



RELEASE-BASED CLEANUP REGULATIONS DRAFT CHANGES

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AGENDA

- I. Remarks by Agencies
- II. Remarks by Legislators
- III. Comments and Next Steps
- IV. Action Items
- V. Public Comments

REMARKS BY AGENCIES



REMARKS BY LEGISLATORS



Overview

Maintainer

Emergent
Reportable
Releases

Characterization

Filing
Cabinet
Exemption

Special
Paths

Discovery

Audit

Attorneys
Roles



Define “Maintainer”

- Someone who **owns** or has **long term possession and control** of a parcel on which a release is located
- No obligations under RCBRs unless and until an existing release is “**newly discovered**”



When is a “new release” an “Emergent Reportable Release”?

- Will add clarity regarding “improved surfaces”
- Will exclude indoor releases that have not reached soil
- Will add clarity regarding secondary containment

Full Characterization

- Adjust so characterization to “**non-detect**” is not always required
- Add guardrails to definition so guidance (now or in future) cannot impose a “non-detect” standard for all releases
- Guidance **document** in progress, concepts to be shared with Working Group later in this meeting

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“Filing cabinet exemption”

- Clarify “data available or generated before the date when regulations are **first adopted**”
- Intent of exemption is to exclude **reports**, not just laboratory data

Special Paths for Emerging Contaminants

- Limit when a discovery of **PFAS** or **road salt** in a drinking water well or water supply is considered an SER
- Normal use of road salt that does not impact drinking water is not a release
- Further clarify when reporting is necessary for discoveries of PFAS and road salt, particularly regarding **routine sampling** of wells by homeowners and water companies
- Create **special paths/early exits** that recognize source of PFAS and road salt is not always known and cannot be removed

Discovery Section

- DEEP conceptually agrees with feedback and “redline” language provided by Subcommittee 1; consolidating “**actual knowledge**” and “**constructive knowledge**”
- Incorporate feedback, provided certain language adjustments may be needed to preserve intent

Audit Timelines & No Audit Letters

- Balance anticipated **resource needs** and **volume** of releases with need to create **certainty** in the marketplace
- Provide process for “no audit letters”:
 - Release **Remediation Closure Report**
 - Request for letter is made **at time of submission**
 - Payment of a small **fee** may be required
- Will look closely at audit **timelines** to see if adjustments can be made



Role of attorneys in discovery of an SER

- No intent to disturb Attorney/Client Privilege
- Clarify that attorneys' only obligations are to **notify** their clients of discovery and requirement to report

PUBLIC COMMENTS



Additional feedback can also be sent
to: DEEP.Cleanup.Transform@ct.gov