



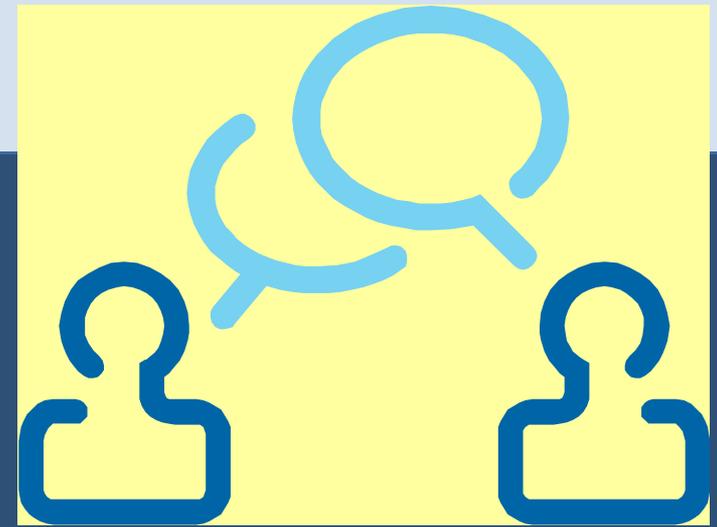
# REMEDIATION ROUNDTABLE

August 13, 2013



# AGENDA

- Various Updates
- Presentations with Q&A:
  - Comprehensive Evaluation and Transformation
  - Transformation RSR Amendments (Wave 2)
  - 2013 RSR Amendments (Wave 1)
  - ELURs



# UPDATES

- Phenanthrene SWPC
  - 0.077 ug/L is calculated incorrectly in 1996 RSRs
  - 0.3 ug/L = correctly calculated 1996 SWPC
  - Now accepting requests to use 2008 criterion (23 ug/L) as a SITE-SPECIFIC ALTERNATIVE CRITERIA
  - Not self-implementing
  - Send request and Transmittal Form to Craig Bobrowiecki - questions? 860-424-3798

*This site-specific alternative is allowable without calculation for phenanthrene SWPC only.*



# UPDATES

- Remediation Website
  - In-site Chemical Oxidation General Permit to be posted for public comment in August
    - Public info session:  
**September 11, 2013 3:00pm Phoenix**
  - New Verification Form III – coming soon
  - Petroleum Hydrocarbons page



# UPDATES

- Remediation Website
  - ELUR pages – coming this week
    - Amended ELUR regulations
    - Transition Period instructions
    - New ELUR application
  - RSR Fact Sheet updated
  - **New** RSR Wave 2 details available for public feedback – [Discussion Documents](#)



# UPDATES

## RSR AMENDMENTS: Wave 1

Now posted on the  
[Remediation Standards Regulations webpage](#)

*and on the*

[Secretary of State's website](#)

*Will be posted August 20, 2013 on the*

CT Law Journal website



# UPDATES

## Questions / Comments

Please state your name and  
speak loudly.

Submit comments to

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

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



# Comprehensive Evaluation and Transformation:

## *Where We Are & Where We Are Heading*

GRAHAM STEVENS

OFFICE DIRECTOR

CONSTITUENT AFFAIRS AND LAND MANAGEMENT /  
STATE BROWNFIELDS COORDINATOR



Connecticut Department of Energy and Environmental Protection

# Transformation of Cleanup Programs: Mission

- Higher risks: increase focus and faster response
- Lower risks: faster, leaner, lower-cost tools
- Increased certainty for all
- Assist cities and towns in facilitating reuse of Brownfields



# Cleanup Transformation Roadmap

Completed

Municipal Liability Relief  
(effective July 2013)

Cleanup Standards Wave 1  
(effective 6/27/13)

New Authority: Expanded  
Institutional Controls  
(October 2013)

2013

Risk Assessment Evaluation  
(Starting August 2013)

Public Discussion on  
Regulatory Reform:

- *Wave 2 Cleanup Standards  
(includes Institutional Controls)*
- *Spill Reporting*
- *Soil Reuse*



# Cleanup Transformation Roadmap

2014

DEEP  
Recommendations –  
Risk Assessment  
Evaluation

Regulation Reform:  
- Wave 2 Cleanup  
Standards (includes  
Institutional Controls)  
- Spill Reporting  
- Soil Reuse

2014

Statewide  
Groundwater Class  
Evaluation

Early Exit Cleanup  
Credential Program

2015

Property Transfer  
Act Sunset

New Significant  
Hazard Phase-in

Unified Program  
Implementer



# Public Act 13-308

- §§1-27 reorganize DECD grant, loan and related Brownfield statutes
- §28 sets forth DEEP risk assessment evaluation
- §29 DEEP to include shorter audit timeframes in unified program regs adopted after July 2014
- §30 creates new Municipal Liability Protection
- §§31-32 amend existing Significant Environmental Hazard Notification statute
- §§33-36 create new Deed Notice tool (in existing ELUR statute)



# Questions / Comments

Please state your name and  
speak loudly.

Submit comments to

[DEEP.Cleanup.Transform@ct.gov](mailto:DEEP.Cleanup.Transform@ct.gov)

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



# Transformation RSR Amendments

## Wave 2

JAN CZECZOTKA  
ASSISTANT DIRECTOR  
REMEDIATION DIVISION



Connecticut Department of Energy and Environmental Protection

# RSR AMENDMENT PACKAGE

## Wave 1

1. Public “Notice of Intent to Amend Regulations and hold a Public Hearing” – *Completed 08/21/12*
2. DEEP informational meetings – *Completed 9/20/12 and 9/26/12*
3. Public Hearing – *Completed 10/25/12*
4. Hearing Officer’s Report – *Completed 3/11/13*
5. Final proposed regulations and associated documents to Commissioner – *Completed 3/11/13*



# RSR AMENDMENT PACKAGE

## Wave 1

6. DEEP notifies all interested parties of availability of final wording – *Completed 3/11/13*
7. DEEP submits final regulations to Attorney General for “Legal Sufficiency” approval – *Completed 3/12/13*
8. DEEP submits final regulations to Office of Fiscal Analysis and Comm. of Cognizance (Environment Committee) – *Completed 4/2/13*  
*Since last Roundtable...*
9. LRRC holds meeting on regulation amendments per CGS 4-170 - *Completed 5/28/13 - Regulations rejected without prejudice*



# RSR AMENDMENT PACKAGE

## Wave 1

10. Regulations resubmitted - *Completed June 4, 2013*
11. Regulations approved – *Completed June 25, 2013*
12. Regulations filed with Secretary of State Office per CGS 4-172 (Regulations final upon Filing)-  
*Completed June 27, 2013*
13. Publication of Regulations in the CT Law Journal –  
*Will be August 20, 2013*



# CLEANUP TRANSFORMATION ROADMAP



# RSR AMENDMENT PACKAGE

## Wave 2

- Goal of RSR amendments is to support the Transformation into forming ONE unified program
  - Remediation compliance from start to finish
    - Early Exits
    - Self-implementing options
    - Site-specific approaches
    - Institutional Controls
    - Tiered Exits A, B, C



# CLEANUP TRANSFORMATION ROADMAP



# RSR AMENDMENT PACKAGE

## Wave 2

- Wave 2 amendments
  - No proposed change to criteria until evaluation
  - Designed to be flexible with any new criteria and until such criteria are in place
- Public Act 13-308 requires an evaluation of risk assessment and risk management be completed by October 2014
- Wave 2 amendment process will continue in parallel with the risk evaluation process



# RSR AMENDMENT PACKAGE

## Wave 2

### Discussion Documents



EARLY  
EXITS

Develop framework for Early Exits



ALT  
GWPC

Developing Map of GA Areas Where an Alternative GWPC is Potentially Eligible for Use

- Working with DPH on Alternative GWPC



ICs

Create list of all current and new EUR types to categorize them into specific institutional controls

- Consult with DPH on any risk concerns with Institutional Controls



Connecticut Department of Energy and Environmental Protection

JAN CZECZOTKA

# RSR AMENDMENT PACKAGE

## Wave 2

### Discussion Documents

#### PMC

- Evaluating fate and transport process of current PMC calculations
- Developing potential self-implementing options

#### DEFAULT CRITERIA

- Develop Recreational Criteria (Active and Passive) for DEC and VoIC
- Create self-implementing option for volatilization in large building types (warehouse, hangar, etc.)

#### APPLIC- ABILITY

- Discussion of how the RSRs apply to Reportable Releases

#### SEDI- MENT

- Developing a new section of the RSRs considering Transformation Workgroup's suggestions



# RSR AMENDMENT PACKAGE

## Wave 2

### Discussion Documents

ENGINEERED  
CONTROLS

- Developing self-implementing DEC options
- Soliciting ideas for self-implementing PMC options

MNA

- Developing concept for self-implementing MNA compliance point



# RSR AMENDMENT PACKAGE

## Wave 2

### Engineered Controls

- Purpose:

- Allow more flexibility
- Incorporate Activity and Use Limitation option
- Identify types of ECs that are self-implementing
- Identify LEP EC implementation requirements



# RSR AMENDMENT PACKAGE

## Wave 2

### Engineered Controls

- Current applicability requires Commissioner approval
  - Authorized disposal
  - Not technically feasible
  - Cost/benefit of removal
  - Removal creates unacceptable risk (DPH consult)



# RSR AMENDMENT PACKAGE

## Wave 2

### Engineered Controls

- Applicability
  - Will need to revise to allow for self-implementation
- Activity and Use Limitation
  - Public Act 13-308 granted statutory authority to make regs, effective October 2013
    - Regs will:
      - Identify the process for using AULs
      - Types of conditions
      - Who can record



# MULTI-LEVEL EXIT CLASSES

EC

C1/C2

- Soil Cleanup Complete
- Groundwater Remedy Operational
- Long-term Maintenance

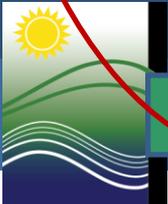
B1/B2

- Soil Cleanup Complete
- Groundwater Cleanup Complete
- Land-Use Controls
- Long-term Maintenance

A

- Soil Cleanup Complete
- Groundwater Cleanup Complete
- Unrestricted Reuse

INCREASING LEVEL OF CLEANUP



# RSR AMENDMENT PACKAGE

## Wave 2

### Engineered Controls

- Identify types of self-implementing ECs
  - DEC ECs
    - Requirements for paved and non-paved surfaces
  - Looking for feedback regarding PMC ECs
- LEP self-implementation will require:
  - Part 1 & 2
  - Final Completion Statement
  - Financial Assurance
  - LEP stamp and signature
  - Annual reporting



# RSR AMENDMENT PACKAGE

## Wave 2

### Engineered Controls

- Results:
  - Faster EC implementation process
  - DEEP can focus on higher risk scenarios
  - Provides quicker exits
  - Further clarifies process and achieves more risk reduction



# RSR AMENDMENT PACKAGE

## Wave 2

### Monitored Natural Attenuation for Groundwater

#### Purpose:

- To establish the requirements of groundwater MNA as a remedial option to achieve a Class C Exit
- Proposed provision would be a self-implementing option
- Acceptable duration for a MNA program up to 20 years



# MULTI-LEVEL EXIT CLASSES

**MNA**

**C1/C2**

- **Soil Cleanup Complete**
- **Groundwater Remedy Operational**
- **Long-term Maintenance**

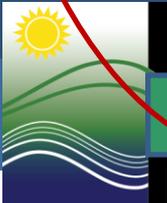
**B1/B2**

- **Soil Cleanup Complete**
- **Groundwater Cleanup Complete**
- **Land-Use Controls**
- **Long-term Maintenance**

**A**

- **Soil Cleanup Complete**
- **Groundwater Cleanup Complete**
- **Unrestricted Reuse**

INCREASING LEVEL OF CLEANUP



# RSR AMENDMENT PACKAGE

## Wave 2

### Monitored Natural Attenuation for Groundwater Evaluation:

1. Long-term GW remedy is MNA to achieve the groundwater remediation standards
2. Estimated duration of MNA is known
3. On-going well monitoring and maintenance required

AND

4. No current or near future exposure pathway to drinking water or volatilization receptors within the timeframe modeled for MNA



Connecticut Department of Energy and Environmental Protection

JAN CZECZOTKA

# RSR AMENDMENT PACKAGE

## Wave 2

### **MNA General Pre-Requisites:**

- Source contaminant must be removed or controlled
- Soil remediation completed (DEC, PMC)
- No migrating or mobile LNAPL present
- MNA not applicable to DNAPL
- MNA not applicable at SW discharge point above 10 times the acute toxicity level (WQS)
- No one currently exposed to the groundwater that exceeds GWPC or Volatilization Criteria



# RSR AMENDMENT PACKAGE

## Wave 2

### **MNA Site-Specific Evaluation Requirements:**

- Robust Conceptual Site Model
- Evaluate receptors & off-site issues for the MNA duration
- Identify degradable COCs for the MNA duration
- Delineate plume size and migration pattern as a function of time
- Discuss how the contaminant will attenuate through plume history, geochemical indicators , and computer modeling



# RSR AMENDMENT PACKAGE

## Wave 2

### **MNA Site-Specific Evaluation Requirements:**

- Explain risks associated with contaminants and natural attenuation processes
- Assess toxicity of breakdown products
- Generate a long-term groundwater monitoring plan
- Ensure any plume discharge to surface water does and will not negatively impact aquatic life for the MNA duration



# RSR AMENDMENT PACKAGE

## Wave 2

### **MNA Decision Points for Applicability:**

- Plume spatial area above criteria must be shrinking in size
- Plume concentration above criteria must not be migrating
- Natural attenuation must be sustainable
- MNA maximum duration cannot exceed 20 years



# RSR AMENDMENT PACKAGE

## Wave 2

### **MNA Minimum Monitoring Requirements:**

- Quarterly for the first 2 years
- Semi-annually for following 3 years
- Annually thereafter
- Unless an alternative is approved by the Commissioner
- **Plume must be registered for the MNA duration**



# RSR AMENDMENT PACKAGE

## Wave 2

Schedule for release of Discussion Drafts:

Week of August 12

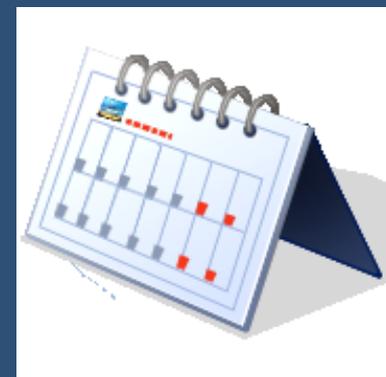
Alt GWPC, EC, MNA

Week of August 26

Institutional Controls, Early Exit, Sediment

Week of September 16

Site-specific PMC, Default Recreational Criteria,  
Applicability



Connecticut Department of Energy and Environmental Protection

JAN CZECZOTKA

# RSR AMENDMENT PACKAGE

## Wave 2

Feedback opportunities prior to formal  
Public Hearing Draft:

- E-Mailbox – coming soon
- Information Sessions - TBA

[Draft Discussion Documents](#) –Alt GWPC, MNA, EC



# Questions / Comments

Please state your name and  
speak loudly.

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



# RSR Amendments

Effective June 27, 2013

(Wave 1)

CARL GRUSZCZAK  
ENVIRONMENTAL ANALYST 2  
REMEDIATION DIVISION

KEVIN NEARY  
ENVIRONMENTAL ANALYST 3  
REMEDIATION DIVISION



# Adoption

- Changes took effect immediately following filing with the Secretary of State
- Includes changes to all three sections of RSRs:
  - Definitions/Applicability (22a-133k-1)
  - Soil (22a-133k-2)
  - Groundwater (22a-133k-3)

[Redline Copy](#) (showing changes) available



# Purpose of RSR Changes

- Based on “Lessons Learned” since inception of the RSRs:
  - Clarify/re-organize sections of the RSRs
  - Provide new options
  - Remove seldom used options
  - Remove “no value” provisions

★ *This is not a comprehensive list of the changes*



# Change to Inaccessible Soil

- Polluted Fill added to Inaccessible Soil definition:
  - Polluted only by SVOCs or Petroleum Hydrocarbons that are normal constituents of asphalt;
  - Polluted by metals in concentrations not in excess of 2x the applicable DEC; or
  - Any combination of the two conditions
- Means that 2' of clean fill not needed below the asphalt when the above criteria are met



22a-133k-1(32)(C)

Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# Incidental Sources – Soil Criteria

- Applies to both DEC and PMC
- Soil Criteria do not apply to metals, petroleum hydrocarbons and SVOCs in soil, **if**
  - Pollution is due to **normal operation** of motor vehicles (which cannot include refueling, repair, or maintenance of motor vehicles); or
  - Normal paving and maintenance of bituminous concrete, providing that such pavement has been maintained for its **intended purpose**



22a-133k-2(b)(4)&(c)(5)

Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# Incidental Sources – GW Criteria

- Groundwater criteria do not apply to:
  - Metals, petroleum hydrocarbons and SVOCs, **if**
    - Pollution is due to **normal operation** of motor vehicles (which cannot include refueling, repair, or maintenance of motor vehicles);
    - Normal paving and maintenance of bituminous concrete, providing that such pavement has been maintained for its **intended purpose**
  - Trihalomethanes released from public water supply systems



22a-133k-3(f)

Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# PMC Exception (GW Infiltration)

- GA PMC and GB PMC do not apply to substances, not including VOCs, if
  - (Self-Implementing) 80% of release area has been subject to infiltration for five years, or
  - (Commissioner's Approval) release area has been subject to sufficient infiltration, and

22a-133k-2(c)(4)(C)



Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# PMC Exception (GW Infiltration)

## GA Areas

- Groundwater sampled for four consecutive quarters:
  - Groundwater must meet GWPC and SWPC
  - Sample locations must be representative of release
  - Areal extent of plume must not be increasing over time, except for seasonal variations

22a-133k-2(c)(4)(C)



Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# PMC Exception (GW Infiltration)

## GB Areas

- Groundwater sampled for four consecutive quarters:
  - Groundwater must meet SWPC
  - Groundwater must meet GWPC in aquifer protection or other area used as drinking water source
  - Sample locations must be representative of release
  - Areal extent of plume must not be increasing over time, except for seasonal variations

22a-133k-2(c)(4)(C)



Connecticut Department of Energy and Environmental Protection

CARL GRUSZCZAK

# Applying Groundwater Criteria

- Groundwater monitoring shall be conducted for:
  - Any groundwater plume
  - Any release area remediated
- Application of criteria occurs after characterization of soil and groundwater
- Compliance monitoring does not apply if remediation solely to address DEC exceedances



22a-133k-3(g)

Connecticut Department of Energy and Environmental Protection

KEVIN NEARY

# Applying Groundwater Criteria

- Monitoring shall determine:
  - Effectiveness of any soil and groundwater remediation
  - Effectiveness to render soil environmentally isolated
  - Whether groundwater in GA meets background or GWPC as applicable
  - Whether groundwater meets SWPC and VolC
  - Whether groundwater in GB interferes with any existing use



22a-133k-3(g)(1)(A) - (F)

Connecticut Department of Energy and Environmental Protection

KEVIN NEARY

# When to Conduct Compliance Monitoring

## Compliance monitoring occurs after:

- Characterization complete - sample locations represent extent and degree of plume
- All remedial actions have been completed
- Aquifer is no longer affected by withdrawal or injection due to remediation
- Geochemical changes due to remedial actions have stabilized



22a-133k-3(g)(2)(A)(i)

Connecticut Department of Energy and Environmental Protection

KEVIN NEARY

# Compliance Monitoring

After groundwater reached applicable compliance criteria:

- Compliance monitoring shall be a minimum of four sampling events on a quarterly basis within two years
  - Not necessarily consecutive, but representative of seasonal variation
- Commissioner may approve an alternative method of demonstrating compliance
- Post-remedial groundwater monitoring removed
- However, groundwater monitoring still needs to determine the effectiveness...22a-133k-3(g)(1)

22a-133k-3(g)(2)(A)(ii) – (iii)



Connecticut Department of Energy and Environmental Protection

KEVIN NEARY

# Monitoring Comparison

## Old

Groundwater monitoring must determine effectiveness of remediation

Compliance Monitoring:

GA and GB: 1 year, 4 quarterly samples

Post-Remedial Monitoring

GA: 1 - 3 years depending on applicable criteria

GB: 1 year

## New

Groundwater monitoring must determine effectiveness of remediation

Compliance with an applicable criteria shall be collected after: Characterization and Stabilization

Compliance Monitoring:

GA and GB: 4 sample events within 2 years to show seasonal variability



# Other Additions

- Use of Form Prescribed 22a-133k-1(f)
  - Applies to any Variance, Approval or Notice
- Remediation of Soils Polluted with Lead (Transition Period) 22a-133k-1(g)
  - Can remediate to 500 mg/kg if Remediation initiated or RAP has been completed
- Engineered Controls for DEC 22a-133k-2(f)(2)
- 95% UCL for SWPC 22a-133k-3(g)(2)(C)(i)



# Removed Items

- Petroleum Compounds are no longer exempted from using SPLP/TCLP PMC
- In GB Areas, if GW is first encountered in bedrock, GA PMC no longer applies
- 95% UCL – No single result can exceed 2x restriction removed
- 95% UCL – restriction when excavation was the remedial method removed
- 95% UCL – no longer applicable for VoIC



# Questions / Comments

Please state your name and  
speak loudly.

Submit questions to

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



# 2013 Environmental Land Use Restriction Amendments and Future Deed Notices

PETER HILL  
SUPERVISING ENVIRONMENTAL ANALYST  
REMEDIATION DIVISION



# Overview of Presentation

- Transition to new Declaration and ELUR Application Forms
- Wave 1 Changes to ELUR Regulations
- PA 13-308 - Notice of Activity and Use Limitations (aka Deed Notices)
- Wave 2 Amendments - Preliminary Concepts for Institutional Controls



# Transition to New Declaration and ELUR Application

## **ELUR Applications Received Prior to June 27, 2013:**

- DEEP will accept previous versions of the Declaration and Decision Documents and ELUR application information



Connecticut Department of Energy and Environmental Protection

**PETER HILL**

# Transition to New Declaration and ELUR Application

## New ELUR Applications Submitted after June 27, 2013:

1. DEEP will accept previous ELUR application information until **December 31, 2013** and will convert the previous versions of the Declaration and Decision Documents to the versions that will be made available as part of the new Application

**OR**



Connecticut Department of Energy and Environmental Protection

**PETER HILL**

# Transition to New Declaration and ELUR Application

## **New ELUR Applications** (continued):

2. If the Declaration and Decision Documents are not already completed by the applicant, submit the previous ELUR application information with the interim Declaration and Decision Documents templates *available for use now* - [ELUR webpage](#)

**OR**

3. Submit the new Application, which will be available for use when posted on the ELUR webpage.



# Transition to New Declaration and ELUR Application

**Universal change-over to the new ELUR Application is January 1, 2014.**

**Beginning on January 1, 2014, all new ELUR applications must be in the form of the new Application or a Notice of Administrative Deficiency will be issued.**



Connecticut Department of Energy and Environmental Protection

**PETER HILL**

# Wave 1 Improvements to ELUR Regulations

Developed by the ELUR LEAN Team to streamline ELUR preparation and processing.

## Key Improvements:

- Only **ONE DECLARATION DOCUMENT** (can be used for either the Commissioner's or LEP's Approval)
- Declaration Document revised to refer directly to the Decision Document which describes the "Purposes and Restrictions" of the ELUR



**NO LONGER NEED TO DESCRIBE TWICE**



# ELUR Application Form

## The ELUR LEAN Team:

*Patrick Bowe, Robert Bell, Jan Czczotka, Jeff Wilcox, Camille Fontanella, Tony Bobowicz, Jing Chen, Melisa Chan, Bill Hogan, Bill Heiple, Jack Looney, Franca DeRosa, Michelle Bedson, Mark Lewis, Baffour Kyei, Kevin Neary and me*

## Final draft currently being tested by:

*ELUR LEAN Team, John Hankins, Bob Kovach, Anne Peters, Greg Sharp, Sue Peterson, Sarah Kowalczyk, Chris McCormack, Franca DeRosa, George Watson, Beth Barton, Doug Pelham, Naomi Lynch, Ann Catino, Ed Hill, Bud Harvey and EPOC*



Connecticut Department of Energy and Environmental Protection

**PETER HILL**

# ELUR Application Form

## Benefits of the new ELUR application form:

- Application will consolidate the Declaration Document, the Decision Document and all supporting information **IN ONE FORM**
- Application can be completed in Microsoft Word® and submitted electronically to the DEEP ELUR E-mailbox **NO MORE EXTRA PAPER**



# ELUR Application Form

## Benefits of the new ELUR application form (cont.):

- ELUR and A-2 Survey checklists **NOT REQUIRED**
- Copies of all land records **NOT REQUIRED** (only copies for those interests which a waiver from a subordination agreement is requested)
- Instructions include guidance - **NO SEPARATE GUIDANCE DOCUMENT**



# PA 13-308

## New Terms:

Environmental Use Restriction (**EUR**) which includes both:

Environmental  
Land Use  
Restriction (**ELUR**)

Notice of Activity  
and Use  
Limitation (**NAUL**)

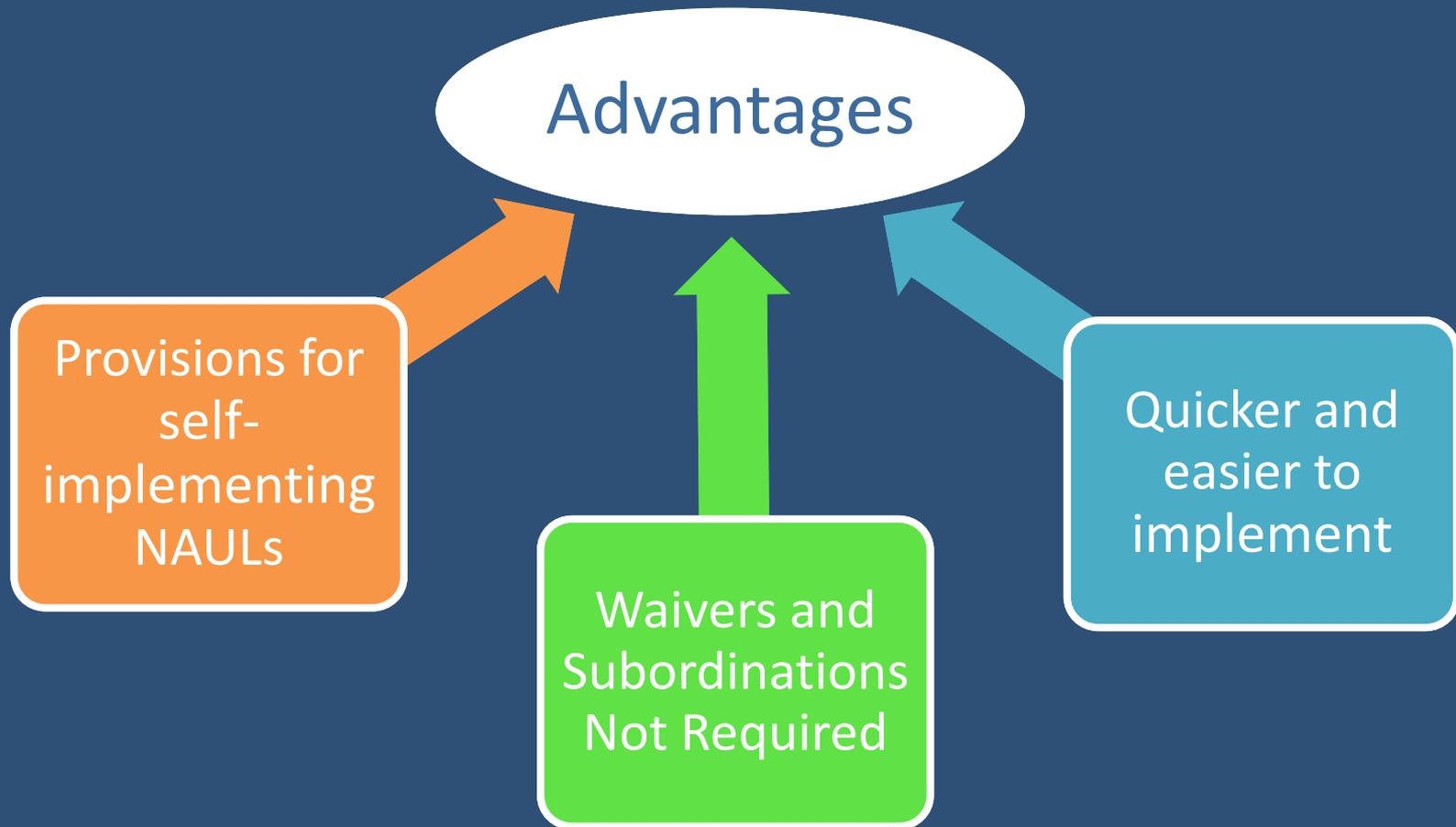


# PA 13-308

- Authorizes **development** of Regulations for Notice of Activity and Use Limitations (**NAULs**)
  - Notice
  - Filed on public land records
  - Enforceable
- Allows for use of **NAULs** only if there is no conflict with existing interests
- Notice Provisions for Holders of Interests



# PA 13-308



# PA 13-308

## Situations Where NAULs May Be Used:

- Industrial/Commercial DEC, GW VolC, Soil Vapor VolC
- Inaccessible Soil (<10X DEC)
- DEC Engineered Control (<10X DEC)
- Environmentally Isolated Soil (<10X DEC & PMC, or if
- $\geq 10X$  DEC & PMC volume is  $\leq 10$  cubic yards
- Other circumstances, as may be allowed for in Regulations



# Institutional Control Wave 2 Amendments

- Goals of Regulations:
  - Consistency with Transformation Goals – simple, protective, flexible, efficient, transparent
  - Support RSR Exits as needed
  - Less risk → less checks and balances
  - More risk → more checks and balances
- Provide additional self-implementing options for use of ELURs and NAULs for lower risk situations
- Ensure long term protectiveness of ELURs and NAULs



# Institutional Control Wave 2 Amendments

## Institutional Controls - new types of restrictions under consideration include:

- Self-implementing, limited exposure of inaccessible soil with LEP oversight and soil management plan
- Diminishing state groundwater plume which does not cross property line
- Exemption from volatilization criteria for sub-grade parking garage with natural or active venting
- Recreational restriction for recreational DEC



# Institutional Control Wave 2 Amendments

- Creation of regulations for all types of EURs which include:
  - Form and content
  - Fees
  - Financial Surety
  - Monitoring and reporting
  - Filing procedures
  - Temporary and Permanent Releases in part or in whole



# Questions / Comments

Please state your name and  
speak loudly.

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





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

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



Connecticut Department of Energy and Environmental Protection

Next meeting: **November 12, 2013**

Schedule and agenda on website  
[www.ct.gov/deep/remediationroundtable](http://www.ct.gov/deep/remediationroundtable)

Submit comments to Camille Fontanella at  
[DEEP.remедiationroundtable@ct.gov](mailto:DEEP.remедiationroundtable@ct.gov)

