

Sec. 22a-450-3. Releases Exempt from Reporting

(a) Exceptions.

Notwithstanding subsections (a) and (b) of section 22a-450-2 of the Regulations of Connecticut State Agencies, the releases specified in this section do not need to be reported under the release reporting regulations:

(1) (A) A release that is specifically authorized by:

(i) A license or order issued by the commissioner;

(ii) Any state or federal statute or regulation; or

(iii) A judgment or order of a court of applicable jurisdiction.

(B) A release that exceeds or otherwise violates the authorization specified in subparagraph (A) of this subdivision by the amounts specified in section 22a-450-2 of the Regulations of Connecticut State Agencies, provided any such release has been reported to the commissioner or the department in compliance with the terms of a license or order issued by the commissioner, a judgment or order of a court of applicable jurisdiction, or a state or federal statute or regulation.

(2) The release of any reportable material:

(A) Under a laboratory fume hood while performing laboratory functions, provided that such release occurs beneath a laboratory fume hood, remains fully contained by such hood, and any fumes or vapors generated by such release are fully vented by such hood; or

(B) From a consumer or industrial product that occurs when such product is used for its intended purpose in compliance with all applicable federal, state and local requirements. This includes, but is not limited to:

(i) A petroleum sheen from the emission or discharge of an outboard motor in use; or

(ii) The application of a pesticide or fertilizer, provided the application of such pesticide or fertilizer is in accordance with the manufacturer's registered label instructions and with state and federal law.

(3) A release from an agricultural land activity as long as the activity is conducted in accordance with best management agricultural practices identified in the "Manual of Best Management Practices for Agriculture - Guidelines for Protecting Connecticut's Water Resources" by the Connecticut Department of Environmental Protection and the U.S. Department of Agriculture's Natural Resources Conservation Services 1993 Revised 1996.

(4) A release that consists wholly of:

(A) A petroleum sheen from roadways, driveways or parking lots due to normal vehicular travel or parking;

(B) Food products, provided that this exemption shall apply only if the release, and any material contaminated by the release is not likely to or has not reached the waters of the state, a wetland or a catch basin;

(C) Domestic sewage, provided that this exemption shall apply only if:

(i) The amount released does not exceed one hundred (100) gallons in any period of twenty-four (24) hours; and

(ii) The release, and any material contaminated by any such release, has not reached the waters of the state, a wetland or a catch basin.

(5) A release that is fully contained in an impermeable secondary containment system, provided that this exemption shall apply only if:

(A) The amount released does not exceed one hundred (100) pounds or fifteen (15) gallons, whichever is less, in any period of twenty-four (24) hours;

(B) The release, and any material contaminated by the release, is contained and removed or otherwise properly mitigated by properly trained personnel within two hours of discovery; and

(C) The release is not from an underground storage tank system.

(6) A release of radioactive materials, except that, if a release contains a mixture of a radioactive material and a reportable material, then this exemption does not apply and the release reporting regulations, as well as any requirements applicable to the release of radioactive materials, shall apply.

(b) Miscellaneous Provisions.

(1) If there is a release of a reportable material specified in section 22a-450-2 of the Regulations of Connecticut State Agencies and all of the applicable provisions of this section exempting such release from being reported are not met, the release shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(2) Notwithstanding the provisions of this section, a release required to be reported under section 22a-450-2(c) of the Regulations of Connecticut State Agencies shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(3) Any person who claims that a release is not reportable under this section shall bear the burden of demonstrating compliance with the requirements of this section.

(Effective March 4, 2022)