurization systems) is not considered containment, removal or other mitigation of a release to the land and waters of the state, and a permit issued pursuant to section 22a-454 of the General Statutes is not required to conduct such activities.
- (2) Such release is not subject to:
  - (A) The Release Reporting Regulations;
  - (B) The requirements of the Underground Storage Tank Regulations, or
  - (C) A permit issued pursuant to section 22a-449(b) of the Connecticut General Statutes to construct and operate a Marine Terminal;

- (3) The parcel on which such release is located is:
- (A) Enrolled in a brownfields program or is listed on the national priorities list of hazardous waste disposal sites compiled by the United States Environmental Protection Agency pursuant to 42 USC 9605 or the Connecticut Superfund Priority List;
  - (B) Subject to the Connecticut Property Transfer Act or Corrective Action pursuant to 40 CFR 264.101;
  - (C) Is being remediated pursuant to sections 22a-133m, 22a-133x, 22a-133y of the General Statutes; or
  - (D) After the effective date of the Release-Based Cleanup Regulations, is subject to the requirements of the Release-Based Cleanup Regulations.

**(b) *Requirements for Authorization***

This general permit authorizes each of the activities listed in Section 3(a) of this general permit provided a registration with respect to such activity has been filed with the commissioner, and an approval of registration has been issued pursuant to section 4 of this General Permit.

**(c) *Geographic Area***

This general permit applies throughout the State of Connecticut.

**(d) *Effective Date and Expiration Date of this General Permit***

This general permit is effective on the date it is issued by the commissioner and expires 6 years from such date of issuance.

**Section 4. Registration Requirements**

**(a) *Who Must File a Registration***

Any person or municipality seeking under the authority of this general permit to remove, contain or otherwise mitigate those releases specified by Section 3.a. of this General Permit shall file with the commissioner:

- (1) A registration form which meets the requirements of this section of this general permit and
- (2) The applicable fee.

**(b) *Scope of Registration***

A registrant shall submit one registration form for all activities for which the registrant seeks authorization under this general permit. The registration shall be valid for a period of two (2) years.

**(c) *Renewal of Registration***

A registrant shall submit a renewal registration not less than 60 days prior to the expiration of such registrant's previous registration. A renewal registration shall include a registration form and applicable fee, as specified by subsection (a) of this section.

**(d) Contents of Registration**

**(1) Fees**

- (A) A registration fee of \$1,000 shall be submitted with a registration form for an initial registration and a renewal registration. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.
- (B) The registration fee shall be paid in accordance with instructions provided by DEEP and payments by check or money order shall be made payable to the **Department of Energy and Environmental Protection**.
- (C) The registration fee is non-refundable.

**(2) Registration Form**

A registration shall be filed on forms prescribed and provided by the commissioner and shall include but not be limited to the following:

- (A) Legal name, address, and telephone number of the registrant. If the registrant is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, and telephone number of the registrant's attorney or other representative, if applicable.
- (C) Any information required by the commissioner to determine that the proposed subject activity is conducted in accordance with state and federal law.
- (D) The signature of the registrant and of the individual or individuals responsible for actually preparing the registration, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this general permit registration is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

“I certify that I have read the General Permit to Act as a Contractor to Contain or Remove or Otherwise Mitigate the Effects of Certain Releases issued by the Commissioner of the Connecticut Department of Energy and Environmental Protection; and that the activity which is the subject of this registration is eligible for authorization under such permit; and that a functioning and effective system is in place to assure that all such requirements are met so long as the activity which is the subject of this registration continues.”

**(e) *Effective Date of Authorization***

Any activity is authorized by this general permit on the date the commissioner issues a written approval of registration with respect to such activity.

**(f) *Where to File a Registration***

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

**(g) *Additional Information***

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

**(h) *Action by Commissioner***

- (1) The commissioner may reject a registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(d) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(d)(1) of this general permit.
- (2) The commissioner may deny a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Denial of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration, or may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were part of this general permit.
- (5) Rejection, denial, or approval of a registration shall be in writing.



## **Section 5. Conditions of This General Permit**

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a permittee shall assure that activities authorized by this general permit are conducted in accordance with the following conditions:

### **(a) Operating Conditions**

- (1) All regulated activities conducted pursuant to this General Permit shall be overseen by a Licensed Environmental Professional.
- (2) Each person physically performing the containment, removal, or other mitigation of a release, including each person operating equipment for such purpose, shall have completed the following:
  - (A) Occupational Health and Safety Administration Hazardous Waste Operations and Emergency Response training, per 29 CFR 1910.120(q)(6)(iii), and any refresher trainings necessary to maintain current certification, including annual 8 hour refresher trainings; and
  - (B) Competent Person for Excavation Contractors training, per 29 CFR 1925.
- (3) While performing the containment, removal, or other mitigation of a release, each person physically performing such regulated activities shall use proper personal protective equipment including footwear covers appropriate to the contaminants of concern and activity being performed to avoid the tracking of contaminants offsite.
- (4) All equipment performing any containment, removal, or other mitigation of a release must be decontaminated prior to its demobilization from the parcel on which the release is located. The method of decontamination and the rationale for selecting the method shall be documented in the registrant's records. The registrant shall obtain laboratory analytical results of the analysis of samples taken from such equipment that demonstrates that such equipment has been decontaminated before such equipment is used on another parcel.

### **(b) Reporting and Record Keeping Requirements**

The Registrant shall retain all records necessary to demonstrate compliance with this permit for a period of three (3) years after the completion of any regulated activities. The periods for retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the commissioner. The commissioner may inspect such records to evaluate the registrant's compliance with this Permit.

## **Section 6. General Conditions**

### **(a) Reliance on Registration**

When evaluating a registration, the commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authorization

issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

**(b) *Duty to Correct and Report Violations***

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

**(c) *Duty to Provide Information***

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

**(d) *Certification of Documents***

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

**(e) *Date of Filing***

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word “day” as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

**(f) *False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

**(g) *Correction of Inaccuracies***

Within fifteen (15) days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or becomes aware that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for registration is pending and after the commissioner has approved such request.

**(h) *Other Applicable Law***

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

**(i) *Other Rights***

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

**Section 7. Commissioner's Powers**

**(a) *Abatement of Violations***

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 to 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

**(b) *General Permit Revocation, Suspension, or Modification***

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

Issued: [DATE]

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Katherine S. Dykes, Commissioner