



RBCR Training Q&A

Property Transfer Program & VolX: Presented March 4, 2026

- 1. How about existing transfer act sites with remaining obligations that transfer after March 1, 2026. Does the certifying party remain the same? Can the party be changed? How is it ensured that the new transferee will allow the certifying party access?**

The certifying party cannot change. It has never been DEEP policy to ensure access between certifying parties and property owners - this is coordination between them if the scenario presents.

- 2. What if a property that should have been subject to the Transfer Act but did not file at transfer, is sold in the future?**

A Property Transfer filing will still need to be filed and dated to the date of the transfer, pre-March 1

- 3. Just to confirm but I'm sure you've already addressed it, can existing establishments with remediation obligations under the PTP use the RBCR cleanup standards that are not included in the RSRs (i.e. permits by rule)?**

You have to submit a complete Release Catalog and take the bridge to the RBCR program for any exemptions from discovery that are not part of the RBCR portions referenced in the RSRs. However, please note that the permit by rule is included in the RBCR portions that are the new RSRs. The permit by rule and any other new provisions in those sections (RCSA 22a-134tt-1(a-d), 134tt-7-10 and Appendices 2-12) may be used at a PTP site without taking the bridge.

- 4. Which voluntary program does your client need to enter if they have received a DECD Brownfield grant?**

Can remain in 133x if in a Brownfields program AND no additional releases are discovered. Going forward sites should enroll in new 133y Voluntary Parcel-Wide Cleanup Program if working with DECD funding. March 1, 2026, can be used for the date of the Phase II when enrolling in 133y if the Phase II predates the statutory revision, and the discovery of releases identified by a Phase II, then reporting discovered releases should be made using the deadlines in the RBCR.

- 5. 60-day time frame, is this from the time the first release is discovered and if not met, the site cannot use the new Y program in the future at all. 60 days to do a Phase II may not be possible**

Requirement is to start Phase II and notify DEEP within 60 days, not to complete Phase II

- 6. 133y slides indicated a Phase III "may be completed". Just to clarify, does this mean a Phase III is not a hard requirement under new 133y?**

A Phase III is required for closure - the "may be completed" is the language in the statute.

- 7. Will a 22a-133x site be treated in the same manner as a PTP site?**

No - there are no statutory or regulatory provisions to exempt releases at sites in 133x

- 8. Why are PTP sites not able to use exemptions in 22a-134tt-1(i), when other new RBCR provisions are available for use?**

1(i) is not part of the RSRs.

- 9. If you can't confirm when the release occurred does that default you to RBCRs instead of using the existing PTL filing for that newly discovered release.**

Correct

- 10. If I have a site that is in the TF Act and we have trihalomethanes in groundwater that are conditionally exempt from groundwater remediation, and we are now post-March1, is there any way to use that exemption? Or it is completely off the table now??**

The incidental release exemption from groundwater remediation provision for trihalomethanes from the RSRs is still present in the RBCRs at RCSA 22a-134tt-10(f)(1). It may continue to be used for all legacy PTP sites as well as all releases regulated by the RBCRs.

- 11. If a PTL site has been verified and analytical data is collected at a later date for another project, say new construction and the release identified occurred prior to the PTL filing/Phase II, please confirm no new RBCR obligations are required.**

If the detection is for a release that was already identified and verified to meet cleanup standards in the prior verification, there are no new RBCRs obligations. If the detection indicates a previously identified release does not meet the cleanup standards or that the release was not included in the verification, that release must follow the RB process.

12. What if the Phase II was completed after March 1st

The Phase II exception is present in the statute at under CGS 22a-134rr(2) and is not affected by the RBCR effective date of March 1, 2026.

13. What about releases that were released before the Phase II, but identified after the Phase II at a Transfer Act site?

If a release at a PTP site occurred before the Phase II but was not discovered until after the Phase II, it is exempt under CGS 22a-134rr(2). You will have to provide evidence the release occurred prior to the Phase II

14. PTP site with release after the Transfer Filing and Phase II that is being addressed as an SEH and is in compliance, does that need to be reported and addressed under RB? its in compliance with annual report so client letters implied 2028

If a condition is already reported as an SEH and is in compliance with required reporting, you do not have to report a release until after March 1, 2028, should the condition still exist.

15. Can closure reports for each release when you take the bridge-can these reports be sections of a larger report for all releases (*kind of like a verification report)?

If you are closing them all out at the same time, yes. Please be clear with your report about all that is included so we don't miss any parts during review.

16. If you take the bridge route and end up having to tier multiple release areas, are you then subject to individual annual fees for each release?

You can group the releases under one tier, at the highest tier

17. The incidental exemptions and others are part of RSRs-why do you say they are not available? They are part of both programs

They are exemptions from discovery under the RBCR program, not remedial exemptions

18. How do these new requirements impact ongoing voluntary remediation at Brownfields sites? In progress, but won't be completed until later this year.

If you are enrolled in a brownfields program you may continue working under 22a-133x and see through to verification without having to enroll in RBCRs - unless an SER condition is found. If you are not currently enrolled in a brownfields program, in order to not be subject to the RBCRs you must enroll in the Voluntary Parcel-Wide Cleanup Program, or complete remediation before necessary reporting requirements.

19. You use the term Phase II. Does this mean "Complete Phase II? Phase II versus COI?

Phase II as we have always qualified - using the date on the report

20. A phase II was completed at a site located in GB groundwater area; and remediation of the identified release areas was completed but a verification not yet submitted. Sampling for emerging contaminants revealed PFAS in monitoring wells, but no clear source identified. Is a release report required? Since verification not yet submitted, the PFAS can be addressed under the PTP?

Yes. If the release occurred after the later of the form filing or Phase II, it must be reported under the RB process. Any SERs that are reported must be addressed under the RB process. For any non-SER releases, the creator/maintainer may indicate if they choose to clean up the release under the RB process or incorporate it into the verification for the site if it has not been submitted yet.

21. Please clarify that you can't USE natural occurring metals reg in RBCR if you stay in PTP.

The naturally occurring metals provision in 22a-134tt-2(f) is specifically for discovery, so it doesn't apply directly to PTP sites. However, as there is no specific method for characterizing natural background at PTP sites, using the approach in this section would be an acceptable prevailing standard. This means that the metals concentrations listed in the "Low Value" column can be used as a baseline natural background value without collecting additional site-specific samples. If something other than the Low Values are used, it will be expected that site-specific data be collected to justify natural background concentrations.

22. Does taking the bridge require a new site-wide Phase I and potentially Phase II investigation of a site?

No, to take the bridge you must complete and submit a Release Catalog.

23. Please provide further guidance about the requirements on how to rectify a case where an Establishment was transferred without a proper filing.

Please complete and submit a form filing that reflects the date of the transfer.

24. During the development of the RBCRs it was stressed many times that the intention was to provide more "off-ramps" for demonstrating compliance (while casting a larger net). As such, it is confusing that exemptions in 22a-134tt-1(i) are not available to site in the PTP. Can you point us to where in the new regulations it states why this is not permitted? This would be helpful to explaining to our clients.

The exemptions to discovery in 22a-134tt-1(i) are specific to the RBCP, outlining situations where a release has not been discovered. For the PTP, those releases have already been discovered and there are provisions in the cleanup sections for demonstrating compliance with them. For example, incidental sources are not discovered under the RBCP, but incidental sources are releases that don't need to be remediated to comply under the PTP.

However, there is an option to bridge a PTP site into the RBCP, if there is a wish to use the discovery exemptions built into the RBCP.

25. Can a NFA letter be issued for some releases at a PTP site bridged to the RBCRs, if there are still one or a small number of catalogued releases that are still open? Also, can the bridge be taken back to the PTP for the open releases.

All releases must be addressed. And yes, not more than 1 year after taking the bridge, you may revert back to PTP program.

26. I think I heard 2 answers. If "transfer of establishment" no longer happens, and property is sold this week, does the party that was a "certifying party" last week shed some liability to the new "maintainer", or can a sales contract establish respective roles? Is the prior certifying party the "maintainer" even if no longer the owner?

Contracts do not apply to federal or state laws and regulations. You can have contractual agreements that could be upheld in civil court with no involvement from the Department.

27. I have a site in 22a-133x that is close to Verification. Can I complete the compliance groundwater sampling and verification report under this program (like the PTP) or do I need to move the site into the new Voluntary Parcel-Wide Cleanup Program?

You may but be aware of RBCR reporting requirements. Once you take samples that may constitute as a discovery you will have to report within the applicable time requirements. If you can complete your compliance sampling and submit the verification before reporting requirements, you will not have to report and can submit the verification as usual.

28. You can or have to enroll in the new parcel wide if you're in 133y?

Yes, if you would like to complete a parcel wide clean up.

29. For sites currently in 133X program and want to remiain in this progam, how do you submit reports? Via the SFT still?

The 133x program will cease to exist after March 1, 2026, unless you are accepted into a brownfields program. You will need to enroll in the new Voluntary Parcel-Wide Cleanup Program to complete a voluntary, parcel-wide cleanup, otherwise you will need to report under the RBCRs.

30. Should ALL submittals now be through REACT (except due to file size)

Yes

31. For sites that have reached final verification that are subject to an ELUR release, is reporting required under the RBCRs when known soil impacts/releases are detected during excess soil disposal prior to restoring the ELUR?

No, an ELUR release would require a soil management plan, and such plan should include the disposal of any excess soil. Soil concentrations detected during the disposal of such soil would not constitute discovery since the release has already been discovered/closed using the ELUR.

32. If a PTP site takes the bridge and moves into the new program under the RBCRs, is a new Phase II required to evaluate any potential releases that may be present after the date of the historical Phase II and/or property transfer filing? Or will it only be required that the releases that were historically identified as part of the prior Phase II and filing be addressed?

In order to take the bridge, you must submit a complete release catalog and ensure the information provided is up to date with current site conditions. If you find a release not identified in the release catalog, that are not older than the Phase II, you will have to additionally report it under the RBCRs.