



RBCR Focus Session 6

Legacy Programs: Presented March 11th

1. Does "Existing DEEP Enforcement" include Consent Orders, Stipulated Judgements, or NOV's with Stipulations?

Yes, formal actions.

2. For 133x, for sites that have remediation "mostly complete" and can therefore remain in 133x and verify, can you please clarify what "mostly complete" specifically means to CTDEEP?

Mostly complete is subjective to the site conditions. If you have compliance monitoring left, or do find a release that can be remediate before reporting is required you can stay in X and verify in X. If you find a new release that does not predate the Phase II or cannot be cleaned up before reporting is required, you will have to report and remediate under the RBCRs.

3. Confusion about 133x. If we are close to verification (i.e. compliance groundwater monitoring) can we STAY in 133x and Verify under 133x without discovering/reporting into the RBCRs?

Yes, You can stay if close to finishing, unless a new release is discovered.

4. If a client had previously enrolled in 133x for a release only (not site-wide) and is on the cusp of verification (only ELUR filing is outstanding) is it appropriate to stay the course and take it through the verification stage without having to enroll in a new program?

Yes, so long as no new releases that cannot be cleaned up before reporting requirements are found.

5. I have a site in Voluntary Y. The RAP and remediation for soil are complete. I would like to get an interim verification for soil. Sounds like I need to enroll in parcel wide Voluntary to do this? Or go into the X program?

You may enter the Voluntary Parcel Wide Program. The 133x program continues for sites enrolled in brownfields programs.

6. For sites in 22a-133x and not in ABC, please confirm that "Discovery" of releases is post-March 1?

Yes.

- 7. If a client has been awarded Brownfields assessment funding but no decision has been made to enter into a Brownfields program, will the RBCRs apply to these sites?**

Yes.

- 8. If a site is being investigated with Brownfield funding from DECD, but not yet in a "Brownfield program", is it exempt from discovery under the RBCRs?**

No.

- 9. How about landfills regulated under a Stewardship permit? Need to report newly discovered releases?**

Landfills should have permits. The RBCRs do not apply to permitted releases. If you have a release not related to the landfill, or what is covered under your permit, then yes.

- 10. If we have a Stewardship Permit and a prior CTA filing (by prior owner), do we report or not?**

You only need to report releases not covered under your PTP filing or your Stewardship Permit.

- 11. How will the RBCRs apply to sites undergoing an EPA-approved cleanup under TSCA and CT DEEP approved PCB cleanup that are not enrolled in any Connecticut remedial program? For example, would the RBCR reporting, investigation, or closure requirements still apply, or would the federal TSCA remedy effectively supersede the RBCR framework?**

Federal cleanup standards do supersede state law however you will have to comply with both 40 CFR 761 requirements [for TSCA] and CT DEEP requirements [for the non-TSCA contaminants] will apply.

- 12. If you are in the 133x program why would you enroll in the Voluntary Parcel Wide Program when 133x already is a site-wide program? Additionally, if you are in the 133x and continue work and discover a release but it is a contaminant already identified in the initial ECAF or other later investigation reports wouldn't that not constitute discovery since you are already working on that in the 133x program? If you find an SER (also for a contaminant that is already part of your 133x program work) then how will REACT deal with that? Meaning you are reporting in REACT but after IAs will continue under the 133x? How is this going to be managed? How will fees work when you are staying in the 133x vs the Voluntary Parcel Wide Program? Will we have tiering and fees with these?**

133x will no longer exist if you are not enrolled in a Brownfield cleanup program. You will need to enter the Voluntary Parcel Wide Cleanup Program or report each

release under the RBCRs. If you find an SER you need to report in REACT. You will have tiers and fees in the VPWCP at the appropriate tier.

13. If you have an undocumented landfill but have an old conceptual solid waste closure plan and Disruption Authorization Permit Application and Approval but nothing has been done since, under what program/regulations would this "landfill" need to be addressed?

A historic unpermitted solid waste disposal area needs to be closed and maintained per a closure/post-closure plan CGS 22a-208a(c) to be considered already regulated by CGS Title 22a.

14. Will a completed ECAF suffice to enroll a site that is currently in the 133y program into the Parcel-Wide VRP? Thinking specifically of sites that were enrolled in the 133y program with only a RAP (no Phase II/III reports).

So long as it is representative of the current site conditions.

15. Any guidance for Orders outside of the Remediation Division (e.g., UST system release)?

For orders outside of the Remediation Division, speak to the program or contact listed on the order, or whoever you have been working with from the program on that order, to understand your obligations.

16. Regarding DEEP Enforcement Actions and their discoverability/reporting applicability to the RBCRs: If the release(s) being cleaned up under the Consent Order were from registered USTs, the RBCRs would not apply; However, can any DEEP staff on this call explain if the new UST Regs and Fees associated in that program would apply to Consent Order sites, and when and how the fees would be assessed?

Registered USTs that are regulated under the UST Regulations (22a-449a(d)-1 through 22a-449(d)-114 are not regulated under the RBCRs. The fees associated with Section 22a-449(d)-106 apply to all UST system releases that have not achieved the regulatory requirements within the timeframes established within the regulations.

17. I thought DECD Grants required entry into 133X, what happens to those site?

They do and can operate under the 133x program once accepted into a Brownfields program.

18. But discovery is above ND, RSR compliance is not. Does compliant PTP sites must still report?

It depends on when the release was discovered compared to when the Phase II was completed.