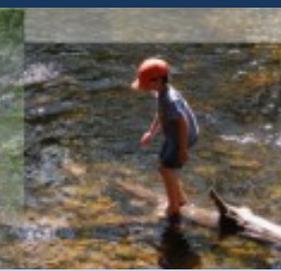




Connecticut Department of Energy and Environmental Protection



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

Cleanup Transformation

Program Outline Feedback Session and Workgroup Progress Reports

November 7, 2012



Agenda

- Draft Proposed Program Outline Summary and Feedback Period
(30 minutes)
 - Detailed written comments encouraged
DEEP.Cleanup.Transform@ct.gov
- Status Report from 6 Workgroups with Q&A Period after each presentation
(90 minutes)



Cleanup Transformation

- Public Act No. 12-196 requires DEEP to submit a report to the Governor and Legislature by January 1, 2013
- Report will address statutory and regulatory changes and/or new frameworks
- Stakeholder process will continue to be active



Current System



Casts a small net



Holds on to those in the system **tightly**

Low risk sites can be ensnared in the net

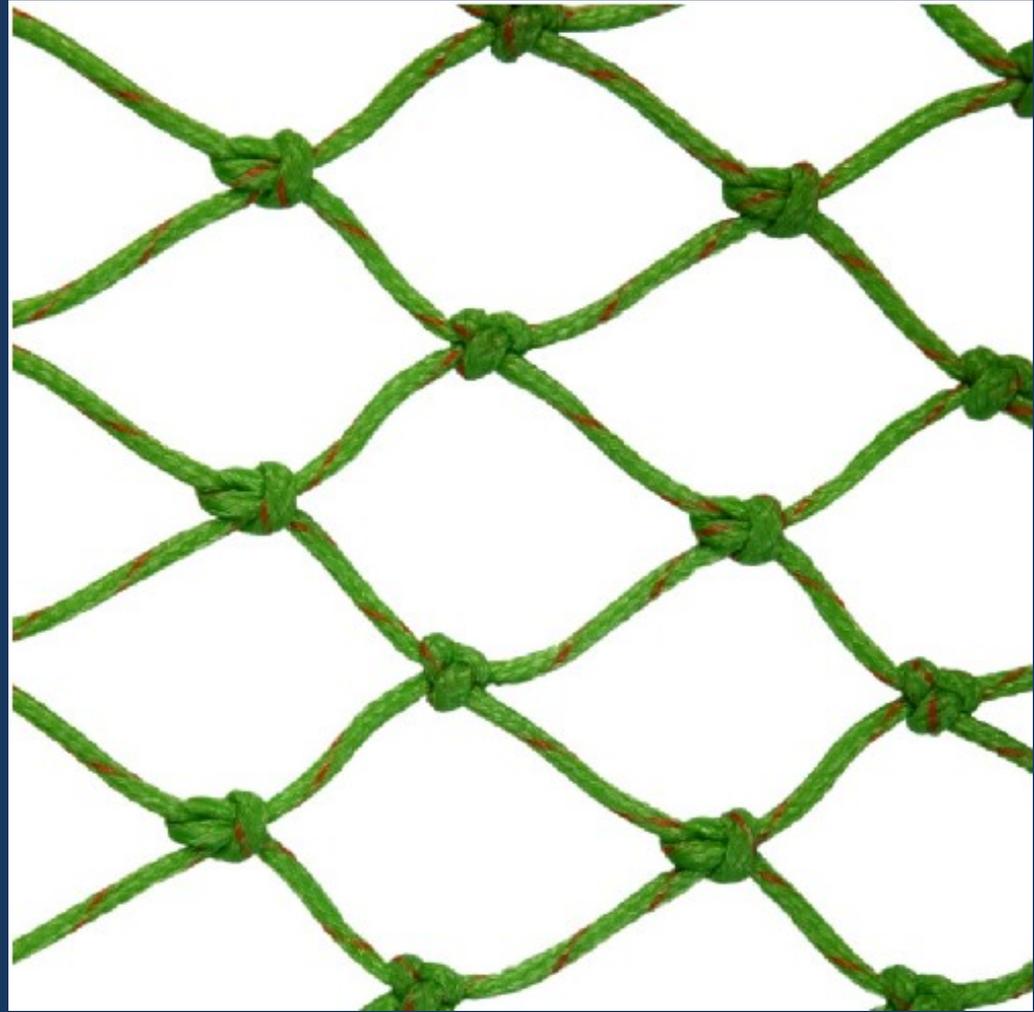
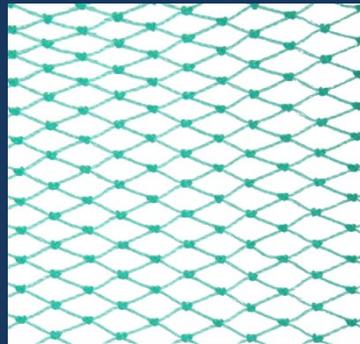


Change Is Already Underway

- With stakeholder assistance and support – many changes in place or underway
- Targeted Brownfield Remedy lessens investigation burden
- Mini-RSRs package will streamline RSRs
- Remediation Roundtable Workgroups tackling important issues (e.g., Urban Fill & Background)



Transformed System



Draft Proposed Program Outline

- DEEP released the Program Outline on 9/27/12
- External Transformation Workgroups formed 10/9/12 to help provide specific feedback to DEEP on six topics:
 1. Liability
 2. Reportable Releases
 3. Early Off Ramps
 4. Transition Period
 5. RSRs Evaluation - Soil and Sediment
 6. RSRs Evaluation - Groundwater and NAPL

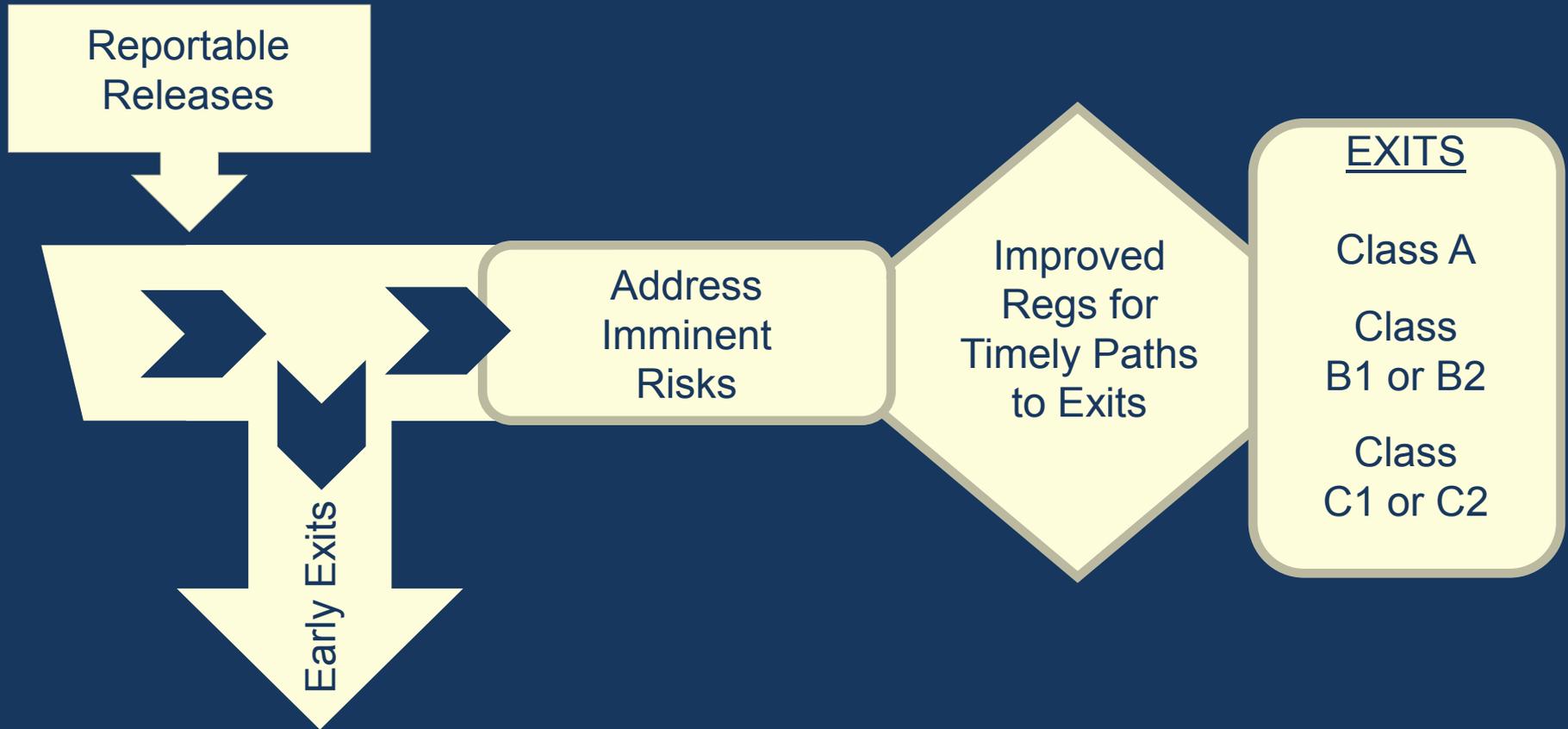


Summary of New Program

- Enter new program through **Release Reporting**
- **Early Exits** available for most new and some sub-set of historical releases
- All releases must address *imminent high risks* promptly
- All releases must be investigated
- Parties can choose an Exit (A,B1,B2,C1 or C2)
- Improved Regulations will have numerous self-implementing and timely paths to A/B/C Exits



Basics of the Proposed System



Release Reporting

- Reportable releases can either be new (spills) or old (historical releases)
 - Spills reported based on compound or substance-specific **Reportable Quantity** with risk-based exceptions
 - Historical releases reported based on a **Reportable Concentration** (taking into consideration current risk assumptions) or information of significant release where no lab data exists



Release Reporting – Feedback

- *DEEP interested in hearing from Stakeholders on historical release reporting and cleanup*
 - What is reportable and when, who should report?
 - Is there an alternative means to ensure historical releases are appropriately addressed?
 - If reporting does not occur based on “current use” risk assumptions – what needs to be done to protect against future risk?



Early Exits

- Exit from the program can be achieved with less effort if cleanup is completed quickly
 - Releases that don't pose significant risk to receptors
- Reduced or no groundwater monitoring
- Exit could be certified by a party other than a LEP



Early Exits – Feedback

- *DEEP interested in Stakeholder feedback on achieving an early exit*
 - Are there cases where historical releases should be able to achieve an early exit?
 - What qualification should a party have to certify to achieving an early exit? Does the type, age, extent of a release matter?
 - Are there situations where owners could be permitted to certify?



Improved Regulations

- *Regulations must provide quick and self-implementable paths to reasonable exits*
- DEEP held RSRs LEAN event this August
- Two workgroups currently looking at RSRs
- Based on many years of experience – more comfort exists on what is not adding value and what is important



Key Ideas for Improved RSRs

- Add more exposure assumptions (e.g., not just residential or industrial/commercial)
- Add many more self-implementing and site-specific options, and retain flexibility
- Make ELURs easy for low-risk situations
- PMC compliance only when GW impacted
- Re-evaluate DEC risk management options (15 ft and 4 ft or pavement and 2 ft with ELUR)
- Decrease GW monitoring



Stakeholder Feedback

- DEEP seeking public comment on Draft Program Outline document (released 9/27)
- 6 Transformation Workgroups compiling recommendations for DEEP (due 11/20)
 - Reports will be posted and DEEP will accept comments on these reports
- Breakout Sessions on key transformation topics during 11/13 Remediation Roundtable



Stakeholder Feedback

- DEEP continuing work started during August 2012 RSRs LEAN event
 - More information will be released based on Workgroup reports and stakeholder feedback
 - Comments should be submitted at any time to DEEP.Cleanup.Transform@ct.gov



Remaining Steps – Framework Report

- DEEP to release draft proposal for new and revised statutory and regulatory framework
 - Anticipated in December
- Draft Framework will be based on process to date with special attention given to stakeholder feedback on Program Outline and Workgroup Reports



Remaining Steps – DEEP Report

- Pursuant to Public Act No. 12-196 – DEEP to submit a report to the Governor and Legislature by January 1, 2013
- Report will address statutory and regulatory changes and/or new frameworks
- All public comments – regardless of the form – will be considered



DEEP Report – Outreach

- DEEP will host a public meeting to present and receive verbal feedback on the DEEP Report
 - Meeting will be held in advance of the Legislative hearing on any proposed Bill
- Public comments are always welcome through DEEP.Cleanup.Transform@ct.gov



Next Steps and Dates

- **Program Outline** – Feedback being accepted
- **Outline Workgroups** – Reports due to DEEP 11/20
- **Draft Framework Report** – December
- **Additional Workgroups** – Being contemplated & TBD
- **DEEP Report to Gov and Legislature** – January 1st

Public comments are always welcome through

DEEP.Cleanup.Transform@ct.gov



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Stakeholder Feedback

We welcome your questions
and comments



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