



Department of Energy & Environmental Protection
Remediation Division
Remediation Roundtable
Q&A Newsletter
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Presented below are the Department's responses to comments made at the Remediation Roundtable held on June 19, 2018. The comments and responses may have been edited for clarification purposes.

ROUNDTABLE TIPS:

Calculating Plume Discharge for Alternative SWPC:

Comment: If you're downstream of a stream gauge, can you use the estimate from the gauge as a conservative estimate?

Response: *Yes, as a conservative estimate you may use the stream gauge to do the calculation.*

Comment: If you aren't using the alternative calculation, isn't it true that using the default SWPC, you might need to demonstrate especially on a small stream that you have better than 10:1 dilution rate? That is an assumption of SWPC?

Response: *If the groundwater plume is discharging to a wetland, intermittent or small stream, you need to comply with section 22a-133k-3(b)(2) of the RSRs. The applicable criteria for these type of discharges is the lower of the human health or aquatic life criteria in Table 3 of the Water Quality Standards.*

Comment: What about a non-intermittent stream? Isn't that in the 1996 derivation of SWPC?

Response: *Nothing in the RSRs says that you can use an Alternative SWPC if your groundwater plume is discharging to a small stream. Small streams make up the headwaters of a drainage system and headwaters area usually small areas. The areal extent of the groundwater plume discharging to a small stream may exceed the 0.5% of the upstream drainage area resulting in the requirement to comply with section 22a-133k-3(b)(2). This is the ultimate reason why the use of an alternative SWPC is limited on small streams.*

Residential Heating Oil Releases:

Comment: Where does the requirement to use a registered home improvement contractor by consumer protection come from?

Response: *It originally started when the reimbursement program for residential USTs existed, and since that program ended, that requirement was enacted under Consumer Protection.*

Comment: Why is it required since the UST Cleanup Program is no longer?

Response: *It was done separately by Consumer Protection and is still a requirement through that agency. The link to their website can be found here: [USTs](#).*

Comment: If you want or need to coordinate with someone at DEEP on a residential spill who would that be? And if there is an SEHN will that be the same person or someone else?

Response: *First report a spill to the Emergency Response & Spills Prevention Division (1- 866-DEP-SPIL). If a SEH notification is triggered, Remediation staff would be assigned to the Hazard. Current SEHN coordinators are Camille Fontanella and Ken Feathers.*

CONCURRENCE WITH THE ITRC DNAPL GUIDANCE:

Comment: Can you talk a little about the Department's desire to close the gap on guidance or lack of guidance of DNAPL, how did you choose this item for concurrence as opposed to others? Would you agree there are other gaps in DEEP guidance that LEPs should look to IRTC for?

Response: *The ITRC DNAPL Guidance covers concepts covered in the SCGD, such as the 14-compartment model applied to evolution of DNAPL releases over time.*

[Ken Feathers] is the ITRC point of contact for the State, and in reviewing ITRC documents rarely does DEEP have objections on technical components of guidance – however the key question is always how does the guidance fit into the RSR and statutory framework of Connecticut? ITRC are written for the federal remedial model, which is command and control, with regulator review at every stage, and also is a risk-driven/decision-based cleanup. We have a risk management approach through the RSRs which is conservative in identifying releases that should be evaluated, but flexible in risk management for those releases. Our RSRs are mostly hands off in the choice of a remedial technology and risk management approach, so LEPs make the judgment call of how to manage a site. While technical concepts are good in ITRC documents, more explanation of how these technical concepts specifically can be applied within the Connecticut regulatory framework is often needed. Our concurrence letter help the LEP to determine this, so when using ITRC guidance the LEP can have a higher degree of confidence in how what was done at a site meets DEEP expectations of following prevailing standards and guidelines.

Another widespread pollutant with several relevant ITRC guidance is LNAPL. However, many people deal with LNAPL in the Department in multiple agency units, so there are a lot of moving parts to come up with a concurrence with guidance that everyone says OK to.

Other ITRC documents are great sources of technical expertise, but DEEP may choose to not to issue concurrence letters for several reasons. Some guidance are irrelevant to our state in terms of what they deal with, like CAFOs or mine sites. Others just don't fit our regulatory framework. The Department's focus for concurrence letters are those fit better than others within the RSR framework.

Comment: You mentioned LNAPL, are you in contact with MA for LNAPL transmissivity?

Response: *LNAPL transmissivity is more intentionally included within the forthcoming ITRC LNAPL guidance update. In addition, the RSR Wave 2 update will incorporate many ITRC concepts pertaining to LNAPL migration. Because both guidance and RSRs are being revised, that's another reason why DEEP will not be issuing a LNAPL concurrence in the near-term.*

Comment: Is there a time frame for looking at additional concurrences?

Response: *Additional concurrence will be considered, as time and resources permit. However, lack of a concurrence should not be considered a rejection of the ITRC guidance; any ITRC guidance can be considered a potentially relevant standard of practice. Use of ITRC guidance by an LEP should be combined with an explanation of the specific rationale for why it was used and how it applies to the SCGD and the RSRs.*

INLAND WETLAND RESTORATION:

Comment: Do DEEP and Army Corps of Engineers (ACOE) have joint conference meetings to discuss self-verifications?

Response: *Yes and no. There are some formalized meetings for DOT projects and local bridge projects. Our staff deal directly with project managers from the ACOE in a more informal basis on most projects. We do have meetings but it is usually for formal State agency or Town projects.*

Comment: Remediation typically will trigger regulatory response based on size, but what about site investigation? From a municipal standpoint, there might be monitoring wells in wetlands to get a permit but what's DEEPs view?

Response: *For any type of monitoring well or test pit in wetland areas, local permits are all that is usually required. Monitoring wells are well under the 5,000 square feet of impact for the ACOE General Permit (GP) threshold. You would do the self-verification sheet for the ACOE GP and go to the local wetland commission for permit guidance.*

Comment: What about a man-made drainage area that has now become a wetland due to storm water retention?

Response: *If it has the identifying plants, soils and hydrology, most likely it's a wetland. When you construct a storm water retention pond and have the appropriate hydrology over a*

sufficient time period, you can have a regulated wetland. You would then potentially need permits from the Town, DEEP, and the ACOE.

Comment: Is there a specific methodology or guidance for identifying a vernal pool?

Response: *Yes the ACOE has a vernal pool checklist that helps you identify if you have a vernal pool, including hydrology and biology, obligate invertebrates, and amphibians. If you think you have one, I'd recommend hiring someone to go look in the Spring for amphibian egg masses.*

DEEP RESPONSIBILITIES AT CRRA LANDFILLS:

Comment: Landfills are cited by all regulatory agencies as a source for PFAS. Are you monitoring PFAS in leachate and discharge?

Response: *Yes, DEEP Site Operations has started to monitor for the presence of PFAS/PFOA in leachate impacted groundwater at landfills being managed by DEEP.*

Comment: What's your current operation and maintenance budget for the CRRA Landfill sites?

Response: *DEEP has been allotted an annual budget of less than \$1 million from OPM to manage the post-closure care of the five CRRA Landfills. Site improvements to enhance environmental conditions are prioritized by DEEP and have largely been implemented within the project budget. However, critical issues that require costly repairs and prompt resolution have arisen. In these cases, DEEP provides justification to OPM for additional funding to address high priority repairs to environmental operating systems.*

GENERAL QUESTIONS:

Comment: The AUL Statute the legislature amended this spring should be effective on October 1, 2018, the next step is forms and regulations. Can you give an update on that?

Response: *We are working on the RSRs and EUR regulations concurrently, and we intend for them to be promulgated together. Therefore, all forms will be released once the regulations are updated.*

Comment: The provisions of the statute are simple enough that if we have a form acceptable to agency we can fill the form out for statutory requirements. Is it possible to get the forms out before the regulations?

Response: *Not at this time, the regulations will explain further how to implement the statute therefore it is more appropriate to wait for the forms until the Regulations are complete.*