

“Incidental Public Roadway Releases”

For:

- Existing releases *only*
- Releases on, under or within the right of way of a public roadway
- The “person” responsible for maintain the road (DOT, Municipality)

Uses existing definition of “Public Roadway”:

“Public roadway” means any portion of a federal, state, town, or other public highway, including, but not limited to, road, street, parkway, limited access highway, boulevard, or avenue paved with bituminous concrete or concrete, under the control of the federal government, the state or any political subdivision of the state, any quasi-governmental entity or municipal economic development agency or entity created or operating under the Connecticut General Statutes, that is dedicated, appropriated, or open to the movement of vehicles or pedestrians, including appurtenant sidewalks, medians, and shoulders, but excluding landscaped or grassy areas beyond the outer edge of the travel way (Regs., Conn. State Agencies § 22a-133k-1(68))



Applies to existing releases in *soil* of:

- asphalt or asphalt byproducts
- petroleum hydrocarbons
- other substances present due to the operation of passenger motor vehicles

Applies to existing releases of *road salt*:

- In soil or groundwater
- Even if the release is a “Significant Existing Release” if a safe drinking water supply is provided

→BUT NOT to “Significant Existing Releases”

Proposed § 22a-134tt-2(X) Incidental Public Roadway Releases

(X) Notwithstanding [provisions defining “maintainer”], no person responsible for the maintenance of a public roadway shall be determined to be maintaining an incidental public roadway release on, under, or within any right of way that contains a public roadway for which such person is responsible provided that:

(A) any excavated soil impacted by an incidental public roadway release is:

(i) reused pursuant to section 22a-134tt-9(h);

(ii) properly disposed; or

(iii) or such soil is:

(I) reused in the same right of way from which it was excavated;

(II) reused in location impacted by the same release, or an existing release of the same type of substances;

(III) and, if such soil contains VOCs at concentrations greater than the applicable direct exposure criteria, such soil is 30 feet or more in every direction from a building and is reused under concrete or bituminous concrete.