

# Remediation Roundtable

October 20, 2020





# Remediation Roundtable Agenda

## ➤ Announcements

## ➤ Updates

- 2020 Legislative Special Session
- PFAS Action Plan Update
- Records Management

## ➤ Roundtable Tips

- How to Submit your Documents Electronically

## ➤ Presentations

- 20 by 20 Initiative - Goal-4 (Reduce Time for Transfer Act Audits): Verification and Audit Processes
- Supporting Form IV Verifications: Pathway to Success



# Staff Changes-New Staff

Emma Forbes- North West District



Kevin Vandever- North West District





# Staff Changes-New Staff

Abigail Davis-  
North Central District



Meena Mortazavi-  
Coordination and Support





# Announcements

## Dates for 2021

- ➔ March 23rd
- ➔ June 22nd
- ➔ October 5th





# Web Updates

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- [Proposed Amendments to the RSR and EUR Regulations](#) - updated link to Hearing Officer's reports
- [Transmittal of Documents](#) - updated forms
- [LEP Verifications](#) - updated forms
- [PFAS Task Force](#) - updated information
- [PFAS](#) – updated information
- [RCRA Corrective Action Ecological Receptor Exposure Pathway Scoping Checklist](#) - now a Word form
- [Current Projects](#) - updated schedules and Raymark



# Questions or Comments?

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Please type your Questions into CHAT

If we need further clarification we may  
take you off mute to speak

[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)



# 2020 Special Session Legislative Update

**Graham J. Stevens**, Bureau Chief,  
Water Protection and Land Reuse





# Public Act No. 20-9

- ▶ Transfer Act changes – Section 1 through 14
- ▶ Release-based authorization – Section 15 through 23
- ▶ Transfer Act changes go into effect immediately and include:
  - ▶ Adjusting the area requiring investigation and cleanup from the entire parcel to the environmental footprint of a business subject to the Act for parcels with multiple tenants
  - ▶ Limiting Transfer Act applicability to the specific units of an industrial condominiums that are Establishments, as opposed to all transfers of units from within the condominium
  - ▶ Increasing the threshold for Transfer Act applicability for the transfer of interest in a business from 40% to over 50%
- ▶ Release-based program only goes into effect once regulations are adopted



# Cleanup Transformation – It's back!

**CONNECTICUT'S PROPERTY TRANSFER ACT**  
Reminders of the Past into Promise of the Future

CURRENT REGIME		FUTURE REFORM
Slow Framework Deters Investment Interest		Proven, Release-Based Model is More Efficient
Overuses DEEP Resources		You Find It, You Spill It, You Clean It
Exempts Certain Properties From Oversight		Tiered Approach Tailors to Risk Level of Release
Stagnant Properties Do Not Help Environment		Increases Economic and Environmental Value

October 16, 2020



# Lamont signs bill aimed at redeveloping unused, contaminated properties

By Michelle Tuccitto Sullo

Hundreds of polluted properties around the state have sat idle because they have fallen under the controversial law commonly referred to as the “Transfer Act.”

Now, new legislation aims to give these properties a better chance at redevelopment.

Gov. Ned Lamont recently approved revising the law and instituting a “release-based” hazardous material remediation program common in other states.

According to Lamont, the change will promote the revitalization of environmentally contaminated, blighted parcels and put them back into good use, while helping municipal economies and ensuring environmental protection.

Hartford Business Journal



# Section 15 – Definitions

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- ▶ “Land and Waters of the State” based on definition of “waters” in General Statutes §22a-423, and clarified to include releases to surfaces/soils.
- ▶ “Person” based on General Statutes § 22a-423 - includes corporate entities and municipalities, as well as responsible corporate officers.
- ▶ “Release” includes both past and new releases to land and waters of the state
- ▶ “Remediation” includes investigation, characterization and cleanup



## Section 16

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- ▶ “No person shall create or maintain a release to the land and waters of the state in violation of any provision of sections 17 to 21, inclusive, of this act”
- ▶ “create” applies to new releases
- ▶ “maintain” applies to existing releases left unaddressed



## Section 17

- Requires releases to be reported and remediated upon “discovery”
  - ***Newly-discovered***, historical releases – not previously-known, historical releases
- Sets a unified standard for cleanup (in regulations to be adopted pursuant to this chapter)
- Provides that releases currently being addressed under the transfer act or a brownfields program remain within that program
- Requires DEEP to provide information about releases on an internet database



# Section 18 - Enforcement

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- Allows for administrative orders
- Provides for joint and severable liability if multiple persons create or maintain a release
- Allows for cease and desist orders
- Allows for administrative civil penalties



# Section 19 - Regulations

- ▶ Sets out scope of Commissioner's authority to adopt regulations concerning: 1) reporting, 2) remediation standards, 3) verifications and audits, 4) tiering of releases, and 5) fees
- ▶ Provides significant guidance on each topic listed above to form "guardrails" for regulations







# Stakeholder Working Group

- ▶ Section 19 also creates a working group to assist in formulating the concepts and approaches that will be the basis for the program regulations
- ▶ Calls for Commissioners of DECD and DEEP to co-convene working group and lists several stakeholders to comprise group, including:
  - ▶ Chairpersons and ranking members of Environment and Commerce committees
  - ▶ Environmental transaction attorneys
  - ▶ Commercial real estate brokers
  - ▶ LEPs
  - ▶ Representatives from the Connecticut Manufacturers' Collaborative
  - ▶ Representatives of environmental advocacy groups
  - ▶ Representatives of the Environmental Professionals Organization of Connecticut
  - ▶ Municipal representatives
  - ▶ Representatives from the Brownfields Working Group
  - ▶ Representatives of the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns
  - ▶ Representatives of the Council on Environmental Quality
  - ▶ Any other interested members of the public designated by the commissioner



# Working Group & Stakeholder Outreach

- ▶ Formal Working Group will be meeting monthly until regulations are adopted
- ▶ DEEP will be hosting information on the Cleanup Transformation webpage:
  - ▶ <https://www.ct.gov/deep/remediation-transform>
  - ▶ Meeting minutes from formal working group, presentations, documents to review will all be on webpage
- ▶ Updates on process will be sent to the Roundtable Listserv and through e-alerts
- ▶ DEEP and DECD will be meeting in the next several days to discuss convening the formal working group, other stakeholder engagement opportunities, and governance for the release-based regulation adoption process



## Section 20 – Audits

- ▶ Requires DEEP to audit sufficient number of verifications to ensure a high standard of compliance (goals to be set in regulations adopted pursuant to Section 19)
- ▶ Requires at least 20% of highest-risk releases to be audited
- ▶ Requires annual report to governor and legislature about results of audits





# Sections 21 through 23 – Liability relief & Other

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- ➔ Preserves existing covenants not to sue
- ➔ Creates new, release-specific, liability protection for those who did not create but properly report and cleanup a release
- ➔ Leaves intact existing liability relief elsewhere in statute, except for innocent landowner defense pursuant to General Statutes 22a-452d
- ➔ Commissioner's authority under other statutes preserved



# Questions or Comments?

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REMEDIATION ROUNDTABLE - 10/20/2020

# PFAS Action Plan Update

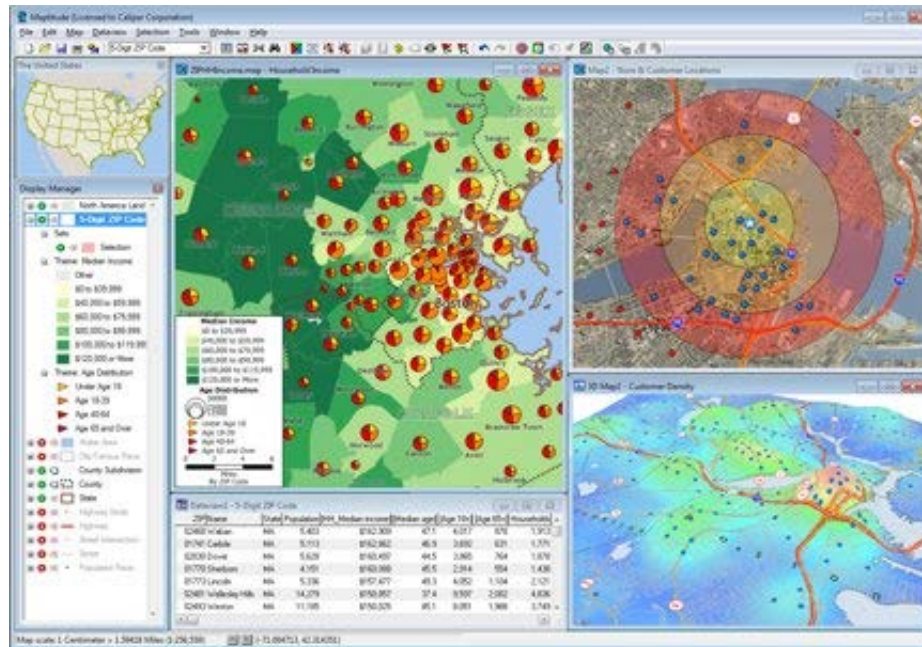
Speakers: Ray Frigon, Shannon Pociu, and Anna Hagstrom, CT DEEP Remediation Division



# DEEP UPDATES

## Projects with current in-house funding

- Underway: GIS updates to support future statewide sampling, evaluation of consumer products and packaging
- Coming soon: POTW influent/effluent testing







# ✓ BOND FUNDING FOR AFFF TAKE-BACK

\$2 million bond authorization

- **Take-back program** for municipal and State AFFF firefighting foam
- **Private well testing**, resources for residents with PFAS-contaminated wells
- Introduced in Governor's proposed FY 2021 budget
- **Authorized on July 21, 2020**



# DEEP UPDATES

## AFFF Take-Back Program

Purpose – Remove and dispose of all AFFF stock from state and municipal fire services

- Underway: **Laboratory testing of alternative fluorine-free foams/products** and recommendations for replacement products
- Coming soon: **Pilot program** to remove AFFF and decontaminate 1 of 8 regional foam trailers
- Finalize program plan during fall 2020
- Implement take-back beginning in early 2021



### Advisory Information for Aqueous Film Forming Foam (AFFF) Containing Per- and Polyfluorinated Alkyl Substances (PFAS) June 2019



Department of Energy and Environmental Protection  
Department of Emergency Services and Public Protection, Commission on Fire Prevention and Control

#### Background

Recent toxicological studies have indicated there is a health concern when people are exposed to Per- and Polyfluoroalkyl Substances (PFAS), of which there are over 4,000 PFAS chemical compounds in manufacture. PFAS are very stable and impart resistance from water, oil, grease, dirt, and heat to items on which they are applied. They have wide-ranging applications, such as in grease-resistant microwave popcorn bags and pizza boxes, waterproof clothing and boots, carpets that resist stains, and pipes and wires that resist corrosion. Additionally, they are excellent in resisting heat, which is why there are used in certain firefighting foams (Ross, R.).

Because of their stability, PFAS don't break down in the environment or in the human body, and that may cause health problems, such as low infant birth weights, effects on the immune system, cancer (for PFOA), and thyroid hormone disruption (for PFOS). (Ross, R.) Two of the most studied PFAS are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), which are considered "long-chain" PFAS. As of 2015, neither PFOA nor PFOS are manufactured in the U.S., due to health and environmental concerns, according to the rules of the EPA's stewardship program for the substances, signed in 2006. However, other PFAS, including "short-chain," have been developed as replacements for PFOA and PFOS in manufacturing that are less well studied.

In May 2016, EPA issued a Lifetime Health Advisory for drinking water polluted with PFOA and PFOS, individually or together, of 70 parts per trillion (ppt) or nanograms per liter (ng/L), because of health effects. That's the equivalent of about 70 drops in an Olympic-sized swimming pool. Currently, EPA is evaluating if PFOA and PFOS should be formally regulated in public drinking water supplies nationwide and is beginning the process to list PFOA and PFOS as hazardous substances under Superfund law. Other states have already set enforceable drinking water standards or more restrictive advisories in advance of EPA, including those in New England, New York, and New Jersey. In Connecticut, the Department of Public Health established a Drinking Water Action Level of 70 ppt for the total of 5 PFAS chemicals – PFOA, PFOS, perfluorononanoic acid (PFNA), perfluoroheptanoic acid (PFHpA), and perfluorohexane sulfonate (PFHxS). However, state toxicologists are continuing to evaluate new health studies and may include other PFAS in the Action Level or lower the target level in the future.

#### PFAS and Firefighting Foam

Firefighting foam can be broken down into two main categories: Class A and Class B.

Class A foams do not contain PFAS and are safe to use for their intended purpose. They are covered under NFPA 1150 (Standard on Foam Chemicals for Fires in Class A Fuels). The intended purpose is to reduce the surface tension of the water to allow for more water to burning material surface contact, which allows for faster fire extinguishment. There are no restrictions on the use of Class A foams.

Class B foams often contain PFAS, in addition to many different natural and chemical precursors. These different types of foams can be divided into numerous tactical categories with respect to expansion rates (low, medium and high) and compatibility with different types of fuel (polar and non-polar flammable liquids). *Importantly, all Aqueous Film Forming Foam (AFFF) products contain PFAS* (ITRC 2018). So far as this guidance document is concerned, the focus is on PFAS-containing AFFF, Alcohol Resistant AFFF (AR-AFFF), and fluoroprotein foam; the foam's potential to be a hazard to

1

[Link to Advisory Information](#)



NORTHEAST CONFERENCE  
**THE SCIENCE OF PFAS:**  
Public Health & The Environment

UPCOMING



**NEWMOA**  
NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION

- Originally scheduled for March 2020
- Rescheduled for **March 29-30, 2022**
- Third day specifically for state regulators
- Keep an eye out for an **upcoming webinar series** pulling from the original conference agenda

# RECENT/ONGOING COLLABORATIONS

## Yale

- DEEP presented at PFAS-themed Yale School of Public Health (YSPH) symposium in December 2019
- Discussing collaborations with Yale on future community engagement initiatives

## UCONN

- DEEP presented in PFAS-themed virtual workshop on October 7, 2020
- Ongoing discussions about research projects (e.g., local groundwater quality)

## Clean Water Action

- Panel discussion on September 29, 2020 between **Attorney Rob Bilott**, former NIEHS director **Dr. Linda Birnbaum**, YSPH **Professor Vasilis Vasiliou**, **Ray Frigon** (DEEP), **Lori Mathieu** (DPH), and **Anne Hulick** (Clean Water Action)
- Now available to [watch online](#)

# NEXT STEPS FOR DEEP

## ✓ AMBIENT & SURFACE WATER PROTECTION CRITERIA

Remediation Standard	APS Criterion*
Residential Direct Exposure Criterion	1.35 mg/kg
Industrial/Commercial Direct Exposure Criterion	41 mg/kg
GA Pollutant Mobility Criterion	1.4 µg/kg
GB Pollutant Mobility Criterion	14 µg/kg
Groundwater Protection Criterion (Adopts DPH Drinking Water Action Level)	70 ng/L
<b>Surface Water Protection Criterion</b>	<b>In Development</b>

\*Applies to  $\Sigma$  PFOA, PFOS, PFHxS, PFNA, & PFHpA

## ✓ SUPPLEMENTAL BID FOR PFAS ANALYSIS

- To include additional matrices

## ✓ GUIDANCE ON ANALYSIS OF NON-DRINKING WATER MATRICES

- Sampling methods
- Analytical methods
- Analytes to be reported

## ✓ FUTURE TESTING OF SURFACE WATER & FISH

# QUESTIONS?

[DEEP PFAS Webpage](#)  
[PFAS Task Force Webpage](#)  
[CT PFAS Action Plan](#)

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[Shannon.Pociu@ct.gov](mailto:Shannon.Pociu@ct.gov)  
[Anna.Hagstrom@ct.gov](mailto:Anna.Hagstrom@ct.gov)





# Records Management Update

**Ray Frigon**, Assistant Director,  
Water Protection and Land Reuse



# How to access DEEP records

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- ▶ Remember to check the Online Document Search Portal
  - ❖ Bulk Scanning of the Remediation Division Files is moving forward
- ▶ As always- FOIA Requests can be submitted
  - ▶ Please note that due to the coronavirus, FOIA compliance is being processed remotely and may result in longer than usual processing times



[Records Center Webpage](#)






# How to access DEEP records

- Requests for records may also be submitted by using the [File Request Form](#) and sent directly to

[DEEP.RecordsCenter@ct.gov](mailto:DEEP.RecordsCenter@ct.gov)



Connecticut Department of  
Energy & Environmental Protection  
Bureau of Central Services  
Office of Information Management

### File Request Form

Requestor Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

---

Facility/Co Name: _____	<input type="checkbox"/> REM	<input type="checkbox"/> IND	<input type="checkbox"/> P5	<input type="checkbox"/> ORD	<input type="checkbox"/> SW
Address: _____	<input type="checkbox"/> OCS	<input type="checkbox"/> COR	<input type="checkbox"/> HAZ	<input type="checkbox"/> SOL	<input type="checkbox"/> UST
Town: _____	<input type="checkbox"/> PER	<input type="checkbox"/> PRG	<input type="checkbox"/> SII	<input type="checkbox"/> PIQ	<input type="checkbox"/> TCR

Facility/Co Name: _____	<input type="checkbox"/> REM	<input type="checkbox"/> IND	<input type="checkbox"/> P5	<input type="checkbox"/> ORD	<input type="checkbox"/> SW
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# Remediation Roundtable Tips





# Tip# 27: How to Submit Your Documents Electronically

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Lynn Olson-Teodoro

## Transmittal of Documents

# How to Submit your Documents Electronically



## Electronic Transmittal Form for DEEP Remediation and LUST Secure File Transfer (SFT)

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
REMEDICATION DIVISION  
LEAKING UNDERGROUND STORAGE TANK COORDINATION PROGRAM

[www.ct.gov/deep](http://www.ct.gov/deep)

This Electronic Transmittal Form must be completed and included as the cover sheet of your electronic document when uploading a document to the Connecticut SFT website. Requirements for Transmittals through the SFT website:

- Only document types identified in the dropdown lists in Part III below may be submitted through the SFT website.
  - Documents submitted through the SFT website must include all applicable figures, tables and laboratory data.
  - Files must be formatted as PDF/A and use the appropriate naming convention:
    - For Remediation Filings: **REM\_RemID\_DocumentType\_DateofDocument**  
**Example:** REM\_1234\_MonitoringReport\_01-01-2001
    - For LUST Filings: **LUST\_SiteAddress\_Town\_AbbreviationForDocumentType\_DateofDocument**  
**Example:** LUST\_1MainStreet\_Hartford\_ESA\_01-01-2001
- Note:** For "AbbreviationForDocumentType" use appropriate abbreviation at [Transmittal of Documents](#)

### Part I: Primary Recipient\*: Remediation or LUST (\* required)

For Remediation documents: Primary Program*: Select a Program Rem ID*: <input type="text"/>	For LUST documents: UST Facility ID: <input type="text"/> (if applicable) Spill Case Number: <input type="text"/> (if known)
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### Part II: Site Information

Site Name*: <input type="text"/>	State: CT	Zip Code: <input type="text"/>
Site Address*: <input type="text"/>		
City/Town*: <input type="text"/>		

# How to Submit your Documents Electronically

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- Best practice for all forms:  
Always download the most current form from the [DEEP Remediation webpage](#).
- Please delete all personal copies of the Electronic and Hardcopy Transmittal forms.



# How to Submit your Documents Electronically

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- Data can be pulled from the new form to upload the document into the public portal.
- It will not work with the older versions of form.
- The document will have to wait to be manually uploaded by staff to the public portal, delaying review.
- Documents may be rejected to be resubmitted with the new form.

# How to Submit your Documents Electronically



**Example:** LUŠT\_1MainStreet\_Hartford\_ESA\_01-01-2001

**Note:** For "AbbreviationForDocumentType" use appropriate

## Part I: Primary Recipient\*: Remediation or LUST (\* required)



For Remediation documents:

Primary Program\*:

Rem ID\*:

Select a program

Select a Program

Property Transfer

Voluntary Remediation

Significant Environmental Hazard

Brownfield Program

RCRA Corrective Action

Federal Superfund

Landfill Monitoring

Other Remediation Program

## Part II: Site Information

Site Name\*:

Site Address\*:

City/Town\*:

State: CT

Secondary Programs (complete as many as applicable for this document)

Program:



# How to Submit your Documents Electronically



## [Part III:] Document Information (document type required for appropriate



Remediation\*:

LUST\*:

Date of Document

## Part IV: Submitted

Name\*:

E-mail\*:

Name of company

DEEP-ETF

Remediation Document Type

Remediation Document Type

Annual Report

Audit Response Document

Completion of Investigation Report

Covenant Not to Sue

ECO Checklist

Ecological Risk Assessment or Sediment Submittal

Environmental Condition Assessment Form

Environmental Land Use Restriction

Financial Assurance Documentation

Inspection Report

Investigation Report

Monitoring Report

Notification Required by the RSRs

Operation & Maintenance Plan

Operation & Maintenance Report

Phase 1 Report

Phase 1 SOW

Phase 2 Report

Phase 2 SOW

Phase 3 Report

Phase 3 SOW

Public Notice

QAPP

Receptor Survey

Remedial Action Plan (RAP)

Remedial Action Report (RAR)

Remedial Design Report


Request for Alternative Means of Demonstrating Compliance

ords



# How to Submit your Documents Electronically



 Bureau of Water Protection and Land Reuse  
Remediation Division

**Approval Request or Notice Transmittal Form**

In accordance with RCSA Section 22a-133k-1(f)

Date Stamp (DEEP Use Only)

Any person requesting a variance or any other approval by the Commissioner, pursuant to sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies (RSRs), or submitting any required notice to the Commissioner pursuant to the RSRs, shall submit such request or notice on this Approval Request or Notice Transmittal Form.

Attach all information required by the applicable provision(s) in the RSRs for each type of request or notice submitted under this transmittal form. All sections of this form must be filled out, as applicable.

Note: the application of some RSR provisions necessitate consent from the property owner. Confirmation of this consent will be expected in the specific application package.

Groundwater Classification:  Remediation ID No. (RemID):

**Site Identification**

Site Name:   
Site Address:   
City/Town:  State:  Zip Code:

Transfer Act (pursuant to CGS section 22a-134a)  DEEP Enforcement / Order:   
 Voluntary Remediation (pursuant to CGS section 22a-133k or 22a-133j)  Other (specify):

Printed name and signature of person submitting this request or notice

Name of Signatory for Certifying Party or Name of Property Owner (as applicable) (print or type):

Name and license # of LEP (print or type):

**Document Information (list document which contains request(s) or notice(s))**

DOCUMENT	DATED	PREPARED BY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of Approvals requested:  Page/Section in Document:   
Number of Notices Included:  Page/Section in Document:

DEP-REMEDIATION-PTP-ARN 1 of 1 Rev. 7.27.15

# How to Submit your Documents Electronically

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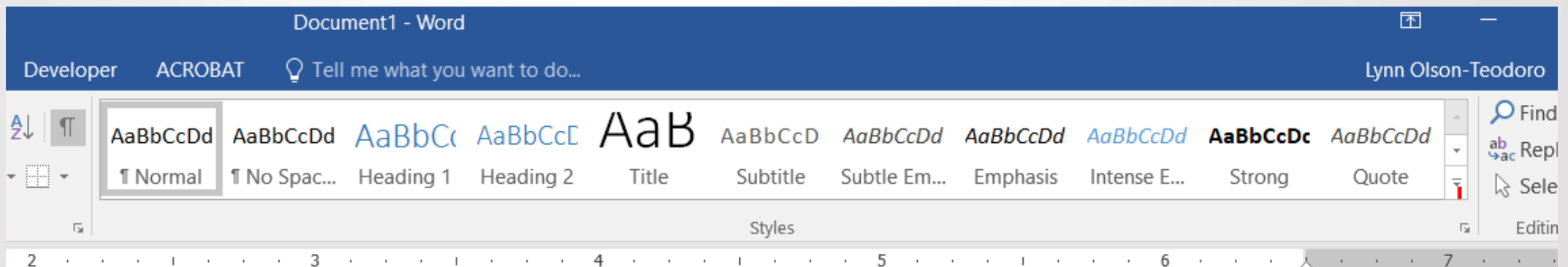


- **Reports**
- Please put large appendices, such as copies of lab data, **last!**
- Helps us check submittals for completeness more efficiently.
- Will help you when you review reports that have been submitted electronically.

# How to Submit your Documents Electronically



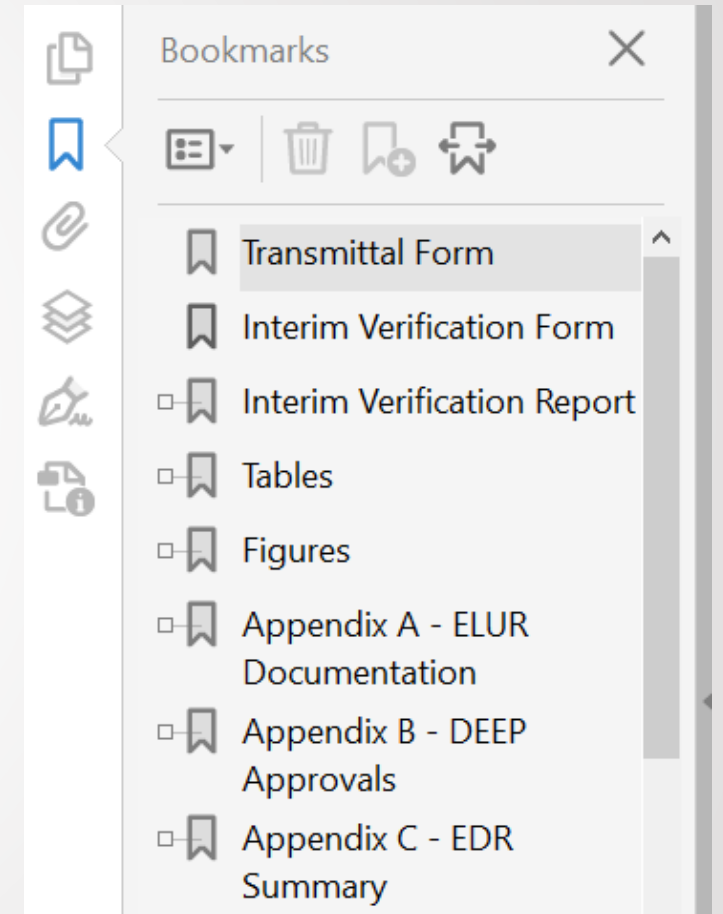
To make navigation easier for anyone reviewing electronic reports, use Word headers to build a Table of Contents:



# How to Submit your Documents Electronically



They will automatically become bookmarks in Adobe Acrobat that can be used to navigate the report.





# Questions or Comments?

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**[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)**



# 20x20 Initiative Goal 4: Verification and Audit Processes

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Claire Quinn

Robert Robinson



# 20x20 Initiative: Verifications and Audits

## Verification Forms

- Metrics
- Administrative Rejections

## Screening

- Metrics
- No Audit stamp

## Audits

- Determinations
- Meetings
- Closure Process





# 20x20 Initiative: Goal 4

## GOAL 4 REDUCE TIME FOR TRANSFER ACT AUDITS



### WHY

Property owners need **certainty that remediation is complete**



### STRATEGY

**Set internal deadlines** for audit/no audit decision



### METRIC

**Decrease time** to audit/no audit decision

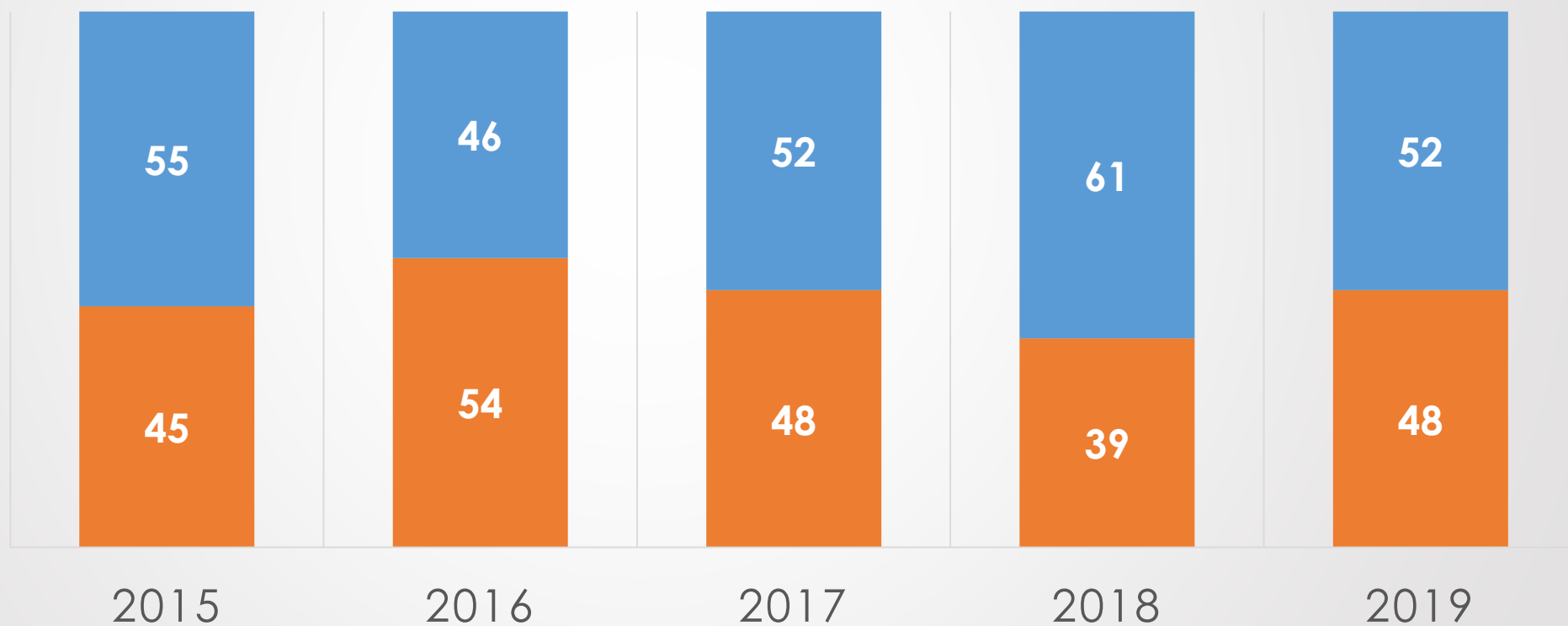
PREDICTABILITY



# Processing Verifications: Administrative Rejections

## PERCENT OF INCOMPLETE VERIFICATION FORMS

■ Incomplete ■ Complete





# Processing Verifications: Administrative Rejections

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## What?

- ▶ Starting March 5, all incomplete verification forms stamped “Rejected”

## Why?

- ▶ To allow staff to spend more time reviewing verifications to reach an Audit/No Audit determination in a timely manner

## How?

- ▶ Stamped verification forms are emailed to the Certifying Party and the LEP with a checklist of identified deficiencies and a fact sheet



# Processing Verifications: Administrative Rejections

Based on same level of review as the Notice of Insufficiency

Includes same checklist of problems

Includes a fact sheet explaining the process

New verification form within 30 days

=

No new report unless changes are required



# Processing Verifications: Administrative Rejections



Department of Energy & Environmental Protection  
Bureau of Water Protection and Land Reuse  
Remediation Division

WATER PROTECTION AND LAND REUSE

FORM III VERIFICATION (*PROPERTY*)

MAR 05 2020

REMEDIATION DIVISION

(DEEP use only)

This verification must be signed by a Connecticut Licensed Environmental Professional and the Certifying Party.  
Retain a copy for your records.

Ver#: *Example*

## Part I: Site Information

Establishment now or formerly known as: Einstein Test Facility  
Establishment Address: 1 Atoll Drive  
City/Town: Bunker State: CT Zip Code: 06000  
Described in the Tax Assessor's Office in the Town of: Bunker  
as lot 1, block 1 on map 1

Acreage of Establishment: 100

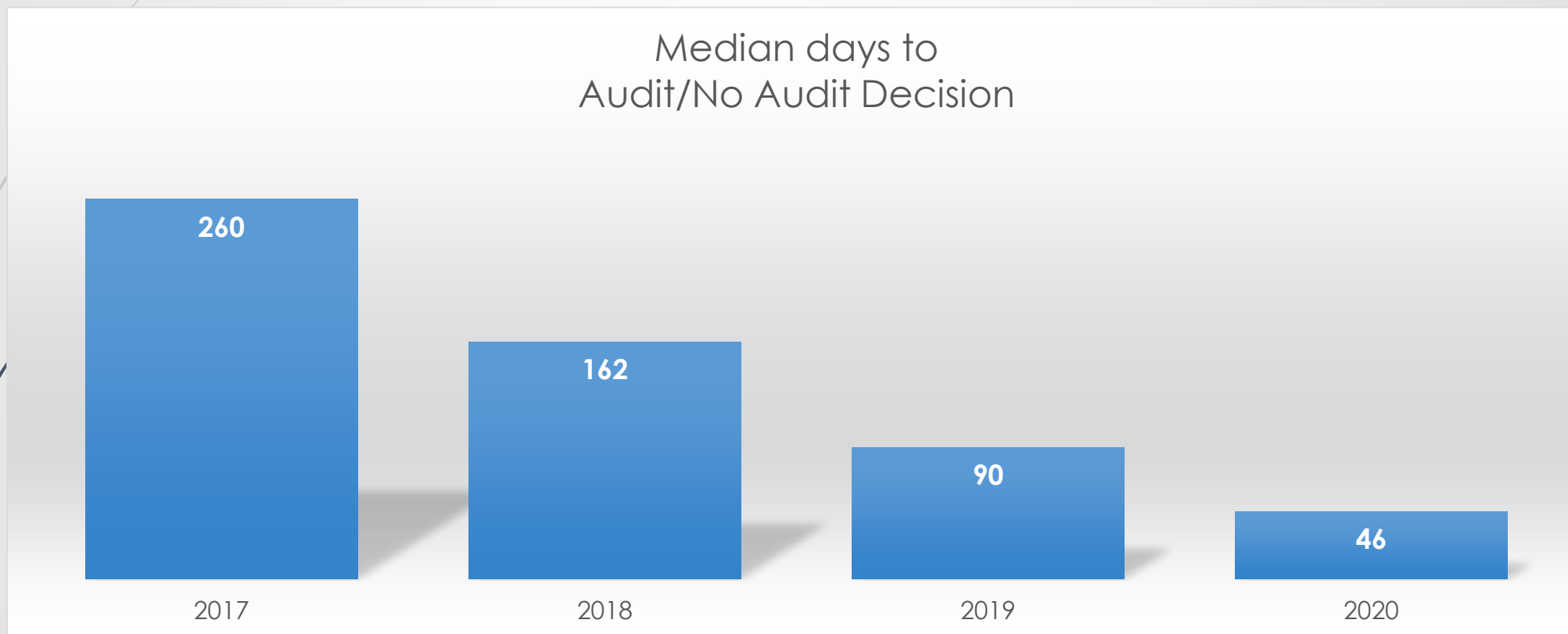


Emailed to LEP and Certifying Party with:

- ✓ 1<sup>st</sup> and last page of verification form
- ✓ Initialed by Assistant Director
- ✓ Checklist of issues
- ✓ Factsheet



# Verification Screening Timeframes

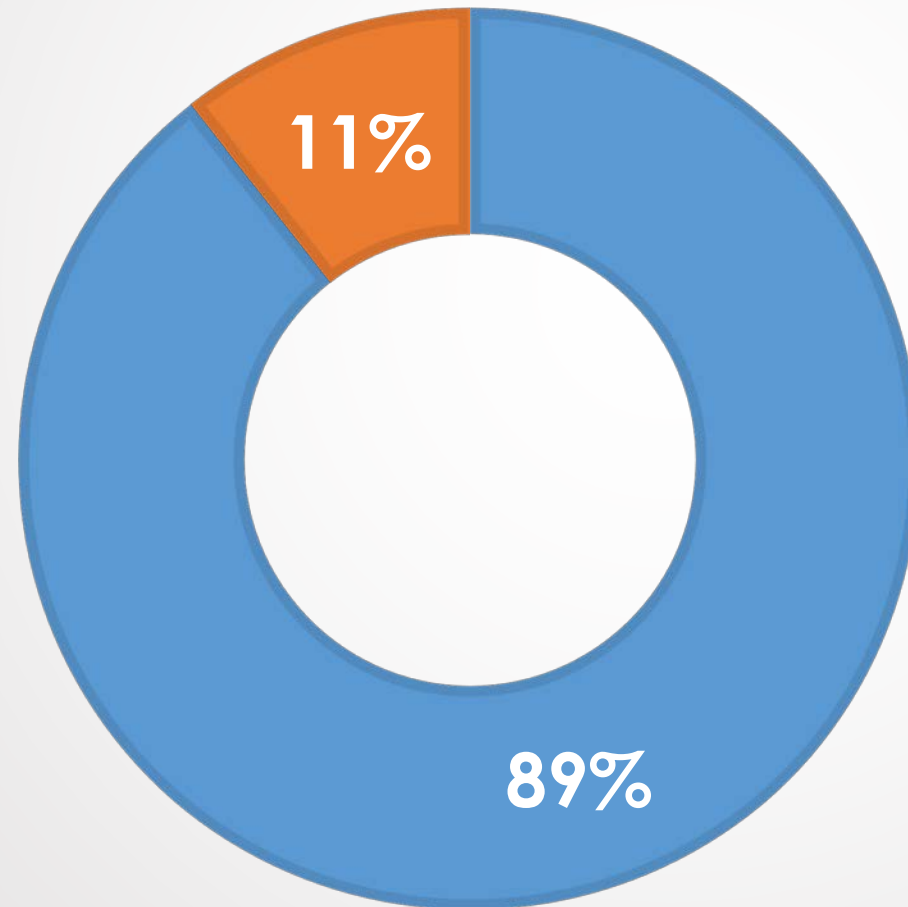


For complete verifications



# Audit/No Audit decisions

for verifications received and decided on  
July 1, 2019-June 30, 2020



- 90 days or less
- Over 90 days



# Verification Screening Timeframes

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## Complete Verifications:

- ✓ No Screen
- ✓ DEEP knowledge or fact-check screen
- ✓ Technical screen
  
- ✓ New internal milestones to ensure expediency





# Verification Screening: No Audits



Department of Energy & Environmental Protection  
Bureau of Water Protection and Land Reuse  
Remediation Division

## FORM III VERIFICATION (*PROPERTY*)

This verification must be signed by a Connecticut Licensed Environmental Professional and the Certifying Party.  
Retain a copy for your records.

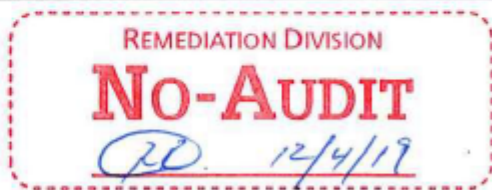
(DEEP use only)

Ver#: 0001

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City/Town: Bunker State: CT Zip Code: 06000  
Described in the Tax Assessor's Office in the Town of: Bunker  
as lot 1, block 1 on map 1

Acreage of Establishment: 100



Emailed to LEP and Certifying Party with:

- ✓ 1<sup>st</sup> and last page of verification form
- ✓ Initialed by audit program supervisor
- ✓ Effective date circled in red on 1<sup>st</sup> and last page



# 20x20 Initiative: Audits

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- ▶ The Commissioner's 20x20 Initiative has also influenced our process related to Audits
- ▶ Timely notification of our intent to audit a particular verification



# Determination of Audit

- ✓ There are inconsistencies w/documentation/presentation of info
- ✓ The 'fact check' is inconclusive
- ✓ The Verification Report is a data dump, w/minimal discussion
- ✓ It appears documentation is insufficient, or
- ✓ **The relevant information is buried in minutia**

We will issue a Notice of Audit (NOA)



# Notice of Audit

Identifies:

- ▶ The specific verification, setting, and purpose;
  - ▶ The effective date of the verification, as designated on the VF; and
  - ▶ The data gaps that appeared to be significant during the screening
- 
- The NOA is issued electronically to the LEP and CP



# Audit Process

Most audits require supplemental info of some level, and in most cases, this will be solicited in the NOA

- Technical review of verification will be completed, including the supplemental info requested in the NOA
- There will likely be dialog with LEP during audit process
- Based on this dialog, additional supplemental info may be requested by DEEP or offered by LEP



# Audit Meeting

- General rule of thumb: a formal audit meeting will no longer be scheduled in the NOA
  - However, we may convene an audit meeting if:
    - ✓ That level of communication is deemed necessary, or
    - ✓ Legally Responsible Party requests meeting
- **Now, and in foreseeable future, any audit meeting will be through Zoom**



# Audit Closure

## ➤ Audit Response Document

- Accepted
- Rejected

❖ Combined 50+ years of DEEP professional experience resourced on the final determination on the adequacy of a verification

- ✓ Staff
- ✓ Audit Program Coordinator
- ✓ District Supervisor
- ✓ Assistant Director



# Audit Closure

- Audited & Accepted
  - ✓ Initial issues of concern have been addressed during the audit process

DEEP-REMEDATION	
<b>AUDITED &amp; ACCEPTED</b>	
A.S.	12/4/19
NAME	DATE





# Audit Closure

- Audited and Rejected
  - ✓ Final CSM invalidated, non-compliance with RSR criteria +/- or misapplication of RSR provisions, etc.
  
- ❑ Audit Report : presents the setting for the verification, the audit process, and itemizes the outstanding issues and deficiencies
  
- ❑ Audit Findings: is the cover letter for the report and details resultant legal obligations of Certifying Party



# Audit Closure

- ➔ After the initial screening, if there is clear evidence that the verification is unacceptable:

## ☐ Rejection of Verification

Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

79 Elm Street • Hartford, CT 06106-5127      www.ct.gov/deep      Affirmative Action/Equal Opportunity Employer

**Bureau of Water Protection and Land Reuse  
Remediation Division**

**Rejection of Verification**

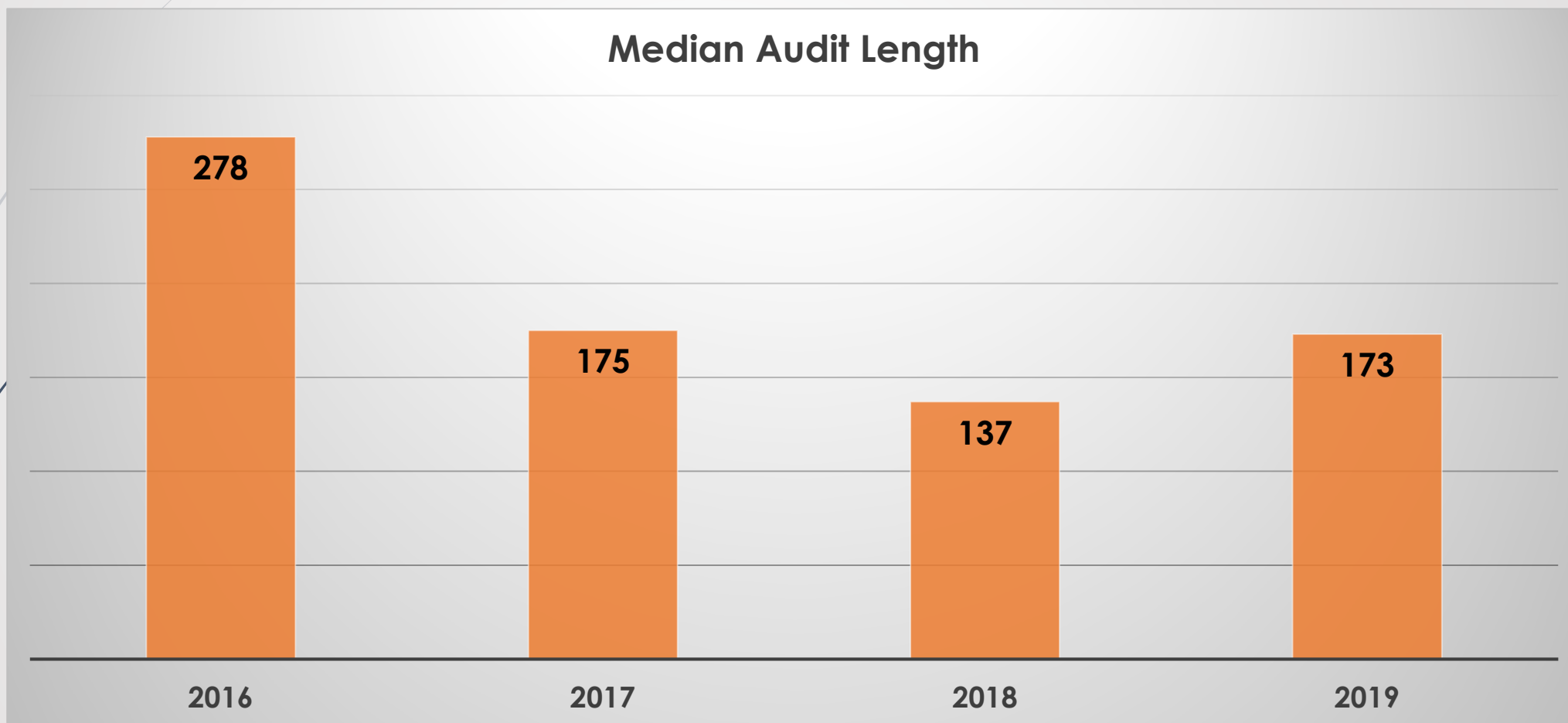
NAME OF CP SIGNATORY		NAME OF LEP
TITLE		License # ***
CERTIFYING PARTY		COMPANY
ADDRESS		ADDRESS

RE: Verification of Investigation and Remediation	Ver #	***
ESTABLISHMENT		
ADDRESS	Rem #	*****
TOWN		

more fully described in the TOWN Tax Assessor's Office as lot \*\*, block \*\*, on map \*\*



# 20x20 Initiative: Audits





# 20x20 Initiative: Summary

- Initiated leaner processes
- Achieving quicker response to Verifications
- Incorporated 3 new decision “Stamps”
  - ❖ **Rejection** [incomplete verifications]
  - ❖ **No-Audit**
  - ❖ **Audited & Accepted**
- We continue to evaluate processes to identify obstacles and opportunities for a more expeditious response



# Questions or Comments?

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Please type your Questions into CHAT

If we need further clarification we may  
take you off mute to speak

[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)



# Supporting Form IV Verifications: A Pathway to Success

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**Laura Robbins**  
**Environmental Analyst**



**Connecticut Department of Energy and Environmental Protection: Remediation Division**



# Eligibility: Supporting Form IV Verifications

You are eligible to file if, at the time of the transfer:

**1. Site Investigation is complete**

- Fully developed Conceptual Site Model (CSM)
- Release areas and extent of contamination are well understood

**2. Remediation of soil and groundwater contamination is complete**

- *Exception 1: Monitored Natural Attenuation (MNA)*
- *Exception 2: Groundwater compliance monitoring may be ongoing*

**3. Site is in Compliance with RSRs**

- *Exception 3: ELUR may be outstanding*



# Verification Process

## Site Investigation

- Data/Sampling
- All AOCs, COCs, and RAs known and characterized

## Documentation

- COI (Phase I, II, III), CSM, RAP, etc.
- Justification of approach

## RSR Compliance

- All work complete except for MNA, GW compliance monitoring, and/or ELUR

## Supporting Form IV Verification

## Final Form IV Verification

- GW in compliance
- ELUR Filed



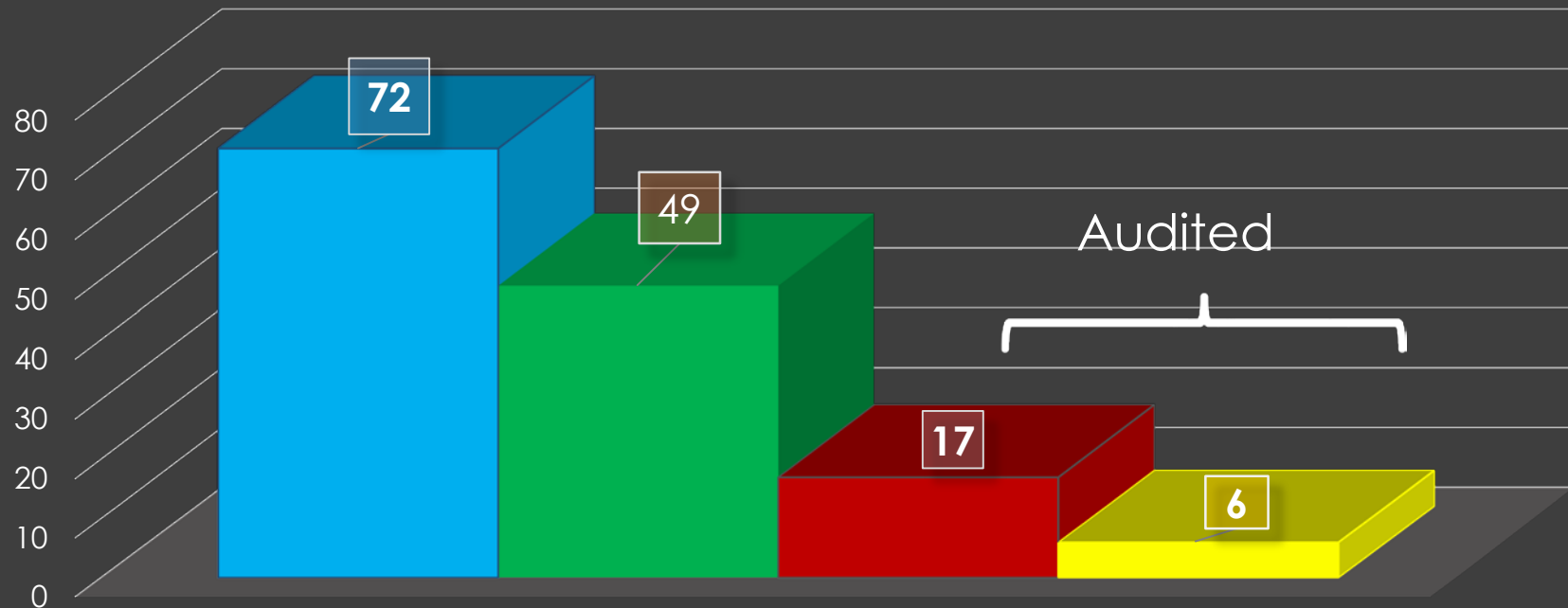


# Assessment of Audits and Rejections

## SUPPORTING FORM IV RESULTS (2006 – 2019)

■ Received    ■ Accepted w/o Audit    ■ Rejected    ■ Accepted

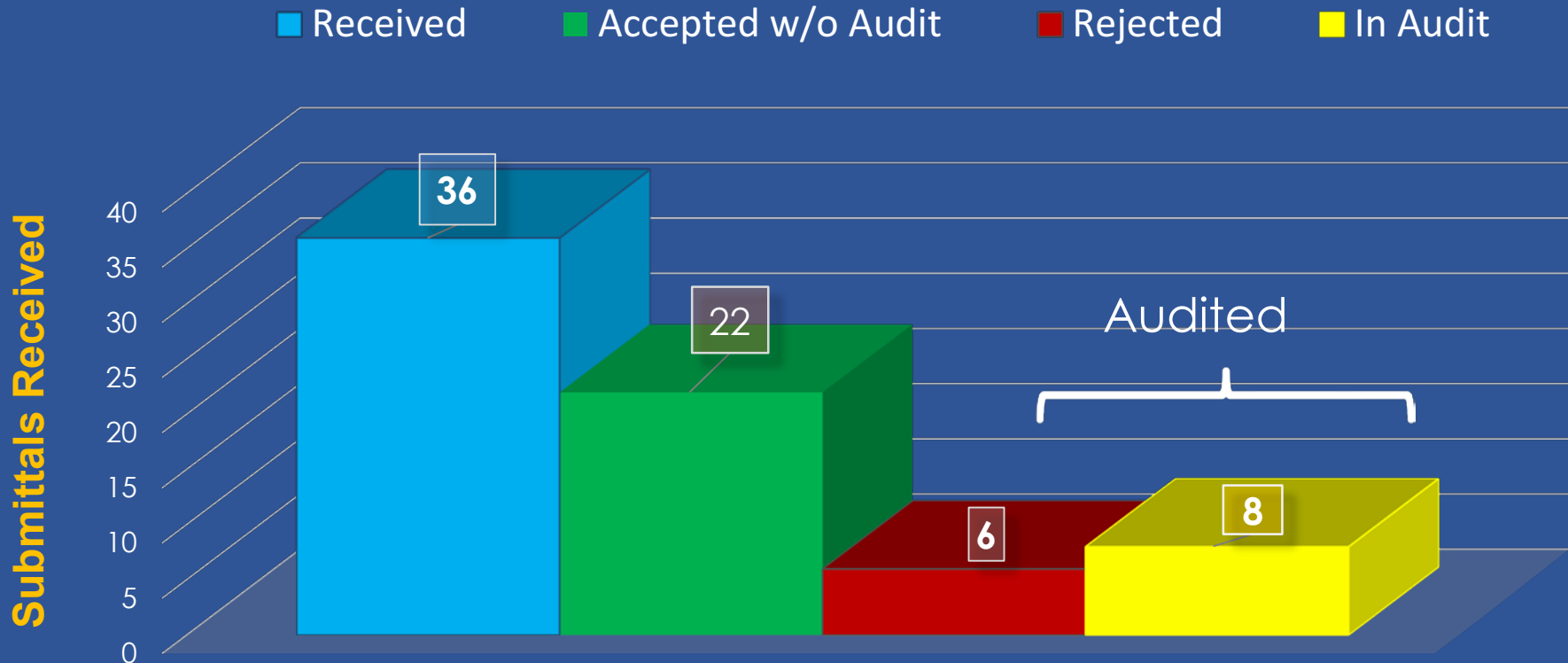
Submittals Received





# Similar Trend for Interim Verifications

## INTERIM VERIFICATIONS (2013-2020)





# Results: Top 3 Reasons for Rejection

DATA GAPS

## 1. SITE INVESTIGATION ISSUES

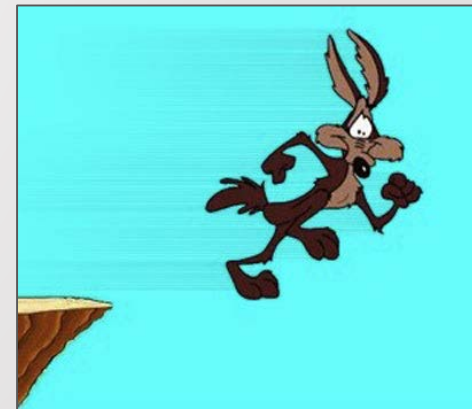
- ▶ Sampling design doesn't reflect site history and/or COCs
- ▶ Groundwater data doesn't demonstrate understanding of hydrology/plume
- ▶ Lack of description/justification of why remedial strategies were chosen

## 2. INCOMPLETE DOCUMENTATION

- ▶ Lack of COI (Phase I, II, III, CSM), Verification Report, Receptor Surveys, SLERA/BERA, Public Notices, etc.

## 3. NONCOMPLIANCE

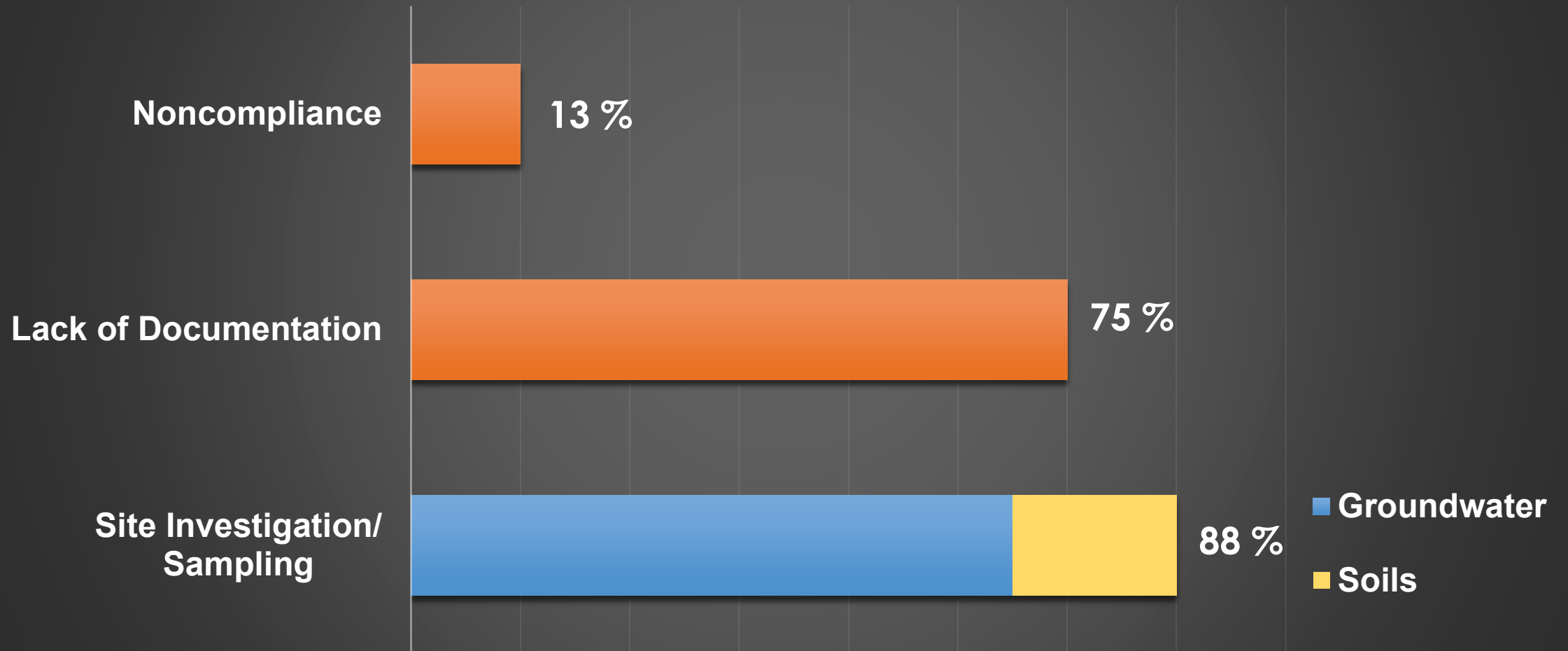
- ▶ Incomplete remediation/known COC exceedances remain
- ▶ Data gap AOCs may require remediation





# DATA GAP ANALYSIS: Detail

## Breakdown of Primary Reasons for Rejection





# DATA GAP 1: Sampling Issues

## GENERAL

- Sampling doesn't reflect site history → lack of AOC identification
- Known AOCs not tested → not all Release Areas identified
- AOCs tested, but not for known COCs → lack of contaminant data
- Improper sample locations/depths → lack of COC migration pathway data

## GROUNDWATER

- Sampling rationale not appropriate or justified
- Monitoring well network not representative of AOCs
- Plume extent and concentrations not understood
- Downgradient wells needed

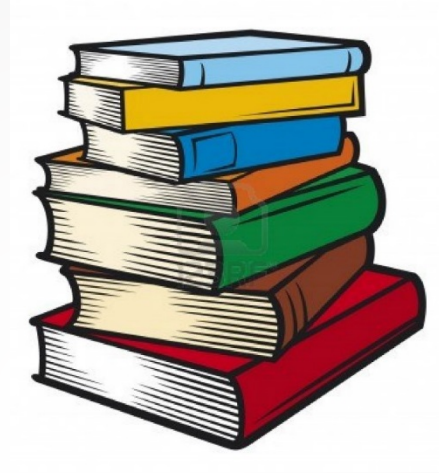
## SOILS/SEDIMENTS

Investigation of impacts to ecological receptors (EcoRisk)



# DATA GAP 2: Lack of Documentation

## WHAT DOCUMENTS ARE REQUIRED TO SUPPORT FORM IV VERIFICATION?



- Completion of Investigation (COI)
  - Phase I, II, and III if COCs present
  - SCGD Standard, not ASTM
- Conceptual Site Model (CSM)
- Remedial Action Plan (RAP)
- Verification Report
- EcoRisk Assessment – SLERA/BERA (if impacts to streams/wetlands)
- Receptor surveys
- Other examples: Approvals for variances, alternative criteria, Engineered Controls, ELUR documents



# Summary of Results...

- Supporting Form IV Verification Audit Rate (~30 %)
- Of those Audited, High Rejection Rate (~70 %)
- Data Gaps a major obstacle (sampling, lack of documentation)
- RSR Compliance and soil data not as large a concern

## ... and Recommendations

- Provide all documentation required to support verification
- Design sampling rationale to reflect site history, hydrology, etc.
- Remember to justify strategies/approaches with descriptions
- If documentation is not ready, do not submit Supporting Form IV
  - Form III is fine!



# Questions or Comments?

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Please type your Questions into CHAT

If we need further clarification we may  
take you off mute to speak

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# Remediation Roundtable



E-mail: [DEEP.remediationroundtable@ct.gov](mailto:DEEP.remediationroundtable@ct.gov)

Web: [www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)



# Remediation Roundtable

**Next meeting: March 23, 2021**