



# RBCR Training Q&A\*

## Introduction to RBCRs Presented January 21, 2026

- 1. For SERs please confirm that you can rely on existing use of the parcel and do not need an EUR or Permit by Statute for I/C use.**

If any part of the parcel is residential, then the parcel is residential for an SER determination.

- 2. For SERs please confirm that you can rely on existing use of the parcel and do not need an EUR or Permit by Statute for I/C use.**

Correct.

- 3. Why is Cr6 listed as part of the naturally occurring metals evaluation?**

The value for Chromium in the naturally occurring metals table in 22a-134tt-2(f) is for total chromium - it does not exclude Cr6 but is not specific to a Cr6 analysis (would apply to a total Chromium test).

The slide references the Cr6 DEC because if you only have total Cr values that you think are background, DEEP approval required for any background >100 mg/kg.

- 4. Are there restrictions on what is classified as 'natural background' soils? Sites might be in industrial areas where natural soil cannot be found on site.**

Yes, if historically impacted material is observed on site (such as fill containing ash/asphalt), then you would not be looking to demonstrate those substances as being naturally occurring. You then may use the provisions for managing that historically impacted material.

- 5. Can you elaborate on what the department will be looking for commissioner approval of background metals concentrations for (f)(1)(D)?**

Triggers for Commissioner Approval is the level of the concentrations detected - the submittal to DEEP should contain the background investigation/rationale and any other information known to support the natural concentration being above criteria. Such as knowledge of the bedrock material in the area containing high concentrations of the inorganic substance.

- 6. For existing releases prior to the effective date of the RBCRs, historic data (old reports) can't be used to trigger entrance into the RBCRs (filing cabinet exemption). However, if routine groundwater sampling is conducted onsite, and new monitoring reports are sent to DEEP through the portal, would that then be considered "discovery", with the requirements of the RBCRs.**

Yes, the release would be discovered when it is observed during an environmental investigation (multiple lines of evidence) or is sampled after 03/01/26. The filing cabinet exemption only applies to old data/observations.

**7. Can CT DEEP cite sources used to establish the low/high metals for possible background determinations?**

The values were generated from the Brown & Thomas paper about the USGS/CT Geologic Survey sampling of CT soils - all of the statistics used were covered in [this presentation](#) to the Working Group on 10/08/24.

**8. This may be covered in the post-lunch session, but I am hoping that the Department can clarify the existing spill cleanup contractor 454 permit modification form statement that indicates: "A PEP must be present at each cleanup in order to certify the cleanup is complete". Does this mean that a PEP needs to be on-site 24/7 until the cleanup of an ERR is complete?**

No, a PEP does not have to be on site 24/7, but they do have to be onsite for key phases of the cleanup. Please see the focused session training on heating fuel provisions and PEP certifications for more details.

**9. Considering the time and effort the DEEP and stakeholders put into the development and promulgation of these RBCRs, it seems a shame that releases associated with a UST system aren't included as they are typically the majority of releases that occur.**

While regulated under different programs, clean-up criteria remain consistent for all releases in the State.

**10. There are ongoing residential and commercial construction projects in coastal areas in the State where widespread polluted fill is likely present. Often, these sites have surplus soils that require soil disposal characterization towards the end of the project when most of the construction is complete (e.g., buildings constructed, pavement and concrete in place, landscape complete, etc.). If contamination above applicable RSR criteria related to widespread polluted fill is discovered through soil disposal characterize what is an appropriate assessment and cleanup approach given redevelopment is or is mostly complete?**

Widespread polluted fill will likely be apparent before it is stockpiled and analyzed. Identifying it before site redevelopment is complete is certainly more efficient because it may be possible to address the fill with development features (e.g., rendering it inaccessible).

**11. For background metals, say you have 10 samples from the release area, all below the high, some above the low. Do you still need to collect samples from outside the release area to demonstrate no release? If so, why?**

If all samples are below the high value in the table, you only need 3 samples (more is always better) and they can be from the area being investigated as a potential release area in accordance with 22a-134tt-2(f)(1)(B).

**12. Is there still an obligation for an environmental professional to report to DEEP if the C/M does not report it?**

Yes, for SERs. According to 22a-134tt-3(c), if the person who discovered a SER and the person who notified the person who created or is maintaining such a release have not received confirmation that such a timely report of such release has been provided to the commissioner, and the time period for reporting such release has expired, such persons shall notify the commissioner.

**13. An Agent of a 3rd Party only has to notify the C/M if there for the purpose of conducting an investigation, correct? So, if there on a hazardous waste compliance visit and sees a condition, there is no requirement to notify, correct? Could agent of 3rd party be consultant working for a potential buyer, for example?**

First, it's important to distinguish between types of releases. Discovery of SERs or ERRs comes with reporting obligations regardless of who made the discovery or what their relationship is to the C/M. Observing release conditions is not discovery on its own for non-significant existing releases. Discovery means that a C/M has the requisite knowledge of the release. If an agent of the C/M is there on a hazardous waste compliance visit and spots a release, that person likely has a duty to report it to their employer, which would constitute discovery. An agent of a 3rd party would likely not have such a fiduciary obligation to the C/M, if hired by a potential buyer that is not a C/M.

**14. If NAPL is measured in a well after 3/1/26, but has already been reported to DEEP during previous annual sampling, is new reporting required under the RBCRs?**

Yes, this would constitute knowledge generated after 03/01/26 - knowledge before that date does cause discovery, but it does not preclude knowledge after that date from triggering discovery/reporting.

**15. For additional polluting substances, will DEEP need to approve the use of the criteria for milestone calcs such as 2 times or lower bound 25% calculations.**

For both the 2 times criteria (for 120 reporting) and 25% of criteria (for a lower bound), DEEP approval of the APS criteria is not required. However, DEEP approval of APS for compliance (release closure/site verification) is still required.

**16. The regs indicate that Newly Discovered releases need to be reported. Would ongoing groundwater monitoring or ongoing investigation of a pre 3/1/26 soil release require reporting?**

Yes

**17. Can the APS, provided in Table 10 of Technical Support Document: Recommended Numeric Criteria for Common Additional Polluting Substances and Certain (DEEP, 2015) be referenced as applicable soil and groundwater criteria for 120-day reporting?**

Yes, it is expected that in most cases that DEEP's APS form/guidance will be used.

**18. Can you please clarify what you mean when you said on one of the first slides (I believe it was the "off ramp" slide) that buyer due diligence would not be discovery?**

They are not an owner, creator, or maintainer.

**19. Is staining on a concrete floor considered a change in conditions, and therefore an ERR**

If you see a stain on the floor, it is not an ERR. If you see a stain on the floor, you know wasn't there recently, it is. You need to observe the change in condition.

**20. I believe the RBCRs indicate that the Surface water SER is for 250 feet of surface water in one location of the regulations and 500 feet in another. It was meant to be revised from 500 to 250 feet. Please confirm the appropriate distance.**

A condition is considered an SER when it is within 250 feet of a surface water body. This has been added to the list of errata in the RBCRs to be corrected.

**21. Do analytical laboratories meet the definition of a person and have SER reporting obligations to their client? Would also like clarity on this from the laboratory's perspective.**

Generally, no. Laboratory staff generally do not have enough knowledge of site conditions or background of the sample taken.

**22. Section 22a-134tt-3 seems to imply that "newly discovered" releases need to be reported. Would detections in soil or groundwater collected after March 1, 2026, in ongoing investigation or monitoring of known releases on sites in cleanup programs such as Voluntary, PTA, RCRA or Brownfields, need to be reported? For example, a sample of groundwater from an ongoing monitoring program of a release reported under the PTA, collected after March 1, 2026, would need to be reported, even though the sample is just another sample indicating a previously discovered release?**

Generally, new data confirming known conditions actively regulated under an existing program do not need to be reported; however, if data provides new information not previously considered under another program, this is a new release and has been discovered.

**23. Where is the LEP approved schedule extension submitted? Or is it just kept on file by the C/M?**

The extension will need to be submitted in REACT for the new due date to be updated.

**24. Hypothetical question: Site with 10 releases. Will all 10 need separate tiering and pay separate fees, or any chance to conglomerate and save annual fees?**

You may group releases together for tiering and fees in accordance with 22a-134tt-6(h)

**25. If you are an entity that is permitted to employ a PEP but you hire a spill contractor for a particular release, can your PEP still certify closure, or must you use the spill contractors PEP?**

Your PEP can still certify closure as long as they meet all the requirements for PEPs to certify (i.e. were on site for all the activities required in the permit).

**26. Is a release considered to be created by the owner of a residential property if their UST leaked?**

Yes

**27. Although some options included in the RBCRs are reportedly allowed to be used for sites already under the Transfer Act, the Tiering do not apply to sites already under the Transfer Act?**

Yes, correct.

**28. If an LEP is employed by a company that is eligible for the general 454 permit, can the LEP obtain their PEP and certify releases on the behalf of their employer (utility specific)?**

No, an LEP does not need to be listed on a 454 permit to affirm that a release has satisfied the requirements of the RBCRs. An LEP would **verify** on behalf of the company instead. An LEP can verify that an ERR has satisfied the requirements of the RBCRs on behalf of their employer, according to 22a-134tt-8(a)(5), as long as the verification is consistent with the requirements of that subsection. A LEP is not qualified to obtain their PEP to certify actions, as they can verify actions.

**29. How does historically impacted material (HIM) differ from "polluted materials"? Why were two different phrases used?**

Historically impacted material (HIM) is polluted material that is being managed under the permit by rule. The different language was used to differentiate polluted material being managed under the permit by rule from polluted material that is being managed through other means.

**30. Have the requirements to obtain a PEP certification been finalized/posted? I believe there was some discussion in the past about the creation of an ~8-hour training course. Has that been completed?**

Yes, the requirements have been finalized and posted. Please take a look at our webpage [here](#)

**31. Are QEPs recognized in any regard to what an LEP and PEP can verify/certify?**

A QEP could register as a PEP, but you have to pass the exam to verify as an LEP. RCSA Sec. 22a-133v-1(dd) "Verification" means verification as defined in section 22a-134 of the Connecticut General Statutes or any written opinion which a licensed environmental professional is authorized by law to render (i) regarding and investigation, remediation, environmental land use restriction or (ii) pursuant to ...any other law, regulation, order, permit, license or approval."

**32. Can you please explain when public notice of remediation is required pursuant to the RBCRs? For example, if remediation of soil commences prior to LEP tiering is public notice of remediation required at that time or should it wait until after tier assignment?**

You are required to public notice before tiering, however, it is generally best to issue a public notice prior to beginning remediation to consider any public comment on remedial measures. The public comment period should run for at least 30 days [45 days if at a federally regulated site].

**33. Can a Request for No Further Audit letter be submitted for \$500 be submitted for other programs other than the RBCRs?**

Previously existing programs (Property Transfer, 133x, Brownfields) will continue to receive a No Audit determination as they did prior to March 1, 2026, without a need to request one or pay a fee. The new Voluntary Parcel-Wide Cleanup Program contains provisions to request a No Further Audit letter and pay the fee.

**34. What is the Departments projected annual revenue from the RBCRs submittal fee schedule, and how will these funds be applied?**

All revenue goes to the state's General Fund, not to DEEP. DEEP and the RBCR Workgroup will be analyzing the fees received, as well as other data related to the implementation of the regulations.

**35. No timeframe for notice of audit? Is this different from previous 1 year notice of audit under PTA?**

Timeframes for audits are specified in Section 13. Screening audits (internal reviews) do not require notification but must be completed within 180 days of receipt of the closure report. Notices of audit for focused and full audits must be sent out within 180 days of receipt of the closure report.

**36. Will upcoming training events be able to serve as Continuing Ed credits for LEP?**

Yes, the LEP board has approved the following focused sessions for LEP credit: 1/28/2026, 2/11/2026, 2/18/2026, 2/25/2026, 3/4/2026, 3/11/2026, 3/25/2026, 4/1/2026, 4/8/2026 and

4/15/2026. The LEP will apply for credit for CT LEP 645 W through EPOC and will attend the session via the DEEP link.

**37. For the brownfield sites and PTP sites, if there is a new discovery (not rediscovery of old) does that mean the site would be in the PTP and release-based program at the same time?**

It depends on when the release occurred and if the site has been verified/had final approval. Generally, if the release occurred after the latter 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.

**38. Please summarize how the RBCRs affect the 133x VRP for sites currently in 133x.**

The only exemption for sites in 133x is for sites that are also in the Abandoned Brownfields Cleanup program. Any releases discovered (or rediscovered) at a 133x site must be reported and addressed under the RB process. If sites in 133x would like to continue with sitewide investigation and cleanup, they should consider entering the new Voluntary Parcel-Wide Cleanup Program.

**39. Sites already in the property transfer program if the property is transferred after March 1st are new property transfer program forms, new ECAF and fee still required?**

No, there are no new transfer filings for properties sold after March 1, 2026.

**40. How are sites enrolled in the new VRP(y) program?**

Sites may enroll in the new Voluntary Parcel-Wide Cleanup Program by submitting an ECAF through REACT and indicating their intent to enter as well as the date of their Phase II initiation. More [details here](#).

**41. Will there be penalties if you do not/cannot meet a deadline or report a discovery within the specified timelines?**

Yes, failure to report a discovery on time subjects you to Departmental enforcement. The Department's enforcement powers for the RBCRs are established at section 22a-134ss of the general statutes. The penalty schedule is in the final version of the regulations and will be codified at 22a-6b-8(c)(5)

**42. Will this recording be available to watch back on or only the slides will be made available?**

<https://portal.ct.gov/deep/remediation--site-clean-up/comprehensive-evaluation-and-transformation/react-and-release-based-cleanup-regulation-training>

**43. Where are the FAQs on the website?**

The FAQs have not yet been published, however a a running list of question and answers can be found on our [training registration page](#).

**44. In the "new" Voluntary Program, what protection do you get in a Covenant Not to Sue?**

The protections in the new y are the same as in the old y. They are spelled out in section 22a-133aa of the general statutes. Basically, it means that the Department will not be able to take enforcement action related to that site, so long as the entity cleaning it up is adhering to the plan approved by the commissioner, which was established through 133y.

**45. Regarding the earlier definition of a Release: If a tenant is leasing a parcel with old/deteriorated asphalt which is not being maintained (assume on an unused portion of the Site): First, does this meet the DEEPs definition of a release? Second, who would be considered the maintainer....the tenant, or the owner?**

Cracked asphalt could be one line of evidence. Usually only the current property owner can be a maintainer (as well as possibly being the creator), while a tenant/former owner has the potential to be a creator. However, tenant can also be found to be a maintainer pursuant to 22a-134tt-1(h)(1)(B) "has the right to possess a parcel of land" -- their obligation at that point is to notify the property owner, at which point they are no longer a maintainer. For something site-related and not operations-related (such as in the example), the tenant would not be considered to be a creator.

**46. If a soil or GW plume contains a compound 1t 60% the applicable cleanyp criteria, no remediation is required, but closure can't be obtained?**

If a release below cleanup criteria is discovered and it has been characterized according to the standards in 22a-134tt-4 and 22a-134tt-1(a)(23), it can be closed out with a Release Remediation Closure Report verified by an LEP before reporting is required. The report does not need to be submitted to DEEP, but should be retained by the creator/maintainer for at least 10 years.

**47. If I am monitoring a groundwater plume in a PTA site and we collect an impacted sample after regs apply, would that need to be reported? To me is is not the discovery of a "new" release.**

When you obtain new data for releases at a PTA site, you need to determine when the release occurred to know if it needs to be reported under the RB process. If a release at an active PTA site occurred before later of the Transfer filing date/Phase II, it does not need to be reported under the RB process. Releases that occur after the filing/Phase II date must be reported but may be addressed under the final site verification except for any required Immediate Actions.

**48. In response to the least poll question, please confirm that incidental releases do not require characterization.**

**Question from Presentation:**

**True or False: An incidental release means you need to report a discovered release, but after reporting, take no further actions.**

**(a) True; (b) False (c) Sometimes**

**• Answer: option (c) (corrected)**

22a-134tt-1(i)(4) provides for several situations under the label of "incidental sources."

4(A) lists substances from certain sources that are not considered releases. These do not need to be characterized.

4(B) identifies conditions where a discovered release is considered incidental and is not subject to any requirements of the RBCRs. If these conditions are met, no characterization would be required; however, if the environmental professional determines that the sample does not adequately address the reason for sampling, additional data may be required. For example: collecting a sample on the extreme edge of a stained area hoping to obtain an "incidental" concentration would not be acceptable.

4(C) identifies conditions that require a minimum amount of additional sampling to be considered incidental. Once the incidental determination is made, no further characterization is required.

**49. I can't take credit for this question but agreed to ask it because I don't think it's been discussed before... Do analytical laboratories meet the definition of a person and have SER reporting obligations to their client?**

Laboratories are not C/Ms (2(a)), nor do they have knowledge of any of the sites they receive samples from so they can't discover which also means they can't report releases (3(a)). While a chain-of-custody includes a section to check which criteria are needed for an investigation, that is the extent of the laboratory's knowledge of their client's site. The primary purpose for knowing applicable criteria for a laboratory is to determine if their instrumentation can achieve the necessary reporting limits for their client. It is the data user's responsibility to assess the data within the context of the conditions of their site, to compare that data against the criteria set in the RBCRs, and to determine if there is a release that requires reporting.

**50. Can certifying party be transferred to a new entity for Transfer Act sites after March 1?**

No, there is no provision in the PTP to transfer the obligations of the CP, but since 10/01/25, the owner of the property can submit a Verification Form (if they wish), even when they are not the CP.

**51. 22a-134tt-1(a)(23)- For closure we need to reach ND OR determine extent ... "in a manner consistent with prevailing standards or guidelines". What manner consistent with standards and guidelines would be acceptable for not reaching ND to achieve closure? Can we show that concentrations are decreasing away from the source and are below applicable criteria for closure?**

Meeting cleanup criteria with decreasing concentrations away from a source is one way to delineate the extent without reaching ND, but that also relies on knowing the source and possible migration pathways. For example, a tank removal has a clear source, some soil may be removed, and confirmatory samples could indicate residual impacts below cleanup standards. In the absence of other information suggesting an atypical migration pathway, this would generally be considered sufficient for closure characterization.

The Release Characterization Guidance lays out some general principals, but there is no one method that fits every situation. This needed to have enough flexibility to allow fo a variety of possible scenarios. It will depend on the conceptual site model.

**52. Do railways fall under the public roadway exemption? Would railways fall under the incidental source exemption?**

Active railways can take advantage of the incidental sources exemptions, as the normal operations of a motor vehicle. This is not an exemption from discovery/investigation, but the exemption could be used as the basis of a release closure report which can be generated before it is required to report the release (as long as there is not an SER condition). The release closure report would need to be maintained for 10-years, but the release would then not need to be reported.

Note that abandoned railways (such as an abandoned spur to a facility) would not be able to use these exemptions.

**53. Will a site that already has remedial efforts ongoing, and will still be undergoing remediation efforts after March 1, be required to be tiered?**

Potentially, yes.

**54. Typically, buyers don't do/pay for the due diligence, especially the expensive Phase II/III work. If the seller/owner does the Phase II/III due diligence, and finds releases, then those releases are subject to the RBCRs, correct?**

Correct.