

# P.A. 20-9 Working Group on Release-Based Cleanup Regulations

Tenth Meeting

September 14, 2021

1 PM

via Zoom



Connecticut Department of Energy and Environmental Protection

# Agenda Overview

- I. Remarks by Agencies
- II. Remarks by Legislators
- III. Subcommittee Concept Papers
  - Q&A session with DEEP
  - Ad Hoc Teams Topical Report Outs
  - Further charge Drafting Team
- IV. Action Items
- V. Public Comments



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# I. Remarks by Agencies



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## II. Remarks by Legislators



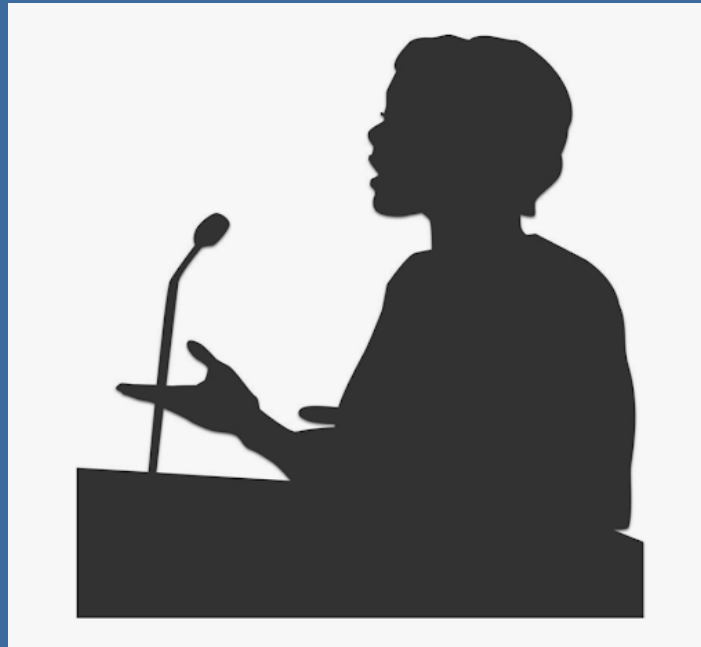
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# Question & Answer Session

- DEEP Representatives



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# Submitted Questions

- The RBP Transition Group and the initial five RBP subcommittees unanimously concur that it is imperative that the new RBP regulations do not become effective until all related statutory/regulatory changes have been enacted and key guidance documents, instructions, and related forms etc. concurrently are or previously have been developed and issued in order to achieve a seamless transition. Failing such integration, it is predictable that exponentially more confusion, uncertainty, and hardship will arise than have from the February 2021 RSR Wave 2 changes that, while comparatively simple, resulted in a six-plus month stoppage of ELUR applications.
- Is DEEP in agreement that the described integrated approach is critical to the successful implementation of the RBP?
- If not, why not and what is the planned alternative?
- If so, can DEEP provide a summary and general time line of the steps envisioned to affect necessary statutory and regulatory changes and issue supporting forms, instructions, and guidance?



# Submitted Questions

- This comment is probably mainly for Group 1, but addresses a wider question on what should be allowed in the dumping (and burial) of certain types of waste, especially in construction debris.
- In three recent local development projects, Rivers Alliance has encountered the issue that “Clean Fill,” as defined by DEEP, is not very clean. DEEP itself has recognized this problem. (See link to 2008 report below.)
- Some of the constituents in Clean Fill should not be deposited in or near water resources, especially AA waters, although this is now apparently legal.
- I am concerned that the present work on release-based remediation may grandfather permission for dumping or maintaining debris where it should not be.
- Issues with concrete, in particular, were recently brought to our attention.
- Concrete debris should probably be treated as hazardous to some degree. Two links follow.
- The final link is to a DEEP report from 2008 recommending re-classifying some types of clean fill as regulated. Good idea.

Here follows an excerpt from the concept paper on Discovery of Historic Releases and Characterization of Historic Releases. I added emphasis on the problematic wording. I see that in the Note, that the group recommended thresholds for what would be considered normal background. Very important.

## Discovery of Historic Releases

Anthropogenic background” means those levels of oil or petroleum or chemical liquids or solids, liquid or gaseous products that are not attributable to a specific release and which are: a. attributable to atmospheric deposition of industrial process or engine emissions and are ubiquitous and consistently present in the environment; b. releases to groundwater from a public water supply system; c. petroleum residues that are incidental to the normal operation of motor vehicles; d. **Constituents of concrete and breakdown of concrete**; or e. **Natural breakdown of bituminous concrete in the state of its intended purpose in the absence of mechanical removal, landfilling, etc.**

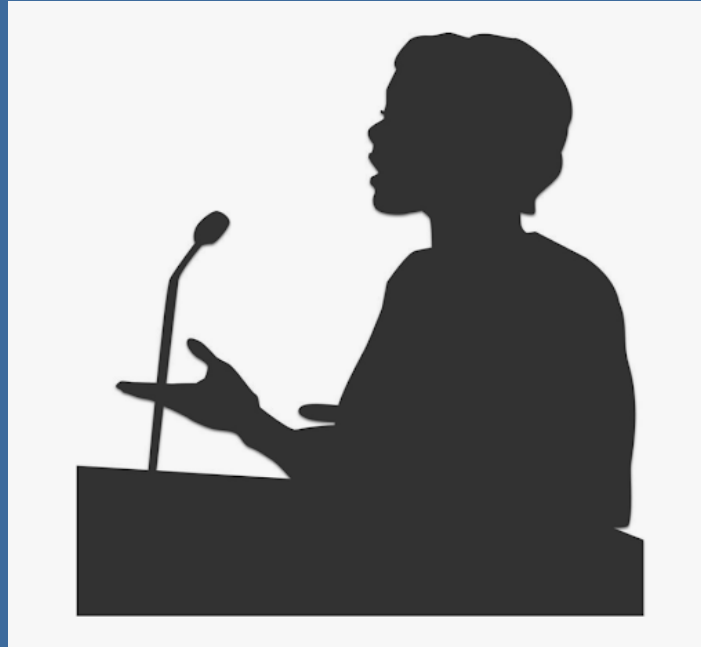
Note: For both “naturally occurring substances” and “anthropogenic background” we strongly suggest that the regulations set out concentrations for common constituents that will represent a rebuttable presumption that the constituents found are either “naturally occurring substances” or “anthropogenic background.”



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# Report Out

- Historical Fill & Anthropogenic Background Ad Hoc Team



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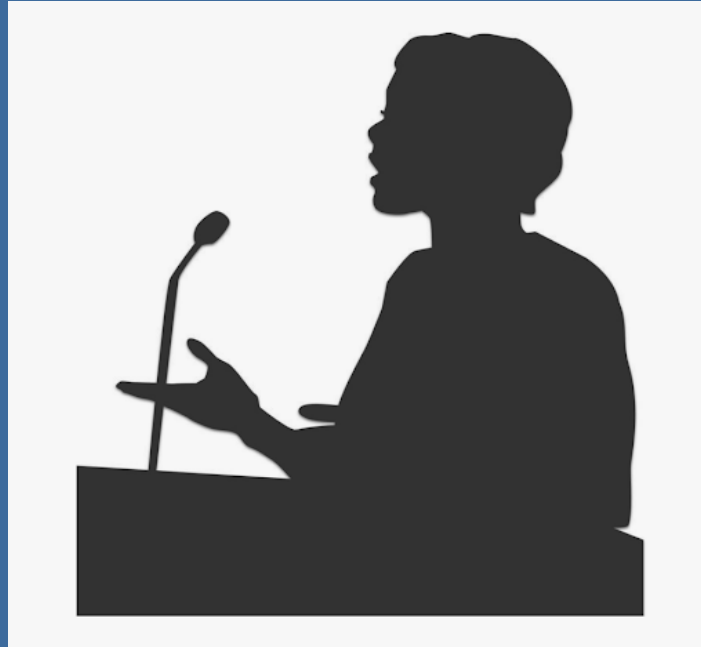
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# Report Out

- Releases on Residential Properties Ad Hoc Team



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# Drafting Team Discussion

- Report by the Drafting Team on its plan and questions for the Working Group members
  - What should be the frequency by which the Drafting Team shares drafts and questions?
  - How should the Drafting Team weigh diverse Working Group input?



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# III. Upcoming Tasks for Review of Concept Papers

## Key Dates

## Tasks/Objectives

June 11 - 15<sup>th</sup>

- Subcommittee Concept Papers due to Working Group
- DEEP to post on its webpage (6/15) and alert stakeholder of 3 week comment period

July 13<sup>th</sup> – Working Group Meeting

- DEEP to seek volunteers for Ad Hoc Teams & seek Ad Hoc
- DEEP to distribute written comments received on Subcommittee concept papers and summarize comments
- DEEP to submit its comments on concept papers
- Working Group to host Q&A session with co-chairs of Subcommittees 1 and 2

August 10<sup>th</sup> – Working Group Meeting

- Create and Charge Ad Hoc Teams
- Working Group hosts Q&A session with co-chairs of Subcommittees 3, 4 & 5
- Ad Hoc Teams Topical Discussions
- Create and charge Drafting Team

September 10<sup>th</sup>

September 14<sup>th</sup> – Working Group Meeting

- Submit written questions to DEEP for Sept. 14<sup>th</sup> panel
- Working Group to host Q&A session with DEEP
- Ad Hoc Teams Topical Discussions
- Further charge Drafting Team

October 12<sup>th</sup> – Working Group Meeting

- Ad Hoc Teams Topical Discussions
- Discussion on Drafting Team output

October 26<sup>th</sup> – Special Meeting of Working Group

- Discuss and adopt final advice and recommendations from Drafting Team and transmit Concept Papers with recommendations and advice on key components of such concepts, and questions or suggestions

# *Transparency* – Meetings Show Formulation of Advice and Feedback



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# *Public Comment*

Additional feedback can also be sent to:  
[DEEP.Cleanup.Transform@ct.gov](mailto:DEEP.Cleanup.Transform@ct.gov)



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