

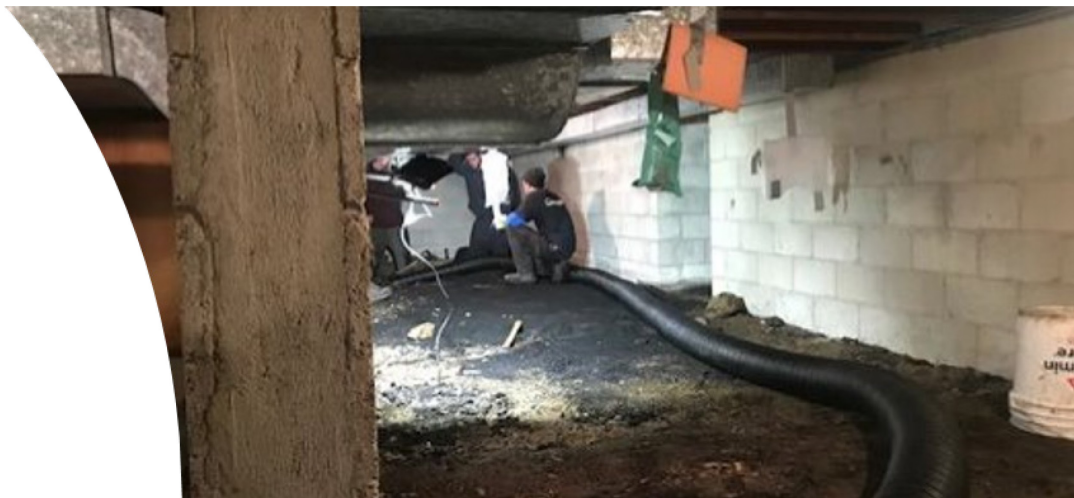


Q&A

- Special Path for Residential Heating Oil
- Soil Beneath Roads, Parking Lots, and Buildings
- New Exposure Scenarios

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Special Path For Residential Heating Oil



QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- Is it typically easily ascertainable as to who's responsibility a leak is (e.g., fuel oil delivery or installation contractor vs homeowner)?
- Is this path only available if the "Immediate Action" is initiated within a certain time following release?
- Has DEEP considered potential delays to Immediate Actions (IAs) in the event that there is a dispute or disagreement in responsibility for the release?

QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- Please confirm that non-emergent releases found based on physical observation or laboratory analysis of soil samples at residential properties with less than four units cannot use this special path.
- Does use of this special path discharge all future liability to the State for the heating oil release for the current and future owners?

QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- The Special Path requires excavation to the extent “prudent”. Can DEEP provide a preliminary definition of “prudent”?
- Will there be guidance regarding determining the “extent prudent”?

QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- To use the Special Path, must groundwater conditions be background, or can residual contamination be present if below applicable RSR criteria?
- If groundwater is impacted (either above background or in excess of RSR criteria), is there consideration for allowing pursuit of the special pathway once groundwater compliance is achieved?

QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- Is the Completion Report the only documentation that will be required under the Special Path or will something need to be filed on the land records?

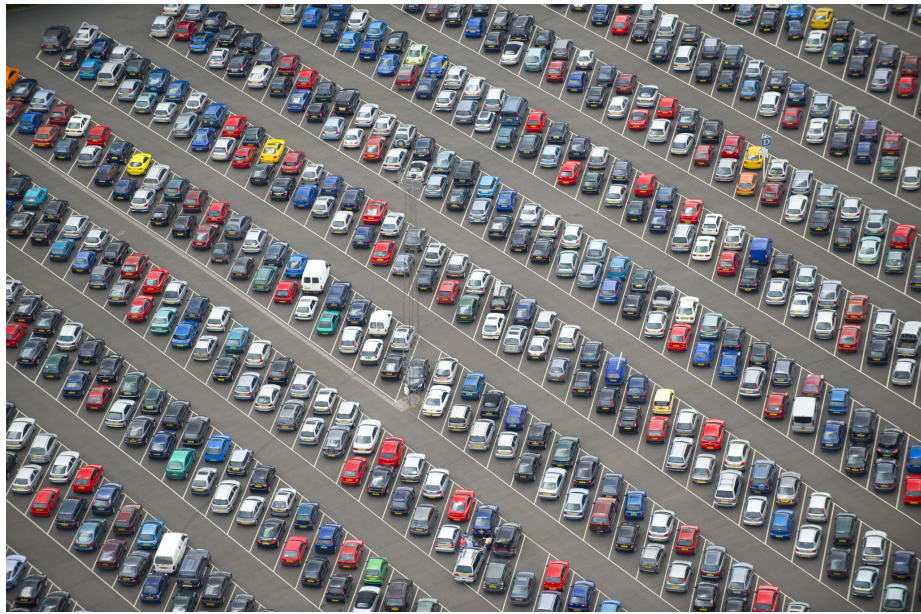
QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- If soil contamination has been removed to the extent “prudent” but contamination remains at concentrations greater than RSR criteria, will any other notice (other than the Completion Report) be required?
- Does contractor error renders a release ineligible for this pathway? What pathway would be available for those releases?

QUESTIONS ON SPECIAL PATH FOR RESIDENTIAL HEATING OIL

- Confirm that this pathway is available to both PEPs and LEPs? Is that true even if groundwater is impacted?

Soil Beneath Roads, Parking Lots, and Buildings



QUESTIONS ON SOIL BENEATH ROADS

- Is this option for soil applicable to residential properties?
- When would the provision apply?

QUESTIONS ON SOIL BENEATH ROADS

- Are transportation corridors in residential areas assumed to be industrial/commercial land use?
- Transportation corridors often include portions that are covered with pavement and other portions that are not. If pollution is discovered in unpaved portions of a transportation corridor, will it need to be addressed to meet the DEC or can

QUESTIONS ON SOIL BENEATH ROADS

- If site characterization has determined that there is not a vapor intrusion risk, why is there a distinction for VOCs when the cap is a roadway or pavement?
- Does the definition of VOC include both volatile organic substance (VOS) and volatile petroleum substance (VPS) as those terms are currently defined in the RSRs?

QUESTIONS ON SOIL BENEATH ROADS

- Were human health risk calculations used to justify the requirements that:
 - Soils less than or equal to both the industrial DEC and 15x the applicable DEC need not be remediated if under pavement, road or concrete building foundation?
 - Soil containing concentrations greater than the I/C DEC must be at least one foot below the pavement, road, or concrete building foundation?
 - If so, will the DEEP make those calculations available to the public?

QUESTIONS ON SOIL BENEATH ROADS

- Are any other contaminant types, such as PCBs, excluded from the permit-by-rule?
- How does permit-by-rule conform with TSCA?

QUESTIONS ON SOIL BENEATH ROADS

- Will DEEP define or provide guidance regarding “managing the polluted soil properly” when the bituminous concrete or concrete is being repaired or work is being performed on underlying infrastructure?
- Does DEEP intend that responsible parties prepare and execute a written soil management plan for repairs or

QUESTIONS ON SOIL BENEATH ROADS

- How would affidavit of facts work for a public right of way? Some public rights of way have chains of title where an affidavit could be recorded.
- Reference is made to “manag[ing] the polluted soil properly during the times it is temporarily exposed” for road or utility work. Given that roads might not be tied to a parcel in the land records, so an affidavit of facts would not necessarily show up in a search, how will it be documented which road segments are subject to the permit by rule?

QUESTIONS ON SOIL BENEATH ROADS

- What is ConnDOT's perspective?
- Does artificial turf count as impervious cover?

New Exposure Scenarios



QUESTIONS ON NEW EXPOSURE SCENARIOS

- Does managed residential exposure scenario include dorms in campus setting, such as those at a college or university?
- Are there consideration of depth-based exposure scenarios?
- Are land trusts not acceptable for passive recreation?

QUESTIONS ON NEW EXPOSURE SCENARIOS

- Could AstoTurf[®] be used as an impervious cover?
- Could permeable covers be employed for DEC protection under a managed residential situation to provide for on-site stormwater management (e.g. rain gardens)? This would be provided that leachability is demonstrated to not be a concern.

QUESTIONS ON NEW EXPOSURE SCENARIOS

- Will PCBs <10ppm be excluded from the Permit by Rule and Passive Recreation?
- Would the parking lot for a rails to trails or other park be included in the Passive Recreation scenario?

QUESTIONS ON NEW EXPOSURE SCENARIOS

- How does DEEP plan to modify the residential exposure scenarios for these new exposure scenarios? I.e., will it be a multiplier of existing values or separate individual criteria?
- Would the new exposure scenario criteria be less stringent than Res DEC but more stringent than I/C DEC?
- Are Passive Recreation and Managed Residential the only new exposure scenarios to be included in the new regulations? Has DEEP considered establishing a construction worker exposure scenario?

QUESTIONS ON NEW EXPOSURE SCENARIOS

- For the Managed Residential scenario, was there consideration to establishing areas for active residential using a soil cap or other similar structure that is not an Engineered Control?
- As DEEP moves forward with DPH on these new exposure scenarios, will there be opportunities to provide additional comments?

QUESTIONS ON NEW EXPOSURE SCENARIOS

- The conservation easement must run to a governmental body? What is the rationale for excluding 501(c)(3) nonprofits and land trusts?
- How will it be determined whether the area is used for just passive uses like hiking and not for the excluded uses like picnics? Would a picnic area simply be excluded and subject to residential criteria while the area around it used only for hiking would be covered?

A stylized, colorful landscape illustration. The top right corner features a bright yellow sun. Below it is a large, vibrant green hill with a dark blue outline. To the left, a smaller, light green hill is partially visible. The bottom of the image shows a light blue area representing water, also outlined in dark blue. The overall style is simple and graphic.

THANK YOU!