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August 3, 2021

VIA eREGULATIONS SYSTEM

Senator James J. Maroney
Representative Nicole Klarides-Ditria
Legislative Regulation Review Committee
State Capitol, Room 011
Hartford, Connecticut 06106

***Re: Submission of Amendment to the Underground Storage Tank Regulations
eRegulations Tracking No. PR 2020-027***

Dear Senator Maroney and Representative Klarides-Ditria:

On behalf of the Department of Energy and Environmental Protection (“DEEP”) and pursuant to section 4-170 of the Connecticut General Statutes, I submit for the consideration and approval of the Legislative Regulation Review Committee (“LRRC”) a proposal to amend regulations concerning Underground Storage Tank systems (“USTs”).

The revisions being proposed by DEEP originate in changes enacted by Congress in the UST Compliance Act (“the Act”), an Act amending certain sections of 42 USC § 6901 et seq. (see sections 1521 to 1533 of the Energy Policy Act of 2005). This Act changed requirements regarding inspections, operator training, delivery prohibition, secondary containment, financial responsibility and cleanup of certain releases. While in August 2012, DEEP completed a number of regulatory revisions in response to the Act, on July 15, 2015 (80 Fed. Reg. 41566), U.S. Environmental Protection Agency (“USEPA”) published a final rule making further revisions to the federal UST regulations. These July 2015 revisions made changes similar to key portions of the Act as well as other updates to the federal UST regulations.

While DEEP has already made a number of changes in response to the Energy Policy Act, as a result of USEPA’s July 2015 rulemaking, additional changes are needed to ensure that DEEP’s UST program is no less stringent than the federal program. These revisions now being proposed by DEEP are being proposed in response to USEPA’s July 2015 rulemaking, and to ensure that Connecticut’s UST Program can maintain program approval from USEPA. In addition, DEEP is proposing to eliminate an outdated reference to USTs subject to section 22a-449(d)-1 of the Regulations of Connecticut State Agencies; clarify that partial exemption from full regulation for certain USTs includes an exemption from section 108 of the UST Regulations; and make certain editorial revisions to the regulations.

As evidenced by the documents associated with tracking number PR 2020-027, this proposal has been processed via the eRegulations system in accordance with the notice and hearing provisions of CGS section 4-168.

The notice of intent to adopt the required regulations was posted to the eRegulations system in accordance with Conn. Gen Stat. § 4-168 on May 5, 2021. A public hearing was held on June 3, 2021. The Notice of Decision to proceed with the regulations was posted to the eRegulations system in accordance with C.G.S. § 4-168(e) on July 9, 2021 along with a document responding to the public comments received on the proposed amendments. The regulations were approved by the Office of the Attorney General on July 29, 2021 in accordance with C.G.S. § 4-169.

If you have any questions regarding this submittal, please contact Mr. Mark Latham of the Emergency Spill Response Division via email at Mark.Latham@ct.gov, or Mr. Ken Collette as the legal contact at Kenneth.Collette@ct.gov. Thank you for your assistance with this matter.

Sincerely,



Katherine S. Dykes
Commissioner