



REMEDIATION ROUNDTABLE

November 13, 2012



www.ct.gov/deep/remediationroundtable

Comprehensive Evaluation and Transformation: Details

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Connecticut Department of Energy and Environmental Protection

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

Low risk sites can
be ensnared in
the net



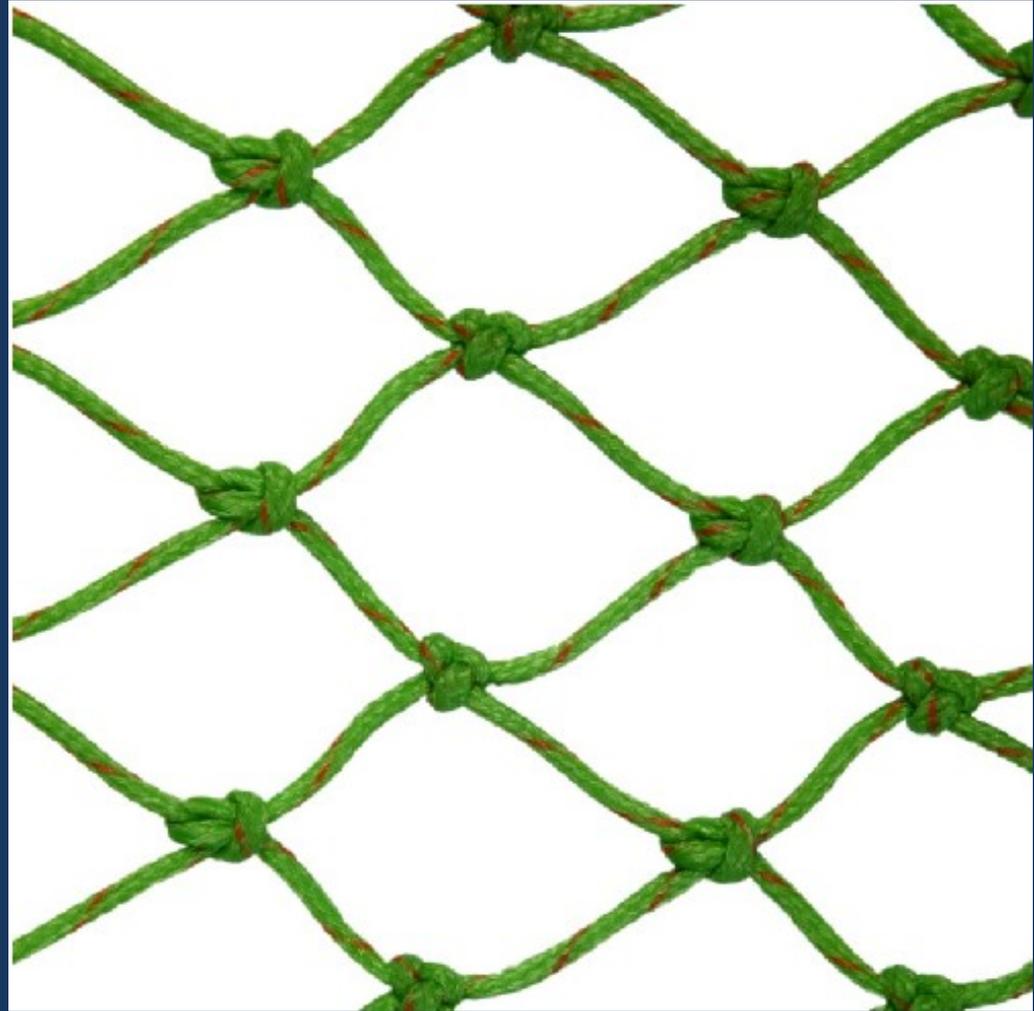
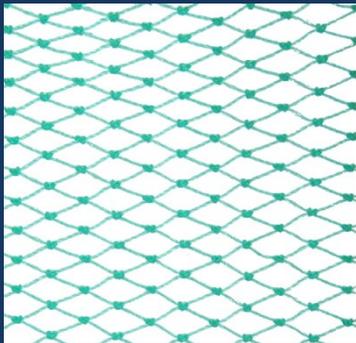
Holds on to those in
the system tightly



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TRANSFORMED SYSTEM



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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 Exits
 4. Transition
 5. RSRs Evaluation - Soil and Sediment
 6. RSRs Evaluation - Groundwater and NAPL

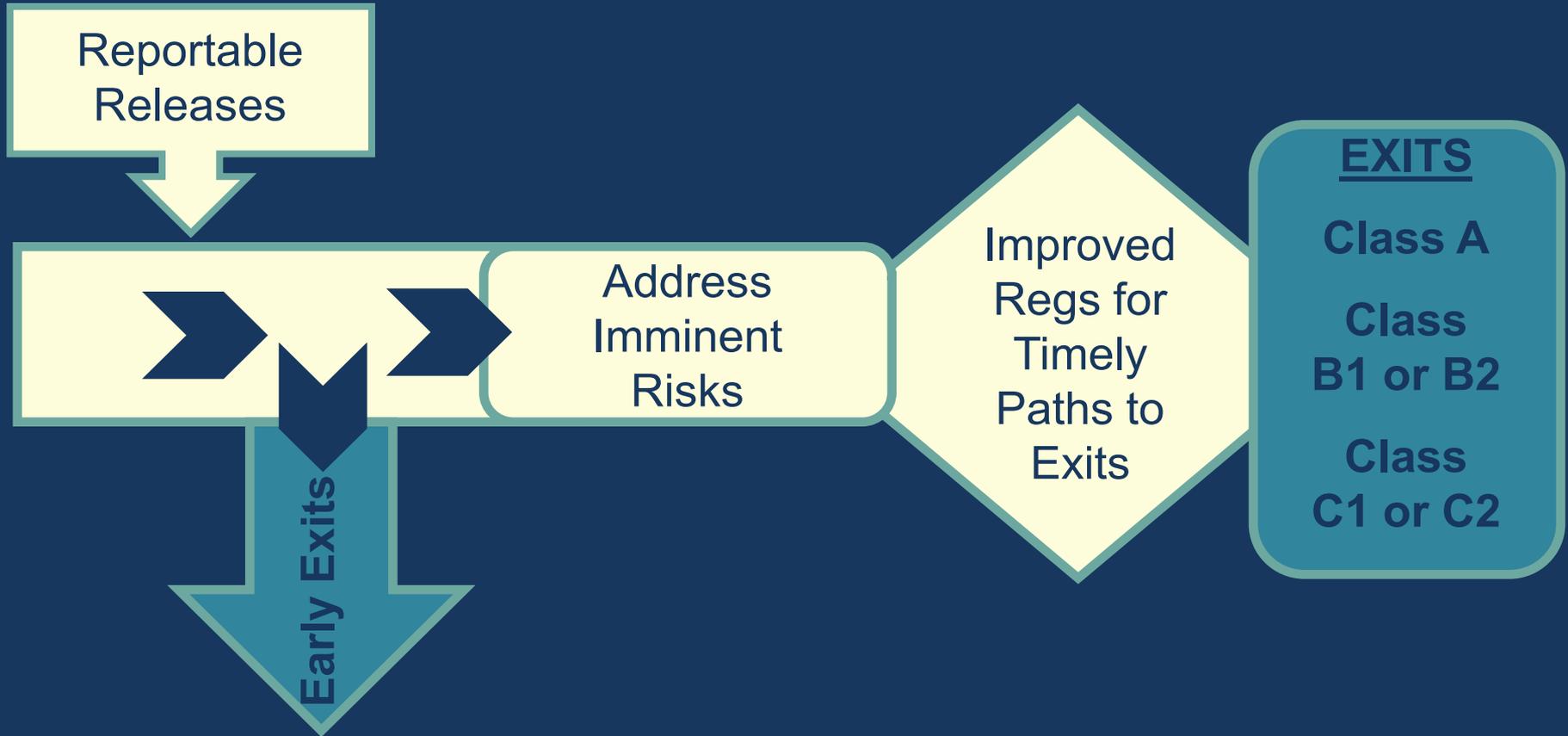


NEW PROGRAM – MAJOR COMPONENTS

- Release Reporting (who comes in)
- Early Exits (quick and easier compliance)
- Address imminent high risks (short-term risks)
- New Cleanup Exits (numerous self-implementing and timely paths to A/B/C Exits)



BASIC STRUCTURE OF 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



EARLY EXITS

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



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



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



LIABILITY WORKGROUP

Key Discussion Points

- Identify “responsibility”, not just liability
 - Who must report and to whom
 - Who must investigate and remediate or address risks
- Historical Releases different than New Spills
 - Responsible Parties and Property Owners need to complete cleanup
 - Innocent Property Owners – limited cleanup and liability relief
 - Retroactivity of historical reporting



REPORTABLE RELEASES WORKGROUP

Key Discussion Points

- Two options for reporting new spills
 1. Universal trigger quantity models (exceptions to a higher or lower trigger quantity based on risks)
 2. Chemical specific reportable quantities (exceptions for imminent threats to human health or the environment)
- Two options for reporting historical releases
 1. Modification of Significant Environmental Hazard reporting to consider additional circumstances/scenarios
 2. Adoption of reportable concentration system similar to Massachusetts MCP using RSR criteria



EARLY EXITS WORKGROUP

Key Discussion Points

- All new spills and certain historical releases could close obligations if remediated within 90 days
- Discussion on what makes a historical release qualified to use early exits and if should there be different rules
- Certifications of achieving early exits should be guided by flow charts and checklists
- Discussion on who can certify and what the training requirements would be
- Discussion on what DEEP would do with certifications



TRANSITION WORKGROUP

Key Discussion Points

- Identified numerous issues and questions with transitioning sites in current programs (Transfer Act, Voluntary Program, RCRA Corrective Action, USTs, Spills, Significant Environmental Hazards) to unified program
 - recommendations are being developed
- Discussion on “closed” spills and active Remediation sites being required to enter into the new program
- Discussion on certain past obligations continuing / limiting reporting obligations



RSRs SOIL/SEDIMENT WORKGROUP

Direct Exposure

- Default Exposure Criteria that fits between the RDEC and I/C DEC
- Self-implementing exposure controls (AULs) and risk-based, site-specific standards to fit site conditions
- Re-evaluate “inaccessible”

Pollutant Mobility

- Revisit derivation of PMC
- Re-evaluate implementation of PMC
- Expand self-implementing, site-specific performance evaluation based on property and groundwater use

Sediment

- Clarify applicability and develop criteria
- Provide guidance
- Design RSRs to be self-implementing, except on large-scale or complex sites or sites where public policy warrants
- Develop tiered end points – scoping, screening, site-specific LEP-lead off ramps



RSRs GROUNDWATER WORKGROUP

Key Discussion Points

- Modifications to increase compliance options through
 - Revising default criteria
 - Providing more compliance scenarios
 - Providing more ELUR options
 - Creating prescribed, self-implementing alternatives for site-specific use
- Improve TI to be risk-based
- Include risk assessment as part of site-specific evaluation
- Identification of what is not working well – Priority List
- Less DEEP approval



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



CLEANUP TRANSFORMATION

Questions / Comments

Please state your name and
speak loudly.

Submit comments to

DEEP.Cleanup.Transform@ct.gov

www.ct.gov/deep/remediationroundtable



BREAKOUT SESSION

 This is an opportunity to provide feedback on additional topics not addressed through the Workgroups. 

Topics

1. LEP Board
2. Verifications and Milestones
3. Audit Program
4. Unified Cleanup Program Metrics



BREAKOUT SESSION

How will this info be considered for the Transformation?

- Discussion points from each group will be comments submitted to the Transformation Process
 - **Handouts - submit additional comments by November 26** DEEP.cleanup.transform@ct.gov
- Information will be used to shape final report to Governor and Legislature



BREAKOUT DISCUSSION

- Form groups of 8 + DEEP Facilitator
 - Recorder
 - Reporter
- 30+ minutes to discuss topical questions
- 3 minute report out



BREAKOUT SESSION

| GROUP | CONFERENCE ROOM |
|--|--------------------|
| A (LEP Board) | Ensign |
| B (Verifications) and C (Audit Program) | Phoenix Stage |
| D (Metrics) | Pratt |
| E (LEP Board) through L (all other groups) | Phoenix Auditorium |



BREAKOUT SESSION

REPORT OUT

Please state your name and
speak loudly.

Submit additional comments to
DEEP.Cleanup.Transform@ct.gov
by November 26, 2012

