



Notice of Intent

In accordance with section 4-168(a) of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection (“the Commissioner”) hereby provides notice of intent to adopt sections 22a-450-1 to 22a-450-6, inclusive, to the Regulations of Connecticut State Agencies, commonly referred to as the Release Reporting Regulations.

The Release Reporting Regulations are adopted pursuant to sections 22a-6, 22a-422, 22a-424, 22a-449, and 22a-450 of the Connecticut General Statutes.

Statement of Purpose

The purpose of the Release Reporting Regulations is to define when the discharge, spillage, uncontrolled loss, seepage or filtration (collectively referred to as “releases”) of oil or petroleum, chemical liquids, solid liquid or gaseous products or hazardous waste (collectively referred to as reportable materials”) must be reported to the Commissioner, when any such report must be submitted, and what information must be included in any such report.

Under section 22a-450 of the Connecticut General Statutes, absent adoption of regulations by the Commissioner, all releases of reportable materials are required to be reported to the Commissioner. The Release Reporting Regulations specify that if certain thresholds of reportable materials are released, the release must be reported to the Commissioner. By specifying these thresholds, a primary purpose of the proposed regulations is to reduce the number of releases that must be reported. The proposed regulations also specify when a report shall be submitted to the Commissioner and what information shall be provided in any such report.

Detailed Description of the Proposed Regulation

The proposed regulations have the following six sections:

- 22a-450-1 - General Provisions
- 22a-450-2 – Releases Subject to Reporting
- 22a-450-3 – Exemptions to Reporting
- 22a-450-4 – Reporting
- 22a-450-5 – Relationship to Other Requirements
- 22a-450-6 – Appendix to the Release Reporting Regulations

Section 22a-450-1 contains general provisions including applicability and definitions. The applicability section states that the regulations apply to reportable materials released after the effective date of the regulations.

Section 22a-450-1 also includes a number of definitions intended to clarify terms used in the regulations. For example, Connecticut’s General Assembly has broadly defined the terms “oil or petroleum”, “chemical liquids”, “solid liquid or gaseous products” and “hazardous waste”. (See section 22a-448 of the Connecticut General Statutes). The term “reportable material” is comprised of these terms that taken collectively include literally anything in liquid, solid, semi-solid, gaseous or any other form. The scope of the term release is similarly broad. While the scope of the term reportable materials and release are extremely broad, the proposed regulations limit reporting to the release of certain quantities or concentrations of reportable materials.

Section 22a-450-2 specifies thresholds such that if reportable materials are released in excess of these thresholds, the release must be reported to the Commissioner. In addition, regardless of whether or not these thresholds are met, subsection (c) of this section requires reporting for an imminent release and other releases that poses specified hazards.

Section 22a-450-3 contains varied exemptions to reporting. Other than an imminent release or a release that poses specified hazards, if an exemption applies, a release does not need to be reported to the Department.

Section 22a-450-4 specifies that nearly every release must be reported no later than one hour after discovery and reemphasizes the existing obligations to respond to a release. This section also specifies what must be included in both an initial report and a follow-up report.

Section 22a-450-5 address when multiple requirements may require reporting and clarifies that compliance with the proposed regulations does not satisfy the requirement of other reporting requirements.

The regulations will provide greater clarity on what, when and how to report a release of a reportable material. By requiring prompt notification the proposed regulations should: 1) promote more timely intervention and mitigation of releases; 2) improve the quality of information reported; and 3) enhance the effectiveness of the Department’s Emergency Response and Spill Prevention Division by allowing it to concentrate its limited resources on releases of greatest concern.

Availability of Information

The proposed regulations, Regulatory Flexibility Analysis/Small Business Impact Statement, Fiscal Note and the statement required by section 22a-6(h) of the Connecticut General Statutes are all posted and available on the eRegulations System website (<https://eregulations.ct.gov>), Tracking Number PR-2017-058, or can be obtained by contacting the Department of Energy and Environmental Protection’s Emergency Response and Spill Division by email (DEEP.ReleaseRegs@ct.gov).

Public hearing

In addition to accepting written comments, a public hearing has been scheduled to obtain public comment on the proposed regulations. This hearing will be held through Zoom, a remote online hearing platform. All interested persons can register to attend the public hearing and express their views on the proposed regulations using the following link:

Date: April 27, 2021

Time: 1:30 pm

Zoom Link:

<https://ctdeep.zoom.us/meeting/register/tJlrfuGrrzgqGNLbdhPh9saaieXIpOTf5uL9>

Speakers are requested, although not required, to submit a written copy of their comments as instructed below.

Written comments

Interested persons are invited to comment upon the proposed regulations, in writing, during the public comment period. The public comment period shall begin upon posting of this notice to the eRegulations website and shall end at 5:00 p.m. on May 10, 2021.

Comments may be submitted using one of the following methods:

- Online via the [eRegulations System](#) (Tracking Number PR-2017-058).
- By email to DEEP.ReleaseRegs@ct.gov

DEEP is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Any person with a disability who may need a communication aid or service may contact DEEP's ADA Coordinator at 860-424-3194 or at deep.hrmed@ct.gov. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Any person with limited proficiency in English, who may need information in another language, may contact DEEP's Title VI Coordinator at 860-424-3035 or at deep.aaoffice@ct.gov. ADA or Title VI discrimination complaints may be filed with DEEP's EEO Manager at 860-424-3035 or at deep.aaoffice@ct.gov. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.



Katherine S. Dykes
Commissioner