



RELEASE-BASED CLEANUP REGULATIONS: FINAL EDITS

Presented by: **Graham Stevens**, Bureau Chief, Water Protection and Land Reuse and **Brendan Schain**, Legal Director of Environmental Quality Branch

RELEASE-BASED CLEANUP REGULATIONS

*Response to Public Comments
& Changes to the Regulations*



Development of Release-Based Cleanup Regulations

Release-Based
Working Group

Informal comment
period

Formal comment period

First draft of
Release-Based
Regulations

Second draft of Release-
Based Regulations

Final draft of Release-
Based Regulations



Release- Based Working Group

- *56 meetings over 4 years*
- *10 subcommittees*



Release-Based
Working Group

Informal comment
period

Formal comment period

Second draft of Release-
Based Regulations

Final draft of Release-
Based Regulations

First draft of Release- Based Regulations

*Based on work done
by Working-Group
and DEEP*



Informal comment period

62 days

Release-Based
Working Group

Formal comment period

First draft of
Release-Based
Regulations

Second draft of Release-
Based Regulations

Final draft of Release-
Based Regulations



Release-Based
Working Group

Informal comment
period

Formal comment period

First draft of
Release-Based
Regulations

Final draft of Release-
Based Regulations

Second draft of Release-Based Regulations

*DEEP made edits
based on comments
received*



Formal comment period

90 days

Release-Based
Working Group

Informal comment
period

First draft of
Release-Based
Regulations

Second draft of Release-
Based Regulations

Final draft of Release-
Based Regulations



Release-Based
Working Group

Informal comment
period

Formal comment period

First draft of
Release-Based
Regulations

Second draft of Release-
Based Regulations

Final draft of
Release-Based
Regulations

*New and significant
changes based on
comments received*



New and significant changes based
on comments received:





Releases on parcels with owner-occupied single-family homes below “significant existing release” threshold **EXCLUDED** from Release-Based Cleanup Regulations for existing releases.

*22a-134tt-1(i) Residential Exemption,
Categorical Exemptions, and Lower Bounds*





New **LOWER BOUNDS:**
25% or less of cleanup
standards exempt.
50% or less only must do
limited and prescribed
investigation (3-5 samples).



*22a-134tt-1(i) Residential Exemption,
Categorical Exemptions, and Lower Bounds*





New **LOWER BOUND** for
emergent reportable
releases: exemption from
Release-Based Regulations for
many new releases at less
than 2x reportable quantity.

22a-134tt-1(a) Definitions





EXPEDITED audit
timelines to facilitate
residential transactions;
determination within
3 days.

*22a-134tt-13(e)(2) Audit Determinations for
Real Estate Transactions Involving Single
Family Homes*





LIMIT circumstances in which release can be discovered through multiple lines of evidence to “in the course of an investigation”.

22a-134tt-2(a) Discovery of an Existing Release

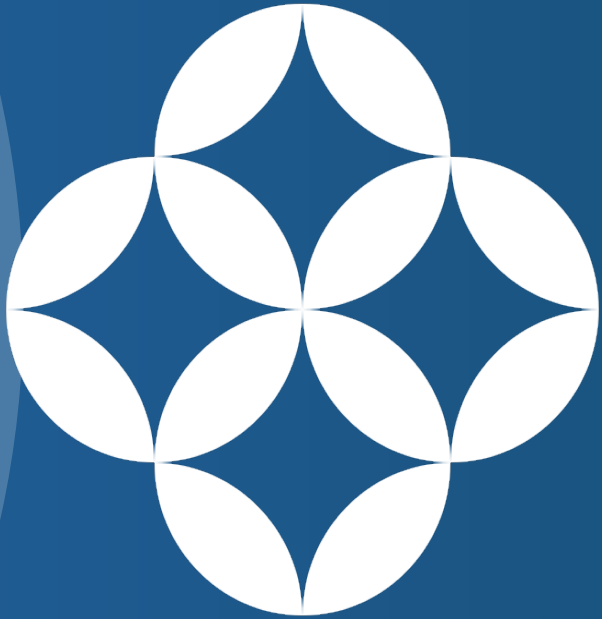




New **FEE EXEMPTIONS**
for single family
homeowners, **FEE**
REDUCTION for
multifamily.

22a-134tt-6(f) Fees





Lowered fees and
streamlined process
enabled by **GROUPING**
releases discovered at or
around the same time.

22a-134tt-6(f) Fees and 6(h) Grouping





Single family home exclusion



Fee reduction
via grouping



Residential fee
reductions



Multiple lines of evidence



Audit timelines



Lower bounds 25%,
50%



Emergent
reportable release

Questions

