



# WORKING GROUP ON RELEASE-BASED CLEANUP REGULATIONS 28<sup>TH</sup> MEETING

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





# AGENDA

I. Remarks by Agencies

II. Remarks by Legislators

III. Subcommittee Concept Papers

- **Substantive Conversation: Significant Existing Releases - Triggers**
- **Subcommittee 9 Concept Paper Discussion**
- **Subcommittee 10 Concept Paper Discussion**
- **Schedule of Next Steps**

IV. Action Items

V. Public Comments

# REMARKS BY AGENCIES



# REMARKS BY LEGISLATORS



# SCHEDULE – NEXT STEPS ...

- **DEEP will post concept papers for public comment**
- **Comments from Working Group members to Subcommittees**
- **DEEP is working on comments on Concept Papers**
  - Written feedback to Working Group in advance of Working Group
- **April 11<sup>th</sup> Working Group Meeting: Question and Answer Sessions on the Concept Papers**
  - Q&A – Subcommittee Chairs
  - Q&A – DEEP
- **Subcommittees meet once to respond to all comments: Working Group, DEEP, public**
  - Submit response to comments to the Working Group in advance of May Working Meeting
- **May Working Group Meeting: Finalize/Approve Concept Papers as Advice and Recommendations**

# SUBSTANTIVE CONVERSATION: SIGNIFICANT EXISTING RELEASES - TRIGGERS

- 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



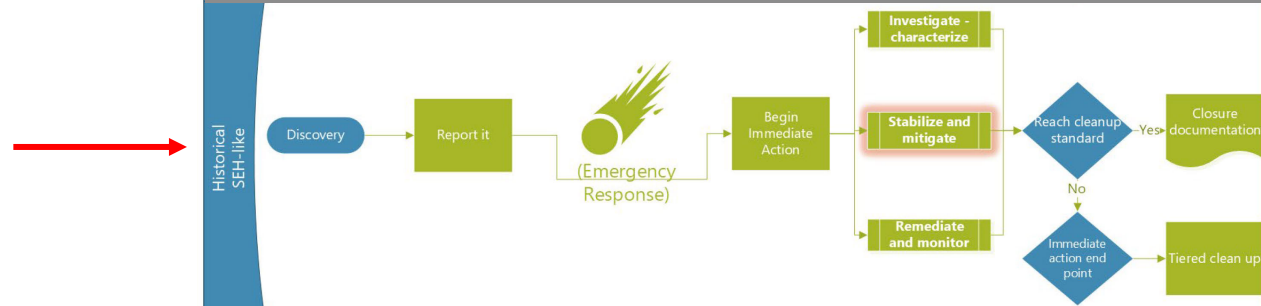


# SIGNIFICANT EXISTING RELEASES

Presented by: Jeff Brais, Lynn Olson-Teodoro, Amber Trahan, and Peter Zaidel

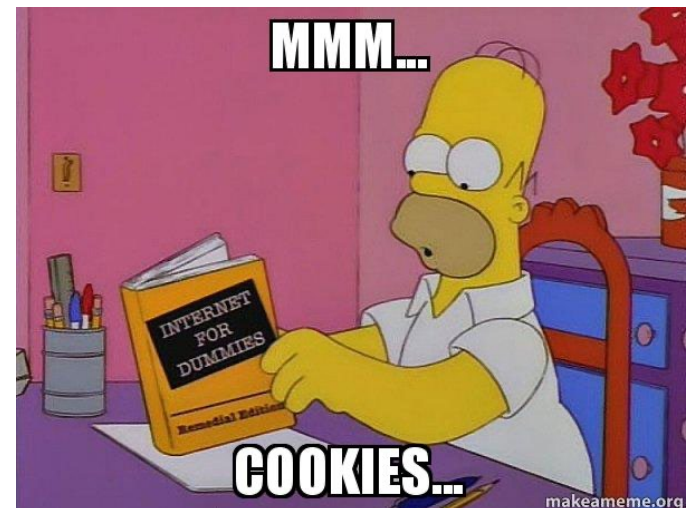
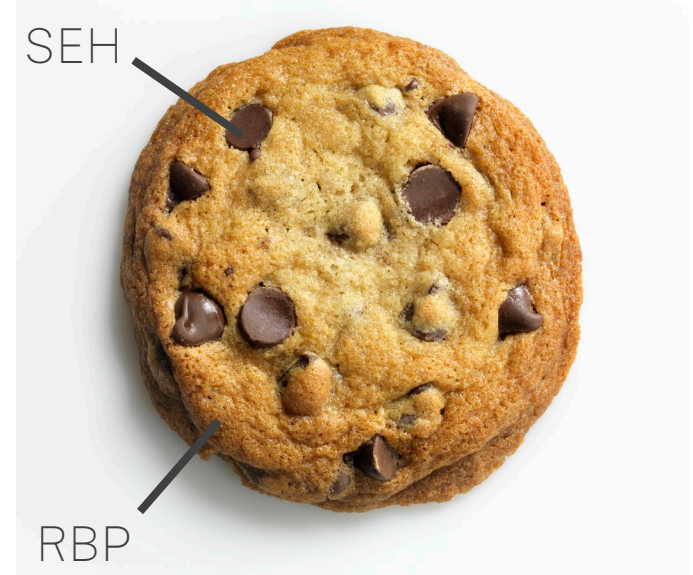


# PLACE IN PROPOSED RELEASE-BASED FRAMEWORK

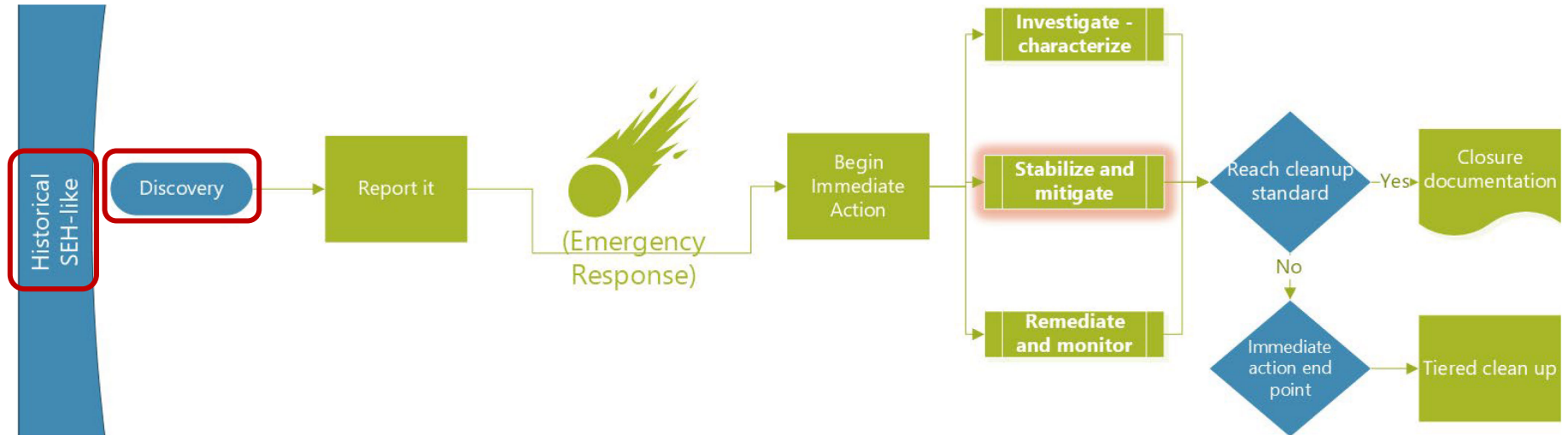


# CONTINUING THE CONVERSATION ON SEH-LIKE RELEASES

- Build off of October Working Group presentation
- Expand on SEH-like releases, which will be called 'Significant Existing Releases' or 'SER's
- Focus on **SER** triggers
- Components like reporting, IAs, non-LEP professionals to be discussed later



# PROPOSED RELEASE-BASED FRAMEWORK



- Significant Existing Releases are, by definition, **historical releases**
- Focus today on identifying SERs



# SIGNIFICANT EXISTING RELEASES HIGHLIGHTS

- Streamlined and simplified
- More clearly defined process than SEH statute
- Simpler definitions than SEH statute
- Substantially reduces administrative burden on DEEP staff and regulated community



# SUMMARY OF PROPOSED CHANGES

Current SEH Trigger	Proposed Change
22a-6u(b) – Drinking water well above criteria	Merge with 22a-6u(c); simplify
22a-6u(c) – Drinking water well below criteria	Merge with 22a-6u(b); simplify
22a-6u(d) – Surface soil	Simplify
22a-6u(e) – Volatilization to indoor air	Risk-based change
22a-6u(f) – Surface water impacted by groundwater	Risk-based change
22a-6u(g) – Groundwater threatening drinking water well	Simplify
22a-6u(h) – Explosion risk	Addressed under 22a-450

# SIGNIFICANT EXISTING RELEASES

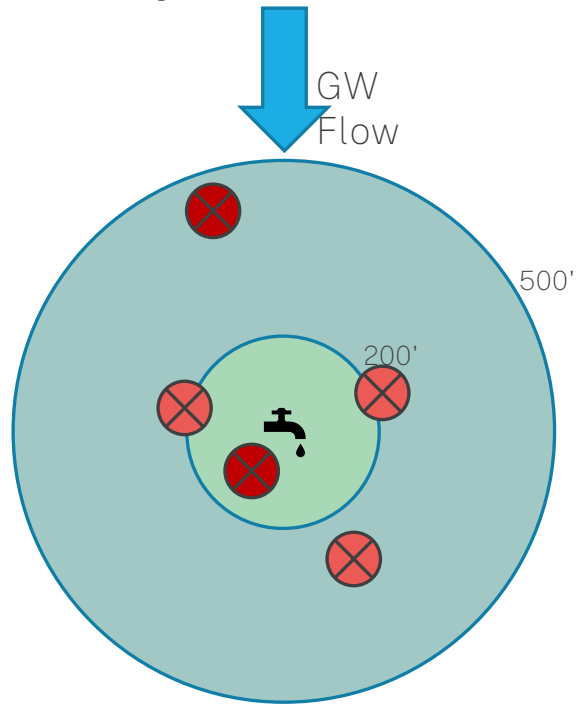
- Any contamination from a release in a public or private drinking water supply well
  - Currently two separate SEH triggers – 22a-6u(b) and 22a-6u(c)
  - Why we like it: **SIMPLIFIED**



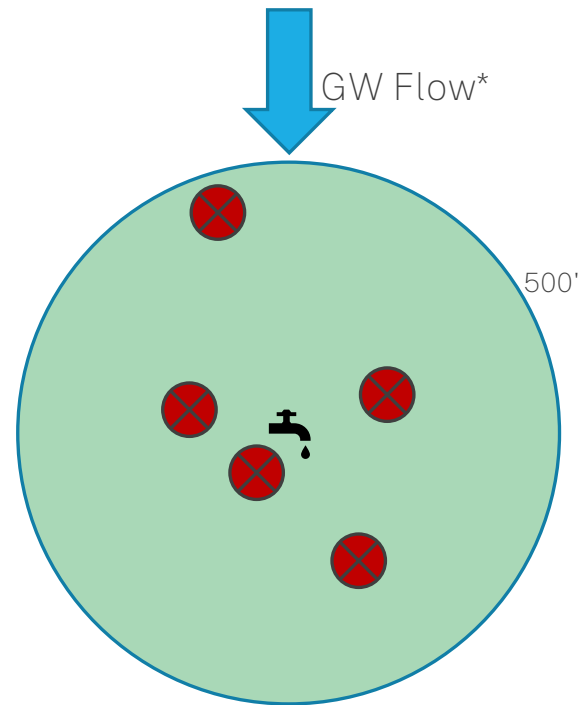


# SIGNIFICANT EXISTING RELEASES

- Groundwater polluted  $\geq$ GWPC within 500 feet of a water supply well
  - SEH trigger – 22a-6u(g)
  - Why we like it: SIMPLIFIED



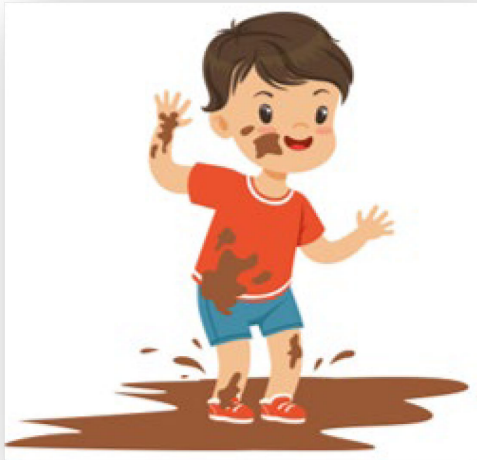
Which wells trigger a  
SEH?



All wells trigger a  
SER \*likely unknown at time of discovery of SER

# SIGNIFICANT EXISTING RELEASES

- Top 2 feet of soil  $\geq 15X$  applicable DEC
  - SEH trigger – 22a-6u(d)
  - Why we like it: SIMPLIFIED



# SIGNIFICANT EXISTING RELEASES

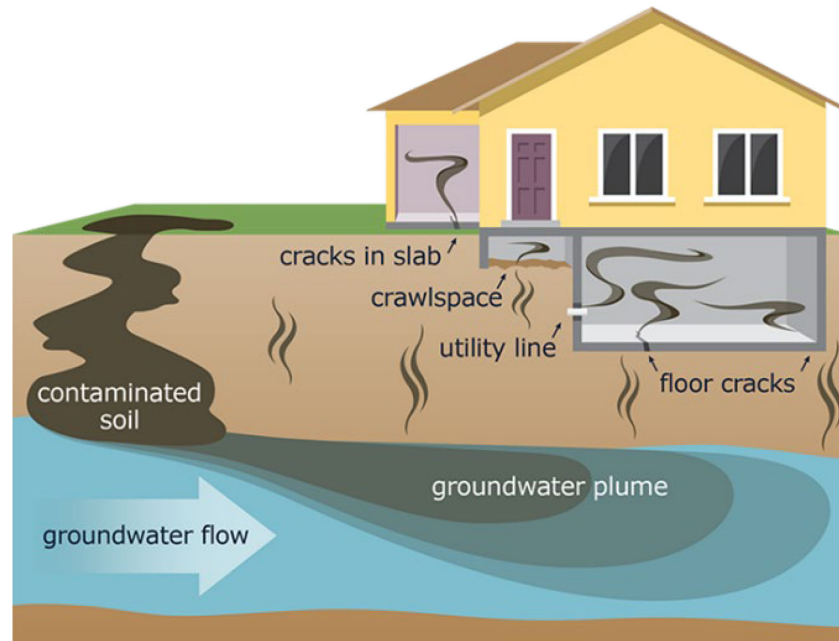
- Volatile Petroleum Substances (VPS) in groundwater  $\geq 10X$  the applicable VC within 10 feet of building and the ground surface
  - SEH trigger – 22a-6u(e)
- Volatile Organic Substances (VOS) in groundwater  $\geq 10X$  the applicable VC within 30 feet of building and the ground surface
  - SEH trigger – 22a-6u(e)
  - Why we like it: Protective for VOS without over-regulating VPS. Align with clean up standards (RSRs)





# SIGNIFICANT EXISTING RELEASES

- VPS and VOS in soil vapor beneath a building  $\geq 10X$  the applicable SVVC
  - New concept
  - Why we like it: [Addresses gap in the SEH statute](#)



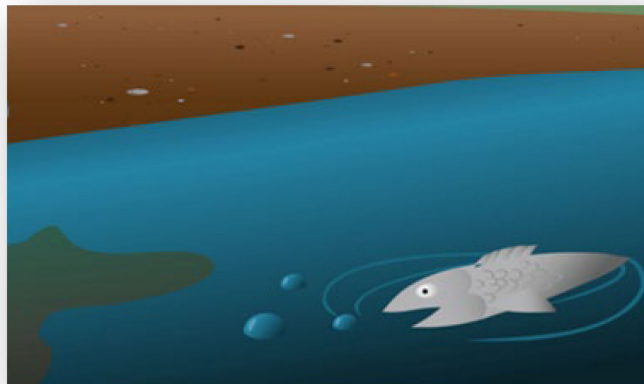
# SIGNIFICANT EXISTING RELEASES

- VPS and VOS in indoor air (contaminant levels TBD).
  - Not solely due to current process/material use
  - Clarifies that an SER can be discovered through the indoor air pathway
  - Why we like it: [Addresses gap in the SEH statute](#)



# SIGNIFICANT EXISTING RELEASES

- Groundwater within 500 feet of surface water that either contains NAPL or is  $\geq 10X$  SWPC
  - SEH Trigger – 22a-6u(f)
  - Why we like it: Addresses contamination before it discharges to surface water





# SER TRIGGER SUMMARY

SER Trigger	Criteria	Change from Current SEH Statute
Water supply well	$\geq$ Detection limit	<ul style="list-style-type: none"> <li>No change</li> </ul>
Polluted groundwater within 500 feet of Water Supply Well	$\geq$ GWPC	<ul style="list-style-type: none"> <li>Changed from 200 feet in any direction and 500 feet downgradient</li> </ul>
Top 2 feet of soil	$\geq$ 15 x applicable DEC	<ul style="list-style-type: none"> <li>For I/C changed from 30 x for some contaminants and 15 x for others</li> <li>Removed I/C land within 300 feet of residential use.</li> <li>Removed other exceptions.</li> </ul>
Volatile Petroleum Substances (VPS) in groundwater within 10 feet of building and within 10 feet of ground surface	$\geq$ 10 x applicable GWVC	<ul style="list-style-type: none"> <li>Added VPS definition</li> <li>Added within 10 feet of ground surface</li> </ul>
Volatile Organic Substances (VOS) in groundwater within 30 feet of building and within 30 feet of ground surface	$\geq$ 10 x applicable GWVC	<ul style="list-style-type: none"> <li>Added VOS definition</li> <li>Changed to within 30 feet of a building</li> <li>Added within 30 feet of ground surface</li> </ul>
Soil vapor beneath building – VPSs and VOSs	$\geq$ 10 x applicable SVVC	<ul style="list-style-type: none"> <li>New</li> </ul>
Indoor air not due to current process/material use – VPSs and VOSs	Criteria not yet defined	<ul style="list-style-type: none"> <li>New</li> </ul>
Groundwater within 500 feet of surface water	NAPL present or $\geq$ 10 x SWPC	<ul style="list-style-type: none"> <li>Changed from discharging to surface water</li> </ul>

# WRAPPING UP

- Simplified definitions
- Streamlined process
- ▶ ■ Lowered administrative burden
- Unified program



Questions?

# SUBCOMMITTEE REPORT OUT/DISCUSSION

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



# SUBCOMMITTEE REPORT OUT/DISCUSSION

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





# PUBLIC COMMENTS



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