

Sec. 22a-449(d)-106. Release response and corrective action for UST systems containing petroleum or hazardous substances

(a) General.

For confirmed releases from an UST system or UST system component, including those in use, temporarily taken out of service, or permanently closed, owners and operators shall:

(1) For release response already underway as of May 7, 2025 and proceeding in compliance with the UST regulations effective July 28, 1994, either proceed in accordance with those regulatory requirements effective July 28, 1994, or proceed in accordance with the requirements of this section.

(2) For releases discovered on or after May 7, 2025 or releases discovered prior to May 7, 2025 but not currently proceeding in compliance with the UST regulations effective July 28, 1994, comply with the requirements of this section.

(b) Releases prohibited.

No owner or operator shall release any water, substance or material, including regulated substances, from any UST system without first obtaining any necessary permit or authorization, which may include a permit for such release issued pursuant to section 22a-430 of the Connecticut General Statutes.

(c) Corrective action and failures.

(1) The owner or operator of an UST system or underground storage facility from which there is or has been a release, including a release of regulated substances without a permit issued pursuant to section 22a-430 of the Connecticut General Statutes, shall:

(A) Immediately cease such release;

(B) Reclaim or recover all released liquid;

(C) Properly dispose of the released liquid and any other substance contaminated by such release;

(D) Restore any impacts from the release to a condition and quality acceptable to the commissioner, which for contamination covered by the RSRs shall require compliance with the RSRs, to the satisfaction of the commissioner;

(E) Repair and restore damage caused by the release to the satisfaction of the commissioner; and

(F) Comply with the requirements of this section.

(2) Initial response and abatement measures.

Upon confirmation of a release that has resulted in regulated substances no longer being contained in an UST system, the owner or operator of such UST system or underground storage facility shall:

(A) Immediately report the release to the commissioner in accordance with section 22a-450 of the Connecticut General Statutes and sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, as soon as possible, but in no event later than one hour after the discovery of the release. The report shall be made using a telephone number specified by the commissioner or some other method for reporting releases from an UST posted by the commissioner on the department's internet website;

(B) Immediately discontinue the use of each failed UST system component and, if applicable, empty such UST system component in compliance with the UST regulations;

(C) Immediately identify and mitigate any imminent hazard;

(D) Take immediate action to prevent any further release, including the removal of the regulated substances from the UST system as is necessary to prevent any further release and discontinue the use of any UST system component, or the entirety of such UST system, as applicable, until repairs to the system as specified in subparagraph (E) of this subdivision are completed, and such system functions as designed;

(E) Repair or replace each failed UST system component within the timeframe specified in the UST regulations, or if no timeframe is specified in the UST regulations, within 60 days of discovery of such failure, whichever is shorter, provided that if each failed UST system component cannot be repaired or replaced, within 90 days of any such determination, the UST system shall be permanently closed in accordance with section 22a-449(d)-107 of the UST regulations;

(F) Beginning immediately and continuing until all imminent hazards are fully abated, the owner or operator of the UST system or underground storage facility shall engage a contractor who possesses a valid permit issued by the commissioner pursuant to section 22a-454 of the Connecticut General Statutes to perform the following measures:

(i) Determine if there are any observable or detectable releases in addition to the confirmed release;

(ii) Prevent migration of each substance released using methods that may include removal of any material impacted by a release;

(iii) Continue to monitor and mitigate each imminent hazard caused by a release that has migrated from the UST system or underground storage facility, including at a minimum, any imminent hazard caused by vapors or NAPL that may have entered into subsurface structures, sewers or basements until such imminent hazard is remedied pursuant to subparagraph (D) of this subdivision; and

(iv) Abate, to the satisfaction of the commissioner, each imminent hazard including, but not limited to, remedying conditions created by excavation or exposure of such soils or other materials; and

(G) Take any other action directed by the commissioner.

(d) Use of forms prescribed by the commissioner.

(1) Any submittal to the commissioner as required by this section shall be made in writing on one of the following forms prescribed the commissioner:

(A) Initial site characterization form, as required by subsection (f)(2) of this section;

(B) NAPL action form, as required by subsection (g)(3) of this section;

(C) Completion-of-investigation form, as required by subsection (h)(2)(B) of this section;

(D) Remedial action plan form, as required by subsection (i)(1)(B) of this section;

(E) Completion of remedial action form, as required by subsection (i)(3)(B) of this section;

(F) Monitoring and progress status form, as required by subsections (i)(4)(B), (k)(4)(B) and (l) of this section; and

(G) Non-compliance form, as required by subsection (h)(1) of this section.

(2) If an electronic system is available for any submission identified in this subsection, such submittal shall be made in accordance with the instructions prescribed by the commissioner for the use of such electronic system.

(e) Use of environmental professionals.

(1) The owner or operator of an UST system or underground storage facility from which there has been a confirmed release shall retain a PEP throughout the corrective action process and may also retain a LEP to complete forms and submittals required by subsections (f) to (i), inclusive, and subsections (k) and (l) of this section. The owner or operator shall ensure that the EP retained pursuant to this subdivision prepares and signs each document, form, or report required by subsections (f) to (i), inclusive, and subsections (k) and (l) of this section. Within 10 days of a request by the commissioner, or such longer time period that the commissioner specifies in writing, the owner or operator shall submit to the commissioner a description of the retained EP's education, experience and training which is relevant to the actions required by this section.

(2) At any time, the commissioner may notify the owner or operator that the EP retained by the owner or operator is not acceptable to the commissioner. Any such notification shall include the basis for the commissioner's determination. Upon receipt of any such notification, the owner or operator shall have 30 days, unless a different time is specified in the notice from the commissioner, to retain a new EP. Nothing in this subsection shall preclude the commissioner from finding a previously acceptable EP unacceptable.

(3) If the owner or operator changes the EP retained pursuant to subdivision (1) of this subsection, the owner or operator shall notify the commissioner of such change using a form prescribed by the commissioner, not more than 30 days after such change.

(f) Initial site characterization.

(1) Unless directed in writing to do otherwise by the commissioner, the owner or operator of an UST system or underground storage facility with a confirmed release shall ensure that, as soon as is practicable, but not later than the completion of the initial response and abatement measures required by subsection (c) of this section, the EP retained by such owner or operator:

(A) Determines the nature, extent and degree of a release starting where contamination is most likely to be present. In selecting sample types, sample locations, and measurement methods, the following shall be considered: the nature of the stored substance, the type of backfill, depth to ground water, geologic and subsurface conditions, engineering infrastructure, and other factors as appropriate for determining the nature, extent and degree of contamination, including any factors specified in writing by the commissioner. All sample collection and analysis shall comply with appropriate chain-of-custody procedures to ensure sample integrity. The analysis of all samples shall comply with the general requirements for analytical data in the RSRs and be performed by a laboratory certified by the Connecticut Department of Public Health to perform such analyses.

(B) Investigates to determine the possible presence of NAPL, and begin NAPL removal as soon as practicable and in accordance with subsection (g) of this section;

(C) Assembles information about the site and the nature of the release, including information gained while confirming the release or completing the initial response and abatement measures in subsections (b) and (c) of this section. This information shall, at a minimum, include the following:

(i) Data on the nature, estimated quantity and duration of each release;

(ii) Whether reporting is required by other statutes or regulations and if so, whether any required report has been submitted;

(iii) Data from available sources or site investigations concerning the following: surrounding populations, water quality, a receptor survey that includes, but is not limited to, public and private water supply wells, water supplies, sensitive environmental resources, hazards to human health or public safety, geologic and subsurface conditions, locations of subsurface sewers, climatological conditions, and land use;

(iv) Results of the initial site check and abatement measures required under subsection (c) of this section;

(v) Results of the NAPL investigations required under subsection (f)(1)(B) of this section; and

(vi) A schedule for performing the actions required under subsections (g) to (i), inclusive, of this section.

(2) Not more than 30 days after a release is confirmed, unless otherwise specified by the commissioner in writing, the owner or operator shall submit to the commissioner a completed initial site characterization form which shall include a summary of the measures taken under this subsection and the information collected in compliance with subdivision (1)(C) of this subsection signed by the EP retained by the owner or operator to comply with this subsection, including a schedule for performing the actions required under subsections (g) to (i), inclusive, of this section. Within 10 days of a request by the commissioner, or such longer time period that the commissioner specifies in writing, the owner or operator shall submit to the commissioner a description of the retained EP's education, experience and training which is relevant to the actions required by this section.

(3) After submission of the initial site characterization form, for every release, and regardless of whether any changes to the schedule for performing the actions required under subsections (g) to (i), inclusive, of this section are deemed necessary, the owner or operator shall proceed without commissioner review and approval until notified otherwise by the commissioner. The requirements of subsection (e) of this section regarding use of an EP shall apply regardless of whether the actions remaining under this section will require review and approval by the commissioner. The use of a LEP is required if NAPL or groundwater impacts remain after 24 hours with a minimum of 3 attempts at removal. In addition, regardless of whether commissioner approval had been previously required, at any time during the conduct of actions under subsections (g) to (i), inclusive, of this section, the commissioner may:

(A) Notify the owner or operator in writing that commissioner review and approval of such actions is required; or

(B) Notify the owner or operator in writing that commissioner approval is no longer required and that an EP shall be retained as soon as practicable by the owner or operator.

(g) NAPL removal.

(1) At any underground storage facility or site where investigations under subsection (c)(2)(F)(iii) or (f)(1)(B) of this section indicate the presence of NAPL, the owner or operator shall, as soon as is practicable, remove NAPL to the maximum extent practicable while continuing, as necessary, with any action initiated under subsections (b), (c) or (f) of this section or while preparing for any action required under subsections (h) or (i) of this section. To comply with the requirements of this subsection, the owner or operator shall:

(A) Conduct NAPL removal in a manner that maximizes removal of all forms of NAPL,

while also minimizing the spread of contamination by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the underground storage facility or site, and that properly treats, releases or disposes of recovery byproducts in compliance with applicable local, state and federal requirements; and

(B) Handle any flammable products so as to prevent a fire or explosion.

(2) An owner or operator who is required to prepare a report pursuant to subsection (f)(1)(C)(v) of this section, unless the commissioner specifies another time period in writing, shall, not sooner than 45 days but not later than 60 days after confirmation of a release, prepare a report that, at a minimum, provides the following information:

(A) The name of the person(s) responsible for implementing the NAPL removal measures;

(B) The estimated quantity, type, and thickness of NAPL: (i) observed or measured in wells, boreholes, and excavations; and (ii) derived from other information;

(C) The type of NAPL recovery system used;

(D) Whether there will be any release during the recovery operation and if so, where this release will be located, whether any permit necessary to address such release has been obtained, and the type of treatment applied to, and the effluent quality expected from, any such release;

(E) The disposition of the recovered NAPL; and

(F) A description of additional actions to be taken, including removal of NAPL, sampling, and monitoring.

(3) The owner or operator shall retain the report required by subdivision (2) of this subsection and complete and submit to the commissioner not later than 60 days after confirmation of a release, a NAPL action form which shall include a certification that the report has been completed, and submit a summary of conclusions and recommendations contained in the report and any other information requested by the commissioner.

(4) If pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, the owner or operator shall submit the report required by subdivision (2) of this subsection to the commissioner.

(h) Investigation of release.

(1) In order to determine the nature, extent, and degree of contamination from a release, the owner or operator shall conduct an investigation of all areas potentially affected by the release, the underground storage facility where the release occurred, and the surrounding area potentially affected by the release. Such investigation shall identify receptors that are or could be affected by the release, including, but not be limited to, public and private drinking water supply wells, wetlands, residential basements, manholes, or surface water bodies. Unless otherwise directed by the commissioner, the investigation required by this subparagraph shall be completed as soon as technically practicable, but in no event later than the schedule approved by the commissioner provided in the initial site characterization form. For any investigation not completed in accordance with the schedule approved by the commissioner, the owner or operator shall submit a non-compliance form as soon as possible, but not later than 10 days from the applicable date in the schedule, which shall include a written explanation of why the schedule has not been met and a revised schedule

for review and approval by the commissioner. The commissioner's receipt of any such explanation and schedule noting that additional work is necessary shall not excuse or waive any non-compliance with this section and shall not prevent the commissioner from taking any other action regarding such non-compliance.

(2) Not later than 30 days after completion of the investigation, the owner or operator shall:

(A) Ensure that a report is prepared regarding the investigation required by subdivision (1) of this subsection. All analytical results from the investigation shall comply with the general requirements for analytical data contained in the RSRs. At a minimum, the report shall include the depth and location of samples collected, the method of sample collection, the laboratory analytical data associated with such samples, a summary of analytical results and with respect to such results, a statement that a data quality assessment and data usability evaluation has been performed and a determination of whether the data can be used for its intended purpose, the estimated area of contamination, a conceptual site model based upon the analytical results, a comparison to applicable RSR criteria, a photographic or video graphic record of investigation activities and all receptors discovered, and recommendations for any further investigation and remediation;

(B) Retain the report required by subparagraph (A) of this subdivision and submit to the commissioner a completion-of-investigation form which shall include a certification that the investigation required by this subdivision has been completed and a report prepared, and shall provide a summary of the conclusions and recommendations contained in the report, including whether the investigation has confirmed compliance with the RSRs, and any other information requested by the commissioner; and

(C) If pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, submit the report required by subparagraph (A) of this subdivision to the commissioner.

(3) If at any time during the investigation, NAPL or groundwater impacts remain after 24 hours with a minimum of 3 attempts at removal, a LEP shall be retained.

(i) **Remedial action.**

(1) Unless the investigation required in subsection (h) of this section has confirmed compliance with the RSRs, not later than 30 days after submitting the completion-of-investigation form, the owner or operator shall:

(A) Prepare a remedial action plan. At a minimum, the remedial action plan shall include the following information:

(i) A detailed description of the investigation performed and any revisions to the conceptual site model based upon the investigation;

(ii) The nature and extent of contamination from the release, including:

(I) The estimated area of contamination and the potential for migration;

(II) Identification of receptors that are or could be affected by the release, such as public or private supply wells, wetlands, basements or crawl spaces, engineering infrastructure and subsurface utilities, or surface water bodies;

(III) A summary of the results of laboratory analysis of samples collected;

(IV) The geologic and hydrogeologic conditions underneath the UST facility and the surrounding area, including, but not limited to, preferential pathways such as underground

utilities and other subsurface conditions; and

(V) The proximity, quality, and uses of nearby surface water and groundwater;

(iii) A detailed evaluation of the alternatives for remedial actions to abate contamination to achieve compliance with the RSRs, including any alternative specified by the commissioner in writing. For each remedial action alternative evaluated, the remedial action plan shall include:

(I) The most expeditious schedule for performing each alternative; and

(II) A list of all required permits and approvals.

(iv) A preferred remedial alternative or combination of alternatives that achieves compliance with the RSRs, with supporting justification, including a schedule to perform the preferred remedial action and a monitoring program to determine the degree to which the remedial action taken is effective.

(B) Not more than 30 days after submitting the completion-of-investigation form, submit to the commissioner a remedial action plan form which shall include the following information:

(i) A certification that the remedial action plan required by subdivision (1) of this subsection has been completed;

(ii) A summary of the preferred remedial alternatives that achieves compliance with the RSRs with supporting justification;

(iii) A schedule to perform the preferred remedial alternatives;

(iv) A monitoring program to determine the degree to which the remedial actions taken are effective; and

(v) Any other information requested by the commissioner on the remedial action plan form; and

(C) Submit the remedial action plan required by subdivision (1) of this subsection to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(2) The owner or operator shall implement the preferred remedial alternatives identified in the remedial action plan prepared pursuant to subdivision (1) of this subsection in accordance with the schedule submitted to or approved by the commissioner.

(3) Not later than 90 days after the preferred remedial alternatives identified in the remedial action plan prepared pursuant to subdivision (1) of this subsection has achieved compliance with the following provisions of the RSRs: soil criteria, direct exposure criteria, pollutant mobility criteria, determining compliance with the soil criteria, and additional remediation of polluted soil, the owner or operator shall:

(A) Prepare a remedial action report. This report shall include the following information:

(i) A detailed description of the remediation undertaken and any revisions to the conceptual site model based upon the remediation;

(ii) The nature and extent of contamination from the release, including:

(I) Final limits of the release area and the extent and degree of the contamination;

(II) Identification of impacted receptors that are or were affected by the release, including public and private supply wells, wetlands, basements or crawl spaces, engineering

infrastructure and subsurface utilities, and surface water bodies;

(III) A summary of analytical results documenting compliance with all applicable provisions of the RSRs;

(IV) A plan and schedule for conducting monitoring to confirm compliance with the RSRs and to determine the degree to which the remedial action taken is effective; and

(V) Any additional information specified by the commissioner.

(B) Retain the remedial action report required by subparagraph (A) of this subdivision and not later than the date that implementation of the preferred remedial alternative has achieved compliance with the following provisions of the RSRs: soil criteria, direct exposure criteria, pollutant mobility criteria, determining compliance with the soil criteria, additional remediation of polluted soil, and any criteria for other impacted material, the owner or operator shall submit to the commissioner a completion of remedial action form which shall include a certification that the remedial action report required by subparagraph (A) of this subdivision has been completed and any other information requested by the commissioner; and

(C) Submit the remedial action report required by subparagraph (A) of this subdivision to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(4) Not later than 30 days after completing the monitoring specified in the remedial action report prepared pursuant to subparagraph (A)(3) of this subsection, the owner or operator shall:

(A) Prepare a monitoring report. This report shall include:

(i) The results of the monitoring conducted, including whether monitoring demonstrated compliance with the groundwater provisions of the RSRs;

(ii) A plan and schedule for conducting any further monitoring to confirm compliance with the groundwater provisions of the RSRs and to determine the degree to which the remedial action taken is effective; and

(iii) Any other information requested by the commissioner.

(B) Retain the remedial action report required by subparagraph (A) of this subdivision and submit to the commissioner a monitoring and progress status form which shall include a certification that the monitoring report required by subparagraph (A) of this subdivision has been completed, whether monitoring demonstrated compliance with the groundwater provisions of the RSRs, and provide any other information requested by the commissioner; and

(C) Submit the monitoring report required by subparagraph (A) of this subdivision to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(j) **Additional information.**

The commissioner may request, in writing, that an owner or operator submit information regarding a release at an underground storage facility, including information concerning

any action taken pursuant to this section. The owner or operator shall provide the information requested by the commissioner within the timeframe specified by the commissioner in the notice to the owner or operator, or if no timeframe is specified, not more than 30 days after such request, unless the owner or operator requests additional time and such request is approved in writing by the commissioner.

(k) Supplemental or additional remedial actions.

(1) The commissioner may determine that supplemental actions in addition to those actions taken under this section may be needed in response to a release at an underground storage facility. If such a determination is made, the commissioner shall notify the owner or operator of the UST system or underground storage facility, in writing, and the owner or operator shall undertake the additional or supplemental actions identified by the commissioner in accordance with the requirements of this subsection.

(2) Unless the notice from the commissioner specifies otherwise, not more than 30 days after receipt of a written notice from the commissioner pursuant to subdivision (1) of this subsection, the owner or operator shall prepare a scope of study explaining in detail how the owner or operator will undertake such additional or supplemental actions. The owner or operator shall submit such scope of study to the commissioner if, pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required.

(3) The owner or operator shall implement the action specified by such scope of study required by subdivision (2) of this subsection, or if pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, the owner or operator shall implement the action approved by the commissioner. The owner or operator shall undertake such additional or supplemental action within the timeframe specified by the commissioner in the notice sent pursuant to subdivision (1) of this subsection, or if no timeframe is specified not more than 30 days after receipt of such notice, unless the owner or operator requests additional time and such request is approved in writing by the commissioner.

(4) Not more than 30 days after completing any additional or supplemental action undertaken pursuant to this subsection, the owner or operator shall:

(A) Prepare a report that fully describes the additional or supplemental action taken. This report shall include the following information:

(i) A detailed description of all action undertaken and any revision to the conceptual site model based upon such additional or supplemental action;

(ii) The information specified in subsection (h)(2)(A) of this section, subsection (i)(3)(A) of this section or subsection (i)(4)(A) of this section, as applicable;

(iii) A plan and schedule for taking any further additional or supplemental action; and

(iv) Any other information specified by the commissioner on such form.

(B) Retain the report prepared pursuant to subparagraph (A) of this subdivision and submit to the commissioner a monitoring and progress status form which shall include a certification that the additional or supplemental action required by subdivision (1) of this subsection has been completed, specify any additional or supplemental action needed or recommended, and any other information requested by the commissioner on such form; and

(C) Submit the report required by subparagraph (A) of this subdivision to the

commissioner if, pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required.

(l) Progress reports.

Unless otherwise specified by the commissioner in writing, the owner or operator of an underground storage facility shall submit a quarterly monitoring and progress status form 90 days after the discovery of a confirmed release, and every 90 days thereafter, until all actions required by this section have been completed.

(m) Public notice.

(1) For each confirmed release for which a remedial action plan is prepared, prior to the implementation of such plan, the owner or operator of the underground storage facility where the remedial action is being implemented shall provide notice to the public of the need for such remedial action by means designed to reach those members of the public directly affected by the release and the planned remedial action. This notice may include public notice in local newspapers, signage, public service announcements, publication in a state register, letters to individual households, or personal communication. The commissioner may, in writing, specify a particular type of notice that shall be provided. If such release is in an environmental justice community, as defined by section 22a-20a of the Connecticut General Statutes, the owner or operator shall provide such notice in writing in all languages spoken by not less than fifteen per cent of the population that resides within one-half-mile radius of the release.

(2) The owner or operator shall ensure that all documents required pursuant to this section are made available to any member of the public, in a reasonable manner, upon request. The owner or operator shall provide such information within 30 days of any such request, unless the owner or operator and requester agree upon a different time period.

(n) Fees.

(1) During Investigation and Implementation of Remedial Actions

Beginning 12 months after the date of discovery of a release, the owner or operator of an UST or underground storage facility shall pay an annual fee to the commissioner until completion of remedial action form has been submitted or approved by the commissioner, if required under subsection (i) of this section. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date of discovery of the release. The annual fee required by this subdivision shall increase by \$1,000 on each following anniversary date until a completion of remedial action form has been submitted or approved by the commissioner, if required under subsection (i) of this section provided, at the end of year 5 after the date of discovery of a release, such fee shall not exceed \$5,000.00 for each year thereafter. If such completion of remedial action form is rejected by the commissioner, payment of such fees shall resume. The fee schedule shall be as follows:

Fee payable on anniversary of discovery pursuant to (n)(1)				
1	2	3	4	5+
\$1,000.00	\$2,000.00	\$3,000.00	\$4,000.00	\$5,000.00

(2) During Post-Remedial Monitoring

(A) Two years after the date the completion of remedial action form has been submitted

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to the commissioner as required by subsection (i) of this section, if monitoring has failed to document compliance with the groundwater provisions of the RSRs, the owner or operator of the UST or underground storage facility shall pay an annual fee to the commissioner until monitoring demonstrates compliance as documented by submittal of a monitoring and progress status form, or as approved by the commissioner if required under subsection (i) of this section. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date 2 years after the remedial action form has been submitted to the commissioner. Such fee shall increase by \$1,000 on each following anniversary date until compliance has been achieved, provided, at the end of the 6th year after the remedial action form has been submitted, such fee shall not exceed \$5,000.00 for each year thereafter.

(B) If the UST is in post remedial monitoring as of May 7, 2025, the owner or operator of the UST or underground storage facility shall pay an annual fee to the commissioner until monitoring demonstrates compliance as documented by submittal of a monitoring and progress status form, or as approved by the commissioner, if required under subsection (i) of this section, beginning May 7, 2027. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date 2 years after the remedial action form has been submitted to the commissioner. Such fee shall increase by \$1,000 on each following anniversary date until compliance has been achieved, provided, at the end of the 6th year after the remedial action form has been submitted, such fee shall not exceed \$5,000.00 for each year thereafter.

(C) If such monitoring and progress status form is rejected by the commissioner, payment of such fees shall resume.

Fee payable on anniversary of remedial action form submission pursuant to (n)(2) beginning at year 2				
2	3	4	5	6+
\$1,000.00	\$2,000.00	\$3,000.00	\$4,000.00	\$5,000.00

(Effective July 28, 1994; Amended May 7, 2025)