

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

25<sup>th</sup> Meeting

December 13, 2022  
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
  - Third Phase Subcommittee Report Outs
  - Substantive Conversation: Simple RSRs Changes
- IV. Action Items
- V. Public Comments



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# I. Remarks by Agencies



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## II. Remarks by Legislators



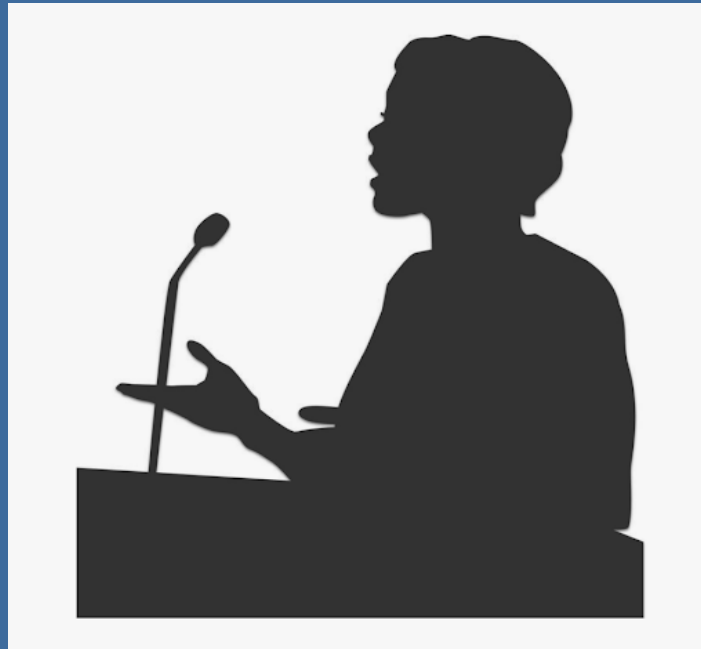
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# Subcommittee Report Out/Discussion

## Subcommittee 9 - Cumulative Risk and Risk-Based Alternative Approaches



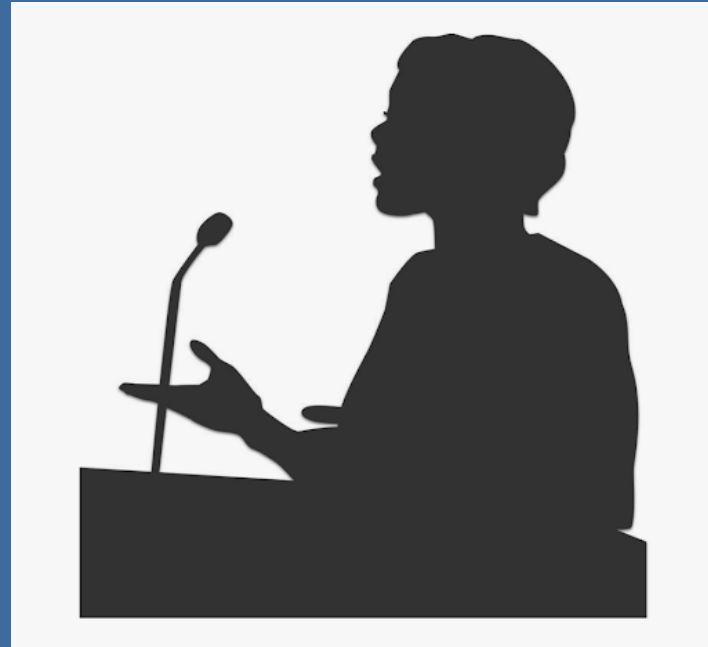
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# Subcommittee Report Out/Discussion

- Subcommittee 10 – Role and Qualifications of Non-LEP Environmental Professionals



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# Substantive Conversation: Simple RSR Changes

- Substantive Conversations (30 minutes)
  - DEEP to reserve ½ hour of each meeting to brief the Working Group on an issue, a regulatory challenge, a new approach, or regulatory language
    - 10 minutes of briefing and 15 minutes of discussion
    - Receive written feedback until next Working Group meeting



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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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# RSR Adjustment

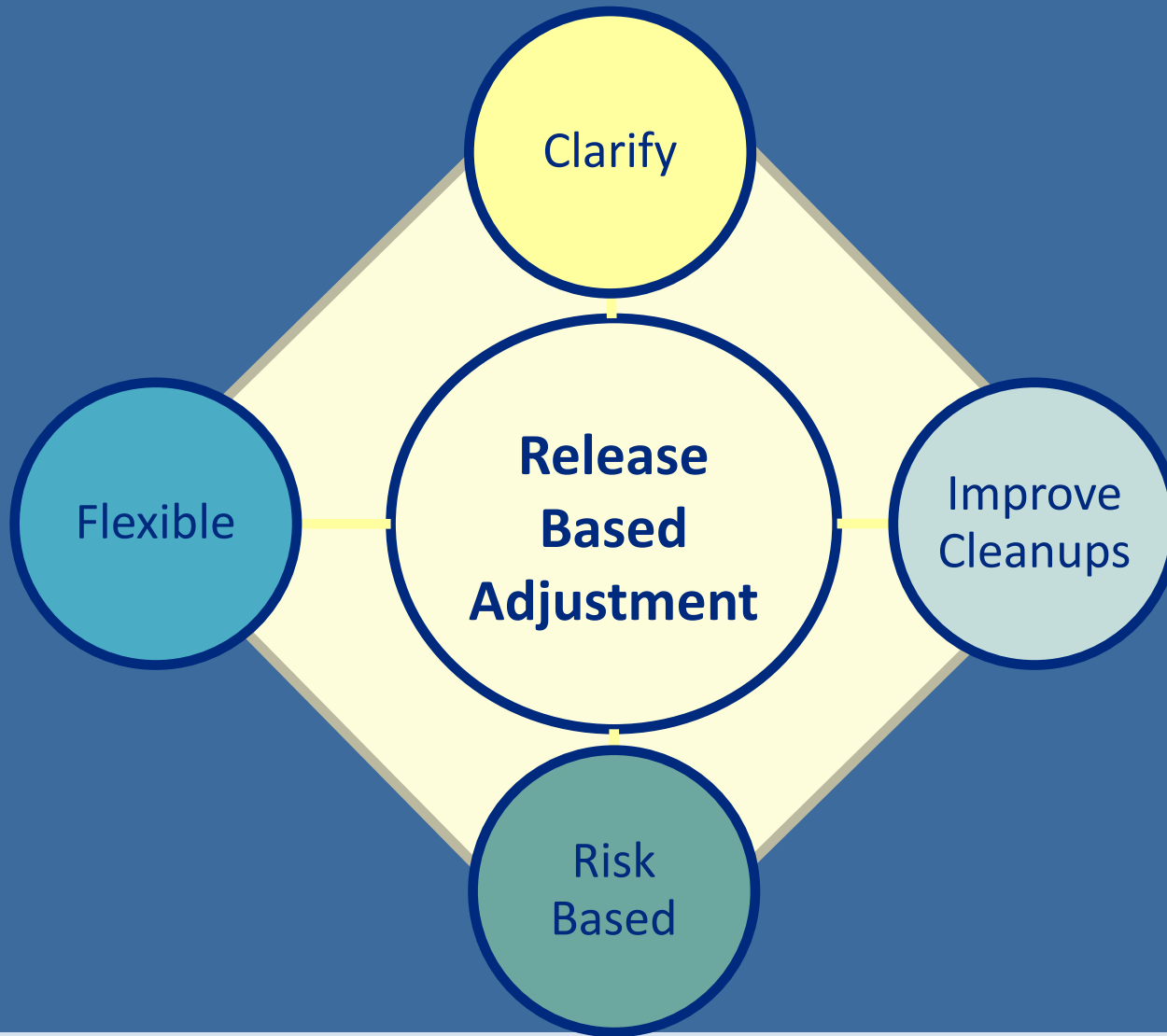


# RSR Proposed Adjustments

- Discussed adjustments to the RSRs are separate and distinct from concepts proposed by subcommittees for inclusion in clean-up standards
- Not all details of adjustment will be identified or discussed
  - Some adjustments are nuanced
  - No all adjustments applicable to all releases (i.e. federally regulated releases)
- Commit to continued evaluation of RSRs to streamline and modify for Release Based program
- There will be a time and place for detailed discussion on all proposed adjustments



# Identify Small Modifications in RSRs



# RSR Clarification

- NAPL variance includes language requiring compliance with groundwater prior to requesting approval 22a-133k-2(g)
- Technical Impracticability (TI) variance requires compliance with soil section prior to requesting approval 22a-133k-3(e)
- Language causes confusion if using both provisions
- Propose modification to clarify NAPL variance approval prior to TI approval



# RSR Clarification

- Currently all soil variances (which includes WSPF) require soil to remain in place to use variance (the variance "applies where it lies")

*"Such fill shall remain on the parcel within the area for which such variance has been certified by an LEP ... or approved in writing by the commissioner "*

22a-133k-2(f)1

- Once WSPF is relocated it will need to comply with Reuse of Polluted Soil section
- Potential language change would clarify that WSPF could be relocated on-site or on another parcel (DEEP Approval) within the same WSPF
- Could require demonstration that GW complies prior to relocation

22a-133k-2(h)(3)



# RSR Clarification

- When groundwater compliance can be to GWPC not background
- *“prior to any remediation”*

Exemption from Background  
22a-133k-3(d)(1)(B)

Intended for remediation conducted for RSR compliance

Not intended to include historical source removal

Reestablish that groundwater needs to be at or below GWPC prior to remediation



# RSR Change

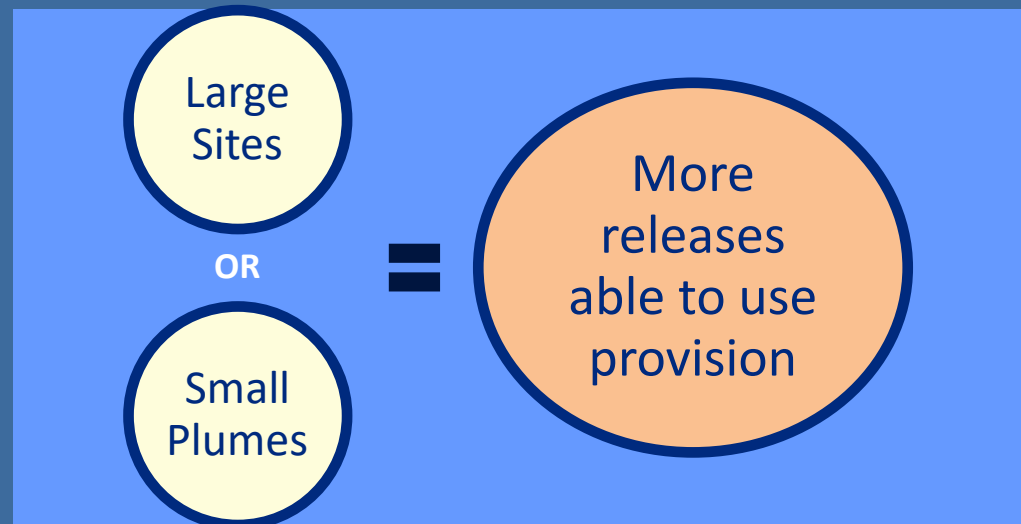
- Adjust requirement for presence of Public Water
- Certain PMC and GW provisions require public water to be available
  - On all adjacent properties, and
  - Within 200 ft. upgradient and 500 ft. downgradient

22a-133k-2(c)(2)(B)  
22a-133k-2(c)(5)(B)  
22a-133k-3(d)(1)



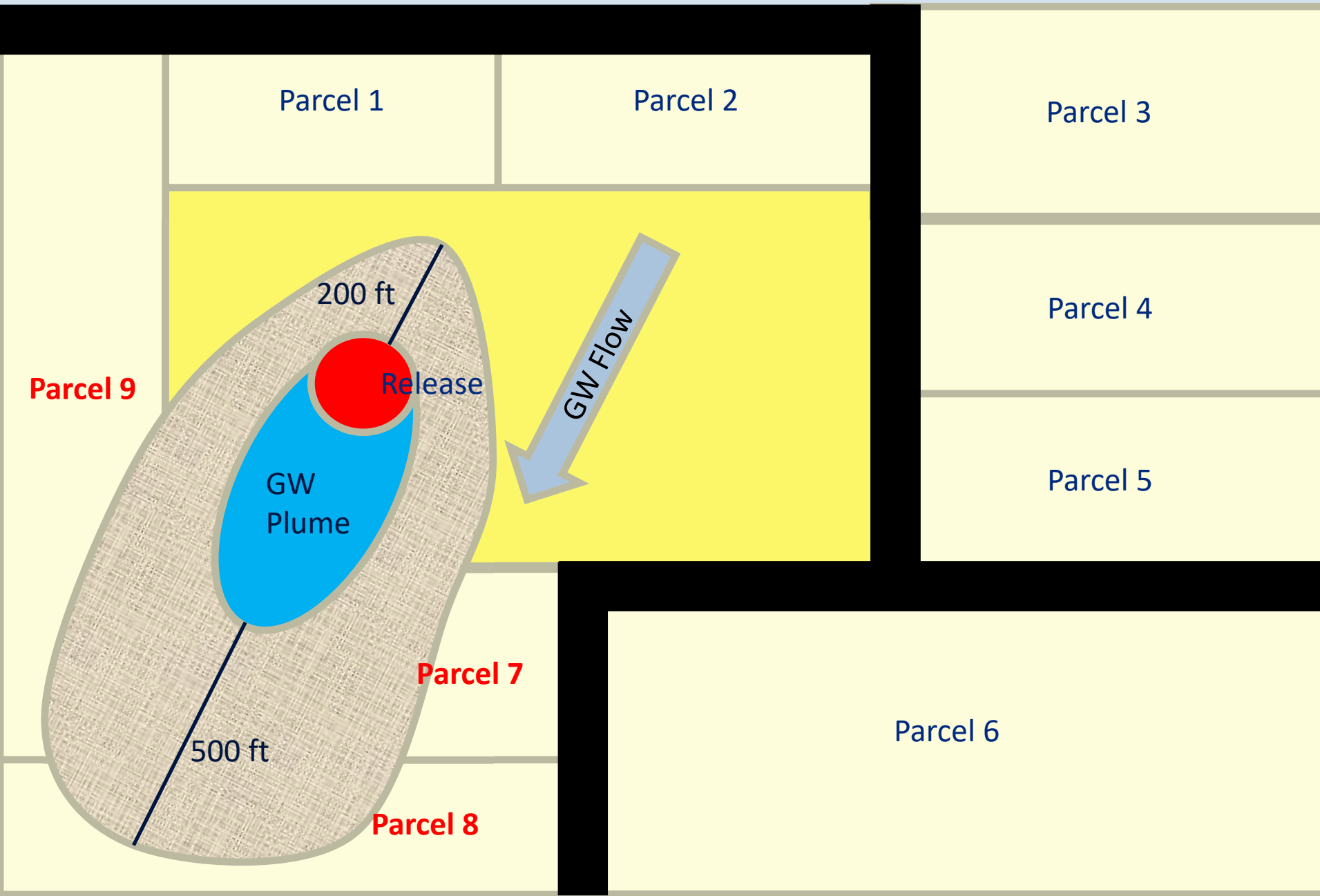
# RSR Change

- Could change to only have distance requirements from plume (remove parcel requirement)
  - Would match current Alt GWPC language
  - Allow for easier compliance for Release-based Cleanup Program
  - Risk-based approach
- Most beneficial for:





# RSR Change



# RSR Adjustment

Question or Comments ?



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