



**Department of Energy & Environmental Protection
Remediation Division
Remediation Roundtable
Q&A Newsletter
Vol. 31 / October 8, 2019**

Presented below are the Department's responses to comments made at the Remediation Roundtable held on March 19, 2019. The comments and responses may have been edited for clarity.

Wave 2 RSR Update:

Comment: Will the Wave 2 Regulation package need to go back to Attorney General's office for approval?

Response: *Yes, the Attorney General's office is a necessary step before further legislative review. We are working hand-in-hand with them and eventually they sign off.*

Comment: Will we finally get the phenantherene surface water criteria corrected?

Response: *Yes, the amendments include this correction and if the regulations are approved, the phenantherene surface water criteria will be corrected.*

Roundtable Tips:

Compliance and Enforcement Update:

Comment: Hypothetically speaking, if someone missed a deadline, is it too late to ask for an extension? If that happens from time to time what's the proper procedure for bringing the Department up to speed?

Response: *The Department would encourage work to continue as expeditiously as possible, legally the RP would be considered out of compliance, as prescribed by the Statute, and the work still needs to be finished. Keep going but know you may be out of compliance and at risk for enforcement action.*

Comment: Can an RP submit an updated schedule?

Response: *Yes that has been allowed, the more communication with the Department the better, however the status of being out of compliance will remain. This new schedule is important information to take into consideration when deciding on further enforcement action*

Comment: For the Compliance Project letters, is there a way the Department could also copy the LEP on the reminder letters?

Response: *The Department has copied the LEP on many of these letters; however, there are some cases where we do not have the current LEP on file.*

Comment: There are times in the field where it is difficult to verify because perhaps something wasn't characterized correctly. Can we submit request for extension to explain those circumstances?

Response: *If you have a timely submission, and appropriate grounds with support for the delay, yes please do so and explain that. The Department will not approve an extension request if the request is submitted after the deadline or if it is apparent that there are no grounds that would have caused the delay. Please refer to the Department website for documents required for a complete request.*

Comment: I understand the current focus is on post 10/1/09 filings. What kind of approach will the Department have for the older filings between 2007-2009 and pre 2007?

Response: *There are enforceable deadlines to submit a COI and RAP for filings between October 1, 2007 and October 1, 2009, but not for submittal of the verification. The Department can request a schedule for submitting a Verification with a final date if a condition is present that poses an unacceptable risk to human health and the environment. For filings acknowledged pre-2007, the law states that upon request you must submit a schedule to adhere to. The Department has routinely requested said schedule and compliance with it.*

Comment: So pre 2007 what's the incentive for CP to follow through on obligations?

Response: *First and foremost protection of human health and the environment should compel people to comply. A second incentive is to prepare the property for sale. If major issues still exist, then pollution can get in the way of property transactions. For other scenarios when significant risk to receptors is discovered, the Department can accelerate that and take an action to enforce. The Department*

has in the past and will in the future send out NOVs and enforcement orders to pre 2007 sites.

ELURs and Supporting Data:

Comment: About how long does it take to review an ELUR application on average?

Response: *It could take as little as 6 months for a complete ELUR application. A complete submittal takes between 6-9 months, an average ELUR takes around 9-12 months. If it takes longer than 12 months, there are probably other issues at the site. Also, this shows why it is important to supply pertinent information up front because once we send the application back to you with questions, it will go to the bottom of the queue. Timeliness in responding to our questions on your ELUR application also matters and will dictate how quickly the ELUR is approved.*

SEHN Status Update Forms:

Comment: So if the Department has the new updated interactive map and say we've got an old site that we have data indicating we have SEHN compliance and yet it is still on the map, what do you do?

Response: *The map has different colors signifying status, green indicates abated (or resolved) hazards, yellow indicates controlled (or mitigated) hazards, and red indicates an open hazard condition. About half of the universe of hazards are resolved, so if you look at the map you'll see a lot of green dots. You should be able to determine the status of your hazard easily by color and by the description provided when you click on the colored dot.*

Comment: What if you have a very old site?

Response: *The map goes back to the beginning of the program in 1998. If you feel there is a discrepancy between your data and ours, please let the Department know and we would be happy to close any controlled or open cases based upon any new information that supports compliance with the SEH law.*

Comment: To clarify, the map still shows resolved cases, even though they are removed from the web list?

Response: *Yes this is true.*

Comment: Is there a master SEHN list?

Response: *Yes we have a database. The statute requires that we do not publish resolved cases on the list any longer.*

Comment: Are there any details available by looking at the map?

Response: *Yes, you can see the status of the hazard, what type of hazard, and added detail about what actions were taken to correct or mitigate the hazard.*

Comment: Are these new SEH status report forms available now?

Response: *Yes. There are live links for the two forms within the presentation and can be found [here](#).*

Comment: If a site has reporting date prior to June 1, such as April or May, should they wait?

Response: *Yes, if they would like to use the form you can wait until the appropriate submittal date if you have good communication with DEEP Staff that you were doing so.*

Comment: Is there a reason why if a particular site is resolved that it continues to be placed on the map?

Response: *The Department is working to make more and more information publicly accessible. For example, if someone is buying a residential property and is aware a release occurred but doesn't know if it was resolved, they usually call us. Now they could just look at the map. (Contamination in drinking water is required to be reported by the seller.) Or if a consultant was doing a Phase I at a site and was doing due diligence, they can simply look up this historic info on the map.*

Written Questions Submitted

Comment: Reading another consultant's report, they mention that DEEP had issued an "Environmental Land Use Restriction- Temporary Release for reoccurring activities." What is this? Is it something an LEP or property owner can request?

Response: *Temporary releases for reoccurring activities ("TRRA") are releases from an Environmental Land Use Restriction approved by the Commissioner in advance of certain activities, limited in scope and duration, which may need to be conducted in the same way, at the same location, multiple times. A TRRA runs with the land and can be used multiple times, but only to conduct activities which have been*

specifically authorized. To use a TRRA the owner, or an authorized party, must notify the Department in advance of the activities, adhere to the requirements and provisions of the approval and work plan, and submit a completion report each time activities are completed. For further information and draft templates please contact the ELUR Program at DEEP.ELUR@ct.gov.

Comment: Say a Significant Environmental Hazard Acknowledgement letter requires “only one” annual report on or before July 1st for a property that has both a groundwater and soil hazard. Under the new reporting forms, the soil reporting form will be due every June 1st and groundwater reporting form due May 1st, do they now report on two separate occasions?

Response: *Yes, they would submit the forms separately for each separate type of hazard. The forms require different information. A reporting schedule would need to be set up for each type. The groundwater hazard may need reporting more often if you and the Department determine that’s necessary. The Department had decided to make reporting different for each type of hazard on purpose, so that all reports would not be received at the same time.*

Comment: For the new SEHN status reporting forms, are they a replacement to stipulated reporting dates noted in the Department’s SEHN Acknowledgement letters? Do the forms supersede, override, etc. stipulated dates? Or, are they additional reporting requirements?

Response: *These would be the new reporting dates, upon discussion between the Department and the RPs. They do not automatically override the originally established schedule in the acknowledgment letter, unless and until the discussion with the RP is had and they agree to use the form.*

An example for Soil SEHN

If the Acknowledgement letter requires they submit an annual report each February of the measures in place to prevent unknowing access to such soil, including inspection and maintenance of such measures and a report was already submitted in February. Do they need to submit this Form on June 1st as well?

Yes, they would need to submit the form on the upcoming date to get on the form’s annual reporting schedule.

An example for Groundwater SEHN

If the Acknowledgement letter states, “The Department expects that as a result of this approval, reports will be submitted annually, to the attention of the staff member identified below, beginning on or before July 1, 2018,” and the annual report was submitted on July 1, 2018, is the next annual report due July 1, 2019?

They would need to submit the form on the upcoming annual date specified in the form to get on the form’s annual reporting schedule.