

Subject: Working Group Updates

Dear Working Group Members,

I write to announce a change in the standing agenda for upcoming working group meetings. We have finished the brainstorming phase of the process; no future subcommittees or ad hoc teams are anticipated. As we have previously discussed, the pace will increase as the Department works to meet its goal of providing draft regulations by the end of this calendar year. There are more topics on which the Department will share its thinking with the working group than there are months left in the calendar year. Our agenda and work plan must reflect this new phase.

We hope that these changes will address two important goals. First, we want to seek advice and feedback on topics important to you and the agencies. Second, we want to make sure that we're giving the working group thorough and well thought out responses to your feedback and questions. I have seen this group work through really challenging topics when we have productive exchanges.

Please note the following adjustments:

- Beginning in September, the Department will offer two or more presentations each month. **In September, presentations will include: 1) an overview of required immediate actions for significant existing releases (“SERs”), and 2) the process for determining “background” at the time of discovery.** The Department is hard at work finalizing concepts and, in some instances, draft regulatory language to present at the October, November, and December meetings. Topics are anticipated to include, but may not be limited to:
 - immediate action endpoints, documentation, and tiering of remaining impacts
 - a “special path” for historical fill
 - one or more “exposure scenarios” in addition to residential and industrial/commercial
 - adjustments to the cleanup standards for residential heating fuel releases
 - a discussion of closure documentation and audits
 - an optional, site-wide cleanup approach
 - fees
- The Department will provide each presentation, and any relevant draft regulatory language, as far in advance of the meeting as is possible. Materials will be provided no later than the Friday before the meeting, and a week in advance whenever possible.
- To ensure the Department can provide thorough and well thought out responses to working group feedback and questions, we ask that questions be submitted in writing, up to seven (7) days following the presentation.
- Beginning in September, on the 4th Tuesday of each month (or on another date when holidays complicate scheduling), the Department will host a second monthly meeting to answer written questions received. Note that the Department will not respond to comments at this meeting. Instead, the Department will review the written questions received in advance of the meeting; identify and group relevant comments; and provide answers, clarifications and additional information. We hope that this process will allow working group members to listen to

presentations and spend time thinking about the topic in the context of the overall program framework before submitting written questions.

- The Department will still solicit feedback on the topics presented. After the question and answer session, the Department will accept written feedback on presentation topics on an ongoing basis.

This new approach will help us work together efficiently to disseminate information, answer questions, and receive the working group's important feedback. If we find that this system needs to be modified, we are happy to have that conversation.

The Department is also working on an updated version of the "first-year roadmap." Roadmap "version 2.0" will include: updates on terminology to be used in the release-based regulations; links to relevant presentations or draft language; and information on the schedule for presentations for remaining topics. The Department will continue to update this roadmap, which, together with the "tiers checklist," serves as the skeleton around which the proposed regulations will be built.

I am also providing – in redline, and in clean text – an updated "tiers checklist." As discussed, these edits were made as a result of discussions with the Tiers Checklist Ad Hoc Team. I would like to thank the members of the ad hoc team for their time and their interest on this important piece of the future regulations. The tiers checklist has benefited from these focused conversations.

We hope that as we enter the next phase of the working group, that the meetings and exchange of ideas will increase in value. Everyone has put in so much effort to date, whether through meeting participation, commenting on documents, being on subcommittee or one of the various team. We greatly appreciate your advice and feedback as we look to reshape Connecticut's future through a transformation of its cleanup program.

With gratitude,
Graham

Graham J. Stevens
Chief

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TIER CHECKLIST

Please fill out this form from the beginning each time tiering is conducted. If this is a re-tiering, please include a copy of the last submitted Tier Checklist. If the release complies with the cleanup standards, tiering may not be necessary, and closure documentation should be submitted. Refer to the Tiering Checklist Instructions for more information on how to fill out and submit this form properly. The address in the headers will automatically update upon printing (including printing to pdf) or print-previewing.

Part I: General Information

Placeholder for Site address, contact information, and date of release discovery.

Part II: Certifications

Placeholder for signatories/certifications.

DRAFT

Part III: Tier Determination

Tier 1A

Answer the following questions. Any box checked in the Tier 1A Indicator column at right designates the release as Tier 1A.

		Tier 1A Indicator
1. Receptors are known and documented		
1a. A scoping level ecological risk assessment has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1b. A drinking water receptor survey has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1c. A vapor intrusion receptor survey has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Does/did the release require Immediate Action under [ref. TBD]		
2a. Immediate Action requirements have been met	<input type="checkbox"/> No (Skip to line 3) <input type="checkbox"/> Yes (Proceed to 2a)	<input type="checkbox"/> No
	<input type="checkbox"/> Yes	
3. Tier characterization is complete.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If any boxes in this column are checked, stop here. This release is Tier 1A.  Otherwise proceed to Tier 1B determination.

Tier 2

If any of the Tier 1A or 1B indicators above are checked, do not proceed with Tier 2 determination.

Answer the following questions. Any box checked in the Tier 2 Indicator column at right designates the release as Tier 2.

1. All potential receptor pathways have been eliminated or investigations demonstrated that there are no receptor pathways (note: if vapor intrusion or drinking water pathways have not been eliminated, the release must be Tier 1B per question 3 under Tier 1B).

Yes

No

2. A scoping or screening level ecological risk assessment identified the need for a site-specific ecological risk assessment

No (Skip to line 3)
 Yes (Proceed to 2a)

2a. A site-specific ecological risk assessment has been completed and ecological risk has been addressed.

Yes

No

3. Soil remediation is/was required.

No (Skip to line 4)
 Yes (Proceed to 3a)

3a. Soil impacted by the release complies with the soil standards (including recording necessary EURs).

Yes

No

4. Groundwater complies with the groundwater standards (including completion of any applicable groundwater compliance monitoring).

Yes *
 No (Proceed to 4a)

4a. The only groundwater remediation remaining is MNA. Information required by [ref. TBD] has been submitted.

Yes

No

Tier 2 Indicator

No

No

No

No

No

No

If any boxes in this column are checked, stop here. This release is Tier 2. Otherwise proceed to Tier 3 determination.

*If the release complies with the cleanup standards, tiering may not be necessary.

Tier 3

If any of the Tier 1A, 1B, or 2 indicators above are checked, do not proceed with Tier 3 determination.

Answer the following questions. Any box checked in the Tier 3 Indicator column at right designates the release as Tier 3.

MNA is being conducted in accordance with [ref. TBD]

No *

**Tier 3
Indicator**

Yes

If any boxes in this column are checked, this release is Tier 3.

*If the release complies with the cleanup standards, tiering may not be necessary.

Part IV: Attachments

Check all that apply and attach appropriate documentation to this form:

Attachment A – Previous Tier Checklist (if this is a re-tiering)

Attachment B – Supporting Documentation [citation to regs. for required documentation TBD]



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TIER CHECKLIST

Please fill out this form from the beginning each time tiering is conducted. If this is a re-tiering, please include a copy of the last approved-submitted Tier Checklist. If the release complies with the cleanup standards, tiering may not be necessary, and closure documentation should be submitted. Refer to the Tiering Checklist Instructions for more information on how to fill out and submit this form properly. The address in the headers will automatically update upon printing (including printing to pdf) or print-previewing.

Part I: General Information

Placeholder for Site address, contact information, and date of release discovery.

Part II: Certifications

Placeholder for signatories/certifications.

DRAFT

Part III: Tier Determination

Tier 1A. ~~DEEP Oversight~~

Answer the following questions. Any box checked in the Tier 1A Indicator column at right designates the release as Tier 1A.

	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Tier 1A Indicator
21. Receptors are known and documented	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No
21a. A scoping level ecological risk assessment has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No
21b. The potential for a drinking water exposure pathway to be present has been evaluated receptor survey has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No
21c. The potential for a vapor intrusion receptor survey has been completed exposure pathway to be present has been evaluated.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No
42. Does/did the release qualify as an Significant Existing Release requiring require Immediate Action under [ref. TBD]	<input type="checkbox"/> No (Skip to line 23) <input type="checkbox"/> Yes (Proceed to 4a2a)		
4a2a. Immediate Action requirements have been met	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No
3. Release characterization is complete (soil and groundwater) Tier characterization is complete.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No

Commented [VK1]: To be defined.

If any boxes in this column are checked, stop here. This release is Tier 1A.  Otherwise proceed to Tier 1B determination.

Tier 1B - LEP Oversight - Receptor Risk

If any of the Tier 1A indicators above are checked, do not proceed with Tier 1B determination.

Answer the following questions. Any box checked in the Tier 1B Indicator column at right designates the release as Tier 1B.

		Tier 1B Indicator
1. Groundwater has been impacted by the release.	<input type="checkbox"/> No (Skip to line 2) <input type="checkbox"/> Yes (Proceed to 1a)	
1a. Groundwater plume migrates off of the source parcel.	<input type="checkbox"/> No (skip to line 2) <input type="checkbox"/> Yes (proceed to 1b)	
1b. Off-site groundwater plume exceeds applicable groundwater criteria.	<input type="checkbox"/> No	<input type="checkbox"/> Yes
2. A scoping level ecological risk assessment has been completed. The scoping level ecological risk assessment identified potential exposure pathways.	<input type="checkbox"/> No (skip to line 3) <input type="checkbox"/> Yes (proceed to 2a)	<input type="checkbox"/> No
2a. A screening level ecological risk assessment was warranted.	<input type="checkbox"/> No (skip to line 3) <input type="checkbox"/> Yes (proceed to 2b)	
2b2a. A screening level ecological risk assessment has been completed.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. For releases that include volatile organic substances, a vapor intrusion or groundwater receptor pathways are present.	<input type="checkbox"/> No (skip to line 4) <input type="checkbox"/> Yes (Proceed to 3a & 3b)	
3a. Vapor intrusion pathway is present, and groundwater complies with volatilization criteria provisions [RSR ref. TBD].	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. A drinking water receptor pathway is present.	<input type="checkbox"/> No (skip to line 5) <input type="checkbox"/> Yes (Proceed to 4a)	
3b4a. Drinking water pathway is present, and groundwater complies with GWPC provisions [RSR ref. TBD].	<input type="checkbox"/> Yes	<input type="checkbox"/> No
45. A Remedial Action Plan has been prepared.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If any boxes in this column are checked, stop here. This release is Tier 1B. Otherwise proceed to Tier 2 determination.

Tier 2. ~~LEP Oversight – Controlled Risk~~

If any of the Tier 1A or 1B indicators above are checked, do not proceed with Tier 2 determination.

Answer the following questions. Any box checked in the Tier 2 Indicator column at right designates the release as Tier 2.

1. All potential receptor pathways have been eliminated or investigations demonstrated that there are no receptor pathways (note: if vapor intrusion or drinking water pathways have not been eliminated, the release must be Tier 1B per question 3 under Tier 1B).

Yes

No

2. A scoping or screening level ecological risk assessment identified the need for a site-specific ecological risk assessment

No (Skip to line 3)
 Yes (Proceed to 2a)

2a. A site-specific ecological risk assessment has been completed and ecological risk has been addressed.

Yes

No

3. Soil remediation is/was required.

No (Skip to line 4)
 Yes (Proceed to 3a)

3a. Soil impacted by the release complies with the soil standards (including recording necessary EURs).

Yes

No

4. Groundwater complies with the groundwater standards (including completion of any applicable groundwater compliance monitoring).

Yes *
 No (Proceed to 4a)

4a. The only groundwater remediation remaining is MNA. Information required by [ref. TBD] has been submitted.

Yes

No

Tier 2 Indicator

If any boxes in this column are checked, stop here. This release is Tier 2. Otherwise proceed to Tier 3 determination.

*If the release complies with the cleanup standards, tiering may not be necessary.

Tier 3 - ~~Monitoring Oversight~~

If any of the Tier 1A, 1B, or 2 indicators above are checked, do not proceed with Tier 3 determination.

Answer the following questions. Any box checked in the Tier 3 Indicator column at right designates the release as Tier 3.

MNA is being conducted in accordance with [ref. TBD]

No *

**Tier 3
Indicator**

Yes

If any boxes in this column are checked, this release is Tier 3. 

*If the release complies with the cleanup standards, tiering may not be necessary.

Part IV: Attachments

Check all that apply and attach appropriate documentation to this form:

Attachment A – Previous Tier Checklist (if this is a re-tiering)

Attachment B – Supporting Documentation [citation to regs. for required documentation TBD]