



# RELEASE BASED CLEANUP REGULATIONS

## *THE BASICS*

Remediation Division & Emergency Response and Spill Prevention Division

December 2025



# RBCRs Basics

## Connecticut's Release-Based Cleanup Regulations and Programs

December 11, 2025

2:00 p.m. – 4:00 p.m.

via Zoom only

### Presenters:

#### **Emergency Response and Spill Prevention Division**

**Lori Saliby, Director**

**Gary Trombly, Assistant Director, Prevention, Enforcement and Corrective Action Unit**

#### **Remediation Division**

**Ray Frigon, Director**

**Diane Duva, Assistant Director**

# Presentation Overview

- ✓ General structure: cleanup triggers, process, and performance standards
  - First Year; Tiers; Compliance Points; Completion and Monitoring of remedy
- ✓ Fundamental concepts
  - Regulated Entity
  - Discovery
  - Release Reporting for Emergent Releases
  - Milestones
  - Filing Cabinet Exemption
  - Reporting Timelines for Existing Releases and SERs
  - Immediate Actions (Plans and Reports)
  - Releases of residential home heating fuel
  - Tiers
  - Soil Cleanup Standards - new exposure scenarios
  - Transition for existing programs
  - Voluntary Parcel-Wide Cleanup approach (new)
  - Training Schedule



**Connecticut**  
Department of Energy &  
Environmental Protection

<b>Current state - Property Transfer Act</b>	<b>Future state - Release-Based Clean Up Program</b>	<b>Why we like it</b>
Exempts certain properties from oversight	You spill it, you clean it	More equitable & consistent
Complicates real estate transactions	Match approach of 48 other States and speed clean ups	Encourages business growth
Slow framework deters investment	Spurs redevelopment in our communities	Increased economic and environmental value
Abandoned properties and hazardous gaps in our communities	Fewer blighted properties and cleanup tailored to risk level	More flexible and comprehensive with more pollution addressed

# Release Based Cleanup Regulations (RBCRs) Organization

The new regulations sections fit into 4 general categories that specify enrollment, process requirements, cleanup standards, and documentation:

## First Year

- Discovery
- Reporting
- Characterize
- Immediate Action

## Tiered System

- Tier Checklist
- Fees

## Compliance Points

- PEPs & Home Heating Fuel
- Soil and Water Criteria
- Alternate Remedies

## Documentation: Completion & Monitoring

- Release Remediation Closure Reports
- Verifications & Certifications
- Audits
- Long-Term Stewardship

# Who is the Regulated Entity?

**Person who creates or maintains a release**, upon discovery, report if required and remediate to standards

A **Person** is not just an individual. It also includes:

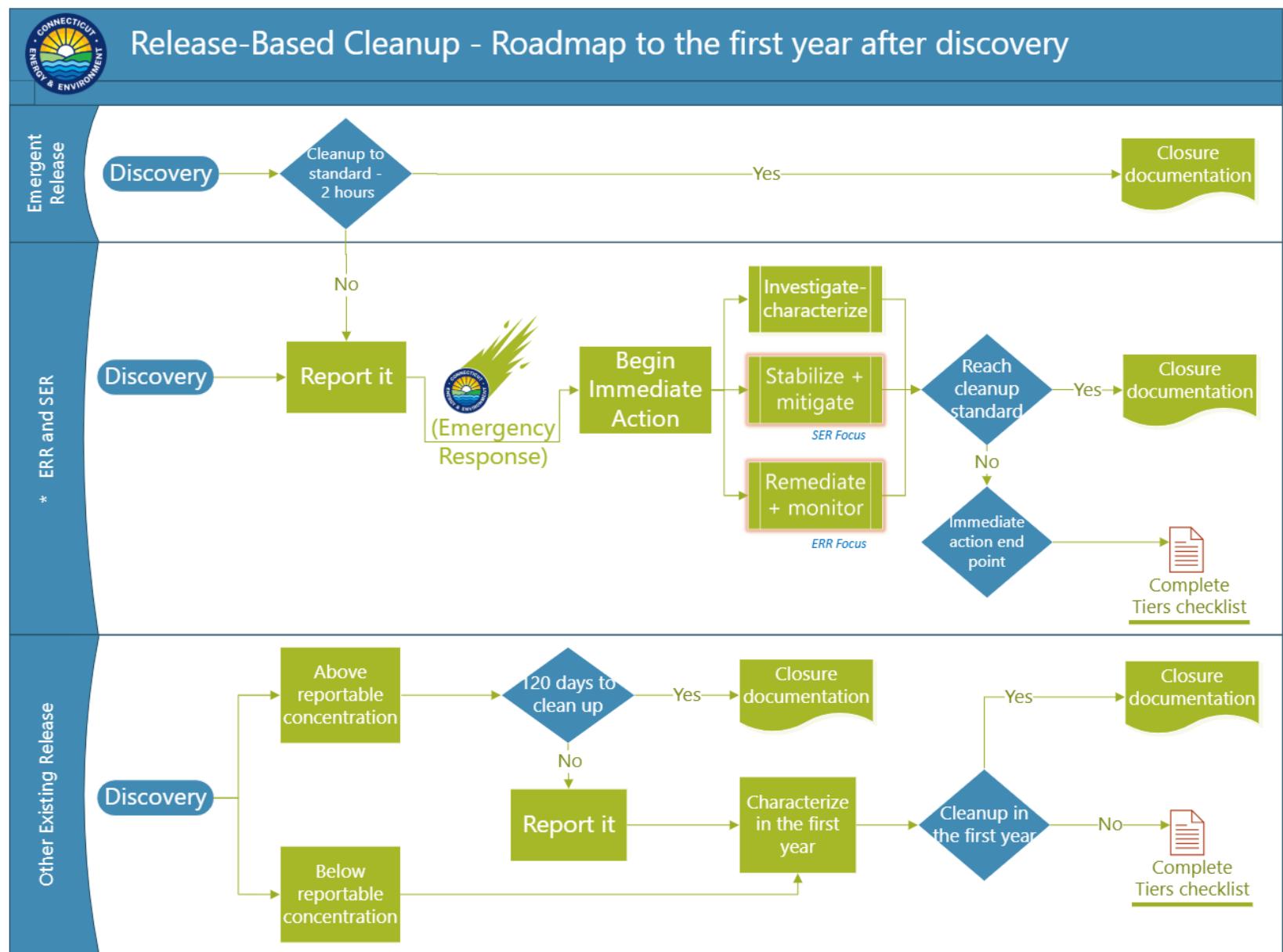
- Partnership, association, firm, limited liability company, corporation or other entity
- Federal government, the state or any instrumentality or subdivision of the state, including any municipality
- Any responsible corporate officer

Two types of persons subject to the requirements of the RBCRs:

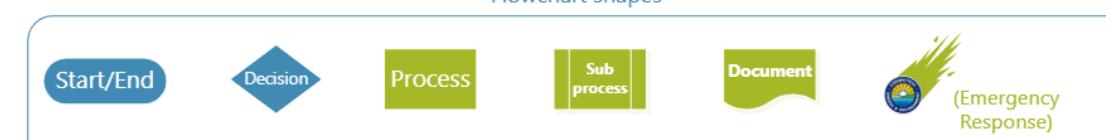
- **Creator**
- **Maintainer** - Person who, regardless of fault for the creation of a release, owns a parcel of land on or under which such release, or a portion of such release, is located (or in limited circumstances, has possession of the land)

# Road map to first year

Upon discovery  
of a release,  
what happens  
in the first year?



Flowchart shapes



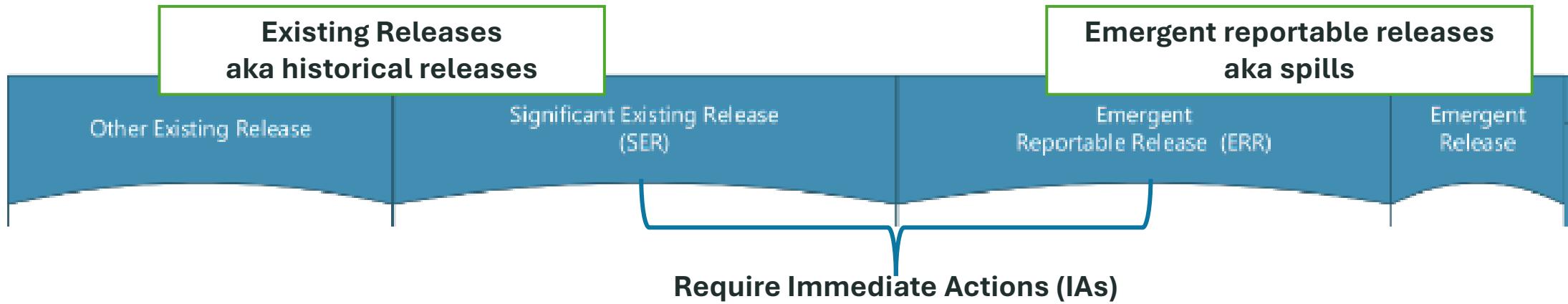
# What are the program Milestones?

- From **Date of Discovery** of a release:
  - If Immediate Actions (IA) present
    - Due dates for IA Plan and IA Report submittals depend on IA type and date IA discovered
  - Tiers Checklist submittal – 365 days from Date of Discovery
  - Release Remediation Closure Report submittal – also 365 days from Date of Discovery
    - if Tiers Checklist submitted – Remediation Closure Report date changes



**Discovery (22a-134tt-2)**

# 2 types of releases



## Existing releases

- **Discovered when knowledge is obtained:** lab results, multiple lines of evidence
- **Reporting** timelines varies based on condition type
  - Dangerous conditions - SERS - require Immediate Actions (IAs)
  - Other existing releases (that are not SERs):
    - reporting concentration and time ≠ than SERs ; generally, more time is available

## Emergent reportable releases

- **Discovered when changes in conditions is/are observed**
- Reportable under the Release Reporting Regulations (RRR) - section 22a-450 of the RCSA (exceptions applies)
  - ERRs require IAs

# Definition of SERs and ERRs

A **Significant Existing Release (SER)** is a release creating one or more impacts to human health or the environment identified in section 22a-134tt-5(f) of the RBCRs and relating to:

- Impact or threat to a drinking water well
- Shallow soil exposure risk
- Volatilization risk
- Threat to a surface water

An **Emergent Reportable Release (ERR)** is discovered by an observed change that is required to be reported under CGS 22a-450 (with some exceptions)

# Discovery

**Discovery** of a release occurs when:

- It is an **existing release**, and a person who is creating or maintaining the release obtains **knowledge**, or
- It is an **emergent reportable release** reportable pursuant to the Release Reporting Regulations (Section 22a-450)

A **release report** is a notification to the Department of a release pursuant to:

- Section 22a-134tt-3, or
- The Release Reporting Regulations

# ERR (Emergent Reportable Release) & Releases Subject to the Release Reporting Regulations (22a-450)

- A release to the land and waters of the state discovered by an observed change in conditions that is required to be reported by regulations adopted pursuant to CGS Sec 22a-450
- Does not include:
  - A release required to be reported pursuant to section 22a-450-2(a) **Oil or Petroleum** if the quantity of the release is <10 gals; or
  - A release required to be reported pursuant to section 22a-450-2(b) **Materials Other Than Oil or Petroleum** if the quantity of the release is <20 lbs or <3 gals



# Emergent Reportable Releases (ERRs) exempt from Discovery

The following types of releases required to be reported pursuant to CGS 22a-450 are **not** considered releases to the land and waters of the state and are **not** subject to the RBCRs:

- ✓ Release to air
- ✓ Release to a secondary containment system within a structure
- ✓ Release outside a structure to a secondary containment system that does not contact soil and is removed within 2 hours of discovery
- ✓ Release inside a structure that does not contact soil and is removed within 2 hours of discovery

RCSA 22a-134tt-2(e)(2)

# Carveouts from Discovery

- **Regulated Underground Storage Tanks:**
  - Releases from Regulated USTs are not regulated under the RBCRs
- **Naturally occurring metals:**
  - Certain metals found in soil samples are considered “naturally occurring” and not evidence of a release
- **Incidental releases:**
  - The presence of certain substances in certain situations are considered “incidental” and not evidence of a release
- **Public Roadways:**
  - Persons responsible for the maintenance of public roadways are not considered to be maintaining releases in certain circumstances

# Existing releases knowledge and multiple lines of evidence

- ✓ Lab results indicating the presence of substances above the laboratory reporting limit
- ✓ Observable NAPL
- ✓ Multiple lines of evidence indicating that there is a release to the land and waters of the state (taking into account knowledge, experience or training)
  - Information about the use of an area
  - Field screening results
  - Staining
  - Organoleptic evidence
  - Indoor air sample results
  - Presence of non-native materials

# Topics for Future Training Sessions

- Incidental Releases
  - Sec. 22a-134tt-1(i)(4)
- Naturally Occurring Metals at the Time of Discovery
  - Sec. 22a-134tt-2(f)
  - Discovery of a release by a non-owner or maintainer

# Filing Cabinet Exemption

A release shall not be deemed discovered if the only evidence of such release is data available or generated before the date when regulations are first adopted . . .

Releases must be remediated if they are found during the investigation of a piece of property, not an investigation of **filing cabinets**.



# Reporting (22a-134tt-3)

# Reporting Timelines for Existing Releases discovered by creator or maintainer

## Within 72 hours of discovery

- All Significant Existing Releases (SERs)
- Unless impacting supply well (if so, report within 24 hours)

## Within 120 days of discovery

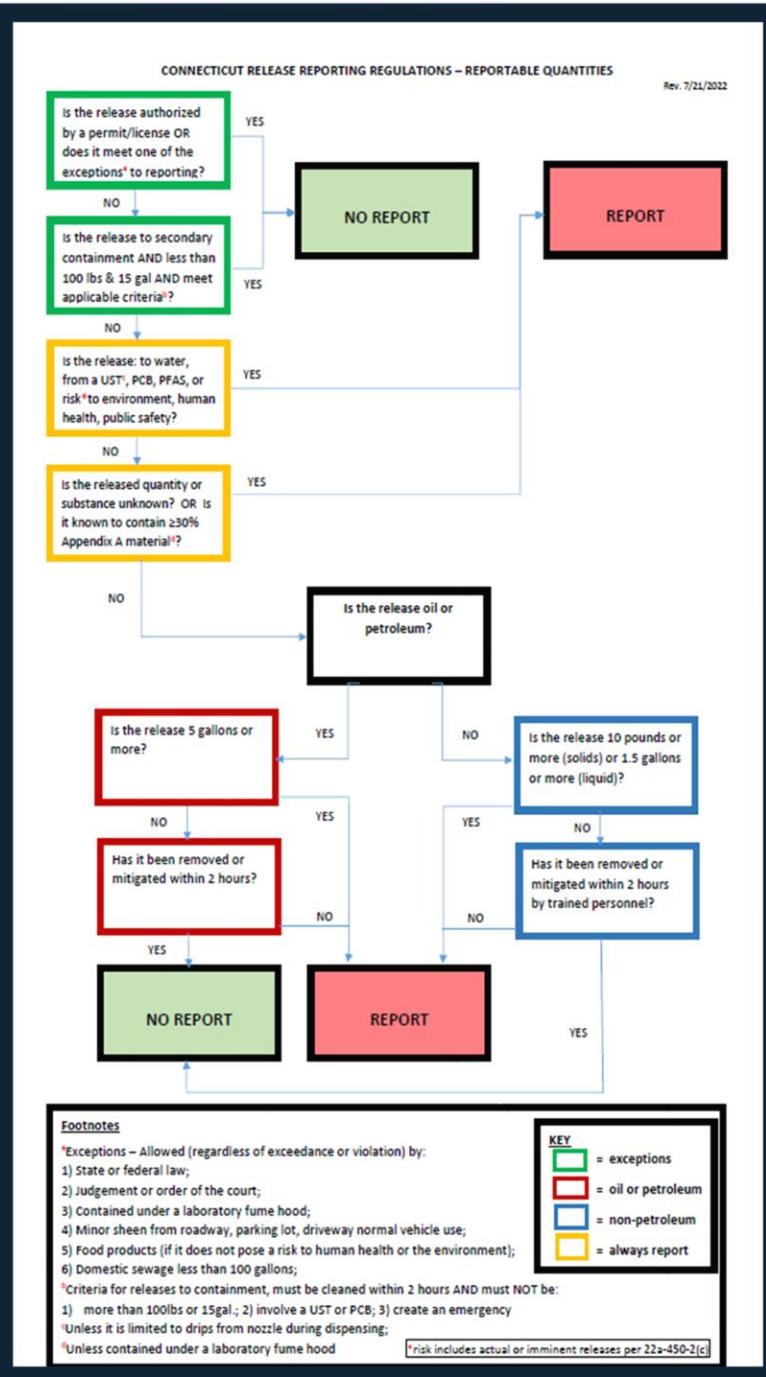
- Not a Significant Existing Release
- Substance in soil or groundwater at a concentration greater than 2 times the applicable cleanup standards
- For oil or petroleum – volume is equal or above 2 cubic yards
- NAPL measured thickness equal or above 1/8 inch
- Release not remediated to applicable cleanup standards within 120 days

## Within 365 days

- Pollution exists at less than 2 times cleanup standards
- Release not remediated to applicable cleanup standards within 365 days

# Release Reporting under RCSA 22a-450-1 to 6

- Release must be reported within 1 hour of discovery
- Releases requiring reporting:
  - Oil or Petroleum  $\geq$  5 gallons
  - Other than Oil or Petroleum  $\geq$  1.5 gals or 10 lbs
  - Any Quantity of the following:
    - Material of Special Concern listed in Appendix A;
    - Quantity or Material unknown;
    - Release of restricted use or prohibited pesticide;
    - PCBs including building materials;
    - Halogenated solvent
    - Release to waters of the state;
    - Release from an underground storage tank system;
    - Contains per- or polyfluoroalkyl substances; or
- Release or potential release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.
- [Flow chart](#) is available online



# Existing Releases

## Reporting timelines for SERs

Timelines for SERs	SER in DWW	SER not in DWW
<b>C/M → DEEP</b>	24 hours	72 hours
<b>Agent of C/M → C/M</b> <b>C/M → DEEP</b>	6 hours 24 hours	1 business day 72 hours
<b>Agent of 3<sup>rd</sup> Party → 3<sup>rd</sup> Party</b> <b>3<sup>rd</sup> Party → C/M</b> <b>C/M → DEEP</b>	1 business day 6 hours 24 hours	1 business day 1 business day 72 hours

" → " means notify

SER – Significant Existing Releases  
C/M - Creator or Maintainer  
DWW – drinking water well

# Topics for Future Training Sessions

- Characterization of Discovered Releases
  - "Release Characterization Guidance" will be posted online soon!
  - Sec. 22a-134tt-4 (Characterization)
  - Integration with ongoing cleanups of already discovered releases



## Immediate Actions (22a-134tt-5)



# Immediate Actions

**Immediate Action (IA)** - the immediate response upon discovery of a release is:

1. Removing the release from the land and waters of the state
2. Implementing measures to prevent migration of the release, such as active remediation techniques, the use of physical barriers, or appropriate treatment systems
3. Identifying the source of the release and eliminating it (with some exceptions)

**Immediate** means starting removal no later than 2 hours after such release is reported.



# Types of releases that require IAs

- ✓ **Emergent Reportable Release (ERR)** - spills
- ✓ **Significant Existing Release (SER)** - former Significant Environmental Hazard (SEH)

# Types of releases that require IAs

## ✓ Emergent Reportable Release (ERR)

- Means a release to the land and waters of the state discovered by an observed change in conditions that is required to be reported by regulations adopted pursuant to section 22a-450 of the Connecticut General Statutes. Except that ERR does not include:
  - A release required to be reported pursuant to section 22a-450-2(a) **Oil or Petroleum** if the quantity of the release is <10 gals; or
  - A release required to be reported pursuant to section 22a-450-2(b) **Materials Other Than Oil or Petroleum** if the quantity of the release is <20 lbs or <3 gals

# Types of releases that require IAs

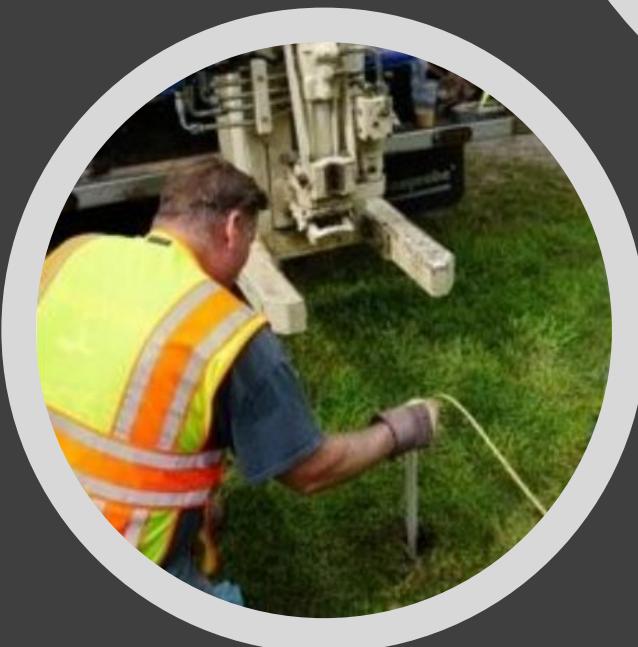
## ✓ Significant Existing Release (SER)

- Means a release that has been present at the time of discovery that is especially dangerous to human health or the environment because it is:
  - contaminating a drinking water well;
  - contaminating groundwater near a drinking water well;
  - in soil within 2 feet of the surface at 15x the direct exposure criteria for residential use or 30x the industrial/commercial direct exposure criteria for industrial/commercial use;
  - a VOC or VPS in groundwater causing a groundwater plume near the lowest portion of a building at concentration above 10x res vol criteria or 15x industrial/commercial vol criteria
  - a substance at concentrations greater than 10x the SWPC or NAPL to groundwater within 500 feet of surface water

# Additional Immediate Action (IA)

Specific action and timelines per release type and media impacted are prescribed in Section 5

Next steps require an IA Plan, or IA Report



# Immediate Action (IA) Plan and Report

- ✓ **Immediate Action Plan** - a **detailed schedule** of actions that will be completed to meet the requirements of the IA
  - Required for all SER Conditions
  - Required for ERRs with release to groundwater of VOS within 30 ft or VPS within 10 ft of a building, or if requested
- ✓ **Immediate Action Report** - a **summary** of actions taken pursuant to the requirements of the IA, submitted to the Commissioner

# Summary - Immediate Action (IA) Plan

## ERRs

- Required for a release to groundwater of VOS within 30' or VPS within 10', within 7 days

- Submit plan to Commissioner. Timelines:
  - ✓ 15 days impacts to DWSW
  - ✓ 15 days impacts to GW near DWSW
  - ✓ 90 days impacts soil <2' bgs
  - ✓ 30 days VOS/VPS near building
  - ✓ 30 days impacts to SW
- If no time described in regs. – submit plan within 90 days of discovery

## Include:

- Actions underway
- Actions and schedule proposed to achieve transition-point or cleanup standard
- Use Form by Commissioner
- Identify creator/maintainer
- Identify consultant (required to have one)
- Reference initial release report
- Propose a schedule for achieving IA transition point or cleanup standards
- Additional info always welcome

## Review by Commissioner:

- May review and approve or reject.
- ▼ If rejection, Commissioner will:
  - ✓ Explain why the actions/schedule proposed are incomplete or inappropriate
  - ✓ Require PEP or LEP if none are mentioned
  - ✓ Request new plan to be submitted within 7 days
- If 21 days after submission and Commissioner did not reject:
  - ▲ IA Plan Automatically approved.

# Summary - Immediate Action (IA) Report

## Deadlines For ERRs

### **45 days where:**

- drinking water is impacted/threatened  
OR
- visible impact to SW  
OR
- With Closure Report, or
- With Tier assignment

## Deadlines For SERs

- Commissioner to specify deadline,  
OR
- 60 days after IA transition point or cleanup standard achieved,  
OR
- Submit with Tier assignment

## Prescribed Form

### ✓ **Identify:**

- Creator/Maintainer
- LEP or PEP
- Transition-point or cleanup standards achieved

### ✓ **Describe:**

- Characterization, including confirmatory sampling (if needed)
- Any remaining characterization/ remediation to be done

## Commissioner may require:

- Additional info
- New schedule for investigation/remediation
- Additional actions



# Releases Certified by PEPs

# Releases Eligible for Certification by a PEP

**PEPs may certify that an endpoint has been achieved for the following types of releases:**

- ERRs;
- The approximate location and volume of such release was known;
- The substance or substances released are known;
- The release is to soil, an improved surface, secondary containment, or directly to surface water [provided that the substance released to surface water does not have a density greater than water];
- The release has not created a persistent impact to groundwater; and
- All immediate actions required by the RBCRs are commenced within 2 hours of discovery.



# PEP Program

- Purpose –
- The PEP Program will facilitate the new Release-based Program by authorizing Permitted Environmental Professionals (PEPs) to certify that specific endpoints and criteria have been met.

- **Process to authorize PEPs**
- **Qualifications for PEPs**
- **Training**
- **Auditing**
- **Enforcement**



## **1.Experience**

A minimum of 10 years of experience (within the last 15 years) in responding to hazardous materials spills and releases

## **2.Education**

Up to 4 years of experience may be substituted with a BS in a relevant subject of study and up to 2 years an AS

## **3.Training**

A PEP must have the requisite training which shall include the following:

- OSHA Training (1910.120, OSHA 30)
- Incident Command (ICS 100, ICS 200, ICS 700)
- DEEP approved training course and passage of the course examination; and
- Applicable refresher training for certain courses listed above

# **PEP Experience and Qualifications**



# Releases of Home Heating Fuel on Residential Properties



**An emergent reportable release or an existing release of home heating fuel at a residential property (not more than 4 living units)**

## Applicability

- release consists entirely of home heating fuel;
- the heating fuel is being used, or stored for future use on the parcel at which it is being stored; and
- The release was created by the owner of the parcel on which the home heating fuel is being used or stored for future use or occupant

## Cleanup Standard

An LEP verifies or a PEP certifies that all soil impacted by the release has been removed, except soil removal that may undermine the structural integrity and that soil left in place is not impacting groundwater or indoor air.

## Documentation

A release remediation closure report has been prepared.



**Tiers (22a-134tt-6)**

# Tiers

The Tier system has additive timelines

Assign/ reassign using  
Tiers checklist

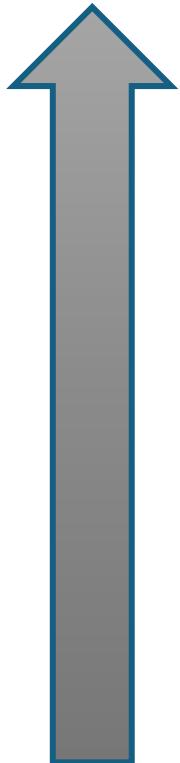
Fee to enter  
fee to stay in system (annual fees)  
no fee to exit (complete cleanup)

Special conditions, schedule  
extensions and audits

- To assign a release to a tier:
  - Submit a completed tier checklist (verified by an LEP)
  - Attach characterization information documentation
  - IA Plan and Report requirements fulfilled.
  - Entry fee; Annual fees

# Tiering System

Increased Risk



## Tier 1A. DEEP Oversight

- Highest-risk releases. DEEP lead.
- Unknown risks to receptors; programmatic noncompliance.
- Complete closure or re-tier 1 year after Date of Tier Assignment.

## Tier 1B. LEP Oversight Receptor Risk

- Known risk to receptors (drinking water, vapor) must still be addressed or scoping/screening eco not completed
- RAP not completed
- Complete closure or re-tier 2 years after Date of Tier Assignment

## Tier 2. LEP Oversight Controlled Risk

- Controlled risk, no receptor pathways
- Complete closure or re-tier 4 years after Date of Tier Assignment

## Tier 3. LEP/other EP Oversight

- Monitored Natural Attenuation (MNA) only
- Complete closure or re-evaluate effectiveness of MNA 5 years after Date of Tier Assignment

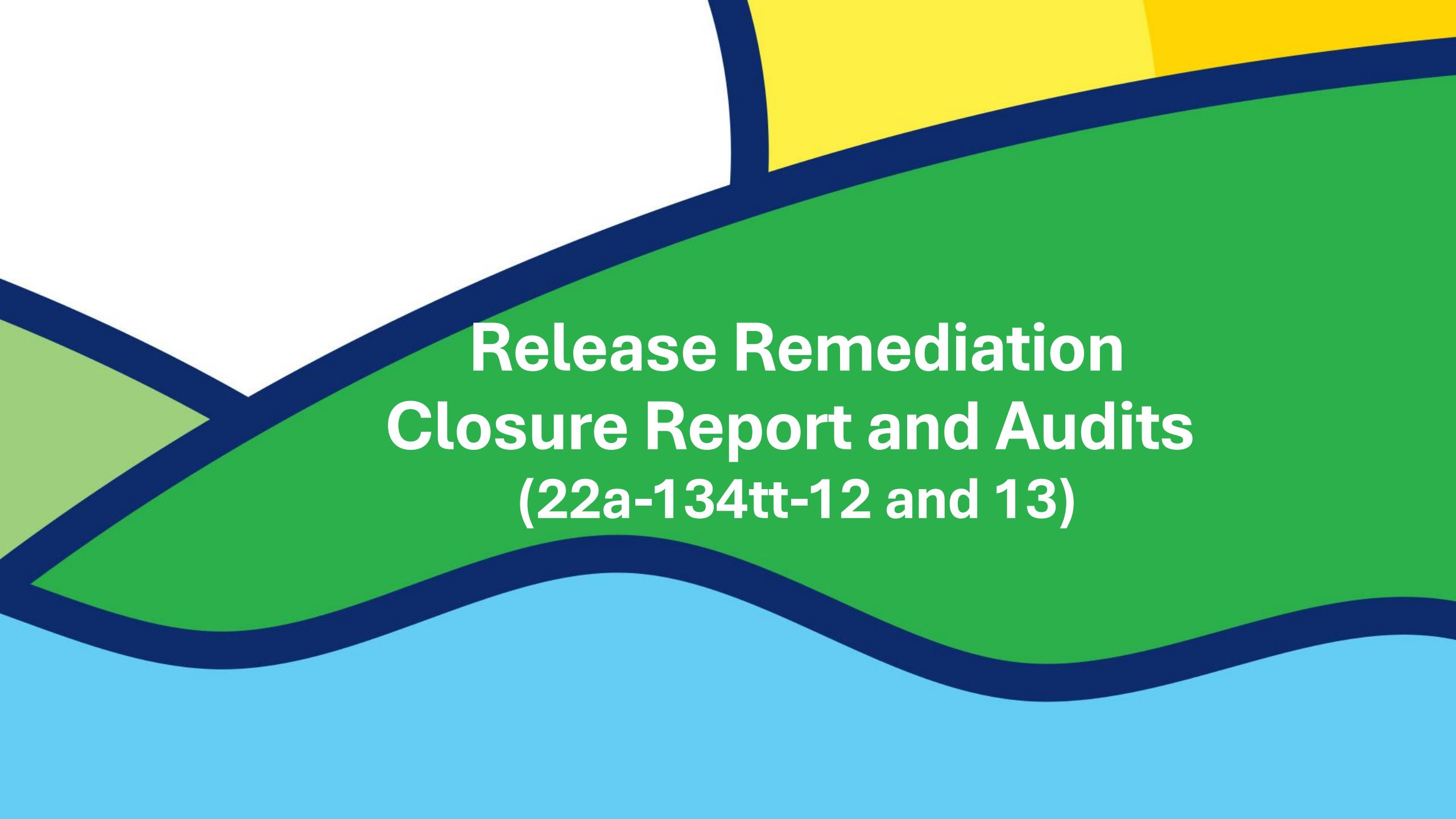
# Tier Assignment

- A release can be assigned/re-assigned to a **lower risk tier at any time** if the risk has been reduced
- A release can be assigned to Tier 3, provided that:
  - Soil has been cleaned up to standards (and any supporting documentation has been provided)
  - GW plume documented to be in diminishing state with no need for further remediation
  - CSM supported by sufficient characterization data
  - GW monitoring schedule (and name/contact info for who will be conducting) is provided to the Commissioner

# Tiering Fees

Tier 1A	• \$3,000
Tier 1B	• \$1,500
Tier 2	• \$1,000
Tier 3	• \$500

- ✓ Paid at time of Tier assignment
- ✓ Used to calculate the annual fee: due one year following the date of tier assignment, and each year thereafter until a release is verified. So total fee amount increases over time, reflecting the continued oversight.
- Other fees:
  - Fees for Extension of Time



# Release Remediation Closure Report and Audits (22a-134tt-12 and 13)

# Release Remediation Closure Report

A release remediation closure report is expected to

- ❖ Include creator or maintainer information - location/address of the release – date of discovery – date reported – date of Tier Assignment – release records/ supporting documentation.
- ❖ Demonstrate that the release has been remediated to cleanup standards, including details on any alternatives, exemptions, variances, or controls.
- ❖ A copy to be kept by creator or maintainer for 10 years minimum

# Audits

- Audits can be done for any release record.
- If no audit is conducted, no notification shall be required.
- Audit has 3 levels: screening audit, a focused audit, or a full audit.
- “Release record” means a document certified by a PEP or verified by an LEP documenting compliance with a requirement or requirements of the RBCRs;

# Audit Levels

- “Screening audit” means the **administrative review** of records by the commissioner.
- "Focused Audit" means the **review of one release record** by the commissioner, including requesting additional supporting information regarding the remediation of a release.
- “Full audit” means the **thorough review of many or all release records** associated with a release initiated after submission of a release remediation closure report, including requesting additional supporting information regarding the remediation of a release.



# **New Exposure Scenarios for cleanup standards for soil (22a-134tt-9)**

# New “exposure scenarios” for soil cleanup standards

- Today there are 2 soil cleanup standards: Residential (**Res**) and Industrial/Commercial (**I/C**)
- For sites that are not **I/C**, cleanup to **Res** may assume exposures more restrictive than is necessary for the actual land use.

## **NEW! Land use exposure scenarios in between Res and I/C**

- **Passive Recreation** - for use at parks, walking trails, bike paths, horse trails:
  - only need a conservation easement held by a government entity instead of an Environmental Use Restriction (EUR).
- **Managed Multifamily Residential** - for use at apartment and condominium complexes:
  - can use a simplified EUR without complicating factors (such as the need to establish costly subordination agreements).

# Topics for Future Training Sessions

- ✓ Use of alternate remedy solutions

# New Voluntary Parcel-Wide Program

- Eligibility:
  - ✓ Site cannot be currently subject to Property Transfer Program (PTP)
  - ✓ Site cannot be the subject of enforcement addressing a release(s) [Order, court judgment]
  - ✓ Phase II has been *initiated before the discovery* of any releases that are subject to the RBCRs – or – initiated within 60 days *after* discovery of a release subject to the RBCRs
    - provide date, investigation summary, identification of each release discovered
    - If SERs/ERRs are present – conduct Immediate Actions
  - Opportunity to address cleanup on a parcel-wide basis, rather than release by release, if that is the preferred approach for the property
  - One parcel per case.

# New Voluntary Parcel-Wide Cleanup Program

- Once in the program, milestones are:
  - ✓ Submission of Tier Characterization Report:
    - Tiering each release on the parcel
    - due 2 years from date of initiation of Phase II
  - ✓ The releases will be grouped together and will be assigned to Tier 2
    - Since they are grouped, they will have single Tier 2 fee payment (\$1000)
  - ✓ Deadlines for remediation established under the RBCRs will be extended by 1 year, meaning:
    - Re-tier or submission of Release Remediation Closure Report due 5 years from date of Tier assignment [Total of 6 years]
    - Schedule extension requests allowed

# Transition with Other Cleanups Underway

- Trainings and resources to come!
  - Significant Environmental Hazards and Significant Existing Hazards (SEHs and SERs)
  - Property Transfer Program - Release Catalogue Report available on DEEP website
  - RCRA Corrective Action, Voluntary programs, Brownfields, Enforcement cases, other programs-resources in progress
- Release Catalogue Report Transmittal Form – attach as the cover sheet.
- Release Catalogue Report Format (unlocked) – use as a guide or as a template for the report.

# Training Schedule

- ***RBCR Basics***
  - December 11, 2025
  - online via Zoom-2:00 p.m. - 4:00 p.m.
- ***Introduction to RBC Regs and Programs***
  - January 21, 2026
  - online via Zoom 10:00 a.m. – 3:00 p.m.(with an hour lunch)
- ***In-depth focused sessions- key topics***
  - January 28 , 2026 – and most **Wednesdays** in February-March
  - Online via Zoom 10:30 a.m. - 12:00 p.m.
- ***REACT Training and Help Sessions***
  - February 5, 2026- and most **Thursdays** in February - March, Trainings
  - February 6, 2026 –and most **Fridays** in February – March Help Sessions
  - Online via Zoom 10:30 a.m. - 12:00 p.m.
- ***Additional RBCR training***
  - Potential for repeat of Introduction course
  - Intermediate and Advanced topics
  - To be scheduled later in 2026

# Cleanup Contacts

- [DEEP.LeakingUST@ct.gov](mailto:DEEP.LeakingUST@ct.gov)
- [DEEP.PCBProgram@ct.gov](mailto:DEEP.PCBProgram@ct.gov)
- [DEEP.MarineTerminals@ct.gov](mailto:DEEP.MarineTerminals@ct.gov)
- [DEEP.USTEnforcement@ct.gov](mailto:DEEP.USTEnforcement@ct.gov)
- [DEEP.ERR@ct.gov](mailto:DEEP.ERR@ct.gov) [available in future]
- [DEEP.PEPenforcement@ct.gov](mailto:DEEP.PEPenforcement@ct.gov)
  
- [DEEP.RemediationDivision@ct.gov](mailto:DEEP.RemediationDivision@ct.gov) -General
- [DEEP.Brownfields@ct.gov](mailto:DEEP.Brownfields@ct.gov) -Brownfields
- [DEEP.RemStewardship@ct.gov](mailto:DEEP.RemStewardship@ct.gov) - RCRA Hazardous Waste Cleanup (HW Corrective Action)
- [DEEP.EUR@ct.gov](mailto:DEEP.EUR@ct.gov) - Environmental Use Restrictions
- [DEEP.LEPApplicant@ct.gov](mailto:DEEP.LEPApplicant@ct.gov) - LEP business [not site, case, or release related]
- [DEEP.PFAS@ct.gov](mailto:DEEP.PFAS@ct.gov) - PFAS
- [DEEP.REACT@ct.gov](mailto:DEEP.REACT@ct.gov) - Technical questions about REACT portal



The background of the slide features a dynamic, abstract design. It consists of several overlapping curved bands in different colors: a dark blue band at the top, a yellow band above a green band, and a light blue band at the bottom. The green band is the most prominent, curving from the bottom left towards the top right. The overall effect is one of motion and depth. The text is placed within the green area.

Thank you!