



**Connecticut**  
Department of Energy &  
Environmental Protection

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March 31, 2025

**via eRegulations System**

Senator Sujata Gadkar-Wilcox, Co-chair  
Representative Christie Carpino, Co-chair  
Senator John A. Kissel, Ranking Member  
Mary Welander, Ranking Member  
Legislative Regulation Review Committee  
State Capitol Building, Room 011  
Hartford, CT 06106

*Re: Legislative Regulation Review Committee Review of the Release-Based Cleanup Regulations,  
eRegulations Tracking No.: 2024-025*

Dear Co-Chairs Gadkar-Wilcox and Carpino and Ranking Members Kissel and Welander,

Pursuant to section 4-170 of the Connecticut General Statutes, I am pleased to resubmit for your consideration and approval the proposed Release-Based Cleanup Regulations (the “RBCRs”).

The RBCRs are proposed to fulfill the statutory requirement created by Public Act 20-9 of the September Special Session (codified in Chapter 445b of the General Statutes). When adopted, the RBCRs, sections 22a-134tt-1 to 22a-134tt-13, inclusive, and sections 22a-134tt-App1 to 22a-134tt-App12, inclusive, will sunset the outdated Connecticut Property Transfer Act (“Transfer Act”) – the primary program for the cleanup of pollution in Connecticut – and transition the state to a release-based cleanup approach. This will align Connecticut with 48 other states that use a release-based approach and will remove longstanding barriers to the redevelopment created by the Transfer Act. While there is obvious economic development value to the removal of such barriers, this new regulatory system will also drive cleanup of pollution, which is vital to protecting public health and the environment.

This resubmission addresses substantive concerns and technical corrections identified by the Legislative Commissioner’s Office (“LCO”) in its memorandum dated March 17, 2025, as accepted by the LRRC at its meeting on March 25, 2025. The attached table explains the Department’s response to those concerns and shows the language that was updated since the last submission to the LRRC. The Office of the Attorney General approved the updated version of the regulation as legally sufficient on March 31, 2025.

If you have any general questions regarding this submittal, please contact Deputy Chief of Staff Harrison Nantz at [harrison.nantz@ct.gov](mailto:harrison.nantz@ct.gov). If you have any substantive or drafting questions, please contact Deputy Commissioner Emma Cimino ([emma.cimino@ct.gov](mailto:emma.cimino@ct.gov)); Graham Stevens, Chief of the Bureau of Water Protection and Land Reuse ([graham.stevens@ct.gov](mailto:graham.stevens@ct.gov)); or Brendan Schain, Legal Office Director for the Environmental Quality Branch ([brendan.schain@ct.gov](mailto:brendan.schain@ct.gov))

Sincerely,

A handwritten signature in blue ink that reads "Katie S. Dykes". The signature is written in a cursive, flowing style.

Katie S. Dykes, Commissioner

enc: Table detailing response to Legislative Commissioner's Office March 17, 2025 memorandum

### Substantive Concerns

The Department addressed each substantive concern identified by the LCO memorandum. Where language has been added in the proposed RBCRs in response to the LCO memorandum, that new language is underlined in the table below. Where language has been deleted, that language is bracketed in the table below.

**Substantive concern #1:** On page 25, in section 22a-134tt-1(i)(4)(C)(i)(I), the proposed regulation requires the taking of a soil sample "at a reasonable distance further away from the source of such release". It is not clear what constitutes a reasonable distance for purposes of this requirement or who has discretion to make such a determination. This requirement should be clarified.

**Department's Response:** The determination that a sample has been taken "at a reasonable distance further away from the source of such release" is to be made by the environmental professional who is collecting soil samples to determine if a release to the land and waters of the state is present. The environmental professional is to exercise professional judgement and consider the factors identified in the revised subclause.

**Language as revised:** (I) 2 additional soil samples are collected, 1 at the approximate location of the source of such release and 1 at a reasonable distance further away from the source of such release as determined by an environmental professional when considering soil type, grade and the substance or substances identified, and the laboratory analysis of such samples indicates that the concentration of such substance is decreasing away from the source; and . . .

**Substantive concern #2:** On page 26, in section 22a-134tt-1(i)(5)(B), the proposed regulation requires that "a safe drinking water supply is provided". However, it is unclear from this provision who is required to provide such safe drinking water supply and to whom it is required to be supplied.

**Department's Response:** A safe drinking water supply is to be provided by the person who created or is maintaining the release of road salt to each person whose drinking water is provided by a well impacted by such release.

**Language as revised:** (B) If such incidental public roadway release is a release of chloride-based, inorganic salt and such release has impacted a public or private drinking water supply, a safe drinking water supply is provided by the creator or maintainer of the release to each person served by such well.

**Substantive concern #3:** On pages 29 and 30, in section 22a-134tt-2(f)(2), in the table for Naturally Occurring Background Metals Values for Connecticut, the Low Values for Beryllium and Silver appear to be the same as the High Values for such metals. Accordingly, it is unclear how it would be determined that a sample of either metal is above the Low Value and below the High Value. This should be clarified.

**Department's Response:** The values in this table are calculated using laboratory analytical data

**Language as revised:** (B) Not less than 3 samples of soil have been analyzed and the concentration

collected as a part of an analysis of the state's soil and found in a research paper entitled " <i>C-horizon data sets from the 2014 Brown &amp; Thomas Study.</i> " These values cannot be adjusted. Rather than adjust the values, § 22a-134tt-2(f)(1)(B) of the RBCRs— which applies when sample values are below the low value but above the high value in the table – has been clarified to exclude releases of Beryllium and Silver.	in any one or more samples analyzed <u>of metals except beryllium or silver</u> is greater than the low value listed in the following table that corresponds to such metal but the concentration in each sample analyzed is less than or equal to the high value in the following table that corresponds to such metal;
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**Substantive concern #4:** *On page 71, in section 22a-134tt-7(e)(5), the provision is unclear and should be rewritten for clarity.*

**Department's Response:** The Department agrees that the subdivision, as previously drafted, was unclear. The subdivision has been redrafted for clarity.

**Language as revised:**

(5) For the purposes of this subsection, [if] reasonable access to an area used as a public roadway includes access provided at the time the next scheduled roadway improvement project is conducted or payment from the creator of such release or the maintainer of the source of the release to the person responsible for maintaining the public roadway if the person responsible for maintaining the public roadway agrees to accept the payment [to] and remediate the release as a part of the next scheduled roadway improvement project.

**Substantive concern #5:** *On pages 111 and 112, in section 22a-134tt-10(a)(1), subparagraphs (A) to (C), inclusive, should be revised to clarify how such subparagraphs interrelate. As drafted, it unclear whether compliance with each subparagraph is required or if compliance with one subparagraph is sufficient. If the intention is to require compliance with subparagraph (A) or, in the alternative, subparagraphs (B) and (C), "or" should be inserted after the semicolon in subparagraph (A), and subparagraphs (B) and (C) should be redesignated subparagraphs (B)(i) and (B)(ii).*

**Department's Response:** Compliance with all three subparagraphs is required. Additional language has been inserted to this subdivision to clarify the Department's intent.

**Language as revised:** (1) Groundwater in a GA Area

Remediation of substances in groundwater in a GA area, including the portion of a groundwater plume migrating from a GB area into a GA area, shall result in the reduction of each substance to a concentration equal to or less than all of the following:

**Substantive concern #6:** On pages 118 to 122, sections 22a-134tt-10(c)(2)(A), 22a-134tt-10(c)(2)(B), 22a-134tt-10(c)(3), 22a-134tt-10(c)(5), 22a-134tt-10(c)(6) and 22a-134tt-10(d)(1) provide that remediation to the applicable remediation criteria "may not be required" if certain conditions are met. It is not clear whether remediation to the applicable remediation criteria is never required if the applicable conditions are met or whether there are some cases where the applicable remediation criteria will apply even when the applicable conditions are met. These provisions should be clarified. For example, if remediation to the applicable remediation criteria will never be required if the applicable conditions are met, all instances of "may not be required" should be "shall not be required", for clarity.

**Department's Response:** Remediation to the applicable remediation criteria is never required if the specified conditions are met. The Department has adopted the suggestion in the memorandum and adjusted each instance of "may not be required" identified to "shall not be required." In one instance, the requirement to remediate to the applicable criteria depends on the Commissioner's approval of a "request." In that instance, "may" was changed to "shall" and additional clarifying language was added, shown here.

**Language as revised:** . . [may]shall not be required. . .

Adjustment made in §§ 22a-134tt-10(c)(2)(A); 22a-134tt-10(c)(2)(B); 22a-134tt-10(c)(3); 22a-134tt-10(c)(5); and, 22a-134tt-10(d)(1).

22a-134tt-10(c)(6)

(6) Exemption from Volatilization Criteria Through Indoor Air Monitoring

For volatile organic substances in groundwater, remediation to the applicable volatilization criteria specified in subdivision (1) of this subsection [may]shall not be required for groundwater underlying an existing building, provided a request is approved pursuant to subparagraph (A) of this subdivision. No request under subparagraph (A) of this subdivision shall be approved unless such request demonstrates to the commissioner's satisfaction that the conditions in the building overlying volatile organic substances in groundwater are protective of human health and the environment.

**Substantive concern #7:** On page 134, section 22a-134tt-10(j) provides that nothing in the proposed regulation shall preclude the Commissioner of Energy and Environmental Protection "from taking any action necessary to prevent or abate pollution, or to prevent or abate any threat to human health or the environment." It is not clear what authority to act this provision intends to preserve. This provision should be clarified by providing a citation to such authority.

**Department's Response:** In this longstanding provision of the state's cleanup standards now being incorporated into the RBCRs, it is the Department's intent to preserve its authority to

**Language as revised: (j) Additional Remediation of Groundwater**

act to protect human health and the environment. A reference to the provisions of Chapter 446k of the General Statutes will reflect the Department's intent. A citation has been added to subsection (j) of section 22a-134tt-10 as requested.

Nothing in the RBCRs shall preclude the commissioner from taking any action necessary to prevent or abate pollution, or to prevent or abate any threat to human health or the environment, authorized by chapter 446k of the Connecticut General Statutes. If the presence of any substance impairs the aesthetic quality of any groundwater which is or can reasonably be expected to be a source of water for drinking or other uses, additional remediation shall be conducted in order to reduce the concentration of such substance to a concentration appropriate for such use.

**Substantive concern #8:** *Pages 207 to 292, of the proposed regulation deletes the entire text of sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies after each section heading. New language is inserted after the bracketed text in each section stating that remediation standards "adopted pursuant to section 22a-133k of the general statutes" shall be "those standards adopted" in various sections of the proposed regulation. It is unclear which provisions of the sections referenced are replacing the deleted provisions of sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.*

*If the intent is to eliminate the remediation standards in sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies, these sections should be repealed and the new language under the heading for each of these sections in the proposed regulation should be amended to reference specific provisions of the cited sections.*

**Department's Response:** Through discussion with the LCO, language and an approach to accomplish the Department's intent was agreed upon. Revisions to the RBCRs have been made consistent with that agreement.

**Language as revised:**

**§ 22a-133k-1:** The remediation standards [adopted pursuant to] for soil and groundwater pollution subject to the provisions of section 22a-133k of the Connecticut General Statutes shall be those standards [adopted at] prescribed in the following sections of the Regulations of Connecticut State Agencies: Sections 22a-134tt-1(a) to 22a-134tt-1(d), inclusive [of the Regulations of Connecticut State Agencies,]; sections 22a-134tt-7 to 22a-134tt-10, inclusive[, of the Regulations of Connecticut State Agencies]; and sections 22a-134tt-App2 to 22a-134tt-App12[of the Regulations of Connecticut State Agencies], inclusive.

**§ 22a-133k-2:** The remediation standards for soil [adopted pursuant] pollution subject to [this] the

	<p><u>provisions of section 22a-133k of the Connecticut General Statutes shall be those standards [adopted at]prescribed in the following sections of the Regulations of Connecticut State Agencies: Sections 22a-134tt-8 to 22a-134tt-9, inclusive; [of the Regulations of Connecticut State Agencies, and ]sections 22a-134tt-App2 to 22a-134tt-App3, inclusive; [of the Regulations of Connecticut State Agencies, ]section 22a-134tt-App7 to App9, inclusive, [of the Regulations of Connecticut State Agencies, ]and sections 22a-134tt-App11 to 22a-134tt-App12[ of the Regulations of Connecticut State Agencies]. inclusive.</u></p> <p><b>§ 22a-133k-3:</b> The remediation standards for groundwater [adopted pursuant]pollution subject to [this]the <u>provisions of section 22a-133k of the Connecticut General Statutes shall be those standards [adopted at]prescribed in the following sections of the Regulations of Connecticut State Agencies: Section 22a-134tt-10[ of the Regulations of Connecticut State Agencies, and]; sections 22a-134tt-App3 to section 22a-134tt-App6, inclusive; [of the Regulations of Connecticut State Agencies, ]and sections 22a-134tt-App8 to App10, inclusive[, of the Regulations of Connecticut State Agencies].</u></p>
<p><b>Substantive concern #9:</b> <i>On page 294, in section 5, the introductory language states that "Sections 22a-133q-1 to 22a-133q-9" are being amended, but, on pages 325 to 327, the existing language for section 22a-133q-8 does not appear to have any changes. If the intent is to amend section 22a-133q-8, the section should be amended. If the section is not being amended, in the introductory language to section 5, "Sections 22a-133q-1 to 22a-133q-9" should be "Sections 22a-133q-1 to 22a-133q-7, inclusive, section 22a-133q-9".</i></p>	
<p><b>Department's Response:</b> Adjustments to the language of § 22a-133a-8 are not required. The introductory language to section 5 has been adjusted accordingly. To fully address this substantive concern, the text of § 22a-133q-8 of the Regulations of Connecticut State Agencies was also removed from the proposal, and a new Section 6 of the proposal was added to capture the proposed adjustments to § 22a-133q-9 and §§ 22a-133q-App1 and 22a-133q-App2.</p>	<p><b>Language as revised:</b> Sec. 5. Sections 22a-133q-1 to <u>22a-134q-7, inclusive,</u> [22a-133q-9, inclusive, and sections 22a-133q-App1 and 22a-133q-App2] of the Regulations of Connecticut State Agencies are amended to read as follows:</p> <p><u>Sec. 6. Section 22a-133q-9 and sections 22a-133q-App1 and 22a-133q-App2 of the Regulations of Connecticut State Agencies are amended to read as follows:</u></p>

The introductory language for section 3 was also adjusted for proper form.

[Section]Sec. 3. . . .

### Technical Corrections

The Department addressed each technical correction in the LCO memorandum as directed, with the following exceptions. For each technical correction not made, or for each technical correction not made exactly as directed, the Department offers the following explanation.

<p><b>Technical correction #5:</b> Throughout the proposed regulation, "DEEP" should be "department" or "the department", as appropriate, for consistency. For example, on page 52, in section 22a-134tt-5(h)(1)(B), "DEEP" should be "department".</p>	<p><b>Department's Response:</b> The Department made the technical correction as directed throughout the regulations, except in §§ 22a-134tt-App1, 22a-133q-App1, and 22a-133q-App2. These appendices contain forms to be submitted to the Department and, in the case of §§ 22a-133q-App1 and 22a-133q-App2, to be recorded on municipal land records. In these limited instances, it is appropriate to capitalize "Department" and "Commissioner."</p>
<p><b>Technical correction #7:</b> Throughout the proposed regulation, the term "surface-water protection criteria" and, on page 116, in section 22a-134tt-10(b)(2)(B), "surface water protection-criteria" should be "surface water protection criteria", for consistency with the defined term.</p>	<p><b>Department's Response:</b> It is the Department's intent to use the term "surface-water protection criteria." The error is found in the definition, rather than each use of the defined term. Definition number (153) has been corrected, and adjustments necessary to use "surface-water protection criteria" consistently throughout the regulation have been made.</p>
<p><b>Technical correction #13:</b> On page 3, in section 22a-134tt-1(a)(23), in the fourth line, "shall" should be "do", for clarity.</p>	<p><b>Department's Response:</b> Replacing the word "shall" with the word "do" had the effect of changing the meaning and intent of the definition which, in relevant part, limits the extent of characterization that can be required in all instances. Rather than make this technical correction, the definition has been rewritten for clarity, and now reads:</p> <p>(23) "Closure characterization" means characterization of a release such that the horizontal and vertical extent of such release is delineated to the points at which it is no longer detected or that the extent of such release has</p>



	otherwise been determined in a manner consistent with prevailing standards and guidelines, provided [such standards and guidelines shall not specify] delineation to the point at which a release is no longer detected for all releases [or in all circumstances] <u>shall not be required</u> ;
<b>Technical correction #14:</b> 14. On page 4, in section 22a-134tt-1(37), in the third line, a period should be inserted after "Statutes", "except that" should be deleted and "emergent" should be "Emergent" and, in the fourth line, a closing quote should be inserted after "release" and "mean" should be "include", for clarity. Additionally, in subparagraphs (A) and (B) of said subdivision, the section symbols should be "section", for proper form.	The technical correction was made as directed. In addition, regulatory citations in subparagraphs (A) and (B) were corrected.
<b>Technical correction #26:</b> On page 15, in section 22a-134tt-1(159), ""Tier Characterization"" should be ""Tier characterization"", for consistency; "delineated" should be inserted before "nature" and "has been delineated" should be deleted, for clarity.	The requested technical correction – specifically the addition of “delineated” before “nature” – has the effect of changing the meaning of the defined term. Instead, the word “delineation” was used to address the request for clarity while preserving the meaning of the term. The definition now reads, in relevant part:  (159) “Tier [Characterization] <u>characterization</u> ” means <u>delineation of</u> the nature and extent of each substance present in the land and waters of the state at a concentration that exceeds 50 percent of the applicable cleanup standard has [been delineated], or the applicable laboratory reporting limit, whichever is higher, or a demonstration that each substance is present in soil or groundwater at a level less than or equal to the background concentration has been made, using the standards identified in section 22a-134tt-4 of the RBCRs, except that: . . .
<b>Technical correction #27:</b> On page 16, in section 22a-134tt-1(a)(174), the definition of "wetland" should be rewritten as follows, for proper form: ""Wetland" has the same meaning as provided in	The Department did not make this technical correction. First, the term defined at § 22a-38(15) of the General Statutes is “wetlands,” plural. The term as used in the RBCRs is singular.

<p>section 22a-38(15) or 22a-29(2) of the Connecticut General Statutes".</p>	<p>The Department believes that the definition, as drafted, is necessary to capture that difference in defined terms.</p> <p>Further, there are differences between the terms defined in §§ 22a-38(15) and 22a-92(2) of the General Statutes. Section 22a-38(15) defines inland wetlands; the definition in § 22a-29(2) defines tidal wetlands. The portions of the RBCRs that used the defined term are applicable only to groundwater plumes discharging to inland wetlands. For that reason, the additional citation to § 22a-29(2) is unnecessary.</p>
<p><b>Technical correction #33:</b> "be impacting" should be "impact", for clarity.</p>	<p>Technical correction #33 was made as directed. in addition to the technical correction, the Department added the word "actually" before known, to clarify its intent. This clause now reads:</p> <p>(iii) The release is not <u>actually</u> known to [be impacting] <u>impact</u> any other parcel under different ownership;</p>
<p><b>Technical correction #40:</b> On page 27, in section 22a-134tt-2(a)(3), in two instances, "when regulations are first adopted pursuant to section 22a-134tt" should be "the RBCRs are adopted", for consistency; and "in their entirety" should be deleted, for clarity.</p>	<p><b>Department's Response:</b> The phrase "in their entirety" is necessary to indicated that entire environmental reports, and not just certain portions of those reports - like analytical results tables - are within the scope of this exemption. Rather than delete the phrase "in their entirety," the phase has been moved earlier in the sentence where it will not create confusion about what (the RBCRs or the environmental reports) are to be considered in their entirety. The provision now reads:</p> <p>(3) For the purposes of this subsection data available or generated before the date when [regulations are first adopted pursuant to section 22a-134tt] the RBCRs are adopted shall encompass, <u>in their entirety</u>, environmental reports or investigations conducted prior to the date when [regulations are first adopted pursuant to section 22a-134tt] the RBCRs are</p>

	adopted [in their entirety], including but not limited to, laboratory analytical data and observations, photographs or research regarding the historical use of an area of land.
<b>Technical correction #75:</b> On page 73, in section 22a-134tt-7(g)(3), "Appendix 2 to" should be inserted after "forth in", for clarity.	<b>Department's Response:</b> The reference to "Appendix 2" is incorrect. The correct reference is to "Appendix 6." That reference has been inserted.
<b>Technical correction #95 and #96:</b> On page 105, in section 22a-134tt-9(h)(3), the subparagraph designator "(A)" should be placed before the first paragraph and the subclause designator "(i)" should be placed before the second paragraph, for proper form.	<p><b>Department's Response:</b> This is existing language, taken directly from § 22a-133k-1 of the Regulations of Connecticut State Agencies. Modifying the structure of the subsection, as directed, has the effect of changing the meaning and applicability of certain provisions. The numbering of subparagraph (A) was adjusted so that it matches the numbering of subparagraph (B), as adjusted in response to technical correction 96 for consistency.</p> <p>That language now reads, in relevant part:</p> <p>(A) (i) Polluted soil from a release area may be reused on the same parcel from which it was excavated by providing notice to the commissioner only if the following requirements are met:</p> <p>...</p> <p>(B) (i) Polluted soil from a release area may be reused on the same parcel from which it was excavated, on a different parcel affected by the same release, or on an abutting parcel affected by a release of similar substances, only in the following circumstances:</p>
<b>Technical correction #107:</b> On page 115, in section 22a-134tt-10(b)(1)(C), in the table, in the second column, "WQC" should be "water quality criteria", or, alternatively, on page 16, in section 22a-	While the intent of the technical correction is clear the directed change does not exactly reflect that intent. The term defined at § 22a-134tt-1(a)(172) is "water quality criteria" The technical identifies the defined term as "water quality standards" (defined at § 22a-134tt-1(a)(73) The acronym used in the table in question references

<p>134tt-1(172), "Water quality standards" should be "Water quality criteria or "WQC"", for consistency with the defined term.</p>	<p>the water quality criteria. To address this technical correction, the acronym "WQC" was added to the definition of "water quality criteria," at section 22a-134tt-1(a)(172). That definition now reads:</p> <p>(172) "Water quality criteria" or "WQC" means the lower of the human health or aquatic life criteria contained in Table 3 of the water quality standards;</p>
<p><b>Technical correction #115:</b> On page 123, in section 22a-134tt-10(d)(3)(A)(i)(I), "calculation" should be "calculated", for clarity.</p>	<p><b>Department's Response:</b> Changing the word "calculation" to "calculated" would mean that a person would have to provide only the criterion calculated, rather than provide the calculation necessary to arrive at that criterion. It is the Department's intent that the calculation – the math that shows a criterion was in fact calculated using the specified formula – be provided. For that reason, no change was made in response to this technical correction.</p>
<p><b>Technical correction #122:</b> On page 132, in section 22a-134tt-10(h)(3)(D), "also include any other information" should be deleted, for proper form.</p>	<p><b>Department's Response:</b> Deleting the phrase in its entirety results in an incomplete sentence. The sentence has been revised to use the phrase "include any information" for clarity. As adjusted, the sentence now reads:</p> <p>A request under this subdivision shall be submitted to the commissioner in accordance with section 22a-134tt-1(c) of the RBCRs, and shall [also] include any [other] information the commissioner deems necessary to evaluate such request.</p>
<p><b>Technical Correction #136:</b> On page 136, in section 22a-134tt-12(1)(D), "regulations adopted pursuant to section 22a-134tt or 22a-450 of the Connecticut General Statutes" should be "the RBCRs", for consistency.</p>	<p><b>Department's Response:</b> A release may be reported to the Department pursuant to the RBCRs or regulations adopted pursuant to General Statutes § 22a-450. Indeed, existing releases will be reported to the Department pursuant to the RBCRs, but emergent reportable releases will be reported pursuant to the regulations adopted pursuant to General Statutes § 22a-450. The Department has adjusted the</p>

	<p>reference to the RBCRs as directed, but has not made this technical correction in its entirety to preserve the referenced to regulations adopted pursuant to General Statutes § 22a-450. The provision now reads:</p> <p>(D) The date on which the release was reported to the commissioner, if the reporting of such release was required by the RBCRs or regulations adopted pursuant to section 22a-450 of the Connecticut General Statutes;</p>
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#### Other Revisions

**Section 22a-134tt-1(h)(5) of the RBCRs** was inadvertently omitted from the version of the RBCRs submitted to the Committee for its review. That subdivision has been added to the resubmitted version of the RBCRs and reads as follows:

(5) A lender shall not be considered to be maintaining a release if such lender is exempt from liability pursuant to section 22a-452f of the Connecticut General Statutes.

The Department also deleted extra spaces, where appropriate.