

CTDEEP Urban Fill Stakeholder Workgroup
Interim Recommendations
September 13, 2011

The need for strategies for characterizing and remediating Urban Fill received the highest rating of 14 potential Roundtable agenda topics surveyed and was considered the highest priority for a guidance document.

Goals

- Identify what deficiencies there are within the current regulatory framework
- Develop a working definition of what constitutes urban fill
- Establish list of “typical” Urban Fill constituents (COCs)
- Propose solutions within the current regulations and consider legislation changes

Working Definition of Urban Fill:

- “Urban Fill”: *material on a parcel as the result of [historical] filling activities that contains a mixture of one or more of the following: soil, coal ash, [slag, clinkers, dredge material], coal fragments, wood ash, asphalt paving fragments, brick, concrete, glass, and ceramics [and clean fill as defined under 22a-209-1 (2)], provided that:*
 - *Contaminants present above RSR criteria in the fill are not the result of any release;*
 - *volatile organic substances are not present in the fill above RSR criteria; and*
 - *the placement of the fill was not prohibited at the time of the placement.*

Thoughts So Far:

- Site characterization:
 - Should be less stringent than typically required for release areas.
 - Confirm that the material meets the definition of urban fill
 - Define nature and extent (or absence) of other releases
 - Define the horizontal and vertical extent appropriate to the remedy
 - Delineation sufficient to understand heterogeneous distribution of urban fill contaminants
 - Groundwater assessment:
 - Need to clarify to what extent: groundwater impacts are to be delineated; well receptor survey performed; and SWPC compliance demonstrated
- Improvements to the Remedy Process
 - Streamlined Risk Assessment Approach
 - Identify presence of “typical” Urban Fill COCs and ranges of concentrations
 - Redefine “hot spots” to account for variability in distribution of fill
 - current 2x RSR limit for 95% UCL leads to exceedances where there may not be a true increase in risk
 - Standardize process for site specific risk assessment for either quick approval or make self-implementing using pre-approved formulas/exposure scenarios

- Self-implementing remedial options
 - Create a set of pre-approved alternatives 'self-implementing' under pre-defined conditions
 - Tiered approach, with remedy appropriate to concentrations, land use and maintenance requirements
 - Create a 'General Permit' approach instead of individual Engineered Control approvals
 - Possibly waive or modify surety options (liens, NOV) and long-term monitoring requirements

Next Steps:

- Feedback from the Roundtable Community
 - Public comments through October 21st
 - Send to DEP.Remediationroundtable@ct.gov
- Evaluate project and determine timeline for finished product
- Workgroup to continue working to develop a proposed regulatory framework and guidance to define a simplified, predictable process, which is self-implementing where feasible to reach approval or closure.