



RELEASE BASED FOCUS SESSION

SELECTED SOIL TOPICS AND RBCRs

May 6, 2026

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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 6, 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.

OUTLINE

Applicability of RBCRs for non-remediation construction/infrastructure projects

Review of concepts: discovery & reporting

Permit by Rule: review & clarifications

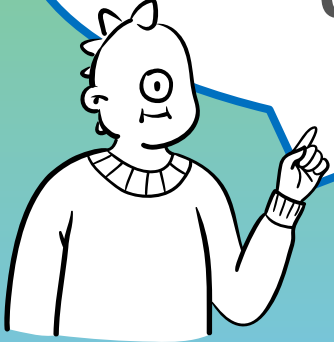
ARE THERE NEW SOIL TESTING REQUIREMENTS FOR CONSTRUCTION PROJECTS UNDER THE RBCRs?

NO.

- RBCRs do **not** dictate when soil should be sampled and what it should be sampled for.
- The action of digging up soil does not constitute discovery.
- However, observations made during digging may lead to discovery.



IF YOU DO TEST SOIL...



And you detect something, what do you do?



Is that Discovery?

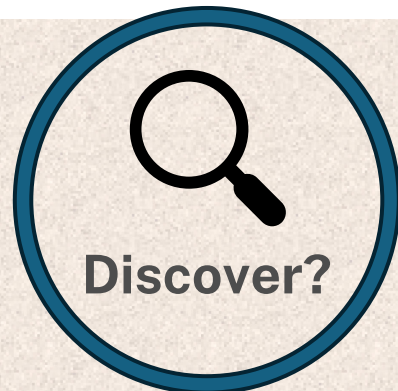


Let's review Discovery...

HYPOTHETICAL SITE



Soil contamination is already known to be present at a property (pre-March 1, 2026). As part of new development, the known contamination will need to be removed. Does digging up the known contaminated soils constitute discovery **which now must be reported** under the new regulations?



DISCOVERY OF EXISTING RELEASES

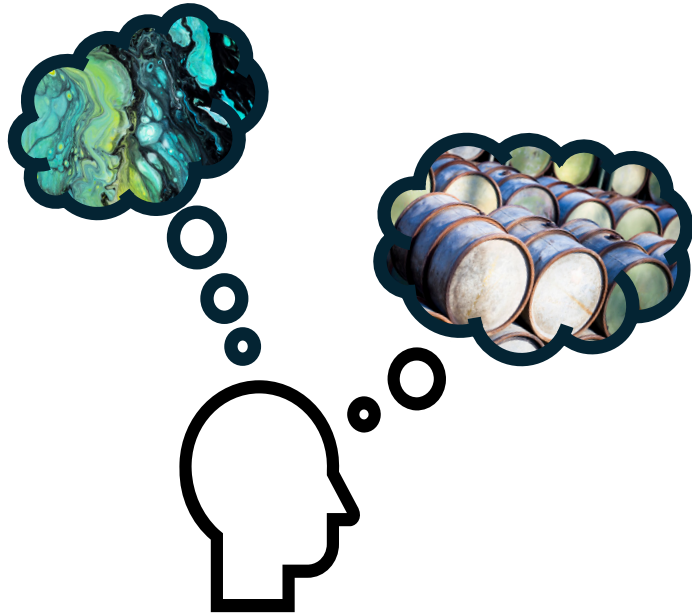


The market drives due diligence

- **Discovery occurs when the creator/maintainer:**
 - Becomes aware of lab results indicating concentrations of substances above the laboratory reporting limit;
 - Becomes aware of the observed presence of non-aqueous phase liquid (NAPL); or
 - In course of investigation, becomes aware of multiple lines of evidence:
 - ❖ Use of the area
 - ❖ Field screening results
 - ❖ Stained soil, floors, or pits
 - ❖ Odors
 - ❖ Presence of non-native materials (e.g., asphalt)

RCSA Sec. 22a-134tt-2

WHY MULTIPLE LINES OF EVIDENCE?

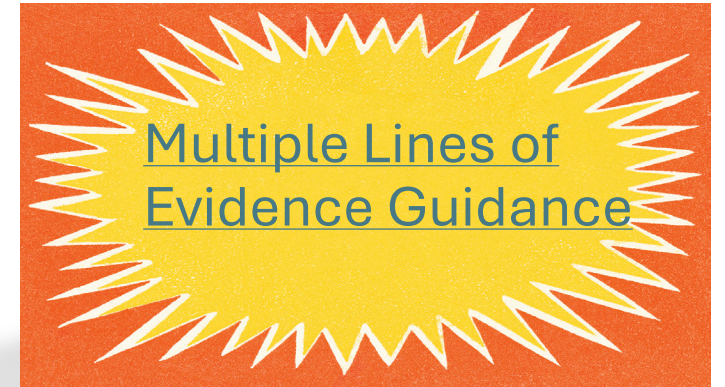


The “multiple lines of evidence” standard focuses on the level of knowledge needed by a **“reasonable person”** to conclude that a release is present.

- ❖ The ultimate goal is to encourage sampling of observed potential releases and is **intended to prevent willful blindness.**

WHEN CAN MULTIPLE LINES OF EVIDENCE LEAD TO KNOWLEDGE OF A RELEASE?

- Environmental site assessments conducted for various purposes (most common)
- By other professionals with appropriate expertise any time a business decision is made to investigate the land and waters of the state for the purposes of:
 - Redevelopment
 - Facilitating purchase/sale of a property



EXCEPTIONS TO DISCOVERY



Only evidence of a release is data available or generated before the effective date of the RBCRs (“filing cabinet” exception)



Non-analytical lines of evidence obtained outside a business decision to investigate the land and waters of the state



Substance present (based on lab analysis) because of one of the following:

Authorized under Title 22a of the CGS

Naturally occurring

Automotive exhaust

Application of fertilizer/pesticides in accordance with labeling

**CGS 22a-134pp(6) & RCSA
Sec. 22a-134tt-1(a)(126)**

INCIDENTAL RELEASES

The following are determined NOT to be a release under the RBCRs

- (i) Trihalomethanes in GW believed to be **naturally occurring** or from **public water supply leak**.
- (ii) Byproducts of combustion from wood or charcoal used for **residential or recreation uses**.
- (iii) Substance from asphalt, paving or maintenance, provided **maintained for intended use**.
- (iv) Substances from utility poles or landscaping timbers serving **original intended** use.
- (v) Substances authorized by 22a-CGS, or auto exhaust, or application of fertilizer or pesticides per labeling

Remember! A release can't be discovered if it isn't a release

RCSA Sec. 22a-134tt-1(i)(4)(A)



EXCEPTION: INCIDENTAL PUBLIC ROADWAY RELEASES

Roadway maintainer not deemed responsible for maintaining an incidental roadway release provided that:

- Excavated soil is:
 - Reused pursuant to reuse of polluted & treated soil provisions (RCSA Sec. 22a-134tt-9(h)),
 - Properly disposed, OR
 - Soil is:
 - Reused in same right of way from which it was excavated,
 - Reused in location impacted by same release or existing release of same substances, **AND**
 - If VOSs present > applicable DEC, soil is >30' from building **AND** is reused under (bituminous) concrete.



BACK TO OUR HYPOTHETICAL SITE

Soil contamination is already known to be present at a property (pre-March 1, 2026). As part of new development, the known contamination will need to be removed.

The very act of digging in this scenario does NOT constitute discovery. However, discovery would be triggered through any additional line of evidence on top of the historical data such as:

- *Visual or olfactory evidence of a release is observed*
- *Non-native material is present*

BACK TO OUR HYPOTHETICAL SITE (CONTINUED...)

During digging, the permitted disposal facility requests additional sampling. Soil sample results are above RBCR criteria and indicate discovery of an existing release, is this reportable under the RBCP?

- ❖ Reporting requirements and timelines depend on concentrations



DISCOVERY AND REPORTING TIMELINES FOR SIGNIFICANT EXISTING RELEASES (SERs)

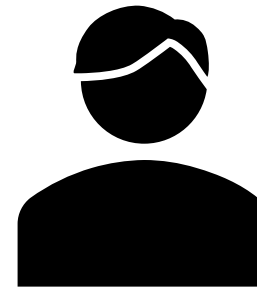
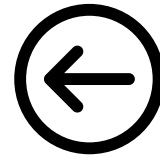
6 hours – 1 business day to notify

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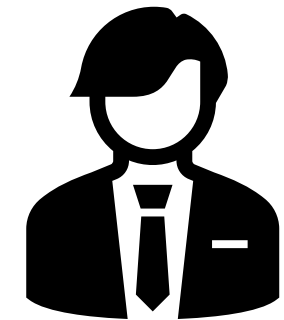
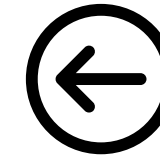
24-72 hours to notify



Creator/
Maintainer



Agent of
Creator/
Maintainer
or 3rd party



Agent of 3rd
party



REPORTING TIMELINES FOR EXISTING RELEASES (NON-SER)

Report within 120 days

- Greater than 2x criteria or APS
- Any detection if no criteria
- Greater than certain quantities or NAPL

Report within 365 days

- Less than 2x criteria or APS

Do not report

- If closure verified or certified before deadlines
- Retain Release Remediation Closure Report for at least 10 years

KNOWLEDGE CHECK

A developer is **building a hotel** at a **former commercial property**. The hotel footprint will be over a portion of the former parking lot. On **March 15, 2026**, they receive a lab report indicating **PAHs were detected in soil**. These results appear to be associated with the **parking lot** and are considered an incidental release. They plan to excavate 2ft bgs for the foundation.

Does the detection of PAHs in this scenario constitute the discovery of a release?

- A. Yes, because the PAHs were detected after March 1, 2026.
- B. No, because the PAHs are an incidental release.



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What are appropriate options for managing the excess soils?

- A. Dispose off site at permitted facility
- B. Relocate to under the hotel parking lot
- C. Relocate to a new residential neighborhood
- D. A and B



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PERMIT BY RULE

Review & Clarifications

REMINDER: PERMIT BY RULE

Mechanism

A regulatory mechanism **similar to a general permit** that allows for coverage of facilities/parcels that meet certain eligibility criteria.

Structure

The text of the permit is **contained within** the regulations.

Does not require an EUR.

Coverage

By **providing notice** to DEEP, eligible parcels are covered by the permit by rule until an event occurs that results in the permit's termination.
(more on that)

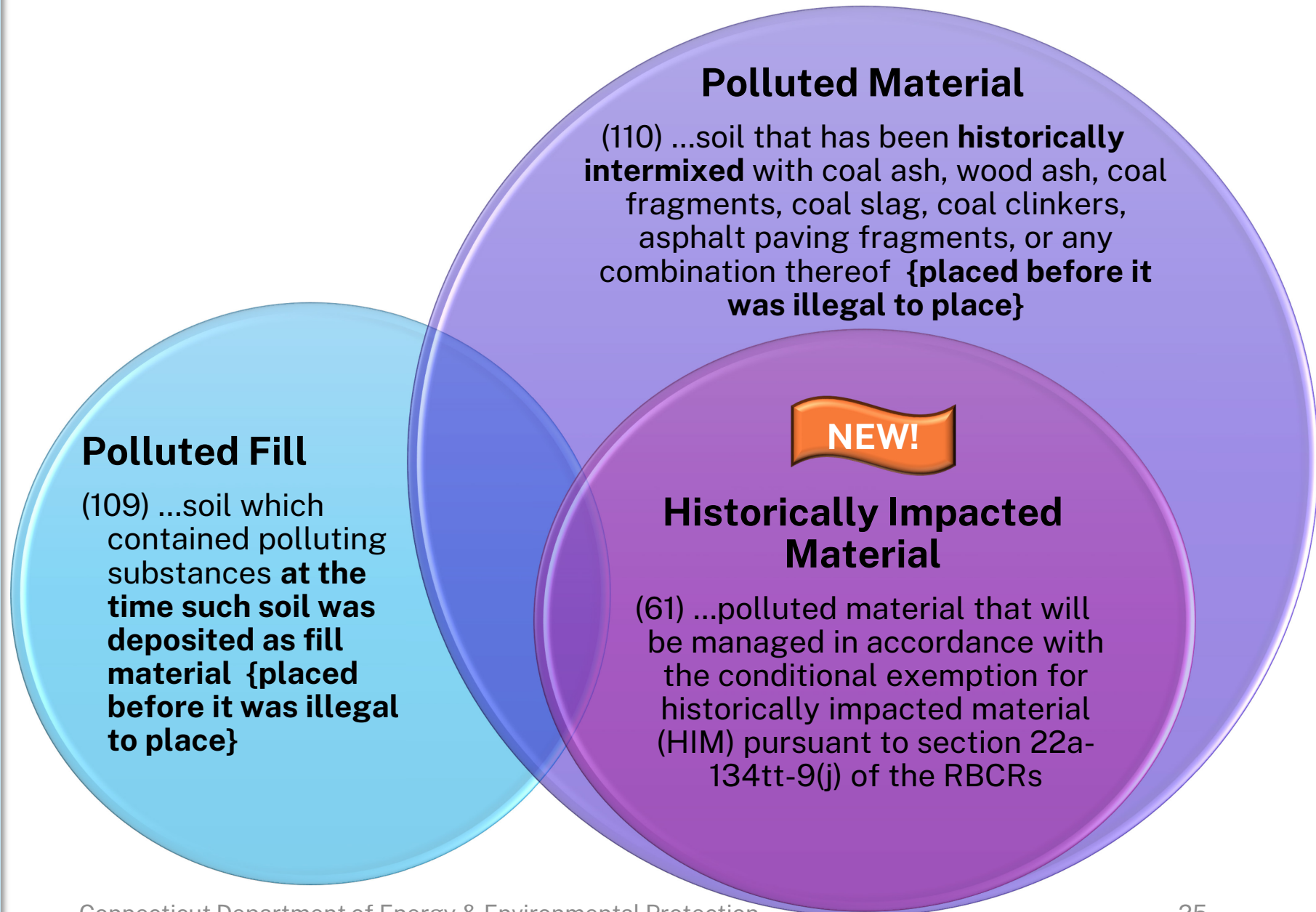
Other Uses

Permit by rule is a mechanism used by the federal government, other states, and by DEEP's Environmental Quality Branch

REVIEW: PERMITS BY RULE





	Historically Impacted Material (RCSA Sec. 22a-134tt-9(j))	Inaccessible Soils (RCSA Sec. 22a-134tt-9(b)(3)(C)&(D))
Parcel Use	I/C activity only	No restriction
Location of material	Remains on original parcel	Remains underneath (bituminous) concrete used for vehicle travel/parking or building foundation
Other applicability notes	Material is NOT prudent to remove No SERs present in material	If VOCs present: No VOCs > applicable DEC or VOCs > applicable DEC further than 30 feet from building If other pollutants present: Pollutants ≤ I/C DEC and 15x applicable DEC or > I/C DEC but < 15x applicable DEC w/ soil not less than 1 foot below (bituminous) concrete
Requirements	Maintain material on parcel & I/C use 5-year inspections Notify subsequent owners of HIM & permit by rule Record affidavit of facts	Maintain vehicle travel way/ parking lot and/or foundation 5-year inspections Manage soil during maintenance activities Record affidavit of facts
Demonstrating compliance	Upload Release Remediation Closure Report to REACT	Upload Release Remediation Closure Report to REACT
Non-compliance	Failure to comply with requirements (above) Change in parcel use	Removal of (bituminous) concrete/building (other than temporary removal)

POLLUTED FILL, POLLUTED MATERIAL, & HIM *WHAT'S THE DIFFERENCE?*







MECHANISMS FOR COMPLIANCE




Polluted Fill

-  Inaccessible & EUR
-  EC & EUR
-  Permit by Rule – Inaccessible
-  Widespread Polluted Fill Variance for PMC
- Must maintain cover

Polluted Material

-  Inaccessible & EUR
-  EC & EUR
-  Permit by Rule – Inaccessible
-  PMC conditional exemption
- Must maintain cover

Historically Impacted Material

-  No cover requirements
-  Permit by Rule – HIM
-  PMC conditional exemption
- Maintain I/C use

WHO CAN USE PERMITS BY RULE?

Permits by rule are part of the RBCRs/RSRs cleanup standards sections, anyone using these clean up standards may choose these options

(as long as you meet the requirements)



TIERING & HIM

“I want to use the HIM Permit by Rule, but I’m worried I’ll be stuck paying Tier 2 fees forever.”

Once a Release Remediation Closure Report is submitted, you will be done paying annual fees.

You will need to ensure the remedy remains effective in perpetuity.





CAN A CLOSED/VERIFIED SITE USE PERMIT BY RULE TO REPLACE AN EUR?

Yes, but...

1. Affidavit of facts must be recorded
2. LEP must submit documentation & data (signed & sealed) to demonstrate use of the permit by rule is appropriate and release is in compliance
3. LEP must request a permanent release of the existing EUR

WHAT ARE THE DIFFERENCES BETWEEN THE PERMITS BY RULE AND EURs?

Permit by rule

- Can **only** be used for specific conditions
 - HIM on I/C parcels
 - Inaccessible soil under parking lots, travel ways, & building foundations
- Subordination agreements **not** required
- **No mechanisms** to “remove/suspend” for disruptions

EUR

- More widely applicable
- Subordination agreements **are** required
- Land surveys are required
- More costly to prepare
- Requires **release of EUR** for most disturbances





UPCOMING TRAININGS


Next Up...

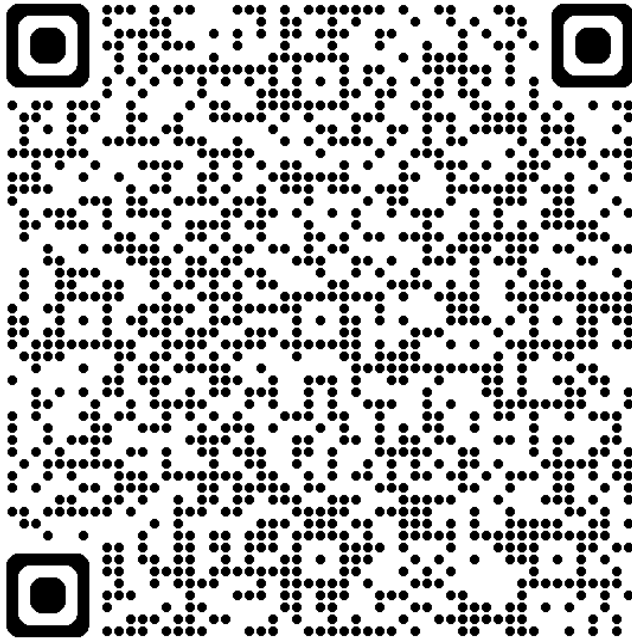
Reminder: Registration for upcoming RBCR & REACT Training Available on DEEP's webpage:

[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 6, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	Soil Topics - Focused Session 11	Register for May 6 	
May 13, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	Scenarios - Focused Session 12	Register for May 13 	
May 20, 2026, 2:00 p.m. - 3:00 p.m.	RBCR	RBCR Office Hours Q&A Session	Register for May 20 	
June 3, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	ERR and PCB Topics - Focused Session 13	Register for June 3 	
June 10, 2026, 10:30 a.m. - 12:00 p.m.	RBCR	Scenarios - Focused Session 14	Register for June 10 	
June 17, 2026, 2:00 p.m. - 3:00 p.m.	RBCR	RBCR Office Hours Q&A Session	Register for June 17 	

QUESTIONS?



Questions on RBCRs and REACT portal may be submitted using this

[Question submittal tool](#) or send an email to

DEEP.ERR@ct.gov

DEEP.LeakingUST@ct.gov

DEEP.PCBProgram@ct.gov

DEEP.PEPEnforcement@ct.gov

DEEP.RemediationDivision@ct.gov

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.

WHAT'S THE DIFFERENCE, CONTINUED: POLLUTED SOIL, CLEAN FILL

Polluted soil must receive written approval to be reused.
Only approved polluted soil meeting the RBCR reuse requirements and applicable criteria for the receiving location is included in the definition of “clean fill.”

Polluted Soil

RCSA 22a-134tt-1(a)(111) “Polluted soil” means soil affected by a release of a substance at a concentration above the laboratory reporting limit for such substance;



Clean Fill

RCSA 22a-209(1) "Clean fill" means (1) natural soil (2) rock, brick, ceramics, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard and (3) **polluted soil** as defined in subdivision (45) of subsection (a) of section 22a-133k-1 of the Regulations of Connecticut State Agencies which soil has been treated to reduce the concentration of pollutants to **levels which do not exceed the applicable pollutant mobility criteria and direct exposure criteria established in sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies and which soil is reused in accordance with R.C.S.A. subdivision (3) of subsection (h) of section 22a-133k-2 of such regulations.** *NOTE: Section 22a-133k-2 references RCSA 22a-134tt-9(h)*