



# WORKING GROUP ON RELEASE-BASED CLEANUP REGULATIONS

## 27<sup>TH</sup> MEETING

**Presented by: Graham J. Stevens, DEEP**  
**February 14, 2023**





# AGENDA

I. Remarks by Agencies

II. Remarks by Legislators

III. Subcommittee Concept Papers

- **Substantive Conversation: Non-LEP Environmental Professionals**
- **Subcommittee 10 Report Out**
- **Subcommittee 9 Report Out**

IV. Action Items

V. Public Comments

# REMARKS BY AGENCIES





# REMARKS BY LEGISLATORS



# SUBSTANTIVE CONVERSATION: NON-LEP ENVIRONMENTAL PROFESSIONALS

- 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





# OTHER ENVIRONMENTAL PROFESSIONALS: REVIEW OF SUBCOMMITTEE CONCEPTS

**Working Group Meeting February 14, 2023**  
**Presented by: Abby Plungis, Selena Thornhill-Moody, Alessandra Alling, and Claire Quinn**

# OBJECTIVES

A targeted review of concepts raised by the eight subcommittees regarding non-LEP, “other environmental professionals”.

As Subcommittee 10 works to finalize their concept paper, provide feedback on previously proposed concepts and how DEEP thinks they might fit into program development.



# KEY TOPICS



Creating a level playing field



Qualifications determined by complexity of release



Certainty of closure



Ensuring certification and accountability

# CREATING A LEVEL PLAYING FIELD

**Issue raised:** RPs may not want to utilize LEPs if they are required to report discoveries that non-LEPs would not be required to report, or if non-LEPs will not be held accountable in the same way that LEPs are.

(Subcommittees 1, 2, and 3)

## **Feedback:**

Requirement to report upon discovery applies to creator/maintainer of a release or anyone working for them (Section 22a-134rr)

Enforcement for not complying with the regulations is included in the statute.





# QUALIFICATIONS DETERMINED BY COMPLEXITY OF RELEASE

**Issue raised:** Qualifications for other environmental professionals must be appropriate for complexity of release.  
(Subcommittees 3, 4, 5, 6, and 8)

## Feedback:

Needed qualifications will be based on risk of the release.

Possible to have non-LEPs close out lower-risk scenarios but require LEPs for other scenarios.

2012 Early Off Ramp and Immediate Response Action Paper includes potentially helpful concepts.



# CERTAINTY OF CLOSURE

**Issue raised:** Ensure that a cleanup certification has a standard meaning regardless of the qualified professional who certified.

(Subcommittee 6)

## Feedback:

A cleaned up and certified release by a non-LEP professional will have the same weight as a cleaned up and verified release by an LEP.

LEPs will not have to "re-certify" previously certified releases.





# ENSURING CERTIFICATION AND ACCOUNTABILITY

**Issue raised:** Need to ensure those certifying can be held accountable.

(Subcommittees 3, 8)

## Feedback:

Ability for non-LEPs to "self-certify" and attest that they meet the qualifications required.

Third-party certifications could be used to demonstrate necessary qualifications.

Regulations could create framework to address improper "self-certifications".

More consideration will be given following review of the Subcommittee 10 concept paper.





THANK YOU



# SUBCOMMITTEE REPORT OUT/DISCUSSION

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



# SUBCOMMITTEE REPORT OUT/DISCUSSION

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



# PUBLIC COMMENTS



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