

Subject: RE: Working Group Topics and Presentations

Good evening,

In advance of tomorrow's Working Group meeting, please find our three presentations attached and summaries of these presentations below.

Thank you for everyone's efforts in our new format for meetings and back and forth discussions on our substantive topics. I think that our most recent question and answer session went really well. Submitting your questions and comments in advance of the meeting allowed DEEP the time to formulate well-thought-out responses. Also, don't forget that we are still accepting written comments on these topics, as we have done throughout.

Release Closure Documentation

This presentation will summarize documentation that will be submitted under the new cleanup program. A release remediation closure report indicates that the cleanup standards have been satisfied and that no further action is required regarding the release whether verified, certified, or issued by the commissioner. The presentation will go through contents of release remediation closure reports for various types of releases, what to do with that report, further information on verifications and certifications, and specificity on types of reports that require a verification.

Release-based Program Fees

This presentation will summarize the work DEEP has done to benchmark other cleanup program and summary of proposed fee structure for the new cleanup program.

Audits

The final substantive presentation will cover all topics associated with audit of verifications and certifications.

We look forward to our final substantive discussion meeting. And the follow-up Q&A session in 2 weeks' time.

We look forward to seeing you on Tuesday!

Best,
Graham



RELEASE DOCUMENTATION

Allison Forrest-Laiuppa, John Gallalee, Monica Meschiatti, Katherine Nee, and Lynn Olson-Teodoro

RELEASE REMEDIATION CLOSURE REPORT

A release remediation closure report indicates that the cleanup standards have been satisfied and that no further action is required regarding the release whether verified, certified, or issued by the commissioner



CONTENTS OF RELEASE REMEDIATION CLOSURE REPORT

- Name, phone number, and email address of the creator/maintainer
- Property address and GIS coordinates of the release
- Date of discovery
- Date of reporting (if reporting was required)
- Date of first tier assignment (if tier assignment was required)
- Release records
- Remediation records
- LEP's verification or, for a small subset of releases, PEP's certification

Note: some reports will be retained and not submitted to DEEP

FOR RELEASES THAT DON'T IMPACT GROUNDWATER

- Describe the setting of the release (groundwater and surface water classifications, abutting land uses, potential receptors, etc.)
- Describe the nature, extent and degree of the release
- Describe remediation efforts
- If excavation was performed, excavation sidewalls and bottom analytic results
- Demonstration that contamination has not reached the groundwater
- Site map showing sample locations
- May be verified by an LEP or – in certain specified circumstances certified by a PEP



FOR RELEASES THAT IMPACT GROUNDWATER

- Describe the setting of the release (groundwater and surface water classifications, abutting land uses, potential receptors, etc.)
- Describe the nature, extent and degree of the release
- Describe remediation efforts
- Variances and compliance measures used
- Analytic results showing soil and groundwater meet RSR standards
- Site map showing sample locations
- EURs or NAULs
- Must be verified by an LEP



WHAT TO DO WITH A RELEASE REMEDIATION CLOSURE REPORT

- Submit it to the commissioner, if:
 - The report is for an ERR certified by a PEP; or
 - The report is for an ERR and the release was assigned to a tier;
 - The release was an existing release required to be reported
 - For releases that were not required to be reported to DEEP, within 30 days if the commissioner requests the report
- Creator/maintainer must retain the report for 10 years



FORM OF VERIFICATION AND CERTIFICATION

Verification:

- LEPs will perform verification by:
 - Signing the release record (IA, Tiering, Closure Report)
 - Affixing the LEP's seal
 - Providing whatever other information is required by the document

Certification:

- PEPs will perform certification by:
 - Signing the release record
 - Providing their permit number and expiration date
 - Providing whatever other information is required by the document



REPORTS REQUIRING VERIFICATION

- All IA reports, except limited universe where certification is specified

Note: LEPs may verify any type of IA report

- Tier assignment
- changes in tier assignment
- all release remediation closure reports, except for the limited universe where certification is specified

Note: LEPs may verify any type of closure report

REPORTS THAT REQUIRE EITHER VERIFICATION OR CERTIFICATION

- IA reports for emergent reportable releases that are:
 - **not** discovered through lab analysis of samples; and
 - **not** impacting groundwater
- A release remediation closure report for a small subset of releases that are:
 - to soil only or of home heating fuel where groundwater meets criteria; and
 - for which the quantity and nature of the released material is known; and
 - when remediation has commenced within 2 hours of the release's occurrence

Please submit any questions
within 7 business days to
DEEP.Cleanup.Transform@ct.gov

THANK YOU!



AUDITS OF RELEASE RECORDS

Presentation Team: Carolyn Fusaro, Monica Meschiatti, Claire Quinn, Amber Trahan, Kevin Vanderveer

OVERVIEW OF AUDIT TOPICS



What can be audited



Frequency of audits



Types of audits

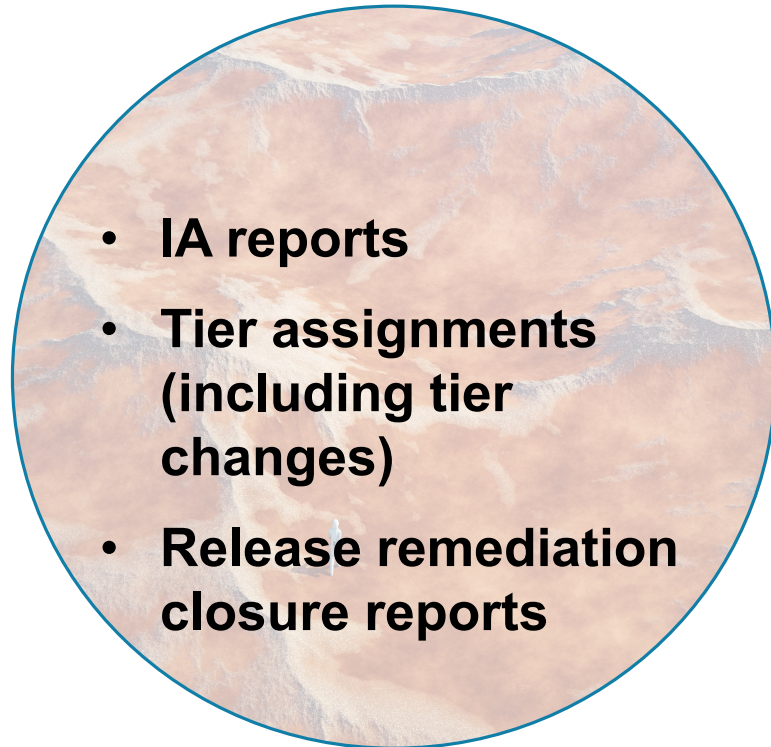


Reopening of verifications and certifications

WHAT CAN BE AUDITED?

Any release record can be audited

LEP Verified Records

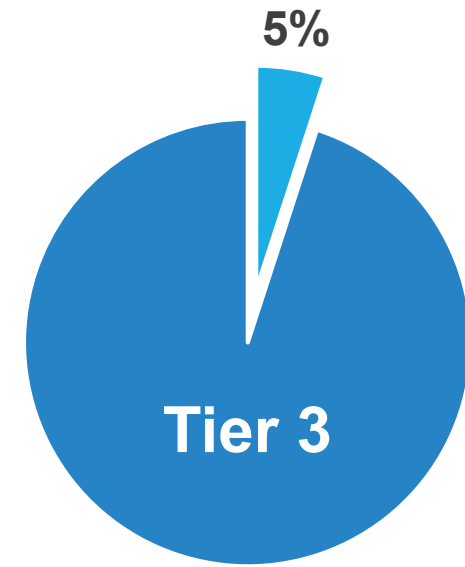
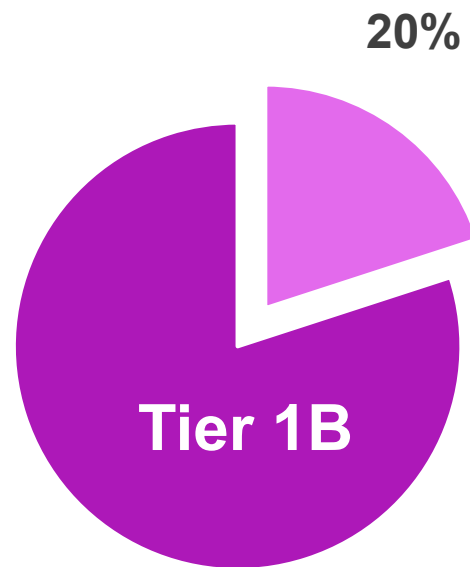
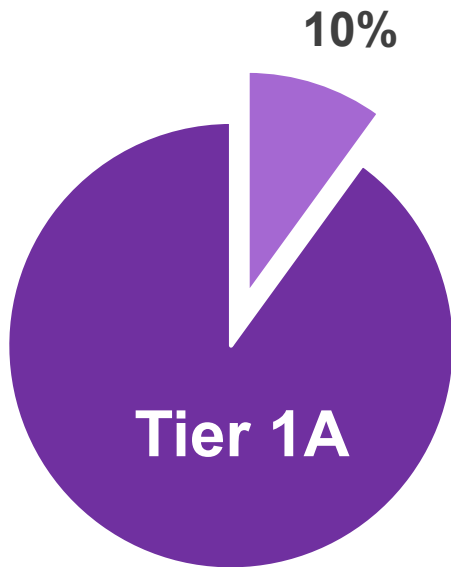


PEP Certified Records



FREQUENCY OF AUDITS

Goal is to conduct audits on a percentage of releases from each tier based on the initial tier assignment:



TYPES OF AUDITS AND PROCESS

Type	What	Notice of Audit	Possible Outcomes	Timeline
Screening	Review of 1 release record	⊘	Accept (no written notice) Reject ↻ Focused audit ↻ Full audit*	Complete: 180 days
Focused	Review of 1 release record or issue identified during screening audit	☑	Accept Reject ↻ Full audit*	Initiate: 180 days Complete: 18 mo.
Full	Review of any or all release records AFTER submission of a closure report	☑	Accept Reject	Initiate: 180 days** Complete: 2 yrs.

**A full audit may be initiated only after closure documentation has been received*

***Unless continued from a focused audit*

REOPENING VERIFICATIONS & CERTIFICATIONS

A reopener can occur after an audit has been completed or after the timeframe to conduct an audit has passed when:

- ❏ A verified or certified record relied on inaccurate or misleading information or included misrepresentations
- ❏ A verification is submitted pursuant to an order
- ❏ A verification relies on an ELUR that was not recorded
- ❏ Violation of CGS 22a-134qq to 22a-134tt
- ❏ Information is identified indicating that remediation failed to prevent a substantial threat to public health or the environment

Please submit any questions within
7 business days to
DEEP.Cleanup.Transform@ct.gov

Thank You



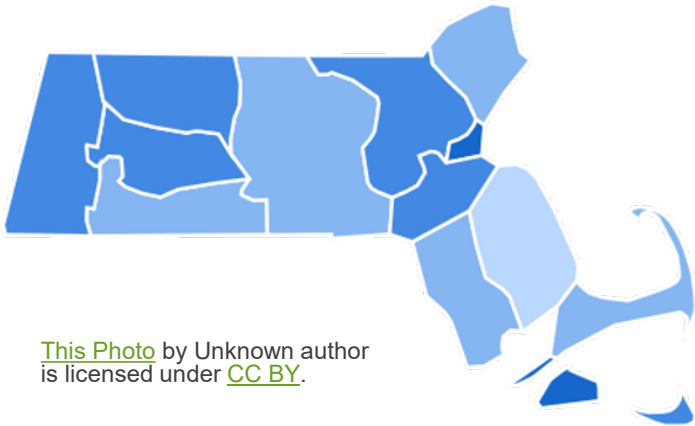
FEES

By: Alessandra Alling, Ryan Mowry, Kevin Neary, and Peter Zaidel

NEARBY STATE REVIEW

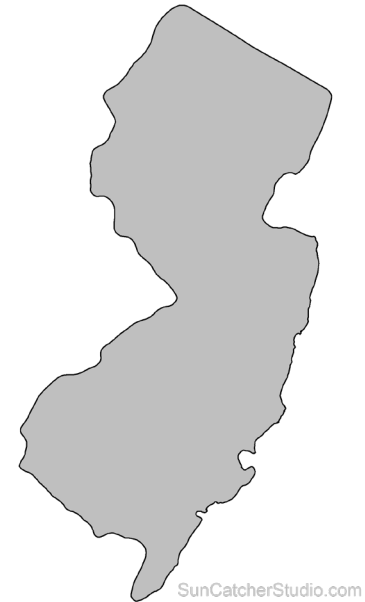
- New Jersey and Massachusetts both have similar release based programs with Annual and One-time fees
- When annual fees are due they are based on date of discovery

- **Massachusetts has a Tiering system with low risk sites having a lower annual fee**



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- **New Jersey fees are based on the number or release areas per site and number of media impacted**



SunCatcherStudio.com

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NEW JERSEY

- Annual fees for any release (aka Contaminated Area of Concern) that has not been closed out/achieved a cleanup standard within 1 year
- Annual fees are based on the number of release areas per site (NJ still operates parcel-wide)
- Annual fees per release also increase for each media impacted beyond soil
 - Additional \$1,570 annually per additional impacted media (groundwater, surface water, sediment)
- Calculation for Annual Fee

# Release Areas	Annual Fees
0–1	\$925
2–10	\$1,825
11–20	\$10,175
>20	\$20,350

$$\text{Annual Fee} = \left(\frac{\text{CAOC}}{\text{Base Fee}} \times \text{Category Multiplier} \right) + \left(\frac{\text{CM}}{\text{Base Fee}} \times \text{Number of Contaminated Media} \right)$$

NEW JERSEY

- One-time fees

- Soil Remedial Permits
(EC, EURs, Long-term Vapor extraction)

Application Fee	\$1,430
Modification Fee	\$1,320
Transfer Fee	\$550
Termination Fee	\$1,100
Annual Fee	\$550 - \$650

- MNA or GW Remediation Permits

Application Fee	\$880
Modification Fee	\$880
Transfer Fee	\$440
Termination Fee	\$550
Annual Fee	\$660 - \$760

- No fee for non-profit or government entity
- No fee if only RA is WSPF
- Releases from Registered USTs automatically in 2-10 RA fee structure
- 14,973 RA in FY 2022 with 15.448 million from annual fees and 8.318 million from contaminated media fees (35% of all RA impacted secondary media)

MASSACHUSETTS

- Annual fees for any release without a Permanent Solution or a Downgradient Property Status filed within first year
- Annual fees are based on the tier of the release, which correspond to the severity of the release and the amount of oversight required by MassDEP
- Tier is determined by the status of the release on the annual status date

Release Tier	Annual Fees
Tier ID	\$4,915
Tier I	\$4,320
Tier II	\$2,455
Phase V	\$980
Temporary Solution	\$980

MASSACHUSETTS

- One-time fees for:
 - **Permanent Solution (\$1,470)**
 - **Downgradient Property Status (\$1,965)**
 - **Release Abatement Measure Plan (\$980)**
 - **Notice of Activity and Use Limitation (\$2,000)**
- Some fees, but not all, are reduced for homeowners
- No one-time fees if cleanup completed within 120 days
- Certain one-time fees may not be applicable based on timing of filing during cleanup
- A new party to the cleanup can restart the timeline to cleanup
- Releases can be linked together
- Special projects at complex releases can request a Special Project Designation that extends deadlines with a \$920 application fee

CT COMPARISON TO NJ AND MA? DON'T WANT TO ADD

- NJ If CT received 1098 newly discovered historical releases based off NJ fee structure assuming 70% impacted GW (% from verification screening data).
- $(1098 \times \$925) + (769 \times \$1570) = \$2,222,980$ annually
- MA If we conservatively assume that 1098 of CT release would Tier under MA Tier II (annual fee of \$2,455 for non-residential)
- $(1098 \times \$2455) = \$2,695,590$ annually
- 1098 releases are inherently conservative and are based off 6 release areas per site and 182 Property Transfers and Voluntary filings per year. This is a conservative number due to the establishment definition being limiting to only certain business types.

CONNECTICUT FEE PROPOSAL

- **Fee at time of tiering**
- Higher fees for more stringent tiers
- **Annual fees for releases yet to be closed**
- Annual fee increases
- **Fee Structure Benefits:**
- No fees for quick remediation (<1 year)
- Uncomplicated / easy to implement for DEEP and all parties
- Increased fees for missing deadlines

CT PROPOSED REGISTERED UST RELEASE CLEANUP FEES ADD???

- Beginning 12 months after the date of the discovery of a release an annual fee is required until the remedial action has been approved.
- Annual Groundwater Monitoring fee, starts after 2nd year following remedial action until groundwater compliance monitoring is completed.

Annual Fee - Until Remediation Action Approved	
Year 1	\$1,000
Year 2	\$2,000
Year 3	\$4,000
Year 4	\$8,000
Year 5	\$12,000 (max)

Annual GW monitoring fee	
Year 1	\$1,000
Year 2	\$2,000
Year 3	\$4,000
Year 4	\$8,000
Year 5	\$12,000 (max)

POTENTIAL CT FEE STRUCTURE

- Annual fees decrease with lower tiers
- Multi-release sites
 - ?
- One-time Fee
 - ?

Tier	Annual Fees
Tier 1A	\$5,000
Tier 1B	\$2,500
Tier 2	\$1,250
Tier 3	\$500



THANK YOU!

Please submit any questions by December 18 at
10:00AM to DEEP.Cleanup.Transform@ct.gov.