

# The Connecticut General Assembly

## Legislative Commissioners' Office

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## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** January 26, 2021

<b>Regulation No:</b>	2020-15B
<b>Agency:</b>	Department of Energy and Environmental Protection
<b>Subject Matter:</b>	Remediation Standards Regulations
<b>Statutory Authority:</b> (copy attached)	22a-133k

	Yes or No
<b>Mandatory</b>	Y
<b>Federal Requirement</b>	Y
<b>Permissive</b>	N

### For the Committee's Information:

This is a resubmittal of regulations that were rejected without prejudice at the committee's meetings on October 27, 2020 and November 24, 2020. The resubmittal addresses the substantive concerns and technical corrections noted in the November 24, 2020 report. Additional technical corrections are noted below.

### Substantive Concerns:

**Technical Corrections:**

1. On page 2, in section 22a-133k-1(a)(14)(B)(ii), after "this clause", an underlined comma should be inserted, for proper form.
2. On page 4, in section 22a-133k-1(a)(33), "Groundwater" should be "Groundwater", for proper form, and in subdivision (34) of said subsection, the opening quotation mark should be underlined, for proper form.
3. On page 6, in section 22a-133k-1(a)(68), in the sixth line, "opened" should be "open", for proper form.
4. On page 7, in section 22a-133k-1(a)(73), underlined commas should be inserted after "includes" and after "limited to", for proper form.
5. On page 7, in section 22a-133k-1(a)(81), an underlined comma should be inserted after "watercourse", for proper form.
6. On page 8, in section 22a-133k-1(88), the comma after "RSRs" should be deleted, for proper form.
7. On page 8, in section 22a-133k-1(a)(95), in the fourth line, a space should be inserted before "of", for proper form.
8. On page 10, in section 22a-133k-1(d)(1), in the tenth line, "time critical" should be "time-critical", for proper form.
9. On page 14, in section 22a-133k-1(e)(1)(A)(xi), an underlined comma should be inserted after "ELUR", for proper form.
10. On page 19, in section 22a-133k-1(i)(2), in subparagraphs (A) and (B), "subparagraph", should be "section" and in subparagraph (D)(iv), "clause" should be "section", for proper form.
11. On page 21, in section 22a-133k-2(b)(2)(B)(iii), in the second line, ", or " should be "₂ or" and in the last line "; and" should be "₂ and", to accurately reflect the text of the existing regulation.
12. On page 21, in section 22a-133k-2(b)(3)(B)(iii)(II), "condition, free" should be "condition and free", for proper form.
13. On page 28, in section 22a-133k-2(c)(3)(A)(i), "(i)" should not be underlined and the semicolon should be underlined, to accurately reflect the text of the existing regulation.
14. On page 39, in section 22a-133k-2(f)(A)(iii), an underlined comma should be inserted after "fill", for proper form.

15. On page 43, in section 22a-133k-2(f)(2)(C)(i), "(i)" should be underlined, for proper form.
16. On page 43, in section 22a-133k-2(f)(2)(C)(ii)(IV), in the second line, an underlined comma should be inserted after "control", for proper form.
17. On page 46, in section 22a-133k-2(g)(4), in the third line, "regulations" should be "regulation", for proper form.
18. On page 46, in section 22a-133k-2(h)(1), an underlined comma should be inserted after "waste", for proper form.
19. On pages 55 and 56, in section 22a-133k-3(c), the extra line spaces between subparagraphs (B) and (C) should be deleted, for proper form.
20. On page 57, in section 22a-133k-3(c)(5)(C), "[B]" should be deleted, for proper form.
21. On page 61, in section 22a-133k-3(d)(4)(C)(ii)(II), "(20)" should be inserted after "twenty" and "(15)" should be inserted after "fifteen", for consistency.
22. On page 98, in Appendix H, "(1)" and "(2)" should be underlined, for proper form.
23. On page 102, in Appendix I, in the first paragraph, in the first line, "section" should be inserted before "22a-133k-3(d)(2)", for proper form and in the second line, "Alternative" should be inserted before "Groundwater", for accuracy.

**Recommendation:**

<input checked="" type="checkbox"/>	<b>Approval in whole</b>
<input checked="" type="checkbox"/>	<b>with technical corrections</b>
	<b>with deletions</b>
	<b>with substitute pages</b>
	<b>Disapproval in whole or in part</b>
	<b>Rejection without prejudice</b>

**Reviewed by:** Bradford M. Towson / Shannon McCarthy

**Date:** January 15, 2021

**Sec. 22a-133k. Regulations establishing standards for the remediation of hazardous waste sites and for review and approval of final remedial action reports.** (a) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, setting forth standards for the remediation of environmental pollution at hazardous waste disposal sites and other properties which have been subject to a spill, as defined in section 22a-452c, which regulations shall fully protect health, public welfare and the environment. In establishing such standards the commissioner shall (1) give preference to clean-up methods that are permanent, if feasible, (2) consider any factor he deems appropriate, including, but not limited to, groundwater classification of the site, and (3) provide for standards of remediation less stringent than those required for residential land use for polluted properties which (A) are located in areas classified as GB or GC under the standards adopted by the commissioner for classification of groundwater contamination, (B) were historically industrial or commercial property, and (C) are not subject to an order issued by the commissioner regarding such spill, consent order or stipulated judgment regarding such spill, provided an environmental use restriction is executed for any such property subsequent to the remedial action in accordance with the provisions of section 22a-133aa and further provided such regulations specify the types of industrial or commercial land uses to which any such property may be put subsequent to such remedial action. Such regulations shall cite appropriate guidance documents which may be used by a licensed environmental professional in a voluntary site remediation under section 22a-133y.

(b) The commissioner may establish, by regulations adopted in accordance with the provisions of chapter 54, a program for expediting the review and approval of reports on final remedial actions concerning sites subject to section 22a-134 or sites which, as of July 3, 1989, were on the inventory of hazardous waste disposal sites maintained pursuant to section 22a-133c provided such reports are not submitted pursuant to an order, consent order or stipulated judgment. The commissioner may retain consultants as necessary to accomplish such expedited review and may require the payment of a fee, as provided for in said regulations to cover the reasonable cost of performing the expedited review and approval of final remediation reports pursuant to this subsection, including the cost of any consultant retained by the commissioner to perform such work.