



TRANSITION - SEH TO SER

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SIGNIFICANT ENVIRONMENTAL HAZARD (SEH)

Section 22a-6u of the Connecticut General Statutes (CGS)

- **Requires the owner of property which is the source or location of pollution causing a significant environmental hazard to notify the DEEP after they become aware of such conditions.**
- **A technical environmental professional (TEP) must notify clients and the owner of a property if, while investigating pollution, a determination is made that an environmental hazard is present.**
- **A TEP is anyone, including a licensed environmental professional, who collects soil, water, vapor, or air samples to investigate and remediate soil or water pollution as an employee or consultant of a public or private employer. In some circumstances, if an owner does not notify DEEP, the TEP's client must report the hazard to DEEP.**

SEH - REFRESH

Types of SEH Conditions

- **Public or private drinking water supply wells with detected pollution (above or below the groundwater protection criteria)** [22a-6u(b) and 22a-6u(c)],
- **Polluted groundwater 500 feet upgradient of or within 200 feet in any direction of a drinking water supply well with pollution detected above the groundwater protection criteria** [22a-6u(g)],
- **Polluted groundwater within 15 feet of an occupied building with the potential to pose a short-term risk to indoor air quality** [22a-6u(e)],
- **Polluted groundwater discharging to a surface water body with the potential to pose a short-term risk to aquatic life** [22a-6u(f)],
- **Polluted soil present within two feet of the surface with the potential to pose a short-term direct contact risk to humans** [22a-6u(d)], **and**
- **The presence of vapors from polluted soil, groundwater or residual free product at levels posing a potential explosion hazard and imminent threat to human health, public safety and the environment** [22a-6u(h)].

SIGNIFICANT EXISTING RELEASES (SER)

Sec. 22a-134tt-1(e)

- A release that has caused or is causing contamination of a public or private drinking water well;
- A release of a substance for which a groundwater protection criterion has been specified that has caused or is causing contamination of groundwater within 500 feet of a private or public drinking water well at a concentration greater than the groundwater protection criteria;
- A release discovered in soil within 2 feet of the ground surface that contains a substance at concentrations at or above 30 times the industrial/commercial direct exposure criterion for such substance if the parcel is in industrial or commercial use, or at or above 15 times the industrial/commercial direct exposure criterion for [various metals] or polychlorinated biphenyls, excluding arsenic or lead from the lawful application of pesticides, if the parcel is in industrial or commercial use and such soil pollution is not more than 300 feet from any residence, school, park, playground or daycare facility, or at or above 15 times the residential direct exposure criterion if the parcel is in residential use;

SIGNIFICANT EXISTING RELEASES (SER) CONT.

Sec. 22a-134tt-1(e)

- **A release of volatile organic substances or volatile petroleum substances to groundwater that has caused or is causing groundwater within 15 feet of an industrial or commercial building to be contaminated with a volatile organic substance at a concentration at or above 10 times the industrial/commercial volatilization criterion for groundwater for such substance or, if such contamination is within 15 feet of a residential building, at a concentration at or above 10 times the residential volatilization criterion;**
- **A release of a substance at a concentration of greater than 10 times the surface-water protection criteria for such substance, or of a non-aqueous phase liquid, to groundwater within 250 feet of surface water unless data exists to demonstrate that such concentrations decrease below such levels closer to surface water.**

NOTE: There is no SER condition corresponding to the SEH type for explosion risk (CGS 22a-6u(h)).

22a-134tt-1(e) Significant Existing Release (SER)

Types Of Impact	Distances And Location	Concentration And Criteria
Drinking Water Well (DWW) contamination	At any public or private DWW	<ul style="list-style-type: none"> Any
Groundwater plume (GW) → DWW	GW plume ≤ 500ft from a DWW	<ul style="list-style-type: none"> Substance has Groundwater protection criteria (GWPC) specified; ≥ GWPC
Soil	<p>Depth of discovered release is within 2ft from ground surface;</p> <p>Check land use;</p> <p>Use Industrial/Commercial Direct Exposure Criteria (I/C DEC) for arsenic or lead from pesticides only if parcel is > 300ft from sensitive receptors.</p>	<ul style="list-style-type: none"> ≥ 15 x Res DEC ≥ 30 x I/C DEC For certain metals, PCBs and arsenic or lead from pesticides: ≥ 15 x I/C DEC

22a-134tt-1(e) Significant Existing Release (SER)

Types Of Impact	Distances And Location	Concentration And Criteria
Groundwater (GW) plume → volatile organic substances or volatile petroleum substances	GW plume within 15ft of a building; Check land use	<ul style="list-style-type: none"> • ≥ 10x Residential Volatilization Criteria (VolC) • ≥ 10x Industrial/Commercial VolC
GW plume → surface water	≤250ft from surface water body	<ul style="list-style-type: none"> • ≥ 10x Surface Water Protection Criteria • Release of a non-aqueous phase liquid (NAPL), any concentration

WHAT DO THE RBCRs SAY ABOUT SEHs?

Sec. 22a-134tt-2(a)(4)

Notwithstanding the requirements of this subsection, a Significant Environmental Hazard reported to the commissioner pursuant to section 22a-6u of the Connecticut General Statutes that is in compliance with the requirements of that section shall not be deemed discovered until March 1, 2028, 2 years after the effective date of the RBCRs.

WHAT DO THE RBCRs SAY ABOUT SEHs?

Sec. 22a-134tt-2(a)(4)

- **In simple words...**

If your hazard is **in compliance** and you **resolve the hazard** prior to March 1, 2028, then your SEH condition will not be considered discovered under the RBCRs.

- *What is a SEH "in compliance"?*

A hazard condition that is mitigated means that certain measures are in place to ensure there is no on-going short-term risk. These measures require continued monitoring, maintenance and inspections, as applicable. These monitoring reports are to be submitted to DEEP.

- *How do I "resolve" a SEH condition?*

A hazard condition is resolved when all actions taken are completed and result in abatement of the hazard condition “such that notice under [the law] would not be required anymore”. DEEP will review a report of abatement actions and issue a certificate of compliance.

PUBLIC ACT 25-6

Public Act No. 25-6

Sec. 3. Section 22a-6u of the general statutes is amended by adding subsection (p) as follows (Effective October 1, 2025):

(NEW) (p) On and after the effective date of regulations adopted pursuant to section 22a-134tt, the requirements of this section shall apply only to releases that, pursuant to subsections (c) and (d) of section 22a-134rr, are not subject to the requirements of sections 22a-134qq to 22a-134xx, inclusive, and any hazard required to be reported by a municipality or Connecticut brownfield land bank pursuant to subsection (b) of section 22a-133dd.

PUBLIC ACT 25-6 NEWLY DISCOVERED SIGNIFICANT RELEASES (SEH & SER)

Significant Environmental Hazards at Property Transfer Act and Brownfields Properties vs at other properties

This means that post-March 1, 2026, the requirements related to reporting and addressing Significant Environmental Hazards reportable per CGS 22a-6u continue to apply to properties *cleaning up in the* Property Transfer Program *prior to March 1, 2026, or cleaning up in a* Brownfield program.

All other newly discovered significant hazards identified at other properties need to be reported and addressed under the RBCRs.

RELEASES, INCLUDING SEH CONDITIONS, AT PROPERTY TRANSFER SITES

CGS 22a-134rr

(1) Only **releases that occurred prior** to the filing of a Form I, Form II, Form III or Form IV but that **were not discovered until**

- (A) after the date of the commissioner's approval of the remediation, or
- (B) the date to which the verification applies, as designated on the form submitted to the commissioner in connection with a Form III or Form IV verification, or
- (C) the date on which the Form I or Form II was filed

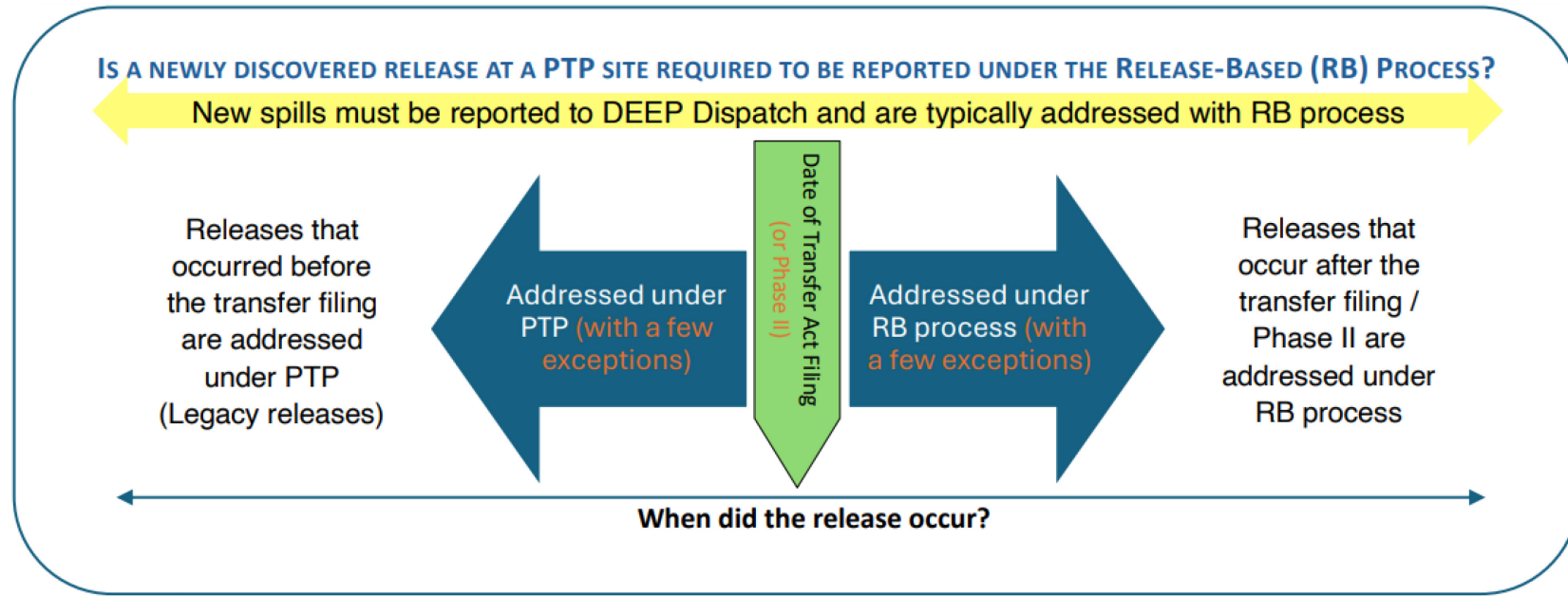
shall be subject to the requirements of sections 22a-134qq to 22a-134xx, inclusive;

(2) Any **release that occurs after** the filing of a Form I, Form II, Form III or Form IV shall be **subject to the requirements** of sections 22a-134qq to 22a-134xx, inclusive,

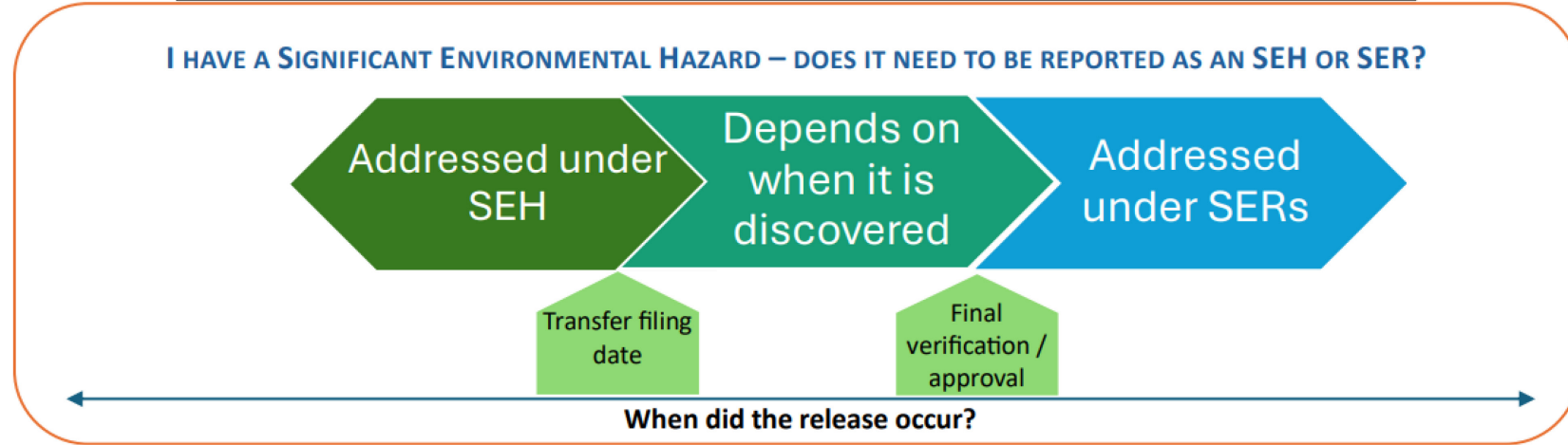

except that

when a **Phase II** investigation has been **completed after the filing** of a Form III or Form IV, **only releases which occur after the date of the Phase II** investigation shall be **subject to the requirements** of sections 22a-134qq to 22a-134xx, inclusive; (...)

RELEASES, INCLUDING SEH CONDITIONS, AT PROPERTY TRANSFER SITES



Confused about which program applies?
We get it – it's complicated!
[This quiz helps sort things out for your situation.](#)



RELEASES, INCLUDING SEH CONDITIONS, FROM REGULATED USTs

Sec. 22a-134tt-2(a)(4)(d) Releases from Regulated Underground Storage Tank Systems

If the source of a release is or was an underground storage tank system regulated by the underground storage tank system regulations adopted pursuant to section 22a-449(d) of the Connecticut General Statutes, such release shall not be considered to have been discovered for the purposes of the RBCRs.

RELEASES FROM USTs (cont.)

Regulated UST CGS 22a-449(d)

If you have a SEH from a regulated UST, that condition will continue to be managed under the UST cleanup regulations; it will not become a SER.

Non-regulated UST

If you have a SEH from a non-regulated UST, it will be managed under the RBCRs as a SER.



RESIDENTIAL SEHs AND SERs

Those SEHs that are reported at residential properties, often following a tank release, will largely follow the same process as any other existing SEH. Those in compliance with 22a-6u will have a 2-year grace period before becoming SERs.

- ❑ But I thought that releases discovered at residential parcels are exempt from discovery under the RBCRs? (22a-134tt-1(i)(1))
 - That exemption only applies to releases that are not SERs. (22a-134tt-1(i)(1)(A)(v))
- ❑ But I thought that releases from underground storage tanks were exempt?
 - That exemption only applies to regulated USTs. Residential tanks are generally not regulated by CGS 22a-449(d). (22a-134tt-2(d))
- ❑ But I thought that home heating oil releases had a new special path. Doesn't that mean that SEHs from home heating oil releases will not become SERs?
 - The special path for releases of home heating fuel on residential properties provides details on how to demonstrate compliance following a release, but it does not offer any protection to an *existing* SEH condition from becoming a SER. (22a-134tt-8(b))

PFAS OR ROAD SALT IN A DRINKING WATER SUPPLY WELL

Sec. 22a-134tt-1(i)(2)

(2) Discovery of PFAS or road salt in a public or private drinking water supply

(A) Notwithstanding the requirements of the RBCRs, if an existing release of PFAS or chloride-based, inorganic salt is discovered in a public or private drinking water supply, including but not limited to a public or private drinking water supply well, by the person who owns or operates such drinking water supply:

(i) such release shall not be a significant existing release, and immediate action shall not be required; and

(ii) provided such release is reported to the commissioner pursuant to the process specified in section 22a-134tt-3 of the RBCRs not more than 3 days following the first discovery of such release, the person who owns or operates such drinking water supply shall not be required to take any other action or pay any fee required by the RBCRs, except if the commissioner determines that such person created or maintained a source of PFAS or salt pursuant to subparagraph (B) of this subdivision.

PFAS OR ROAD SALT IN A DRINKING WATER SUPPLY WELL (cont.)

Sec. 22a-134tt-1(i)(2)

(B) The commissioner may investigate any release reported pursuant to subparagraph (A) of this subdivision, and if the commissioner identifies the source of such release and the creator or maintainer of such source, the commissioner shall notify such creator or maintainer in writing and such source shall be considered to be discovered for the purposes of section 22a-134tt-2 of the RBCRs, and subject to the requirements of the RBCRs.

(C) If the commissioner identifies the source of such release, the commissioner may issue an order, including an order pursuant to sections 22a-134ss or 22a-471 of the Connecticut General Statutes, to each person who created or is maintaining such source to remediate the source of such release and to require that potable drinking water be provided to all persons affected by such release.

PFAS OR ROAD SALT IN A DRINKING WATER SUPPLY WELL (cont.)

What this means for PFAS or road salt in a drinking water supply well

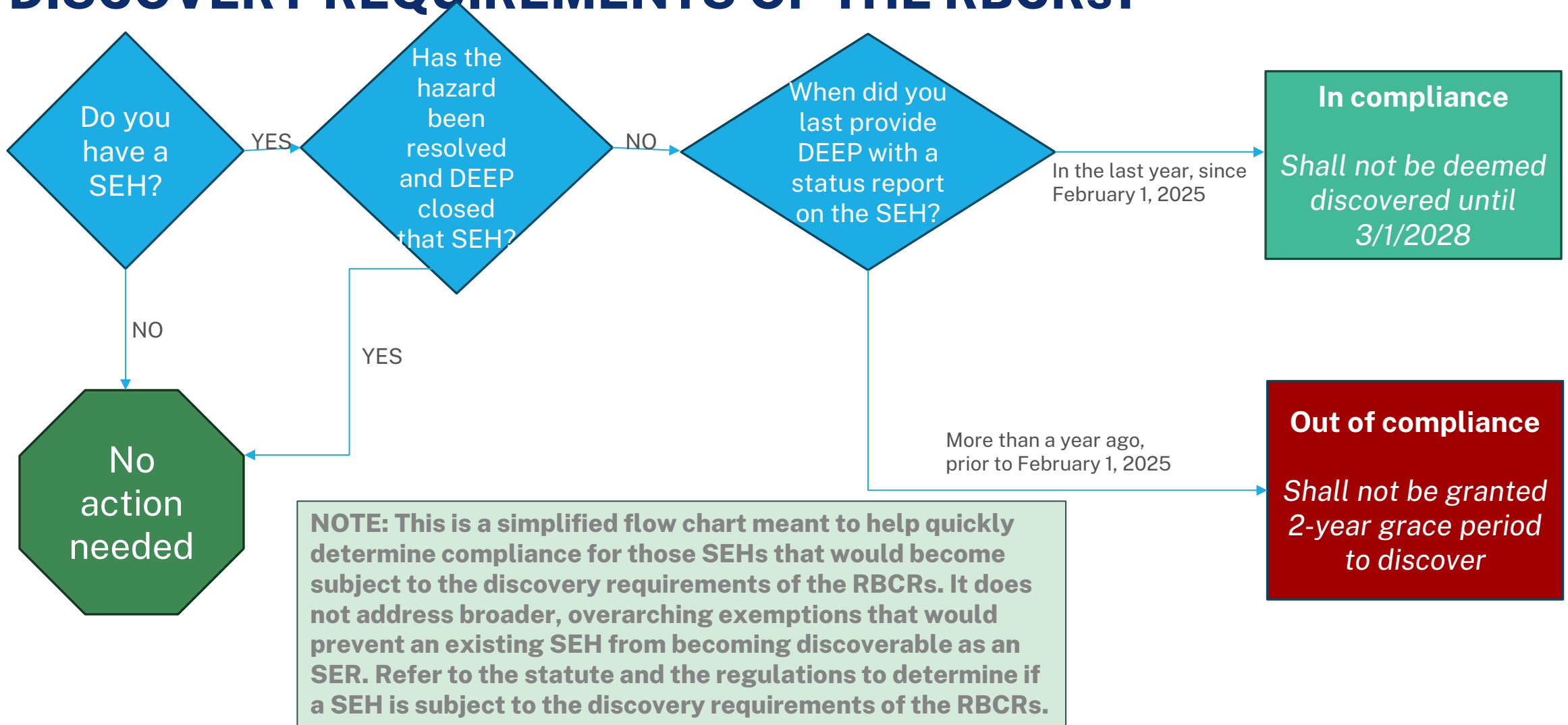
- A person who owns or operates a drinking water supply (*who did not create or maintain a source of PFAS or salt contamination to the water supply*) is not required to conduct an RBCR "Immediate Action" because they are not the source of the release.
- An impacted well owner can report the release to the commissioner to receive assistance.
- Providing DEEP with information about an impacted well allows DEEP to follow up with an investigation under CGS 22a-471 if the source is not known or to pursue and address the source of the release **and the protection of receptors.**

RESIDENTIAL SERs – FEES

For SEHs that become SERs and need to be tiered for not achieving closure within one year, there is a 100% fee reduction available on all tiering fees for releases at owner-occupied single family residential properties. (22a-134tt-6(f)(6)(A))

- **Note that the creator or maintainer needs to be the owner of said property; this reduction would not apply to instances where a fuel oil company was responsible for the release and subsequently be the entity paying the tiering fees.**
- **This means that there are residential properties (e.g., rental properties, multifamily properties) that would not be eligible for this discount.**
- **Note that there is a 50% reduction for owners of residential units with 4 or fewer units. (22a-134tt-6(f)(6)(B)(i))**

WHAT TO DO IF AN EXISTING SEH IS SUBJECT TO THE DISCOVERY REQUIREMENTS OF THE RBCRs?



IF YOU DO BECOME AN SER...

- **SEHs that are not in compliance with the SEH law by March 1st, 2026, will be subject to the requirements of the RBCRs upon discovery.**
- **If you have a SEH condition on a parcel subject to Property Transfer Program - evaluate if it is subject to RBCRs first, and then apply the 2-year grace period for discovery (only for hazard conditions in compliance with SEH law).**
- **Don't panic, the required response actions for SERs are very similar to the requirements of the SEH law.**
- **Perform your SERs Immediate Actions (IAs) as detailed in Section 5 of the RBCRs. Section 5 is very prescriptive on which actions need to be performed and when. This will also include completing your IA Plan and IA Report (as necessary) and uploading them to REACT.**
- **Whenever you achieve the cleanup standards as specified in the RBCRs, submit your Release Remediation Closure Report.**
- **If you cannot achieve the cleanup standards within 1 year from the date of discovery of the release, tier the release into the appropriate tier and pay the associated fee (as required).**

The background features a stylized landscape with a yellow sun in the top right, green hills in the middle, and blue water at the bottom. The elements are separated by thick, dark blue outlines. The text 'CASE STUDY' is centered in the green hill area.

CASE STUDY

CASE STUDY 1

I notified DEEP in 2023 of a SEH condition that the source of pollution is from a regulated UST. My last SEH monitoring report was submitted in December 2025. What are my next steps? My Site is not subject to Property Transfer Program or Brownfields.

❖ Is this SEH condition subject to the requirements of the RCBRs?

CASE STUDY 1 – EVALUATION

- In accordance with Section 22a-134tt-2(a)(4) of the RBCRs: SEH conditions, that are not exempt from the RBCRs, that have not been resolved but are in compliance with the requirements of the SEH law, including its notification requirements, will be granted a 2-year grace period following the effective date of the RBCRs (March 1, 2026) before being considered "discovered" under the requirements of the RBCRs;
- However, Sec. 22a-134tt-2(a)(4)(d) talks about releases from Regulated Underground Storage Tank Systems. If the source of a newly discovered release is or was an underground storage tank system regulated by the underground storage tank system regulations, such release shall not be discovered for the purposes of the RBCRs. *Reminder: Cleanup must comply with the UST cleanup regulations. Fees will begin to apply for any releases not completed with the UST regulations timelines.*
- *Therefore, the SEH condition from Case Study 1 is not subject to the RBCRs.*

CASE STUDY 2

I notified DEEP in 2020 of a SEH condition in soil found in AOC -01 during investigations in the spring of 2020. The hazard condition is associated to a release that occurred in the winter of 2019. My Site has been subject to Property Transfer Program Form III because of a real estate transfer and Form III filling in 2018. The date of my Phase II completion is August 2021.

❖ Is this SEH condition subject to the requirements of the RCBRs?

CASE STUDY 2 – EVALUATION

Based solely on the information provided, it appears that the release that resulted in a SEH condition occurred and was discovered prior to the date of the Phase II investigation. The Phase II was completed after the filing of a Form III.

According to CGS 22a-134rr:

"(2) Any release that occurs after the filing of a Form I, Form II, Form III or Form IV shall be subject to the requirements of sections 22a-134qq to 22a-134xx, inclusive, except that **when a Phase II investigation has been completed after the filing of a Form III or Form IV, only releases which occur after the date of the Phase II** investigation shall be subject to the requirements of sections 22a-134qq to 22a-134xx, (...)"

Therefore, this release that resulted in a SEH condition is not subject to the requirements of the RBCRs and will continue to be addressed through the Significant Environmental Hazard requirements and the existing Property Transfer Program process and timelines.

CASE STUDY 3

- **A SEH was reported at a residential property for a drinking water supply well that had been impacted by fuel oil at concentrations below criteria (22a-6u(c)). The resident installed a carbon filter on their well to provide potable water to their family. After further investigation, the consultant determined in their professional opinion that the contamination that caused the impact to the well was most likely coming from an upgradient property. The upgradient owner has not been responsive to requests from the consultant to sample their drinking water supply well or requests to discuss the possibility of operations at their property causing the downgradient impacts.**
- **Will this condition be eligible for the two-year grace period to remain a SEH until March 1, 2028?**

CASE STUDY 3 – EVALUATION

- **As the Department has been in regular contact with the homeowner's consultant and regular status reports have been provided, this SEH would be considered in compliance and would be eligible for the 2-year grace period.**
- **Following March 1, 2026, the impacted homeowner's consultant can prepare a release remediation closure report and identify that the upgradient property owner is the source of the release. When the consultant provides that report to the Department and to the upgradient property owner:**
 - **The Department can consider the SEH closed from the homeowner's perspective.**
 - **The upgradient property owner, upon receipt, will have discovered the release, as per the RBCRs. Because there is an impacted water supply well, this would be a SER, and they would have 72 hours to report and initiate their Immediate Actions. If they believe that they are not the source, they will need to investigate their property and demonstrate that they are not in fact the source.**

CASE STUDY 4

- **As part of a Phase II investigation I'm leading, I receive lab results on February 19, 2026, indicating that there is a SEH condition present onsite for impacted surface soil. It takes a couple of weeks to get the owner's signature, so, I don't get around to submitting the completed SEHN until March 6, 2026.**
- **Will this condition be treated as a SEH or a SER?**

CASE STUDY 4 – EVALUATION

- **This condition will be treated as a SEH.**
- **The results indicating a hazardous condition were obtained prior to the effective date of the RBCRs and trigger a SEH under CGS 22a-6u(d).**
- **CGS 22a-6u(d)(2) states that the owner of the parcel with the SEH condition has 90 days to submit the SEHN. Because, in this scenario, the owner became aware of the SEH condition on February 19, 2026, the owner has until May 20, 2026, to file the SEHN and still be considered in compliance with the requirements of the SEH law.**
- **If they submit the SEHN by May 20, 2026, they will be a SEH and would earn the two-year grace period before the condition would be discovered as a SER.**

CASE STUDY 5

- **It's April 2026 and I recently took over leading cleanup efforts at a property. While reviewing files, I realized that the property owner was notified of a SEH condition in surface soil in December 2023 by a prior consultant, but they chose not to file the SEHN with DEEP. The site is not in the Property Transfer Program nor is it a brownfield site. I stress to the owner that SEH conditions are not something they can disregard and convince them to submit the SEHN. We submit the completed SEHN on April 16, 2026.**
- **Will this condition be treated as a SEH or a SER?**

CASE STUDY 5 – EVALUATION


- **This condition will be treated as a SER.**
- **The results indicating a hazardous condition were obtained prior to the effective date of the RBCRs and triggered a SEH under CGS 22a-6u(d).**
- **However, because the property owner was not interested in filing the SEHN when they became aware of the condition, the owner is now well outside the 90-day reporting window required under CGS 22a-6u(d)(2). Therefore, this condition would not be considered in compliance with the requirements of the SEH law and would be treated as a SER when it is reported in April, after the RBCRs have gone into effect.**



**Upcoming Trainings
Questions**

UPCOMING TRAINING

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

March 4, 2026, 10:30 a.m. - 12:00 p.m.	PTP/new Parcel-Wide	Bridge from Property Transfer Program and process for the new Voluntary Parcel-Wide Cleanup Program	Register for March 4
March 11, 2026, 10:30 a.m. - 12:00 p.m.	Legacy	Integration of other existing legacy programs	Register for March 11
February 5, February 19, February 26, March 5, March 19, March 26, 2026 All sessions Thursdays 10:00 a.m. - 12:00 p.m.	REACT	Introduction to REACT Online Portal  Training Session--same session each week: <i>Feb 26 will also feature Immediate Actions in REACT</i>	Click to join training session
February 6, February 20, February 27, March 6, March 20, March 27 All sessions Fridays 10:00 a.m. - 12:00 p.m.	REACT	Help Session--Q&A on how to use REACT online portal	Click to join help session

QUESTIONS?

Questions about the RBCRs and the REACT portal may be submitted using this [Question submittal tool](#)

Responses to submitted questions will be provided in

- updates to Frequently Asked Questions documents,
- Q&A annexes to training courses, or
- individually if appropriate.



A stylized landscape illustration. The top right corner features a bright yellow sun. Below it is a large green hill with a dark blue outline. To the left, a smaller, lighter green hill is visible. The bottom of the image shows a light blue area representing water, also outlined in dark blue. The text "Thank you!" is centered on the green hill.

Thank you!