



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Remediation Division

An Environmental Program Fact Sheet

Reporting of Significant Environmental Hazards

This fact sheet contains information about the requirement to report significant environmental hazards pursuant to Section 22a-6u of the Connecticut General Statutes, effective October 1, 1998 & amended July 1, 2015.

Overview

Significant environmental hazards are defined by the presence of pollution that may affect:

- a public or private drinking water well's water quality;
- groundwater, above groundwater protection criteria, within 500 feet upgradient or 200 feet in any direction of a drinking water well;
- groundwater near a building with the potential for short-term risk to indoor air quality;
- groundwater discharging to surface water with the potential for short-term risk to aquatic life;
- soil within two feet of the surface with the potential for short-term risk to people having direct contact; or
- vapors in soil or water with the potential to result in an explosion.

Technical environmental professionals (TEPs) investigating or remediating pollution at a property must, within timeframes specified by statute, notify their clients and the property owner if they determine that a significant environmental hazard condition exists due to pollution on or emanating from the property.

Typically, the owner of property that such contamination is on or emanating from must notify the Connecticut Department of Energy and Environmental Protection (DEEP), within timeframes specified by statute, upon becoming aware of contamination causing a significant environmental hazard condition.

In the specific cases of explosion threats or pollution of supply wells that exceeds groundwater protection criteria, if a property owner fails to notify DEEP, the TEP's client must notify DEEP.

The law also requires a notifying property owner to take initial interim actions prescribed in the law to limit the short-term risk to people or the environment, and to provide DEEP with a report of such activity with recommendations for further action. In some circumstances, the law may instead require submitting to DEEP a plan for actions to further evaluate the actual risk posed by the reported condition through monitoring or investigation, and mitigate or abate (completely remove) the hazard condition.

A hazard definition summary can be found on the [Significant Environmental Hazard Quick Summary](#) table.

Authorizing Statute [Section 22a-6u of the Connecticut General Statutes](#) (CGS), effective October 1, 1998, as amended, effective July 1, 2015, establishes the requirement to report certain significant environmental hazards and to implement initial actions to prevent short-term risk.

Responsibilities Several different parties have responsibility under CGS Section 22a-6u:

Technical Environmental Professional A Technical Environmental Professional (TEP) is anyone, including a Licensed Environmental Professional, who collects soil, water, vapor, or air samples in order to investigate and remediate pollution of soil or water, and who may be directly employed or retained as a consultant by a public or private employer.

TEPs generally must notify their client and the investigated property's owner if, in the course of investigating or remediating pollution on or emanating from a property, they determine that the pollution is causing or has caused a significant environmental hazard, as specified in CGS Section 22a-6u.

Property Owner The owner of a property that pollution is on or emanating from must notify DEEP within timeframes specified by statute upon becoming aware, either by TEP notification or otherwise, that the pollution is causing or has caused a significant environmental hazard condition. In the case of a polluted drinking water supply well, this obligation is specific to the owner of the parcel that is the source of such pollution, and applies even if the discovery was due to investigation at another parcel. For other significant environmental hazards, the owner of the investigated parcel must notify if the condition exists on his/her parcel (regardless of origin) or originates on their property and extends to abutting properties (even if the only identified hazard is on the abutting property). In most cases, notification is required even if the property owner believes DEEP is aware of the site.

When the environmental hazard is either drinking water well pollution above groundwater protection criteria or the presence of vapors posing an explosion threat, property owners who are not the TEP's client must also provide documentation to the TEP's client verifying that the property owner notified DEEP.

Property owners must, in some circumstances, publically post information regarding the environmental hazard at the subject parcel. In addition, in some circumstances they must notify owners of polluted supply wells and certain government officials of the results of testing of these wells. (See *Notification Process: Notice to Others* below.)

Property owners must also implement initial response actions, which vary depending on the type of hazard identified (see *Abatement: Initial Response Actions* below).

TEP Client If the owner of property subject to notification is unknown or fails to comply with notification requirements, the client of a TEP is required to notify DEEP of drinking water well pollution above groundwater protection criteria or the presence of vapors that pose an explosion threat.

Supply Well Owner If they are notified that pollution is present in their well above groundwater protection criteria, owners of supply wells have an obligation to notify tenants and lessees who may be using water from the well. (See *Notification Process: Notice to Others*, below.)

**Environmental
Hazard
Determination**

Environmental hazards requiring notification for their potential short-term risk are identified in CGS Section 22a-6u subsections (b) through (h) and are summarized in Table 1. Determination of an environmental hazard, with the exception of explosion hazards, is based upon comparison of analytical results with specific threshold criteria, or upon the presence of non-aqueous phase liquid (NAPL). These criteria are generally related to the Remediation Standard Regulations (RSRs) or the Water Quality Criteria in the Connecticut Water Quality Standards Regulations (WQS). [Reference Tables A, B and C](#) identify notification threshold values for surface soil and volatilization hazards, notification threshold values for surface water threats associated with metals, and also list for reference the groundwater protection criteria from the RSRs.

Table 1. Summary of Significant Environmental Hazards

Hazard Condition	Definition of Hazard Condition and Notification Requirement
CGS Section 22a-6u(b) Drinking water well is contaminated above groundwater protection criteria	<p>Pollution on or emanating from a property has affected a public or private drinking water supply well at a concentration that exceeds RSR groundwater protection criteria or with the presence of a non-aqueous phase liquid (NAPL) (“free product”).</p> <p>Notification is required if any drinking water supply well sample has contamination above groundwater protection criteria for any constituent, or has NAPL.</p>
CGS Section 22a-6u(c) Drinking water well has contamination detected at any level	<p>Pollution on or emanating from a property has affected a public or private drinking water supply well with a substance at a concentration less than RSR groundwater protection criteria, or with any substance for which there is no RSR criterion.</p> <p>Notification is required if any drinking water supply well sample has contamination that is above the analytical detection limit and is associated with the pollution/site being investigated.</p>
CGS Section 22a-6u(d) Surface soil contamination	<p>Pollution on or emanating from a property has caused soil within two feet of the surface to be contaminated with a substance, other than total petroleum hydrocarbons, at a concentration at or above 30 times the RSR industrial /commercial direct exposure criteria or 15 times the residential direct exposure criteria, based on the land’s current use. However, when an industrial/commercial property is within 300 feet of a current residential use, the criteria used for specified metals and PCBs is 15 times the industrial /commercial direct exposure criteria, unless the contamination is already covered by a maintained pavement or fenced to prevent access by the general public. (See Reference Tables A, B and C for threshold values.)</p> <p>Notification is required if a single soil sample within two feet of the surface has contamination above the specified threshold values for any constituent. However, several exceptions apply as noted in <i>Notification Exceptions</i> below.</p>
CGS Section 22a-6u(e) Volatile organic compounds within 15 feet of a building	<p>Pollution on or emanating from a property has caused groundwater within 15 feet of a building to be contaminated at a concentration at or above 10 times either RSR industrial/commercial or residential volatilization criteria for groundwater, using whichever is appropriate for the land’s current use. (See Reference Tables A, B and C for threshold values.)</p> <p>Notification is required if a groundwater sample from water less than 15 feet from a building exceeds the threshold value. A determination if a building is within 15 feet of polluted groundwater should use the lowest building level and the seasonal high groundwater elevation, if known. Several exceptions to the notification requirement apply as noted in <i>Notification Exceptions</i> below.</p>

Hazard Condition	Definition of Hazard Condition and Notification Requirement
CGS Section 22a-6u(f) Surface water threatened	<p>Pollution on or emanating from a property has caused groundwater which is discharging to surface water to be contaminated at a concentration which exceeds 10 times the listed acute aquatic life criteria (WQS), or with the presence of a non-aqueous phase liquid (NAPL) (“free product”). (See Reference Tables A, B and C for threshold values.) DEEP considers almost any groundwater pollution to be potentially contributing directly to downgradient surface water, given the definition of surface water in the WQS.</p> <p>Notification is required if groundwater from a monitoring well exceeds the threshold value, or if NAPL is present, and it is likely this polluted groundwater will discharge to a surface water body.</p>
CGS Section 22a-6u(g) Drinking water well is threatened by a groundwater pollution plume	<p>Pollution on or emanating from a property has caused contamination of groundwater within 500 feet in an upgradient direction, or within 200 feet in any direction, of a public or private drinking water supply well at a concentration that exceeds groundwater protection criteria. (See Reference Tables A, B and C for threshold values.)</p> <p>Notification should be made if a water supply well is present within the specified distance of any part of a groundwater plume that exceeds the groundwater protection criteria.</p> <p>If an inventory of supply wells has not been conducted, the absence of wells cannot be stated with certainty, even in areas supplied by public water. To ensure protection of human health, DEEP recommends a protective notification if occupied structures are within 500 feet of the plume extent exceeding criteria unless a well receptor survey has explicitly determined such structures are not served by supply wells.</p>
CGS Section 22a-6u(h) Explosion hazard	<p>Vapors from polluted soil, groundwater, or residual free phase product are migrating into structures or utility conduits and pose an explosion hazard.</p> <p>DEEP prefers a conservative approach to determining what conditions “pose an explosion hazard” and requests notification if a confined space (building, utility conduit, or other) has combustible gasses that are detected at any level by a combustible gas indicator or similar instrument and this detection is confirmed through a second reading of the instrument.</p> <p>To notify call DEEP Emergency Response and Spill Prevention 24 hours at 860-424-3338 or 866-DEP-SPIL (866-337-7745).</p>

Technical Considerations in Hazard Determination

Some technical considerations in determining the existence of a hazard condition are listed below. Additional technical discussion is provided in the [Guidance and Instructions](#) to the Significant Environmental Hazards form.

Non-Aqueous Phase Liquid (NAPL)

The presence of a free phase product plume such as petroleum product or pure solvent should be considered as a basis for determination of a hazard condition under CGS Section 22a 6u(g) if there are supply wells within either 500 feet downgradient or 200 feet in any direction. Depending on the specific product, the presence of NAPL may also be considered as a possible basis for notification or further evaluation for volatilization or explosion risks under CGS Section 22a-6u(e) or (h).

Volatilization

DEEP recommends that any presence of TCE be evaluated in accordance with the joint DEEP/DPH advisory on [Trichloroethylene Developmental Risks](#).

Determining Supply Wells within 500 feet

To ensure human health is protected in the case of supply wells within 500 feet of groundwater exceeding groundwater protection criteria and since many potentially affected wells are completed in bedrock, if there is uncertainty in bedrock groundwater flow directions because the site is not fully characterized, DEEP recommends the area within 500 feet in all directions be considered potentially downgradient.

Potential Threat to Surface Water

In collecting data to be used for identifying a surface water threat, DEEP recommends that the TEPs conduct groundwater investigations with inorganic analytical methods that provide sufficient sensitivity for meaningful data analysis, and also advises the use of low-flow sampling techniques that minimize turbidity in unfiltered samples to limit false positive results.

CGS Section 22a-6u requires notification to DEEP if groundwater concentrations exceed 10 times the acute aquatic life criteria. However, if sufficient hydrogeologic information is available, DEEP advises calculation of an alternative dilution factor in accordance with Section 22a-133k-3(b)(3)(A) of the RSRs. If the concentration in groundwater does not exceed the acute aquatic life criteria multiplied by this alternative dilution factor, such information should be submitted with the notification to DEEP to support mitigation.

Notification Exceptions

Notification of a significant environmental hazard is not required pursuant to CGS Section 22a-6u if the property is subject to a DEEP order to investigate or report environmental contamination; however, the DEEP project lead should be informed.

In addition, for some environmental hazards, further evaluation or actions taken by an owner during the period between obtaining knowledge of the condition and the required deadline to notify DEEP may preclude a need to notify. (See the following hazard-specific sections.) Note, however, that if the owner seeks approval from DEEP under CGS Section 22a-6u (k), documentation of such actions for abatement of a surface soil contamination environmental hazard may be submitted to DEEP with a voluntary notification, as provided in CGS Section 22a-6u(d)(2).

Surface soil contamination

Notification *to DEEP by the owner* is not required if, within the 90 day notification period, either:

- the hazard is abated by treating or disposing (in accordance with applicable laws and regulations) all soil exceeding the hazard notification threshold;
- the soil is inaccessible, as defined in the RSRs;
- the soil is remediated in accordance with the RSRs; or
- the pollution is lead and the soil is at a site enrolled in a lead paint abatement program supervised by the local department of health.

Notification *to the owner by the TEP* is not required if either:

- the property is not used for residential activity and the pollution is one of several specific organic compounds listed in [CGS Section 22a-6u\(d\)\(1\)](#) (see noted exemptions in [Tables A and B](#));
- the pollution is Total Petroleum Hydrocarbons (TPH); or
- access to the soil is limited by well-maintained fencing or pavement and the pollution is metals or PCBs at less than thirty times industrial/commercial criteria at an industrial commercial property within 300 feet of a residential, school, park,

playground, or day care facility (see [Table C](#)).

***Surface water
threatened***

Notification to DEEP by the owner is not required if the contamination has been reported to DEEP in writing within the preceding year, provided the earlier report pertained to the same condition.

One day verbal notification for non-aqueous phase liquid that has entered surface water is not required if the DEEP Emergency Response and Spill Prevention Division has been notified of the condition; however, a written notification is still necessary.

***Volatile organic
compounds near
a building***

Notification to DEEP by the owner is not required if either:

1. soil vapor concentrations beneath the building are below 10 times the RSR soil vapor volatilization criteria appropriate for the land's current use ([See Reference Tables A, B and C](#));
2. groundwater concentrations are below 10 times a site-specific volatilization criteria calculated pursuant to RSR Section 22a-133k-3(c);
3. groundwater volatilization criteria for the land's current use for the substance is 50,000 parts per billion (see [Reference Tables A, B and C](#));
4. within 30 days of becoming aware of the contamination, a bimonthly indoor air-monitoring program begins as specified in the law, and notification is provided if any indoor air sample exceeds 10 times the target indoor air concentration, or the indoor air-monitoring program is not being conducted as required;
5. the threatened building(s) are unoccupied (however, notification is required at the time of re-occupancy if the hazard condition still exists); or
6. the chemical is in industrial use regulated by OSHA, and the area of the significant environmental hazard is in the area of use.

**Notification
Considerations**

For drinking water supply well contamination that exceeds the groundwater protection criteria specified in the RSRs and for an explosion hazard, *verbal notification to DEEP is required in addition to written notification*. Verbal notification to DEEP is also required if non-aqueous phase liquid is actively entering surface water.

Also, if the owner notifies DEEP of a supply well above standards or an explosion hazard, verification of notification must be provided to the TEP's client. In the absence of such verification, the TEP's client must notify DEEP.

Local fire departments must be notified of explosion hazards.

Timing

The date of identification of a significant environmental hazard, nominally the date sample results are received by the TEP, starts a time line of requirements applicable to the TEP, the TEP client, and the site owner. The time frames vary for specific environmental hazards (see Table 2). Note that the statutory language applicable to a site owner ties the timeline to the time when the owner "becomes aware of" a condition, which may occur by a pathway other than notification by a TEP. For certain environmental hazards, exceptions exist in lieu of the required notification, or may affect the reporting timeline. (See *Notification Exceptions* above.)

The law also provides for implementation of an initial response to limit short-term risk in the event a significant environmental hazard condition is identified, and submittal, usually with the notification of the hazard condition, of a report of actions, with recommendations

for further work, or a plan of action (see Table 2 and *Abatement: Initial Response Actions* below).

Consultant Role CGS Section 22a-6u contains no provision for an environmental consultant to submit notification on behalf of any party with responsibility to notify DEEP. The property owner must sign and submit the notification of significant environmental hazard to DEEP; however, a consultant may assist in preparing the notification.

Third Party Investigations A third party may, due to a private contractual arrangement, be conducting an environmental investigation and become aware that a significant environmental hazard condition exists. The statutory responsibility for notification to DEEP is usually upon the owner of the property, not the third party. However, in the case of a supply well polluted above groundwater criteria or an explosion threat, this third party may have a statutory obligation to notify as the TEP's client, in the event the owner of the parcel fails to notify DEEP.

Supply Well Pollution In the event a drinking water supply well is found to have contamination, the primary responsibility for notification to DEEP is with the owner of the parcel where the pollution originates, which may be different from the parcel with the affected supply well or the parcel being investigated.

If the owner of the parcel where the pollution originates cannot be determined or otherwise fails to notify DEEP, the TEP's client must notify DEEP if a supply well's contamination exceeds groundwater protection criteria. If the pollution's origin is indeterminate and above criteria, DEEP considers this analogous to an unknown or unresponsive owner, with a statutory obligation for the TEP's client to notify DEEP. If criteria are not exceeded, there is no statutory obligation for the TEP client to notify DEEP.

Owners of supply wells that are affected by pollution migrating from another parcel are not specifically obligated to notify DEEP pursuant to CGS Sections 22a-6u(b) or (c), except as the obligations for TEP clients may apply (see above). However, any well owner with concerns about their water quality is encouraged to have their well tested and report the results to DEEP. Also, a supply well polluted above established criteria can be indicative of a plume of groundwater pollution, which may separately be subject to notification pursuant to CGS Section 22a-6u(g).

Sampling of supply wells to determine potability, when not conducted due to a concern associated with a potential pollution problem, is not "sampling in the course of investigating pollution," and TEPs are not required to notify owners under CGS Section 22a-6u if pollution of the supply well is discovered. However, DEEP recommends that TEPs advise well owners of the sampled well's water quality. Owners of wells tested for potability may be obligated to notify under CGS Section 22a-6u subsections (b) or (c) if, through potability testing, they become aware of contamination in their well and that their property is the source of such contamination. Regardless of the source of contamination, well owners are encouraged to contact their local director of public health (bacterial pollution) or DEEP (chemical pollution) if there are any concerns raised by the sample results.

Table 2. Time Frames for Notification of Environmental Hazards and Initial Response Actions

Environmental Hazard Condition	TEP Action Notify client and owner within:	Owner Action	
		Notify DEEP within:	Initial response action:
Drinking water well is contaminated above groundwater protection criteria or contains non-aqueous phase liquid	24 hours	Verbally: one business day after becoming aware, <i>and then</i> in writing: within 5 days of verbal notice Also verify to TEP client notice was made	Within 30 days after becoming aware: conduct well survey and test abutting parcel wells <i>and</i> submit report of actions with recommendation for further actions, including ongoing monitoring
	TEP clients must notify DEEP, within 7 days of hazard determination, if the owner of property where the pollution originates fails to notify DEEP of drinking water well contamination above criteria.		
Drinking water well has contamination detected	7 days	In writing: 30 days after becoming aware	Within 30 days after becoming aware: retest the contaminated well wells <i>and</i> submit report of actions with recommendation for further actions
Surface soil contamination above hazard criteria	7 days Exceptions apply, see Part III section 4 and the statute	In writing: 90 days after becoming aware <i>unless</i> hazard abated or in local health department lead paint abatement program	Within 90 days after becoming aware: take interim measures to define extent and prevent access to the contaminated soil <i>and</i> submit report of actions with recommendation for further actions which should include maintenance, monitoring and reporting on status of site
Volatile organic compounds above hazard criteria in groundwater beneath a building	7 days	In writing: 30 days after becoming aware <i>unless</i> further evaluated as not a hazard, building vacant, chemical in regulated industrial use, or indoor air monitoring implemented	Within 30 days after becoming aware: submit plan to mitigate exposure to or abate the hazard condition
Surface water threatened by groundwater above hazard criteria	7 days	In writing: 30 days after becoming aware <i>unless</i> written report in preceding year Also: verbal notice 1 day after becoming aware NAPL has entered surface water <i>unless</i> reported to spills unit	Within 30 days after becoming aware: submit plan to monitor, mitigate, or abate the hazard condition

Environmental Hazard Condition	TEP Action Notify client and owner within:	Owner Action	
		Notify DEEP within:	Initial response action:
Drinking water well threatened by groundwater plume above groundwater protection criteria	7 days	In writing: 30 days after becoming aware	Within 30 days after becoming aware: Conduct well survey and test abutting parcel wells <i>and</i> submit report of actions with recommendation for further actions, including ongoing monitoring.
Explosion hazard	Immediately	Verbally: immediately, and In writing: within 5 days of verbal <i>and</i> Immediately notify fire department <i>and</i> Verify to TEP client notice was made	Actions will be determined by emergency response personnel.
	TEP clients must notify DEEP if the owner fails to notify DEEP regarding the explosion hazard.		

Notification Process

Verbal Explosion hazard:

Call Emergency Response and Spill Prevention Division

24 Hour: 860-424-3338 or 866-DEP-SPIL (866-337-7745)

Drinking water supply well contaminated above criteria:

Call Remediation Division

8:30 to 4:30 860-424-3705

Non-aqueous phase liquid entering surface water:

Call Emergency Response and Spill Prevention Division

or call Remediation Division

Written Written notice must be clearly identified as the notice that is required by CGS Section 22a-6u (mark as “Hazard Notification”) and be either personally delivered or sent certified mail, return receipt requested, to the mailing address below.

Form for Report The *Significant Environmental Hazard Notification form (DEEP-REM-SEH-FRM-500)* provides an optional standard reporting format for all required and requested (optional) information. The form and companion instructions are downloadable from DEEP’s [website: Form / Guidance and Instructions](#).

Mailing address SIGNIFICANT ENVIRONMENTAL HAZARD NOTIFICATIONS
REMEDATION DIVISION
BUREAU OF WATER PROTECTION AND LAND REUSE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Information Required Any verbal or written notice must include:

- the nature of the contamination or condition;
- the address of the property where the source of pollution is located;
- the location of the contamination or condition;
- any property known to be affected by the contamination or condition;
- any steps being taken to abate, remediate, or monitor the contamination; and
- the name and address of the person making the notice.

Information Requested DEEP requests that written notices also include the name, address and phone number of the TEP who determined that a significant environmental hazard exists, a USGS topographic map copy with the site/release indicated, an identification of other DEEP involvement with the site, and additional technical details of the situation. Such additional optional information assists DEEP in determining the appropriate response.

Accompanying Report or Plan In most situations where water quality in a drinking water supply well may be affected or threatened, or where surface soils pose a direct exposure threat, the law requires that the notification of a significant environmental hazard be accompanied by a report of initial actions taken, as specified in the statute, and also recommendations for further action, which may include monitoring. Note that in the case where a supply well is polluted above criteria, the notification to DEEP precedes the submittal of a report of initial actions and recommendations. In the case of a volatilization threat or a surface water threat the notification must be accompanied by a plan of action to monitor, evaluate, mitigate or abate the hazard.

DEEP Response The Commissioner is required to acknowledge receipt of the written notice of significant environmental hazard within 10 days, and may provide any information the Commissioner deems appropriate to follow up with hazard abatement.

Directive for Action In the event the notification is not accompanied by the required plan or report for initial response, or such plan or report is disapproved, the Commissioner may issue a directive as to the action required to mitigate or abate the hazard condition.

Public Official Notification DEEP forwards copies of written notifications and DEEP's Acknowledgment letter to the chief elected official of the municipality in which the site is located and to the local Health Director, as required by CGS Section 22a-6u(m).

Public Record DEEP adds the site to the [*List of Significant Environmental Hazards Reported to DEEP*](#) that is maintained on DEEP's internet site, as required by CGS Section 22a-6u(m). DEEP may omit mitigated (controlled) or abated hazards from the published list. If a mitigated site ceases an approved monitoring program DEEP may add the site to this list.

Other Considerations

File Search Information Where the law requires notification of significant environmental hazard conditions, it includes both those caused by a new or old release. In the course of an investigation of pollution on or emanating from a parcel, a TEP may encounter historic file information indicating an environmental hazard existed when the data being reviewed was collected. Because such historic sampling information is not necessarily reflective of current site conditions, especially for groundwater conditions, any such information collected prior to the effective date of CGS Section 22a-6u (October 1, 1998, or for certain changes in the definition of a hazard condition July 1, 2015) may be further evaluated, in a timely manner, before it is used as a sole basis for determination by a TEP that there is an environmental hazard.

If, however, review of historic file information determines that a significant environmental hazard notification was not submitted when required by law, such noncompliance continues until a notification is submitted.

Identification of Property Owner The statute requires a parcel owner be notified "if the owner can reasonably be identified." If the owner is not a participant in the environmental activity or is not known to the TEP, DEEP recommends that, at a minimum, the town tax and property records are examined to determine the owner's identity. In the event the owner is not an individual, appropriate governmental offices, such as the Secretary of State, may be consulted to determine how the owner may be contacted.

Notice to Others CGS Section 22a-6u(l) requires that the site owner conspicuously post at the site, not later than five days after the commencement of an activity by any person that increases the likelihood of human exposure to known contaminants, any Significant Environmental Hazard Notification Reports submitted to DEEP. Such activities may include construction, demolition, significant soil disturbance, or utility installation. The site owner may be subject to civil penalties for failure to comply with this requirement.

DEEP requests that all supply well sampling results are provided as soon as possible to the well's owner and to any other party providing sampling access (tenants), especially in the case where pollution is present at any concentration.

When testing of private drinking water wells is ordered by DEEP's Commissioner, CGS Section 22a-6u(i) mandates the Commissioner to require certain notifications to supply well owners. If criteria are exceeded in the test results, the respondent conducting the testing shall provide written results, within 24 hours, to the owner of record of the property where the well is located, to the local director of public health, and to any other party specified by DEEP or the local health director.

Well owners notified of a pollution condition above criteria must, within 24 hours, forward copies of such notification to at least one tenant of each dwelling unit and also to each lessee. The local director of health must, within three days, take reasonable steps to verify that well owners meet this obligation.

Abatement The short-term risk associated with a significant environmental hazard may be addressed either through mitigation, which eliminates the exposure pathway through measures that may require long term care or monitoring, or through abatement, which is permanent elimination of the exposure potential.

Initial Response Actions Initial response actions are listed in Table 2 above.

Third Party Responsibility In some cases a party other than the site's owner may have an obligation to conduct environmental activities at a site. DEEP's acknowledgement is directed to the notifying party (typically, by statute, the parcel owner) but, when DEEP is aware of a third party responsibility, the acknowledgement may incorporate appropriate reference based on DEEP's understanding of the third party's responsibility. Note that in the event a third party fails to abate a hazard condition, the site owner may be responsible for such abatement.

Approvals If a plan or report is submitted detailing actions taken or to be taken, and the Commissioner finds the plan or report acceptable, the Commissioner will approve it in writing. Approvals may also be issued for interim plans or reports that address one step in a multi-phase abatement process, or establish mitigation with an associated need for an ongoing monitoring or maintenance program described in the report.

Mitigation (Controlled Conditions) In some circumstances, further evaluation may indicate that, although there is no current risk of exposure, often because of interim actions taken, the hazard condition that resulted in the notification still exists. DEEP expects that in such circumstances the report will include recommendations for a monitoring program to periodically reconfirm that the conditions remain as evaluated. Such a monitoring program may be required to continue, at varying levels of effort, until source remediation is completed and the reportable condition no longer exists. If such program is not conducted as approved, DEEP cannot conclude that the significant environmental hazard remains mitigated.

Abatement Certification The Commissioner will issue a certificate when the actions implementing an approved plan are completed satisfactorily and the actions result in abatement of the hazard condition *such that notification under the statute would not be required*. If the approved actions include a periodic monitoring program or long-term care of a physical control, the issuance of a certificate is not possible, since, although short-term risk is mitigated, permanent abatement to the required standard is not yet achieved.

Related Programs

Public Safety **Local fire departments must also be immediately notified in the case of an explosion hazard.** Response under the notification statute should not delay taking appropriate actions under any applicable site safety plan, permit condition, or operating procedure. Public safety is paramount.

Spill Notification **Notification under CGS Section 22a-6u does not satisfy spill reporting requirements.** If the release being investigated is subject to the reporting requirements of CGS Section 22a-450, the Emergency Response and Spill Prevention Division must be separately notified. In addition, all Federal reporting requirements must be separately met.

Other Notifications **Notification under CGS Section 22a-6u does not satisfy other DEEP reporting requirements.** Notifications must be separately provided to DEEP as may be required by other any regulatory programs or permit requirements. Vice versa, notifications needed for laws other than CGS Section 22a-6u do not replace required notifications under CGS Section 22a-6u. An exception is that one-day verbal notification as a hazard condition for non-aqueous phase liquid entering surface water is not required if the condition has been reported as a spill; however, written notification after 30 days is still necessary.

Remediation Standards **Completion of hazard abatement actions does not necessarily result in complete remediation of a parcel.** Mitigation or abatement of a significant environmental hazard is typically an interim response to address a short-term exposure risk. Sites where hazard mitigation or abatement has occurred may need further remediation action to achieve compliance with the RSRs, which address long-term risks.

Property Transfer Program Certificates of Hazard Abatement which are issued under the provisions of CGS Section 22a-6u are not sufficient basis for either a Form II or Form IV filing under the Property Transfer Program.

Monitoring Programs CGS Section 22a-6u does *not* provide an exception if a significant environmental hazard condition is identified through a periodic monitoring program implemented to satisfy DEEP permitting or remediation requirements. DEEP, in evaluating a notification received as a result of such a monitoring program, may choose to coordinate any response with the DEEP program requiring the monitoring.

Fees There are no fees associated with notification under this requirement.

Additional Information

Additional information is available in the following documents:

- [Reporting of Certain Significant Environmental Hazards: Frequently Asked Questions \(DEEP-REM-SEH-FAQ-500\)](#)
- [Significant Environmental Hazard Notification Form: Guidance and Instructions for Completion \(DEEP-REM-SEH-INS-500\)](#)
- [List of Significant Environmental Hazards Reported to the DEEP](#)

Detailed discussion of technical considerations in the determination of the presence of a significant environmental hazard may be found in the Guidance and Instructions.

Contact Address

For further information contact the Remediation Division of the DEEP's Bureau of Water Protection and Land Reuse at:

79 Elm Street (860) 424-3705 (voice)
Hartford, CT 06106-5127 (860) 424-4057 (fax)

Attachments

For convenience, the below listed reference tables for Significant Environmental Hazard Condition Notification Threshold Concentrations are attached. The statutory definition of the criteria governs hazard determinations in the event of any discrepancies.

[Reference Table A: Volatile Organic Substances](#)

[Reference Table B: Semi-volatile Organic Substances](#)

[Reference Table C: Inorganic Substances](#)