

Good morning Working Group members,

Last week we were happy to share with you the significant changes put into place thanks to your comments and commitment to this process over the last four plus years. If you weren't able to attend the meeting on Tuesday, please find our deck summarizing the major revisions [here](#).

We have also been discussing the minor legislative realignments the Department has proposed to smooth the transition to a release-based cleanup program. The explanation of and text for these changes is now available on the Office of Policy and Management's [webpage](#).

Also, as requested at our last meeting, the agency has extended the timeframe to provide comments on the [Release Characterization Guidance](#) to February 14, 2025. Please send comments to DEEP.Cleanup.Transform@ct.gov.

Finally, those of you who are following along on the eRegulations system may have noticed that the proposed regulations were briefly "temporarily withdrawn" this morning before being resubmitted to the Office of the Attorney General (OAG). These steps were necessary to make several small corrections to the proposed regulations, including some identified by a working group member. The changes made are detailed on the attached errata sheet; none of the corrections are substantive changes. Two were needed to ensure consistency with the comment response document and others correct drafting errors. This routine process step is not expected to impact the timeline for OAG to complete its review of the RBCRs.

As always, we are happy to discuss or answer any questions you may have.

Thank you, and have a great weekend!
Emma

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Ensuring a clean, affordable, reliable, and sustainable energy supply.*

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Errata Sheet
January 24, 2025

22a-134tt-1(a)

(2) “Active recreation” means any **recreational** activity that is not “passive recreation” as it is defined in these regulations;

§ 22a-134tt-1(a) (to bring into conformance with comment response document)

(130) “Release remediation closure report” means a report prepared pursuant to section 22a-134tt-12 of the RBCRs.

§ 22a-134tt-1(f) (to bring into conformance with comment response document)

(1) When determining the current use of land, all current uses on the parcel impacted by a release, including accessory uses **of land**, shall be considered. If any use of a parcel, or any portion of the parcel, is for residential activity, the current use of the parcel shall be residential.

§ 22a-134tt-3(b)(2)

If the person who submitted a report subsequently determines that such report was submitted in error, such person may request that the report be amended or retracted. Such request shall be made using a form prescribed by the commissioner, and shall include the date the report was submitted and a description of the error. The commissioner **may** request, in writing, any additional information necessary to determine if the report was submitted in error. If the commissioner determines the report was made in error, the report shall be amended or retracted as requested.

§ 22a-134tt-4(a)(2)(B)(i)

(B) (i) When specifying prevailing standards and guidelines pursuant to subsection (b) of this section, the commissioner shall identify the information necessary to develop a conceptual site model of a release and to complete closure characterization **of** such release; and

§ 22a-134tt-9(b)(3)(C)

(iv) Is impacted by pollutants at concentrations:

(I) Less than or equal to both the industrial/**commercial** direct exposure criteria and 15 times the applicable direct exposure criteria; or

(II) Greater than the industrial/**commercial** direct exposure criteria but less than or equal to fifteen times the applicable direct exposure criteria, provided soil with concentrations in excess of the industrial/**commercial** direct exposure criteria is not less than one foot below the **concrete or** bituminous ~~reinforced~~ concrete.

§ 22a-134tt-9(k)

(k) Conditional Exemption for Dredged Materials

Notwithstanding the requirements of this section, the reuse of dredged materials shall not be subject to:

(1) The direct exposure criteria, provided:

(A) A permit authorizing the upland reuse of dredged materials has been issued by the commissioner;

(B) Dredged materials are reused in compliance with all relevant permit terms and conditions; and

(C) Reused dredged materials are covered by one foot of crushed stone or another cover depth and material approved by the commissioner in a permit issued pursuant to sections 22a-361 or 22a-403 of the Connecticut General Statutes; and

(2) The pollutant mobility criteria, provided:

(A) A permit authorizing the upland reuse of dredged materials has been issued by the commissioner;

(B) Dredged materials are reused in compliance with all relevant permit terms and conditions; and

(C) Dredged materials are reused in a location upgradient of the water body from which such dredged ~~materials~~ spoils have been removed.

§ 22a-134tt-13(b)(3)

If additional information is required to determine whether a release record is in compliance, the commissioner shall notify the person who verified or certified the release record and the person who created or maintained the release in writing and shall commence a focused audit or full audit. A notice of audit, sent pursuant to ~~subsection (e)(2) of~~ this section, shall satisfy the requirements of this subdivision.