Remediation Roundtable
November 13, 2012
Transformation Breakout Session: Topics, Questions and Comments

LEP Board
[Participants (One Group) – Rick Standish (Haley&Aldrich), Jacques Gilbert (DEEP), Jon Yeich (AMEC), Dave Clymer (UTC), Gordon Binkhorst (ALTA), Claire Foster (DEEP), Tony Bobowicz (DEEP), Rob Robinson (DEEP)]

▪ How do you think that the role of the LEP Board would change under the new program?

Comments: Reviewed current roles, test development, test eligibility, license approval, course evaluation, referral investigation. If expanded audit program, more active referral evaluation. If new Certification, LEP Board would be responsible for these as well. This would expand and potentially inundate the Board.

▪ What changes would you propose for the LEP Board with the new Unified Cleanup Program?

Comments: Board would have to be representative of the groups covered (e.g., add spill responders, tank removal contractors). Would need a dedicated administrator. Another applicant/test/license oversight role if a new license or sub-license.

▪ In what ways could the LEP Board increase its effectiveness and efficiency? What new resources might the LEP Board need?

Comments: Have support staff and dedicated administrative staff, especially to help with technical review of referrals. Currently taking too long to review. Numbers of possible referrals will increase as we switch from sites to releases.

▪ If additional licensures became available (e.g., Early Exit Expert), would the LEP Board expand its role to oversee such licensing and licensed professionals?

Comments: Yes, for consistency between LEP and EEE work.

Other thoughts: Members currently are approved through Governor's office; should this change (e.g., by Commissioner, by industry, by LEP referrals? Introduce a term limit for Board members.

Verifications and Milestones
[Participants (Two Groups) – Valerie Tillinghast (O'Reilly Talbot & Okun), James Jarvis (LEP), Kevin King (ERM), Plato Doundoulakis (Atlas), Charles Brink (Tighe & Bond), Tim Wasielewski (AEI), George Gurney (Stantec), Jeff Lambert (CRA), Mark Franson (Charter Oak Environmental), Suzanne Schrang (ECS), Howard Hurd (HRP), Laura Yellen (Weston & Sampson), Mike Ainsworth (HRP), Sally Kruse (PSEG)]

▪ Which exit ramps would require a LEP verification? Something less than verification? LEP involvement? (e.g., Early Exit [no groundwater impacts], Class A [no further obligations], Class B [ELURs & ECs], Class C [long-term active remedy])

Comments: All cleanups would need LEP verification. Not sure if cleanup contractor can make determination that groundwater has not been impacted. Trade certifications may indicate that they may be able to make determination. If trying to make process more streamlined, then adding another certification might be counter-productive, so LEP necessary for A/B/C Exits. If potential for release to environmental media and fate and transport, then high degree of licensing and professionalism required. Minor releases (i.e., in building) may not be reportable or LEP may not be required for that level of release. Verifications would probably be needed at all levels. Early Exit not to be second guessed for a site-wide sign-off and well documented. What was spilled, where? Documentation needs a CSM – what happens when DEEP starts the spill response and DEEP is left to sign-off? New Jersey scoop it law – 24 hours is no not reportable. Do not include roadway spills.

- Which project milestones would require a LEP verification? LEP sign-off?

A. Imminent Hazard Evaluation   C. Remedial Action Plan (RAP)
B. Investigation Complete (COI)   D. Exits A/B/C

Comments: Remediation process not necessarily linear, then neither is verification process. In streamlining process, do not want to open process to persons with less experience/knowledge. Therefore, LEPs need to ensure quality maintained. If they include an opinion, then "verified" by LEP. Milestones should be similar with Massachusetts process where each stage requires LSP sign-off. Purpose of milestones is to move projects forward and demonstrate progress. "IHE" - some handled by fire department; use the same complexity of SEH but better criteria; safe to have public occupy the site; CSM to show logic – who fills out the form to show that the yellow tape can come down? COI - form with LEP sign-off. Has to be a LEP for issues that go post the Early Exit. Would each Rap addendum need a new verification?

- How would each type of milestone verification or sign-off be similar or different from a final verification? How would they be used to support a final verification?

Comments: Use as building blocks for final verification so would need LEP verification at each step.

- What type and/or percentage of milestone verifications would be audited?

Comments: Each step shouldn't be audited. CT DEEP looking for gross problems. If interim milestones have been verified, then CTDEEP shouldn't go back to the interim steps once approved.

Verification & Milestones	Document	Who
Early Exit	Yes – variety of documents based on complexity	More than LEPs
Imminent Hazard Evaluation	Similar to SEHN form	Variety
Investigation Complete	COI	LEP
RAP	RAP form	LEP, PE if…
Exit A	Yes	LEP
Exit B	Yes	LEP
Exit C	Yes	LEP

Audit Program
[Participants (One Group) – Sheri Hardman (Sovereign), Pat Bisacky (DPH DWS), Bob Bristol (GeoInsight), Kathleen Conway (Law Offices of), Matt Hackman (LEP), Kathy Lehnus (Stantec), David Ringquist (DEEP), Doug Pelham (Cohn Birnbaum & Shea), Jim Robison (Sovereign), Seth Molofsky (EPOC)]

- What would trigger an audit?

Comments: What is audited? Verification (Final, Form IV, Partial), Completion of Investigation, RAP, Early Exit. Step 1. Screening (100% of the above submittals). Step 2 Audit Red Flags on checklist and any sites in water public supply area, more… Remainder of sites randomly audited, 20% based on DEEP staffing. Need to make sure that auditing, screening, and reviewing are separate terms.

- Currently, there is a three-year audit completion timeframe. Would a similar timeframe be appropriate? Would these timeframes vary with type of verification – milestone or final? Please provide suggested timeframes.

Comments: Completion of Investigation Milestone – 90 days for go/ no-go response, no news is good news. Final Verification – response in 6 months either No Audit or up to 2 years to complete Audit. Early Exit – standardized, screen 100%, short time to respond - 45 days? 90 days?

- If an Early Exit is supported by some type of certification of closure as yet undetermined, what would an audit of such a certification consist of? What happens if such a certification is rejected?

Comments: Checklist – easy to screen, easy to audit – notify if field audit required in 90 days. DEEP conducts field audit. If audit failed, goes into system.

Metrics
[Participants (One Group) – Anne Peters (Carmody & Torrance), Larry Hogan (AECOM), Jodi Markowsky (Sovereign), Greg Gardner (Gardner Environmental), John Hankins (F&O), Brian Washburn (HRP), Todd Berman (Robinson & Cole), Lauren Levine (UTC), David Lehnus (Clean Closure), Pat DeRosa (DEEP), Kim Neville (CTR)]

- How would the success of the new Unified Cleanup Program be measured? What are your suggestions for key performance indicators of the new Unified Cleanup Program?

Comments: Purpose of Metrics is two-fold - to communicate "risk reduction" to public and communicate value in terms of money or other to business, lenders, industry. Duration of time to Early Exit, how many "new releases" in system, number of systems with time out, type of release/site – How does this dovetail into "market and economy?", what exit strategy. Date in date out, by class, exit type, milestone metric consistent internal with core metrics "per DEEP Program".

- How does your company track environmental metrics/ performance/ productivity regarding site cleanup? Please list examples (i.e., we remediated 100 tons of contaminated soil this year).

Comments: Spreadsheet of programmatic milestones, remedy value, type of release, remedial technology and cost. How much risk reduction done? Number of releases, UST Program, track by milestone, action required by milestone event.

- How could DEEP measure how much pollution has been addressed?

Comments: Number of releases, tracking milestones (look at MADEP tracking database tool), ability to review documents (confidentiality issues?). "Pushback not a risk" from stakeholders (business, consultants, attorneys).

- Would your company be willing to submit information annually to aid the Department with developing numbers for metrics?

Comments: electronic submittals, docket deliverables. Relationship between CT DEEP, stakeholders, legislature – how to quantify risk reduction value to public from DEEP?

- Does your company use any particular kind of software to help categorize and evaluate this type of information?

Comments: Get rock star IT at the table.
Ancillary Questions: How to quantify risk reduction? How to communicate value of metrics to business (in terms of money and value) and to public (risk reduction)? Process communication. Stakeholder communication.

If you would like to submit additional comments other than those that your breakout group discussed, please send your responses to DEEP.cleanup.transform@ct.gov by November 26, 2012.