



# SCENARIOS WITHIN RBCRs

MAY 13, 2026

Presented by: Remediation Division, Bureau of Water Protection and Land Reuse

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# TRAINING DISCLAIMER

The following presentation was delivered by the Remediation Division of the Connecticut Department of Energy and Environmental Protection on May 13, 2026. This presentation is intended to be an overview of the Release Based Cleanup Regulations (RBCRs) Sections 22a-134tt-1 through 22a-134tt-13 inclusive, and 22a-134tt-App1 through 22a-134tt-App12, which became effective on March 1, 2026. This presentation is designed to answer general questions and provide basic information. You should refer to the appropriate statute or regulation for specific language. It is your responsibility to comply with all applicable laws and regulations. The information contained in this presentation is intended only to acquaint you with the RBCRs and does not constitute the Department's interpretation of the applicable laws and regulations.

A stylized, colorful landscape illustration. At the top right, a bright yellow sun is partially visible. Below it, a large green hill with a dark blue outline dominates the middle ground. To the left, a smaller, lighter green hill is partially visible. At the bottom, a light blue area represents water, also outlined in dark blue. The text "Discovery Scenarios" is centered on the green hill.

## Discovery Scenarios

# SCENARIO 1: CLARIFYING “DISCOVERY”

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**Obtaining knowledge of release is when creator/maintainer (C/M) obtain data about that release. Therefore, if the C/M obtained data (someone shared with him) after March 1st, 2026, but the data itself is from Oct 2025, that is not discovery, because of filing cabinet. Is that correct?**

5/13/2026



# SCENARIO 1: CLARIFYING “DISCOVERY”

## Sec. 22a-134tt-2. Discovery of Releases

### (a) Discovery of an Existing Release

(1) Discovery of a release to the land and waters of the state occurs when a person who created or is maintaining an existing release has knowledge of such release, except that a release shall not be deemed discovered if the only evidence of such release is data available or generated BEFORE the date the RBCRs are adopted.

### Key points:

- Timing is when person obtains knowledge
- Exception:
  - ONLY 1 line of evidence
  - Dated BEFORE March 1, 2026

# SCENARIO 1: CLARIFYING DISCOVERY

The owner of a property historically used for consumer retail has just learned about the RBCRs and hires a consultant to inform them if this could have an impact on their plan to sell a property soon. The property owner has lab data from a December 2025 site investigation, but they never made time to look at it. The consultant reviews the site investigation report containing the lab results and decides the data could be indicative of a release. The consultant shares their findings in a letter report to the property owner on May 8, 2026.

**Does the May 8, 2026 letter report to the property owner constitute “Discovery”?**

**NO**, The ONLY line of evidence available at this time is pre-March 1, 2026 lab data that meets the “filing cabinet exemption”, and there are currently no other lines of evidence to support discovery of a release.

# Scenario 1 How did we get to **No**?

- This scenario is based on pre-March 1, 2026 laboratory data, not observing a change in conditions (i.e. spill), so this would be an existing release if discovered.
  - Not an ERR, falls into existing release categories
- For this scenario, the data reported contamination, but not at a level triggering a SER condition.
  - This could have alternative concerns for former SEH condition not report.
- This property in question was historically a retail operation, and there is no history of an establishment at this property.
  - The **ONLY** information was one data report from 2025, and no other lines of evidence of a release are/were available

# SCENARIO 1: ADJUSTING THE SCENARIO

The owner of a property historically used for consumer retail has just learned about the RBCRs and hires a consultant to inform them if this could have an impact on their plan to sell a property soon. The property owner has lab data from a December 2025 site investigation, but they never made time to look at it. The consultant reviews the site investigation report containing the lab results and decides the data could be indicative of a release. *The consultant performs a site walk and identifies signs of a surficial release.* The consultant shares their findings in a letter report to the property owner on May 8, 2026.

Does the May 8, 2026 letter report to the property owner constitute “Discovery”?

**YES**, The filing cabinet data has now been supported by additional lines of evidence which changes the outcome, and leads to discovery.

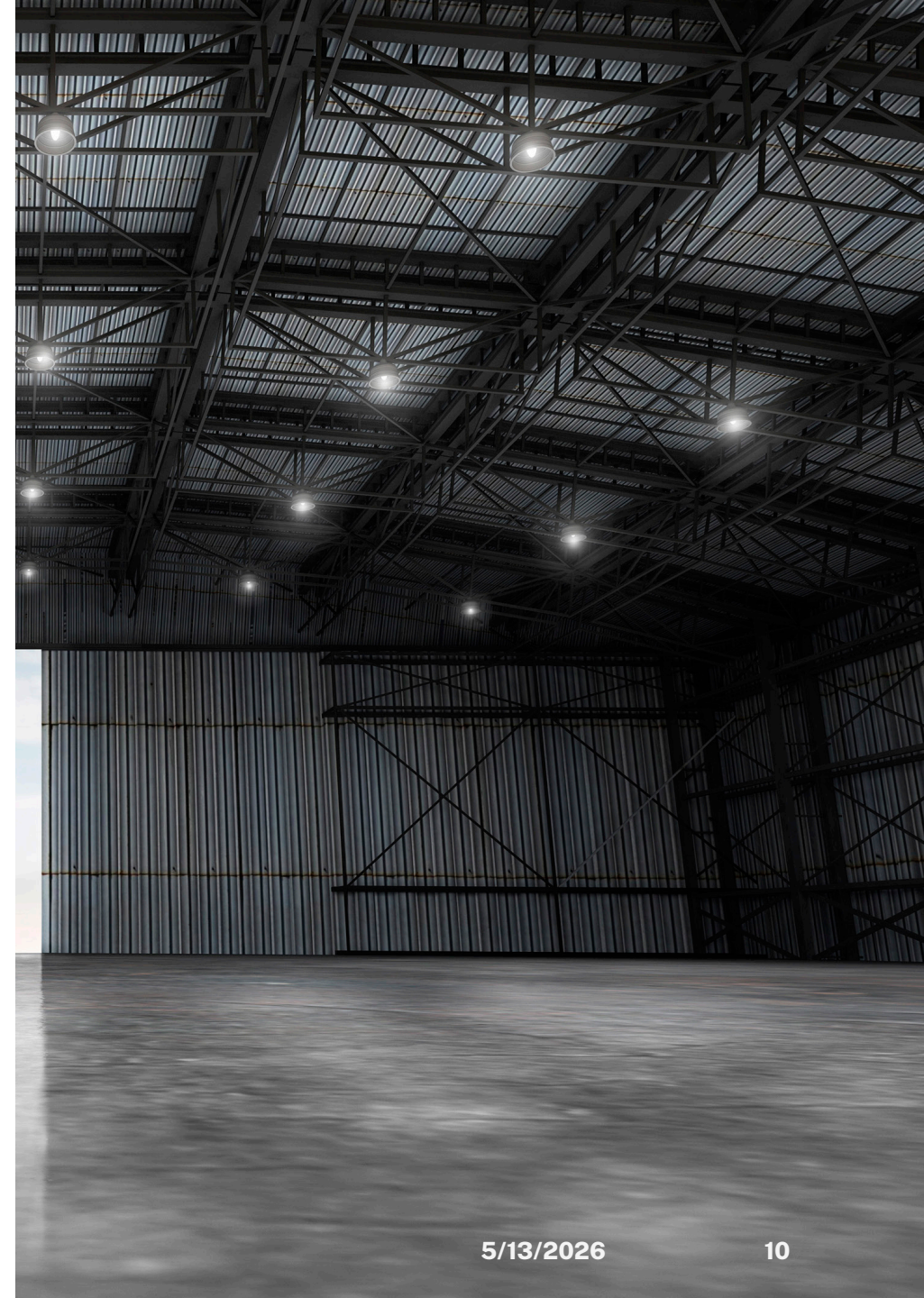
# SCENARIO 1: ADJUSTING THE SCENARIO; TIMING

However, in the same scenario, if the lab data was generated on April 15, 2026, and the property owner obtained knowledge of the information 2 months later, (June 16, 2026), that is "discovery of a release". The property owner is now a C/M and the date of discovery is June 16, 2026.

- Discovery of a release per §22a-134tt-2(a) of the RBCRs occurs when the creator/maintainer obtains knowledge of it. An EP may be working directly for the creator/maintainer or another entity:
  - An EP will typically have knowledge of a release before their client does and is expected to inform their client of their observations and conclusions. An EP should notify their client that a release exists not more than 30 days after the earlier of the following:
    - The date of a laboratory report providing analytical evidence of a release.
    - The date of the parcel reconnaissance identifying multiple lines of evidence indicating the presence of a release.
  - If the EP's client is also the creator/maintainer of the observed release, the EP should inform them that knowledge of the release constitutes discovery under the RBCRs and carries all the obligations associated with discovery, including further investigation or reporting (see [Section 3](#) below).
  - If the EP's client is not the creator/maintainer, discovery has **not** occurred pursuant to §22a-134tt-2(a) of the RBCRs.

The date of sampling data  
is very important to determining  
if there is “Discovery”

# **SCENARIO 2: TRIGGERS FOR ENTERING THE RELEASE BASED CLEANUP PROGRAM**



# SCENARIO 2A : DEVELOPMENT DISCOVERY

A property owner wants to extend the footprint of their warehouse. Upon digging the foundation of the old boiler room, there is faint visible staining in the soil and a slight petroleum odor.

## CONCLUSION

Multiple lines of evidence indicate that there is a release. Discovery occurs when a reasonable person with appropriate knowledge and experience observes the evidence.

If this is discovered, it will either need to be reported within 120 days or samples will need to be collected for analysis to rebut the visual and olfactory lines of evidence.

# SCENARIO 2B : DUE DILIGENCE DISCOVERY

A commercial property is up for sale. In order to obtain a bank loan, the prospective buyer must perform a site investigation for due diligence. During the assessment, evidence of releases are observed on the property.

## CONCLUSION

A Phase I and Phase II are routinely required by banks to determine value. This will most likely result in environmental samples being taken near Areas of Concern.

Identified releases will need to be reported IF the buyer takes possession of the property or the investigation results are disclosed to the current owner.

If an SER is discovered, it needs to be reported.

# SCENARIO 2c : DISCOVERY OF UNEXPECTED COCs

A gas station owner is replacing their tanks and sampled soil and groundwater in the surrounding area to ensure compliance with the UST regulations. Chlorinated VOCs are detected 10 feet from the tank grave.

## CONCLUSION

This would constitute a release requiring entry into RBCRs because CVOCs are not typically associated with petroleum USTs.

A stylized, colorful landscape illustration. At the top right, a bright yellow sun is partially visible. Below it, a large green hill with a dark blue outline dominates the middle ground. To the left, a smaller, lighter green hill is partially visible. At the bottom, a light blue area represents water, also outlined in dark blue. The overall style is simple and graphic.

## Legacy Scenarios

## **SCENARIO 3**

**A property is currently enrolled in Vol X program. The LEP has sampled to determine extent and degree of impacted fill material in soil.**

**The release was already known and included in the existing Phase II.**

**Sampling triggers discovery (no SER condition).**

## **SCENARIO 3**

**❖ How much time after discovery does the applicant have to enter Parcel-Wide program?**

**They must create the Voluntary Parcel-Wide Cleanup case in REACT before the earliest reporting deadline for the discovered release.  
(120 or 365 days)**

## **SCENARIO 3**

**What information needs to be provided if a Phase II and ECAF have previously been submitted?**

**For ECAF and Phase II reports dated prior to March 1, 2026:**

- the LEP shall provide an update stating that the Phase II is still valid (meaning no releases have occurred since the Phase II)**
- and then may use March 1, 2026 as the Phase II initiation date for the purpose of milestone due date calculations**

## SCENARIO 3

❖ **What happens to the historical Vol X filing in REACT? Does it remain open until the Parcel-Wide has been resolved?**

**Yes**

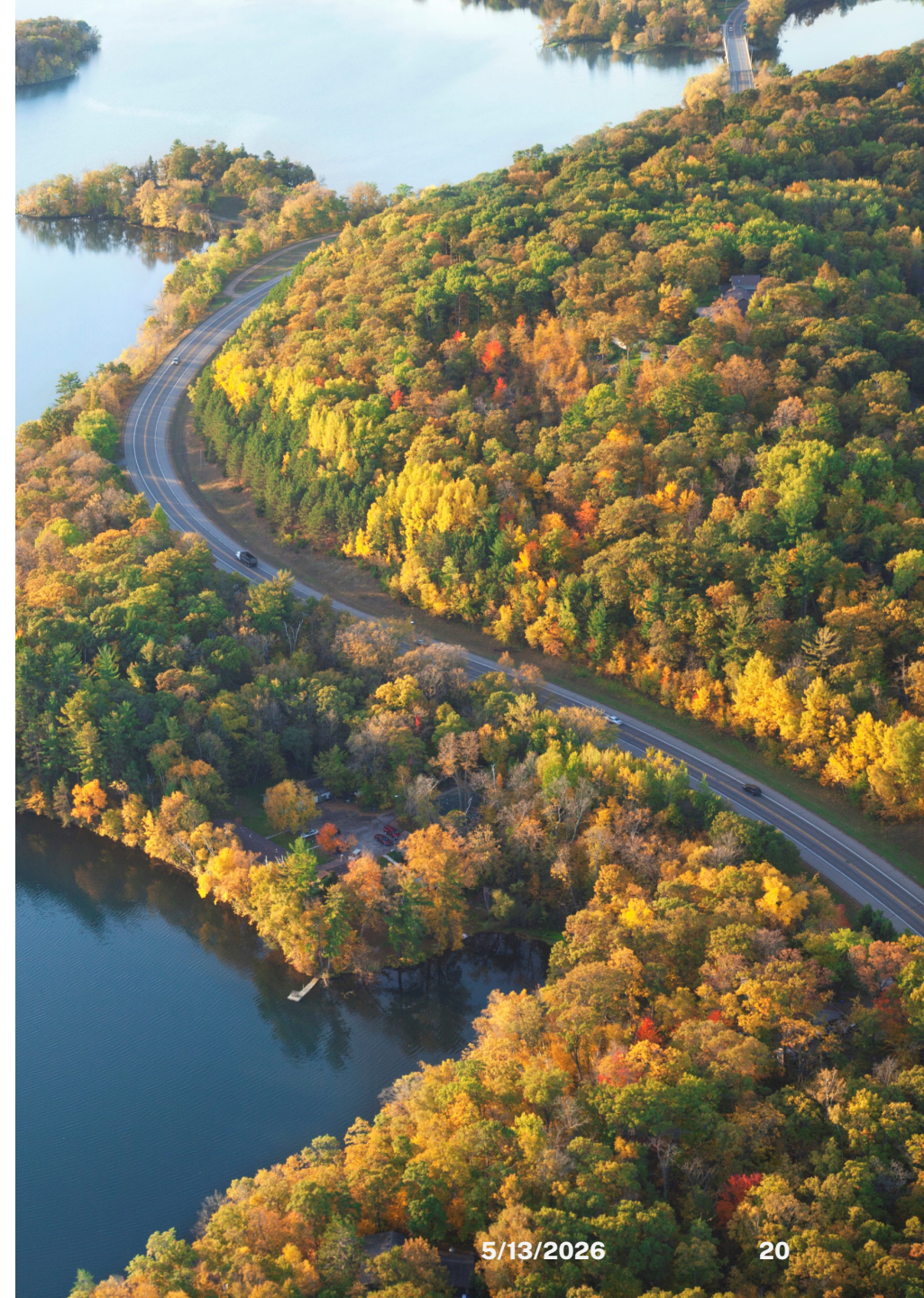


A stylized, colorful landscape illustration. The top right corner features a bright yellow sun. Below it is a large, vibrant green hill. The bottom of the image shows a light blue body of water. The entire scene is defined by thick, dark blue outlines. The word "Clarifications" is centered in white text on the green hill.

**Clarifications**

# **SCENARIO 4 : GROUNDWATER > 10x SWPC SER**

When navigating the Immediate Actions for an SER where groundwater within 250' of a surface water body exceeds 10x the SWPC, there is conflicting language regarding the submission of an IA report within 30 days of discovery and the contents of that report.



# SCENARIO 4 : GROUNDWATER > 10x SWPC SER

## 22a-134tt-5(f)(5) ~ IAs

...not more than **30 days after discovery** of such release an **immediate action report** shall be prepared and submitted **pursuant to subsection (k)** of this section that:

- (A) Describes the nature and extent of such release, and includes the results of laboratory analysis of samples collected;
- (B) Identifies each measure taken to prevent migration of such release; and
- (C) Includes a schedule for completing tier characterization** of such release.

### Key points:

- An IA Report (not a plan) is due within 30 days.
- The IA Report is to include a schedule to complete tier characterization.
- The IA Report is to be prepared and submitted pursuant to -5(k), which has its own requirements.

# SCENARIO 4 : GROUNDWATER > 10x SWPC SER

## 22a-134tt-5(k)(2)(E) ~ IA Report

...information regarding the **investigation and characterization of the release sufficient to demonstrate that the transition-point or cleanup standards identified have been achieved**, including confirmatory sampling of soil or groundwater, if required;

## 22a-134tt-5(h)(2)(E) ~ Transition

...**tier characterization is complete and such release has been entered into a cleanup tier...**

### Key points:

- The IA Report is to include a demonstration that the transition point or cleanup standards have been achieved.
- The transition point is tier characterization completion and tiering.

This conflicts with the -5(f)(5)(C) direction to include only a *schedule* to complete tier characterization.

# SCENARIO 4 : GROUNDWATER > 10x SWPC SER

22a-134tt-5(k)(3) ~ IA Report

If, at the time an immediate action report is submitted, the release has not been remediated to the standards specified in the cleanup standards sections of the RBCRs, the immediate action report and a tiering assignment shall be simultaneously submitted....

Key point:

- If the release does not meet the RBCR standards at the time the IA Report is submitted, it must be tiered at that time.

This conflicts with the -5(f)(5)(C) direction to include only a *schedule* to complete tier characterization in the IA Report and the -5(h)(2)(E) direction to tier at the transition point once characterization is complete.

# SCENARIO 4 : GROUNDWATER > 10x SWPC SER

22a-134tt-5(j)(2) ~ IA Plan

...Any person who created or is maintaining a significant existing release, **except a release to groundwater requiring immediate action pursuant to subsection (f)(5)** of this section, shall submit an immediate action plan...

Key point:

- Unlike other SERs, this IA specifies preparation of an IA Report, not an IA Plan.

§ -5(j)(2) confirms this was intentional and that an IA Plan was not expected for this type of SER.

# SCENARIO 4 : GROUNDWATER > 10x SWPC SER



## Short Term Practical Implementation

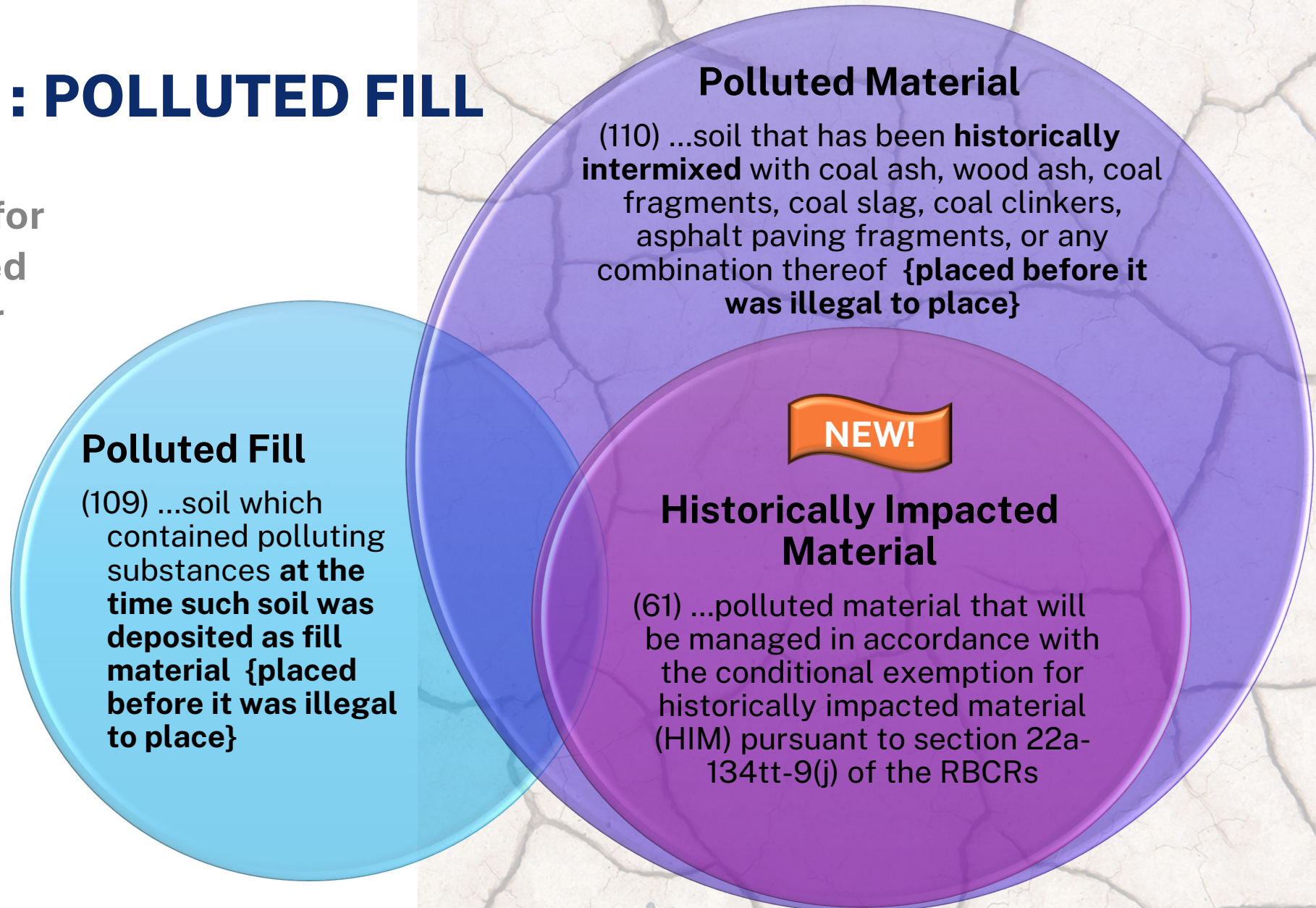
- Given the IA requirements specified in subsection -5(f)(5)(C) to include a schedule to complete tier characterization in the IA Report, the requirements of subsections -5(k)(2)(E) and -5(k)(3) to document tier characterization and to tier at the time the IA Report is submitted **do not apply. Tiering occurs following completion of tier characterization** per -5(h)(2)(E).

## Long Term Resolution

- When we have a chance to revise the regulations, we will clean up the language to make the expectations clearer and address this continuity error.

# SCENARIO 5 : POLLUTED FILL

Can the exemption for historically impacted material be used for polluted fill?

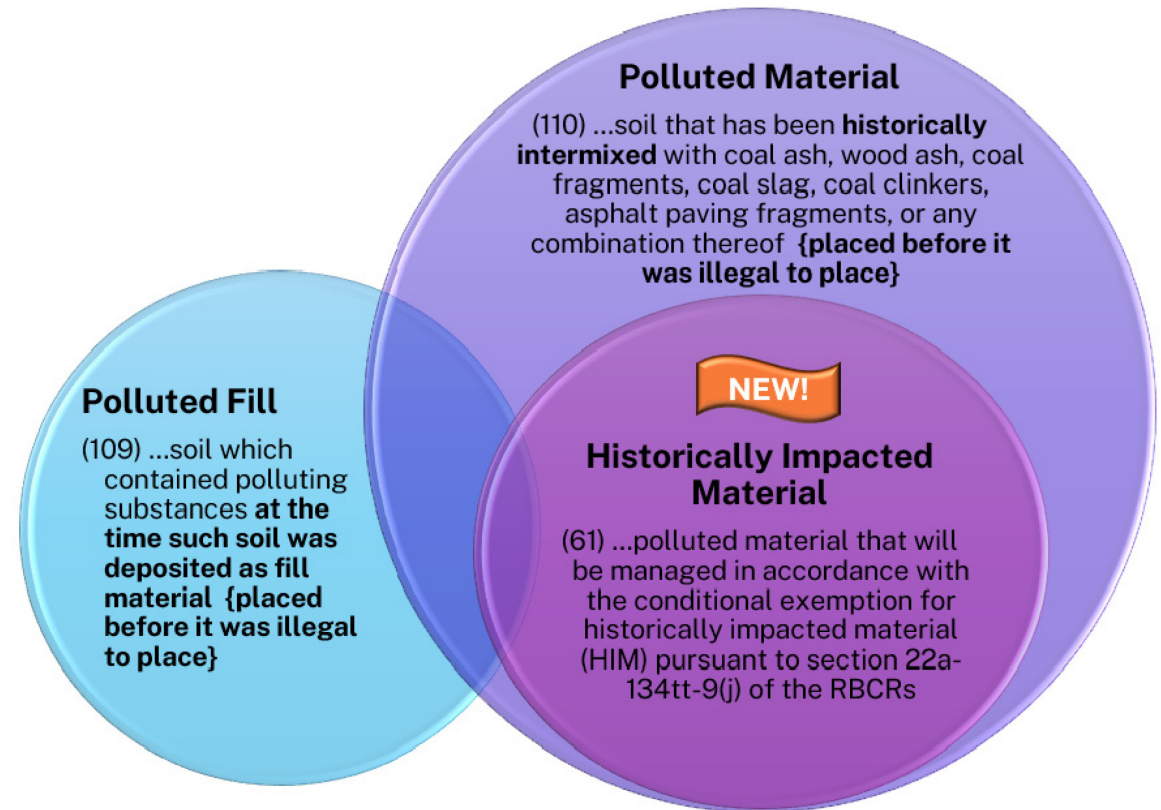


# SCENARIO 5 : POLLUTED FILL

The definition of historically impacted material says it is “polluted material.”

The definition of polluted material is soil that has been historically intermixed with coal ash, wood ash, coal fragments, coal slag, coal clinkers, and/or asphalt paving fragments

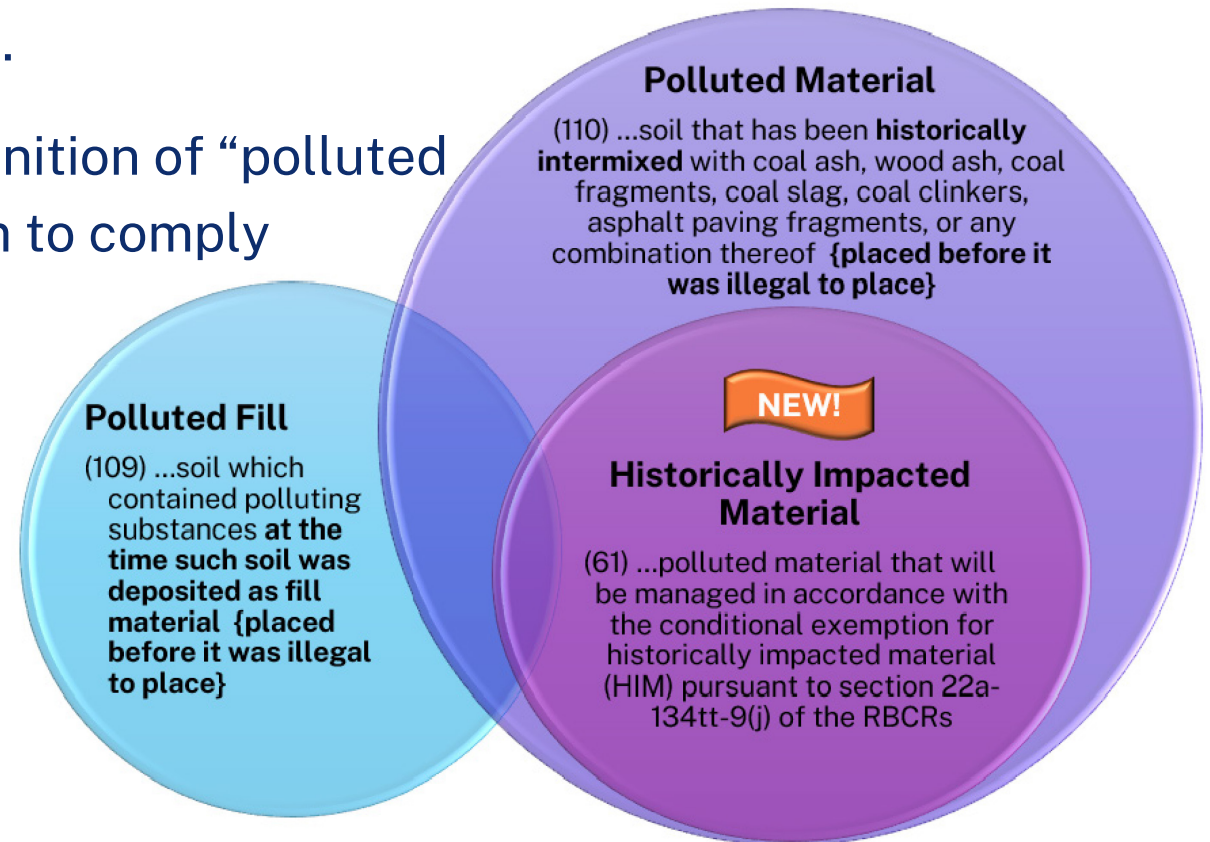
Polluted fill includes that and everything else.



# SCENARIO 5 : POLLUTED FILL

If polluted fill contains things that don't fit under the definition of "polluted material," it isn't necessarily excluded from using the historically impacted material provision, but...

...any polluted fill that does not meet the definition of "polluted material" will have to use another mechanism to comply with the RBCR cleanup standards.



# TIPS AND TRICKS

❖ In REACT there are two steps to submit a Release-Based Case with a SER condition:

- Create a new Release-Based Case for the newly discovered existing release in REACT
- To Report the SER conditions to indicate that Immediate Actions are needed, go to the Case Record Page and click "New Immediate Action" button.



Create a New Case



Connecticut Department of Energy

Case  
Test2 Release-Based

New Submittal Edit Case Chemicals **New Immediate Action** Edit Affiliations Edit Location Add Spill Work Tickets Add Affiliations

Case Program Release-Based Case Status Open Case Number DCN-203779

Attention: This Release Requires Immediate Action. Take Steps to Achieve Progress Milestones.

Investigation Started Investigation Completed Cleanup Started Soil Cleanup Complete - GW... Cleanup Complete - LTS Cleanup Complete - No LTS

Details Milestone Submittals Related

General Information

Case Program	Release-Based	Case Number	DCN-203779
Case Name	Test2 Release-Based	Case Creation Date	4/30/2026

Site Map

Site  
125 Three Mile Rd. Glastonbury, Connecticut

# TIPS AND TRICKS

- ❖ **The Regulated Entity is the entity required to comply with regulatory/statutory requirements. It is not the consultant/attorney/other representative.**
- **To enter contact information for environmental consultant, attorney, LEP, PEP, tenant, others... please go to "Add Additional Contact"**

**Additional contact**

**Account Information**

**\* Relationship to Case**

Select

Creator or Maintainer

Enforcement Respondent

Insurance Contact

Lessee

**Licensed Environmental Professional**

Licensee

**\* Account** ⓘ

Start typing 3 or more characters to search, if not found select "Add New"

**Account Phone** ⓘ

Start typing 3 or more characters to search, if not found select "Add New"

**+ Add Additional Contact**

# TIPS AND TRICKS

- ❖ Only enter information in the real world portal, not the training/testing portal that has the pink "this is a testing ("UAT") portal" ribbon on the top of the page.

The screenshot shows a web browser window with the address bar containing `deep-react-uat.service.ct.gov/s/`. The page header features the CT.GOV logo, the Connecticut Department of Energy and Environmental Protection logo, and the text "DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION PORTAL". A search bar is located to the right of the header. Below the header is a navigation menu with links for Home, Search, Sites, Cases, Submittals, Milestones, Chemicals, Reports, and Payments. A prominent pink warning ribbon with a red prohibition sign and the text "This is a UAT test portal" is displayed across the top of the page content. Below the ribbon, the text "Home Page" is visible.

The background features a stylized landscape with a yellow sun in the top right, green hills in the middle, and light blue water at the bottom. The elements are separated by thick, dark blue wavy lines.

## **Upcoming Trainings Questions**

# UPCOMING TRAININGS



Next Up...

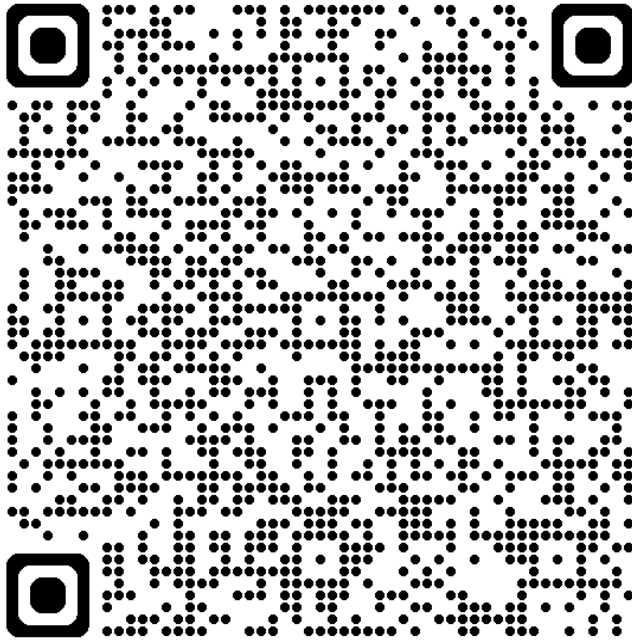
Reminder: Registration for upcoming RBCR & REACT Training Available on DEEP's webpage:

[REACT and Release-Based Cleanup Regulation Training](#)

**REACT Trainings** every Thursday morning from 10:00 a.m. – noon

Date	Topic	Training Course	Location/Zoom Registration or Access Link	Questions & Answers
May 13, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	Scenarios - Focused Session 12	<a href="#">Register for May 13</a>	
May 20, 2026, 2:00 p.m. - 3:00 p.m.	RBCR	RBCR Office Hours Q&A Session	<a href="#">Register for May 20</a>	
June 3, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	ERR and PCB Topics - Focused Session 13	<a href="#">Register for June 3</a>	
June 10, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	Scenarios - Focused Session 14	<a href="#">Register for June 10</a>	
June 17, 2026, 2:00 p.m. - 3:00 p.m.	RBCR	RBCR Office Hours Q&A Session	<a href="#">Register for June 17</a>	
April 2 - June 4 Every Thursday 10:00 a.m. - 12:00 p.m.	REACT	<p><b>REACT Training during first hour</b> (Various topics: April 2: Verifications April 9: LUST E-Forms April 16: Tiering Additional topics )</p> <p><b>Help Session during second hour</b></p>	<a href="#">Register for April, May, June Thursday sessions</a>	

# QUESTIONS?



Questions on RBCRs and REACT portal may be submitted using this [Question submittal tool](#) or send an email to

[DEEP.ERR@ct.gov](mailto:DEEP.ERR@ct.gov)

[DEEP.LeakingUST@ct.gov](mailto:DEEP.LeakingUST@ct.gov)

[DEEP.PCBProgram@ct.gov](mailto:DEEP.PCBProgram@ct.gov)

[DEEP.PEPEnforcement@ct.gov](mailto:DEEP.PEPEnforcement@ct.gov)

[DEEP.RemediationDivision@ct.gov](mailto:DEEP.RemediationDivision@ct.gov)

[DEEP.REACT@ct.gov](mailto:DEEP.REACT@ct.gov)

**Responses to submitted questions will be provided in:**

**updates to Frequently Asked Questions documents,**

**Q&A annexes to training courses, or**

**individually if appropriate.**

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**Thank you!**