

**State of Connecticut  
Department of Energy and Environmental Protection**

**Statement of Reasons Pursuant to  
Connecticut General Statutes Section 4-168(e)**

**COMMENT AND RESPONSE DOCUMENT**

**October 13, 2021**

**Proposed Adoption of the Regulations of Connecticut State Agencies,  
Sections 22a-450-1 through 22a-450-6,  
known as the Release Reporting Regulations, inclusive**

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**Hearing Date:  
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## **I. Introduction and Statement of Support**

This Hearing Officer's Report concerns the proposed adoption of the Release Reporting Regulations, §§ 22a-450-1 to 22a-450-6, inclusive ("Proposed Regulations"). The Commissioner of Energy and Environmental Protection ("Commissioner") proposed the Regulations pursuant to General Statutes §§ 22a-6, 22a-422, 22a-424, 44a-449, and 22a-450.

Unless and until regulations are adopted by the Commissioner, General Statutes § 22a-450 requires all releases of reportable materials to be reported to the Commissioner. The adoption of the Regulations will put in place a series of exemptions to, and limitations on, that default statutory requirement. After adoption of the Regulations, certain releases which must currently be reported will no longer require a report. The Regulations identify those releases that must be reported to the Commissioner, when those reports must be made, what must be included in any such report, and reemphasize existing obligations to respond to a release. After the adoption of the Proposed Regulations, only those releases of reportable materials that exceed the thresholds for reporting specified in the Proposed Regulations will be required to be reported.

The Department's Emergency Response and Spill Prevention Division uses release reports to learn about the nature and cause of a release, the proximity of a release to sensitive environmental areas, and to determine if the Department must act to contain and remove or otherwise properly mitigate a release. The proposed Regulations will 1) promote more timely intervention and mitigation of releases; 2) improve the quality of the 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 to the releases that it deems of greatest concern. In addition, the Regulations will provide the regulated community with greater clarity on what, when and how to report releases.

## **II. Rule-making Process**

On March 11, 2021, pursuant to General Statutes § 4-168(a) the Commissioner provided notice of intent ("Public Notice") to adopt the Regulations. The public had an opportunity to submit comments on the Regulations from March 11, 2021 until May 10, 2021. In addition, a hearing to receive public comments was held on April 27, 2021. The public comment period for the Regulations closed on May 10, 2021, at 5:00p.m. In accordance with General Statutes § 4-186(e) this report contains the principal reasons in support of and principal reasons in opposition to the Regulations and where considerations have been rejected, the reasons for such rejection.

### III. Public Comments

#### A. Supportive comments

**Comments:**

Seven comments supported adoption of the Proposed Regulations. These comments recognized the Department's efforts to add clarity to the reporting of releases. Commenters noted that the Proposed Regulations will simplify and streamline the existing process, more clearly specify the contents of a report, and will reduce unnecessary reporting by defining what constitutes a reportable release. Commenters indicated that the Proposed Regulations would reduce barriers and increase opportunities for businesses in Connecticut and are an important first step to a unified reporting program for releases reported contemporaneously with their occurrence and historical releases reported when discovered.

**Response:**

*The Department appreciates the support offered by these comments, which demonstrate that the Proposed Regulations satisfy many of the important goals identified by the Department and business community. The Department agrees that, upon adoption, the Proposed Regulations will clarify and simplify the reporting process and reduce the number of releases reported while still protecting human health and the environment.*

#### B. Comments

This section contains the Department's response to comments or groups of comments. Comments are grouped together by subject matter and then summarized for brevity. Below each comment is the Department's response in italicized text. A table, containing a list of commenters, comment details, and their assigned comment numbers, can be found in the eRegulation System, which can be located at the following internet link: <https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2017-058>.

##### 1. Comments regarding Secondary Containment Provisions

**Comments:**

- The reporting timeframe should be increased from 2 hours to 4 hours to allow more time for mitigation before reporting releases into secondary containment.

*In response to early stakeholder feedback, the reporting timeframe for releases to secondary containment was doubled, from 1 hour to the 2 hours specified in the Proposed Regulations. If a release cannot be mitigated within 2 hours, it is important the release be reported to DEEP in order to determine if an emergency response by DEEP is necessary.*

- Building interiors with impervious floors should be included in the definition of secondary containment.

*If an impervious floor in a building does not meet the definition of secondary containment (definition #38 in the Proposed Regulations), then it cannot prevent the release from entering the environment through tracking,*

ventilations systems, open loading dock areas, or other mechanisms. Therefore, only those impervious floors which also satisfy each requirement of the definition are considered secondary containment.

- Releases into secondary containment, or impervious buildings, should not be reportable.

*Releases inside a building, or to secondary containment, can create a toxic atmosphere that poses a serious threat to human health. Although these materials may be contained within a building or secondary containment, vapors or gases can be a harmful, and potentially deadly, pathway for exposure. Further, it is common for oil and chemical spills, inside commercial buildings, to contaminate the soil under the floor because concrete is a porous material. It is for this reason that sub-slab investigations are routinely performed. In addition, many secondary containment areas are outdoors, where precipitation can cause the area to overflow, if the release is not immediately cleaned up. Requiring reporting ensures that the release receives immediate attention from its creator and, if necessary, the Department.*

- It is suggested that releases contained indoors - such as those fully contained within the physical property of a plant that never reach the natural environment – should be exempt from the requirement to report.

*The purpose of these Proposed Regulations is to protect not only the environment, but also human health. Many indoor releases create toxic environments or other hazardous situations, and, if left unaddressed, will eventually reach the environment through spreading, tracking, or other mechanisms. Furthermore, most buildings -which do not meet the definition of secondary containment – are not able to adequately contain releases. The Department must be notified about such releases so it can determine if an emergency response is necessary to prevent the release from leaving the building and endangering human health and the environment.*

- It is suggested that releases into secondary containment should not be reported unless the amount released exceeds the volumetric capacity of the secondary containment plus precipitation, and that failure to mitigate a spill into secondary containment should be considered regulatory non-compliance and therefore not trigger the release reporting requirements.

*The purpose of secondary containment is to contain a release, not to prevent it. Secondary containment minimizes the spread of a release from the containment area, but it does not necessarily prevent the release from entering the environment particularly if such release is not immediately cleaned up. The Proposed Regulations do treat releases to secondary containment differently from other releases. For example, a release to secondary containment is evaluated using a different reportable quantity (10 times the uncontained reportable quantity for a similar substance) and is assigned a longer reporting timeframe (twice the time for an uncontained release of a similar substance). Those considerations notwithstanding, a release to secondary containment is still a release, and efforts to ensure the release does not endanger human health or the environment, such as reporting and possibly an emergency response from the DEEP, are necessary.*

**No revisions have been made in response to these comments.**

## 2. Comments regarding the Relationship of the Proposed Regulations to Other Requirements

### Comments:

- The Significant Environmental Hazard program should be incorporated into these Proposed Regulations.

*The SEH statute requires notification within 7 days. These Proposed Regulations, and Conn. Gen. Stat. § 22a-450, which they implement, address emergency situations, ongoing releases, and contemporaneous releases. In such situations, it would not make sense to wait 7 days because contamination can spread and impact other receptors which may not have otherwise been impacted had the release been reported and addressed immediately, with an opportunity for DEEP to evaluate and respond as needed.*

- What is the relationship between these Proposed Regulations and the regulations, yet to be proposed, pursuant to Public Act 20-9 (Released Based Cleanup Program)?

*Public Act 20-9, now codified at chapter 445b of the Connecticut General Statutes, exempts from its reporting requirements any release required to be reported pursuant to these Proposed Regulations. See General Statutes § 22a-134tt(e)(5). Chapter 445b does call for the creation of a unified cleanup standard that will, once regulations adopted pursuant to that chapter become effective, apply to releases to the land and waters of the state reported pursuant to these Proposed Regulations. These Proposed Regulations will take effect before regulations adopted pursuant to chapter 445b and are intended to function on their own. It is not yet known what the regulations to be adopted pursuant to chapter 445b will require. There will be ample opportunity to ensure that these Proposed Regulations are consistent with regulations adopted pursuant to chapter 445b before the effective date of those regulations. Ensuring consistency will be easier once the working group process associated with regulations to be adopted pursuant to chapter 445b has further progressed, and the Department has accordingly prepared draft regulations.*

- There may be confusion between the reporting requirements in these Proposed Regulations and reporting requirements in the UST regulations, specifically with regards to reporting suspected releases from USTs.

*The UST regulations do not contradict § 22a-450-2(a)(D), in the Proposed Regulation, requiring a release, in any amount, that is from, or believed to be from a UST System, to be reported. This is consistent with the UST regulations, specifically Regs., Conn. State Agencies § 22a-449-106. The UST regulations also require, at Regs., Conn. State Agencies § 22a-449105(a) reporting of suspected releases, not confirmed releases. Conditions subject to reporting under Regs, Conn. State Agencies § 22a-449-105(a), are not reportable under these Proposed Regulations. These Proposed Regulations only address confirmed releases. In these Proposed Regulations, the term “release” means the discharge, spillage, uncontrolled loss, seepage or filtration, including but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of, a reportable material into the environment, a secondary containment system or into a building or structure, whether intended, unintended or by accident, negligence or otherwise. If the release comes from the UST, it must be reported, and is not exempt from these Proposed Regulations.*

**No revisions have been made in response to these comments.**

### 3. Comments regarding PCBs, lead, asbestos, and PFAS

#### Comments:

- A reportable threshold for PCBs of 50ppm is suggested. That is, PCB spills greater than 50ppm should be reported and PCB spills less than 50ppm only be reported if not cleaned-up within 24 hours.

*Allowing 24 hours to mitigate a PCB spill, when PCBs are known to be Persistent Bioaccumulative Toxic substances (PBTs) similar to dioxins, is not protective of human health and the environment. Regarding the 50ppm threshold, this threshold is a federal threshold used to distinguish between types of electrical equipment and is not a useful release reporting threshold. Existing Connecticut statute, Conn. Gen. Stat. §22a-463, defines PCBs at any concentration as requiring proper disposal, including a prohibition on releases. Therefore, releases of PCBs need to be reported regardless of concentration in order for the DEEP to determine whether a response is required to ensure proper disposal pursuant to the statute and to protect human health and the environment.*

- Additional clarification regarding under which conditions PCBs are considered a “release” when found in building materials such as caulk, paint, silicone, roofing materials is requested.

*Building materials containing PCBs that are currently in use for their intended purpose do not, in and of themselves, constitute a release. Instead, such materials are an “unauthorized use” pursuant to Conn. Gen. Stat. §§ 22a-465(a) and Conn. Gen. Stat. §§ 22a-466(b). However, such building materials can cause releases, such as through leaching of exterior paint to the soil below. If PCBs have migrated out of building materials into the environment, that is a release. In addition, when such building materials are no longer to be used for their intended purpose, they must be disposed of properly. Improper and illegal disposal of such building materials would constitute a reportable release.*

- Additional specificity for the term “containing PCBs” is requested. Is there a threshold of 1ppm, like the PCBs regulations? Must the PCB content/concentration be verified before reporting?

*Conn. Gen. Stat. §§ 22a-463 and 22a-467, which directly concern PCBs, do not contain a minimum concentration of PCBs necessary for a substance to “contain PCBs,” and these Proposed Regulations, consistent with statute, do not set such a minimum. In making such a determination, if a responsible party has knowledge that the released material contains PCBs at any concentration, that will make such release reportable under these Proposed Regulations. A lab analysis would provide a definitive answer as to whether a release contained PCBs. If the material released is not known, it would also be a reportable release, under the § 22a-450-2(b)(1)(C).*

- Additional specificity as to whether PCBs, lead, asbestos, and PFAS, in building materials or maintenance products are exempt from release reporting.

*A release of the building materials containing the substances identified by the commenter is subject to the reporting requirements found in the Proposed Regulations. As discussed above, just because a building material contains one of these substances does not necessarily mean a release has occurred. However, if the substance has reached the environment, or the materials are not properly disposed of upon the end of their use for their intended purpose, a release has occurred and must be reported.*

**No revisions have been made in response to these comments.**

#### 4. Comments regarding definitions and terms

##### Comments:

- What is the meaning of “waters of the state”?

*“Waters of the State” is a defined term in these Proposed Regulations, definition #44. Sec. 22a-450-2(a)(1)(B) and Sec. 22a-450-2(b)(1)(H) state, “The release is to or enters any waters of the state”. This statement, coupled with the definition of waters of the state, provide adequate clarity.*

- The Proposed Regulations define “waters of the state” to include “underground streams.” What is an underground stream? If the term refers to culverted streams, the term should be clarified.

*Conn. Gen. Stat §§ 22a-423 defines “waters” to include “...drainage systems and all other surface or underground streams . . .” These Proposed Regulations implement, and must be consistent with, the relevant statutory scheme. For that reason, the definition will not be modified. It is the Department’s understanding that culverted streams are included within this definition.*

- What is the meaning of the term “immediately”?

*“Immediately” is a defined term and means “as soon as possible, after the discovery of a release, however, not later than one (1) hour after such discovery.” §22a-450-1(18). This definition is unambiguous, and further clarity need not be provided.*

- The definition of “underground storage tank system” that is found in the federal Underground Storage Tank (UST) Regulations, at 40 CFR 280.12 should be used in these Proposed Regulations. This definition excludes residential basement oil tanks and vaulted tanks. Also, the exemptions, §§ 22a-450-3, should reference the federal exemptions for emergency diesel engines and their associated tanks at nuclear power stations.

*The definition of underground storage tank (“UST”) system is based on the CT’s UST regulations, found at Conn. Gen. Stat. §§ 22a-449(d)-101 et.seq. with the main difference being use of the terms regulated substances (in the UST Regulations) vs reportable materials (in these Proposed Regulations). Under these Proposed Regulations, only releases of reportable materials are reportable. Additionally, the definition of UST system includes residential USTs because of the threat such releases pose to nearby drinking water supplies. A change to this proposed definition is not appropriate. These Proposed Regulations apply to UST systems that are both regulated, by the UST regulations, and USTs that are not subject to those regulations. This is necessary because the risks associated with releases from USTs not regulated by the UST regulations, are similar to those from USTs regulated by the UST Regulations, and therefore, such releases must be reported and properly addressed.*

- Conn. Gen. Stat. 22a-448 should be referenced for the definition of “Hazardous Waste” and “Hazardous Chemical.”

*The definition of “Hazardous Waste” includes all the same wastes as the definition in Conn. Gen. Stat. §§ 22a-448. However, the definition in the Proposed Regulations has been expanded to include waste that is improperly handled, and not just waste that is improperly treated, stored, transported or disposed of or otherwise managed. This change is necessary because improper handling of such waste may result in a release that requires reporting.*

- Why does the definition of “waste oil” have a flash point aspect whereas the definition of “oil” does not?

*DEEP agrees with the commenter that specifying a flash point for waste oil is unnecessary and will remove the flash point aspect of the definition of waste oil.*

- The definition of “person” in the Proposed Regulations should be made consistent with the definition of that term used in P.A. 20-9.

*Because the Proposed Regulations implement the requirements Conn. Gen. Stat. §§ 22a-450, the definition of person applicable to that section, found in Conn. Gen. Stat. §§ 22a-423, was used in the Proposed Regulations. While the text of that definition, and the definition in P.A. 20-9 - now codified at 22a-134pp - differ in some respects, the definitions are functionally equivalent.*

- The definition of “properly trained personnel” is subjective. Also, Class A, B, and C UST operators should be designated as “properly trained personnel.”

*The definition of “properly trained person” references specific training requirements set out in federal law. These training requirements are not subjective. It is important for individuals responding to releases to have this specific training to avoid injury to themselves or others, as well as to ensure that their actions do not make a release more dangerous to human health or more impactful to the environment. While it is true that competence with the procedures and equipment specified in the definition may vary from individual to individual, the types of equipment and mitigation required to respond to a release will also vary based on the type, nature, and size of release. With regards to identifying Class A, B, and C UST operators as “properly trained personnel,” DEEP disagrees. Class A, B, and C UST operator training is specialized training specific to the UST regulations and UST compliance, not release reporting or response.*

- There should be an exemption from the training requirements in the term “properly trained personnel” if the responsible party is self-performing the spill cleanup.

*There is nothing in the definition that prevents internal personnel from responding to releases. However, those performing these activities, whether they are internal personnel or outside contractors, must be appropriately trained to protect themselves, others, and the environment. The risk of injury or environmental impacts from untrained internal personnel responding to a release is not appreciably different than the risks from untrained outside contractors responding.*

- The definition of “reportable material” is confusing. Replace the term “reportable material” with “hazardous substance.” Also, does the Proposed Regulation seek to require reports of only “hazardous materials” or cover all “non-water/radioactive materials”?

*A reportable material is not limited to materials that meet the definition of hazardous substance. Many different products can cause harm to human health and the environment. The definition of reportable material must be broad enough to encompass the full variety of harmful materials. The intent is to cover all non-water/radioactive materials consistent with the reportable material.*

- The term “reportable quantities” is confusing and a table should be added as an appendix, listing reportable quantities. It would be easier to follow and comply with the release reporting requirements if a list of reportable quantities, by chemical, was adopted, rather than the thirty percent threshold for Appendix A materials. To illustrate this point, if one drop of a reportable concentration of formaldehyde, greater than 30%, is released outside of a laboratory fume hood, is reportable? Conversely, is a 1.4-gallon spill of 20% formaldehyde exempt from the requirement to report?

*The Proposed Regulations place upon the person or entity handling reportable materials the responsibility to know precisely what materials are in their possession. Companies are already required to know what products and materials they are storing, under the requirements of other laws. During stakeholder discussions, many stakeholders indicated that they did not favor long lists of materials, each with a specific reportable quantity. A simplified system was preferred, and the Department drafted the Proposed Regulations with that preference in mind. DEEP analysis indicates that 70% of reported spills were oil or petroleum. The remaining 30% fell into two primary categories: those which posed a particular risk/threat to human health and the environment, which became Appendix A; and a third category containing other releases.*

*In the second part of the comment, regarding formaldehyde scenarios, those statements are true. The intention of Appendix A is to differentiate between industrial materials/chemicals and household chemicals. While many chemicals are sold to individuals at retail, they are often available at significantly reduced concentrations. For example, 30% hydrochloric acid is not available to the public, but 8% hydrochloric acid is commonly sold at home improvement stores. Because the Department intended a simplified system, the drawing of a bright line regarding concentrations was necessary.*

- The definition of “water supply well” should include a statement indicating that the well has been installed in accordance with the CT Public Health Code at the time of installation.

*The term “water supply well” is defined in Conn. Gen. Stat. § 19a-37, and the definition of “public water supply well” is intended to track that definition, which does not include requirements related to installation.*

- Conn. Gen. Stat. §§ 22a-29 and 22a-38 should be referenced in the definition of “wetlands.”

*While it is permissible to incorporate statutory definitions by reference, it is not required. In this instance, it aids the reader of the Proposed Regulations to reproduce the definition in whole text so that, in the event of an emergency, the text is readily at hand.*

- The undefined phrase “potential threat to human health and the environment” is ambiguous, and that ambiguity could lead to over or under reporting of releases. A definition of that phrase is suggested.

*Because the circumstance in which a release occurs, and the nature of the release itself, will vary significantly, whether a release presents a potential threat to human health or the environment is an inherently fact-specific question. Such questions are difficult to resolve in definitions, and almost always require some exercise of appropriate judgment. At its most basic, a potential threat to human health means a condition which creates a possibility of illness or harm to humans. Potential threats to the environment are toxic conditions which may impact soil, water, or terrestrial/aquatic organisms. If the release has the potential to harm to kill something, then it is reportable. The word "imminent" has been added to the phrase to clarify that releases that present immediate risks- not risks from long term exposure - must be reported.*

- Please provide clarity on the provision in Sec. 22a-450-2(c) of the Proposed Regulations, which requires a report of imminent or actual releases that “[pose] an actual or potential threat to human health, public safety or the environment.” Isn’t any release above RSR standards an actual or potential threat to human health? Couldn’t a sheen from an outboard motor (excepted under 22a-450-3) be inimical to the environment? Isn’t the application of pesticides (also exempted under 22a-450-3), which is done to intentionally harm the environment by killing bugs, made reportable under this

section? This needs to be better defined and clarified as otherwise every release appears to be reportable, even some of the exempted ones.

*The Proposed Regulation clearly defines what releases are reportable and which are not reportable/exempt. Sheens are exempt and the legal/permitted use of pesticides are exempt. Again, these are release reporting regulations and the purpose is for DEEP to determine if an emergency DEEP response is required. As noted above the word “imminent” has been added to the phrase in question to clarify that the Proposed Regulations are concerned with reports of releases presenting immediate risks, not with long term exposure.*

- The word “expeditiously,” should be used in the Proposed Regulation in conjunction with mitigation, following the example of similar regulations in Maryland.

*.” Failure to mitigate the release within 2 hours only triggers a report to DEEP, so DEEP can make the determination if emergency responders need to respond. The term expeditiously is too ambiguous and subjective.*

**Revisions have been made in response to these comments.**

**Proposed Language: Section 22a-450-1(c)(43)**

(43) “Waste oil” means oil having a flash point at or above 140 °F (60 °C) which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including, but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

**Final Language: Section 22a-450-1(c)(43) is modified as follows**

(43) “Waste oil” means oil ~~having a flash point at or above 140 °F (60 °C)~~ which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including, but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

**Proposed Language: Section 22a-450-2(a)(1)(F)**

(F) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

**Final Language: Section 22a-450-2(a)(1)(F) is modified as follows**

(F) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

**Proposed Language: Section 22a-450-2(b)(1)(K)**

(K) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

**Final Language: Section 22a-450-2(b)(1)(K) and Section 22a-450-2(b)(1)(L) is modified as follows (modifications also come from Section IV(1), on page 24 of this document, which resulted in a re-numbering of the subparagraph.)**

(K) The release contains per- or polyfluroalkyl substances, commonly referred to as PFAS, in liquid form, and includes, but is not limited to, chemicals commonly referred to as PFOS, PFOA, PFNA, PFHpA and PFHxS; or

(L) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

**Proposed Language: Section 22a-450-2(c)**

(c) Imminent Releases and Other Releases Required to be Reported Regardless of whether an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release shall report the imminent release or actual release of a reportable material if such imminent release or actual release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

**Final Language: Section 22a-450-2(c) is modified as follows**

(c) Imminent Releases and Other Releases Required to be Reported Regardless of whether an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release shall report the imminent release or actual release of a reportable material if such imminent release or actual release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

## 5. Comments regarding exemptions

### Comments:

- A delivery of oil or petroleum to a UST system results in a 15-gallon spill into that UST system's spill bucket. Would this scenario be exempt from the requirement to report a release pursuant to section 22a-450-3(a)(5)?

*Yes, this scenario regarding the delivery would be exempt, as long as all criteria, of the exemption are met. Because the release did not come from the UST but instead from the delivery truck, the reportable quantities for oil and petroleum released to secondary containment apply. That reportable quantity is more than fifteen gallons in any period of 24 hours. Because not more than fifteen gallons were released, less than the reportable quantity of oil or petroleum was released into secondary containment and a report is not required.*

- Clarification is needed on the need for an exemption to the requirement to report commercial and industrial products used as intended. Why would such use be considered a release? Clarification is

also needed on the exemption for agricultural activities, and the Manual of Best Management Practices for Agriculture should be accessible on DEEP's website.

*These exemptions are included in the Proposed Regulations to avoid confusion. In certain circumstances, use of industrial or commercial products as intended, or agricultural activity, may arguably meet the definition of a release, but these Proposed Regulations were not intended to capture those circumstances. The Department may issue guidance on this topic to provide further clarity and such guidance may include reference to the Manual of Best Management Practices of Agriculture, which is already published on the Department's website.*

- Releases to drainage systems should be exempt, if they are from vehicular use, in the Proposed Regulation; § 22a-450-3(a)(4)(A) and should not be limited to catch basins.

*The term "catch basin" does not appear in referenced subparagraph. The term "catch basin" does appear in subparagraph 22a-450-3(a)(4)(B) and (C) which are limited to releases of food products and domestic sewage.*

- There should be a change of the word "all" to "one" in 22a-450-3(b)(1). The statement should read, "If there is a release of a reportable material specified in section 22a-45-2 of the Proposed Regulations of Connecticut State Agencies and one of the applicable provisions . . ."

*Certain exemptions have multiple requirements. In those instances, you must meet all requirements, not just one. However, note that the key phrase in this paragraph is "applicable provisions." (Emphasis added.) A release is exempt if the provisions applicable to an exemption (be it one or many) are met, not all the provisions in this subdivision must be met.*

- It is unclear as to whether releases of chemicals identified in Appendix A are eligible for the exemption from reporting for release into secondary containment and that are cleaned up within 1 hour by trained personnel. The flowchart provided by DEEP, during the pre-notice stakeholder outreach process, identifies releases of Appendix A chemicals as always reportable, and there are no exemptions. It is recommended that the noted exemption be allowed for Appendix A chemicals.

*This commenter has correctly pointed out a contradiction between the flowchart and the proposed regulation. The Department's intent is to require all releases of all reportable materials identified in Appendix A to be reportable, even if such release would otherwise be eligible for exemption. Chemicals listed in Appendix A are harmful, corrosive, and toxic enough to require reporting, so DEEP can make the determination if the release is, or is not, an emergency. The Regulations will be modified to clarify that releases of reportable materials identified in Appendix A are not eligible for the exemption in question. The only circumstance in which DEEP intended to exempt releases of Appendix A chemicals is the release of inconsequential quantities under a laboratory fume hood. The Proposed Regulations have been modified to clarify this exception.*

- Regarding Sec. 22a-450(b)(1)(A), the language should be modified to include a minimum volume or to indicate inconsequential releases are exempt from reporting, no matter where they occur, under a laboratory fume hood, or otherwise.

*As noted above, the Department has added an exemption for inconsequential releases under a laboratory fume hood. However, the Department does not intend to add the more general "inconsequential releases" exemption suggested for releases of reportable materials listed in Appendix A. The burden of reporting even a small release of a dangerous substance is not significant.*

- Fuel dispensing should be added to vehicular use, in Sec. 22a-450-3(a)(4)(A). Excluding these sheens to address drips, here and there, throughout the day at every gas station in the state.

*Since drips from a dispenser are from the UST System, they would be considered a reportable release, however, the intention of these Proposed Regulations is to not include these minor incidental drips from dispenser nozzles during fuel dispensing as a reportable release. The DEEP shall revise the Proposed Regulation to reflect this exclusion.*

**Revisions have been made in response to these comments.**

**Proposed Language: Section 22a-450-2(b)**

**(b) A Reportable Material Other than Oil or Petroleum**

Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release, shall report the release of a reportable material, other than oil or petroleum, specified in this subsection.

(1) The release of any quantity of a reportable material, other than oil or petroleum, if:

(A) The release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies;

(B) The amount released is not known;

(C) The material released is not known;

(D) A restricted use pesticide is released in a manner that does not comply with state or federal law;

(E) A prohibited pesticide is released;

(F) PCBs, or materials containing PCBs, including, but not limited to, caulking materials, paints, silicones, roofing materials, are released;

(G) A halogenated solvent is released;

(H) The release is to or enters the waters of the state or a wetland;

(I) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin; or

(J) The release is from an underground storage tank system, including, but not limited to, into any secondary containment system;

(K) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

(2) The release of either ten (10) pounds or more or one and a half (1.5) gallons or more, of a reportable material other than oil or petroleum, if released within any period of twenty four (24) hours.

(3) The release of either less than ten (10) pounds or one and a half (1.5) gallons of a reportable material other than oil or petroleum unless, within two (2) hours of discovery, properly trained personnel have either contained and removed or otherwise properly mitigated the release.

**Final Language: Section 22a-450-2(b) is modified as follows**

**(b) A Reportable Material Other than Oil or Petroleum**

~~Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies,~~  
~~a~~A person required to report a release, shall report the release of a reportable material, other than oil or petroleum, specified in this subsection.

(1) The release of any quantity of a reportable material, other than oil or petroleum, if:

(A) The release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies unless such release is of an inconsequential amount and occurs beneath a laboratory fume

hood:

- (B) The amount released is not known;
- (C) The material released is not known;
- (D) A restricted use pesticide is released in a manner that does not comply with state or federal law;
- (E) A prohibited pesticide is released;
- (F) PCBs, or materials containing PCBs, including, but not limited to, caulking materials, paints, silicones, roofing materials, are released;
- (G) A halogenated solvent is released;
- (H) The release is to or enters the waters of the state or a wetland;
- (I) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin; or
- (J) The release is from an underground storage tank system, including, but not limited to, into any secondary containment system;
- (K) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

(2) Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies:

- (A) The release of either ten (10) pounds or more or one and a half (1.5) gallons or more, of a reportable material other than oil or petroleum, if released within any period of twenty-four (24) hours; or
- ~~(B)~~ (B) The release of either less than ten (10) pounds or less than one and a half (1.5) gallons of a reportable material other than oil or petroleum unless, within two (2) hours of discovery, properly trained personnel have either contained and removed or otherwise properly mitigated the release.

**Proposed Language: Section 22a-450-4(a)(1)(A)**

- (A) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3) or 22a-450-2(b)(3) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

**Final Language: Section 22a-450-4(a)(1)(A) is modified as follows**

(modifications also come from changes made in section 11, on page 21 of this document)

- (A) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3), ~~22a-450-2(b)(3)~~ 22a-450-2(b)(2)(B), or 22a-450-3(a)(5)(B) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

**Proposed Language: Section 22a-450-2(a)(1)(D)**

- (D) The release is from or suspected to be from an underground storage tank system, including, but not limited to, into any secondary containment system;

**Final Language: Section 22a-450-2(a)(1)(D) is modified as follows**

- (D) The release is from or suspected to be from an underground storage tank system, including, but not limited to, into any secondary containment system; except minor incidental drips from a dispenser nozzle during fuel dispensing;

## 6. Comments regarding Appendix A (List of Materials of Special Concern)

### Comments:

- Materials that appear in the U.S. EPA's list of Extremely Hazardous Substances should be added to Appendix A. Incorporation by reference to EPA's list should be added to allow for automatic updating of hazardous materials that are, as of yet, unknown or unrecognized as hazardous.

*Appendix A was assembled in consultation with toxicologists at the Department of Public Health, and EPA's list of Extremely Hazardous Substances was used as a guide while compiling Appendix A. In addition, other sources for Appendix A Materials includes the EPA Risk Management Plan, FBI-ITF 40 Priority Chemicals List, CT DPH legislatively mandated toxic chemicals list, and banned and restricted pesticides. This list includes all reportable materials for which a report is necessary regardless of quantity. The EPA list contains a variety of substances, some of which do not create the acute risks of those listed in Appendix A. Please note that releases of any reportable materials not listed in Appendix A must still be reported if such releases exceed either 10 pounds or 1.5 gallons.*

- Is reporting required for Appendix A materials on a cumulative basis? For example, if the material released consisted of 20% benzene and 20% phenol, should that material be considered to be a 40% solution of substances listed in Appendix A that would that require reporting?

*The Proposed Regulation states "...thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A" (Emphasis added.) Material is singular, which means any one material of special concern, and does not direct that the concentrations of multiple materials should be added together or combined. In the scenario described by the comment, the release would be evaluated for reporting using the other non-petroleum material reportable quantity of 1.5 gallons or 10 pounds.*

**No revisions have been made in response to these comments.**

## 7. Comments regarding Person Required to Report a Release or Responsible Party

### Comments:

- Who is responsible for determining that any release is fully contained within a physical property? *Under this Proposed Regulation, the term "fully contained" only applies to secondary containment. The responsibility lies with the person required to report a release.*

- Is more than one person responsible for reporting a release? If one person reports the release, do others who may be required to report also have to make a report?

*More than one person may be required to report a release. For example, both the operator of a site, where a release occurs, and a third party making a delivery to the site whose actions cause a release may have the obligation to report. It is critical that reportable releases be reported by at least one person who meets the definition of “person required to report a release,” and imposing the requirement to report more broadly helps ensure a report will be made. DEEP will exercise its discretionary authority to take enforcement action against others who had an obligation to report based on consideration of the factual circumstances surrounding a release, and the report made, and whether the failure to report by others created significant risk to human health and the environment. This exercise of enforcement discretion is consistent with how the current reporting requirements found in Conn. Gen. Stat §§ 22a-450 have been implemented.*

- Section 22a-450-2(a)(1), of the Proposed Regulation, should also require a report be provided to the owner of the real property on which such release occurred if a release occurs on a property not owned by the person required to report the release.

*The purpose of these Proposed Regulations is to specify whether a release must be reported to DEEP so that DEEP can determine if a response or other follow up action is necessary. Reports provided to the Department are available to the public, on our internet website. Property owners may review those records. Property owners may also have other mechanisms to be made aware of reports, such as requiring those using their property to provide a copy of a report each time one is made as a condition of the use of such property.*

- Who is responsible for determining the nature and cause of the release? Who is responsible for determining the proximity of the release to sensitive environmental areas?  
*The responsibility to make each of these determinations rest with a “person required to report a release.” However, such determinations do not ultimately bind DEEP, and should DEEP respond or otherwise take action with regard to a release, DEEP may ultimately reach its own conclusions regarding cause and responsibility.*

**No revisions have been made in response to these comments.**

## **8. Comments regarding reportable quantities**

### **Comments:**

- The reportable quantity - of 100 pounds or 15 gallons - within secondary containment is too low. Using a percentage based reportable quantity, like 25% of the total volumetric capacity of the secondary containment system and increasing the cleanup timeframe from 1 hour to 4 hours, is suggested.

*A percentage based reportable quantity is not workable because, for sites with large secondary containment systems, it would allow large releases to go unreported. For example, at a site with a 1-million-gallon secondary containment system, like a marine terminal, the reportable quantity would be 250,000 gallons. In this example, a release of 200,000 gallons would not be reportable, but would have the potential to cause catastrophic harm. A prompt report, in a short timeframe, is critical so that DEEP can make the determination as to whether DEEP emergency response is required to avoid impacts to human health or the environment. The suggested 4-hour reporting timeframe is far too long.*

- The wording in § 22a-450-2, of this Proposed Regulation, may allow small releases that could become problematic over time to be ignored. For example, a 120-gallon release that occurs over the course of a month, 4 gallons per day, would not be reportable in some situations. For example, a release of 90 gallons of domestic sewage every day over a week or longer, would be exempt from reporting. It is recommended that slow or intermittent releases be reportable.

*This Proposed Regulation makes it clear that regardless of whether a release is reportable, it still must be mitigated and cleaned up. Failure to clean up a release can result in enforcement action, even for releases that are below the reportable quantities. Chapter 446k, of which Conn. Gen. Stat. §§ 22a-450 is a part, prohibits the creation or maintenance of a condition reasonably likely to pollute the waters of the state, and subjects those who create or maintain such a condition to liability to the State. This prohibition, and accompanying liability, is independent of any requirement to report. Reporting is one component of the statutory scheme, the purpose of which is primarily for DEEP to determine whether or not an emergency response, by DEEP, is required. A release that is below the reportable quantity over a 24-hour timeframe is not an emergency and a DEEP emergency response would be unlikely. Also note that the Proposed Regulation does indicate that releases below the reporting threshold are still reportable if it poses an imminent threat to human health, public health, or the environment, or if it is not expeditiously cleaned up. For the domestic sewage release example, a release of 90 gallons of domestic sewage within a 24-hour period would not trigger an emergency response by DEEP, thus, no reporting is required. As discussed above, there are other requirements found in statute that require the release be cleaned up.*

- Clarification is requested on the reportable quantities in pounds versus gallons. There are situations where 1.5 gallons of a liquid may weigh more than 10 pounds. This may result in reporting inconsistencies.

*The commenter is correct. The definition of “reportable quantity will be updated to provide clarification. If the reportable material released is a liquid or compressed gas, the reportable quantity is stated in gallons; if the reportable material released is a solid or uncompressed gas, the reportable quantity is stated in pounds.*

- Regarding the reportable quantity for oil and petroleum, it is suggested that, rather than 5 gallons, (§ 22a-450-2(a)(2) of the Proposed Regulation), a more appropriate threshold is 10 gallons. By comparison, the Reportable Quantity amount that the Massachusetts Department of Environmental Protection uses in its Massachusetts Contingency Plan (MCP) reporting is 10 gallons for many oil and petroleum substances and 25 gallons for electrical equipment oil (non-PCB). The commenter indicates that it has previously advocated for greater reportable quantities in earlier comments on previous proposals as well as suggesting a different reportable quantity for more environmentally compatible materials such as biodegradable hydraulic oil.

*DEEP has noted comments on this topic received regarding previous proposals, and as a result increased the proposed reportable quantity to 5 gallons in the Proposed Regulations (where 1 gallon had previously been proposed) for oil or petroleum. While it is often helpful to compare Connecticut regulatory standards with those in other states, such a comparison is of very little value here. Massachusetts does not have a statewide system of emergency responders, from their DEP, that respond to releases. MA has a decentralized system, where the initial response is made by local fire services. One main purpose of these Proposed Regulations is to allow DEEP to determine when an emergency response, by DEEP, is necessary to protect human health and the environment. In addition, Connecticut relies heavily upon groundwater as a source of drinking water, necessitating different regulatory standards. Furthermore, DEEP performed benchmarking with other states in the northeast, and the 5-gallon threshold falls in the middle of the range.*

**Revisions have been made in response to these comments.**

**Proposed Language: Section 22a-450-1(c)(35)**

(35) “Reportable quantity” means that quantity of a reportable material the release of which must be reported to the commissioner pursuant to section 22a-450-2 of the Regulations of Connecticut State Agencies;

**Final Language: Section 22a-450-1(c)(35) is modified as follows**

(35) “Reportable quantity” means that quantity of a reportable material the release of which must be reported to the commissioner pursuant to section 22a-450-2 of the Regulations of Connecticut State Agencies and if the reportable material released is a liquid or compressed gas, the reportable quantity is stated in gallons; if the reportable material released is a solid or uncompressed gas, the reportable quantity is stated in pounds;

## 9. Comments regarding reportable releases

**Comments:**

- What is reportable about oil in a UST?

*Oil, inside a liquid tight UST, is not reportable, per the Proposed Regulations. The definition of UST is simply a definition, and does not trigger the requirement to report, unless there is a release from that UST.*

- What measurements does the State recommend and/or approve for determining if any release is “fully contained?”

*The term “fully contained” applies to secondary containment and is only used once, in the Proposed Regulation, at Sec. 221-450-3(a)(5). The comment appears to use the term “fully contained” as an end point for a response to the release. The Proposed Regulations do not use this term in that way.*

- There appears to be a discrepancy between the Proposed Regulations and the conceptual flowchart provided by DEEP as part of the process of seeking pre-notice stakeholder input, namely, under § 22a-450-4, releases subject to §§ 22a-450-2(a)(3) or 22a-450-2(b)(3) must be reported within two hours; however, the flowchart requires reporting if the release has not been mitigated or removed within one hour. The Department should revise the flowchart accordingly.

*Updated guidance materials, including an updated flowchart, will be prepared and distributed after the adoption of the Proposed Regulations.*

**No revisions have been made in response to these comments**

## 10. Comments regarding reportable threshold

**Comments:**

- A low threshold (de minimus) should be added to the Proposed Regulation, such as 1 gallon, below which no reporting/cleanup be required.

*The scope of these Proposed Regulations is release reporting, not cleanup. With regards to the de minimus threshold suggestion, under these Proposed Regulations, there are scenarios where a 1-gallon spill may be*

*exempt from reporting, but it depends on several factors – including the type of material released, the location of that release in relation to sensitive environmental receptors, and the imminent risk to human health or the environment - that are more fully explained in the Proposed Regulation.*

**No revisions have been made in response to these comments**

## **11. Comments regarding reporting timeframes**

### **Comments:**

- The requirements to report releases within 1-hour is overly restrictive. The 1-hour requirement may distract from the mitigation efforts. A 2-hour requirement should be adopted. In addition, requiring that a report be filed within 1 hour unless the released material is contained within 2 hours ( §§ 22a-450-2(a)(3) and 22a-450-2(b)(3)) appears to be contradictory and will be confusing to the regulated community.

*The requirement to report is not so onerous that it should adversely impact an emergency response. Instead, the requirement goes together with initiating a response, and is analogous to calling 911 before performing CPR. If an emergency response from DEEP is necessary to assure an appropriate response to prevent any further harm to human health or the environment, it is important that DEEP responders are on their way as soon as possible. Delays in reporting, and associated delays in appropriate responses, can make the release emergency much worse. If an attempt to contain the release is underway, a report is only required if the release is not contained within two hours. The Proposed Regulations require action within one hour following the release: either an attempt to contain the release must be underway or the release must be reported. If an effort to contain the release has been undertaken but, after 2 hours, the release has not been contained, it must then be reported.*

- In §§ 22a-450-2(a)(3) and 22a-450-2(b)(3), of the Proposed Regulation, DEEP has changed the time to attempt to contain or clean up a spill before reporting from one hour to two. However, the exception from reporting for spills within secondary containment still requires the material to be contained and mitigated within one hour of release. The exception time frame should be changed to two hours.

*DEEP concurs, 22a-450-3(a)(5)(B), of the Proposed Regulation, has be changed to reflect a 2-hour timeframe to mitigate a release into secondary containment.*

- The phrase “otherwise properly mitigated” should be defined. Another posed a hypothetical question asking whether a release of acid that is neutralized within secondary containment but not need to be removed, within the stated time frame, is considered “otherwise properly mitigated”?

*DEEP does not consider neutralization to be a proper form of mitigation in the circumstances described. Clarifying language will be added to the Proposed Regulations, that references best management practices, to be posted on the Department's internet website. A release would be considered properly mitigated when mitigation in accordance with best management practices promulgated by the commissioner and published on its internet website, or another method of mitigation approved by the commissioner upon request of a person reporting a release.*

- The proposed "exemption" for a release of less than five (5) gallons of oil and petroleum releases if, within two hours of discovery, the release is contained and removed or otherwise properly mitigated,

is too stringent. The commenter examined their records concerning releases of oil and petroleum of less than five gallons oil over two and a half (2.5) years (870 releases of a total of 1,885 releases) and discovered that the duration of almost every release clean up extended beyond two hours. Extending the timeframe to 8 hours is recommended.

*A spill of less than 5 gallons can absolutely be mitigated within 2 hours. A spill of less than 5 gallons that is not addressed within 2 hours may pose a threat to human health and the environment, including surface water and groundwater. To take full advantage of the reporting exemption, and to reduce any burden imposed by the Proposed Regulations, the Department recommends implementing prevention measures to reduce the number of spills and a renewed emphasis on expedient mitigation of spills that do occur.*

- The Proposed Regulations should be updated, in all appropriate sections, to clarify whether the requirement to report a release within one hour of discovery means one hour after it has been determined the spill meets the definition of a release, or whether it is one hour after the spill is first discovered, regardless of whether a determination has been made that it is a release that requires reporting. It may take more than one hour to determine the nature of the release (e.g., quantity and content, when it occurred, if it is continuing, whether it has reached water) and to determine whether it is reportable.

*The Proposed Regulations states that if the quantity or type of material is unknown, then reporting is required. If the substances that make up a release or the size of that release cannot be identified within the first hour after it occurs, a report is required.*

**Revisions have been made in response to these comments.**

**Proposed Language: 22a-450-3(a)(5)(B)**

(B) The release, and any material contaminated by the release, is contained and removed or otherwise properly mitigated by properly trained personnel within one hour of discovery; and

**Final Language: 22a-450-3(a)(5)(B) is modified as follows**

(B) The release, and any material contaminated by the release, is contained and removed or otherwise properly mitigated by properly trained personnel within ~~one hour~~ two hours of discovery; and

**Proposed Language: Section 22a-450-4(a)(1)(A)**

(B) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3) or 22a-450-2(b)(3) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

**Final Language: Section 22a-450-4(a)(1)(A) is modified as follows****(modifications also come from changes made in section 5, on page 14 of this document)**

(A) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3), ~~22a-450-2(b)(3)~~ 22a-450-2(b)(2)(B), or 22a-450-3(a)(5)(B) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

**Final Language: 22a-450-1 is modified by the addition of subsection (d) (1), as follows:**

(d) (1) For the purposes of sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release shall be considered to have been otherwise properly mitigated when such release has been mitigated in accordance with best management practices specified by the commissioner by posting such practices on the department’s internet website or another equivalent method of mitigation approved by the commissioner upon request of a person reporting a release.

**12. Comment regarding DEEP notification to water companies****Comment:**

- The Proposed Regulations should require DEEP to provide timely notification to affected water companies concerning any reported releases within a public water supply watershed or Aquifer Protection Area For the purpose of enabling water companies to consider immediate short-term system operational actions (e.g., closing diversions, using alternate sources, monitoring) until the threat has passed.

*The Emergency Planning and Community Right-to-Know Act (EPCRA) requires the State Emergency Response Commission (administered by CT DEEP) to notify the CT Department of Public Health (“DPH”) of spills of certain substances. DPH is then required to notify private and municipal operators of water systems in the affected area. Specifically, Section 2018 of the America’s Water Infrastructure Act, enacted on October 23, 2018, amended the EPCRA to explicitly require that community water systems receive emergency notification of any reportable release of an EPCRA extremely hazardous substance or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance that potentially affects their source water. Additionally, pursuant to Conn. Gen. Stat. § 22a-449(a), DEEP sends notice, in writing, to the chief executive officer and the local director of health of the municipality in which a reported release has occurred, which should ensure municipal water companies receive notice of releases. .*

**No revisions have been made in response to this comment.****13. Comment regarding the term “catch basin.”****Comment:**

- The term “catch basin” should be removed from Sec. 22a-450-2(a)(1)(C) or DEEP should clarify that only releases of oil or petroleum to catch basins that are a flow-through design are subject to reporting. This change would prevent unnecessary reporting of spills to stormwater structures.

*The Proposed Regulations exempt releases of small amounts of petroleum from runoff over improved surfaces that reaches a permitted stormwater system. Larger releases of petroleum, to any type of catch basin, must be reported.*

**No revisions have been made in response to this comment.**

#### **14. Comment regarding historic releases versus contemporaneous releases.**

##### **Comment:**

- How does this Proposed Regulation apply to historic releases discovered in the future? The Proposed Regulations state that they applicable to releases of reportable material after the effective date of the Proposed Regulations, which would eliminate prior, historic, releases from applicability. The distinction of “historic release” and “contemporaneous release” is not made. In the future, the question will arise as to whether a release occurred before, or after the effective date of these Proposed Regulations.

*Since these Proposed Regulations apply to any release that occurs after the effective date, there should be no future historic release. If the basis for believing a release occurred is through sampling results without an obvious cause, this would not be considered a contemporaneous release. A contemporaneous release has an obvious cause within close timing to the discovery. As prospective regulations to be adopted pursuant to Conn. Gen. Stat. Chapter 445b concerning reporting for historical releases are drafted, there will be additional opportunities to ensure that the two sets of regulations fit well together, and that reporting obligations are clear.*

**No revisions have been made in response to this comment.**

#### **15. Comment regarding the methods for release reporting.**

##### **Comment:**

- Clarity is requested regarding the requirement that the initial release report be made by telephone or by any other method specified by the commissioner by posting such method on the department’s internet website per the Proposed Regulations. Is this a new function that is planned to be added to the CT DEEP website? How will any new method be posted, and notice be issued to affected entities?

*The language proposed allows DEEP the flexibility to specify a new method for reporting without amending the Proposed Regulations. This will allow new methods for reporting to be implemented quickly and efficiently. If new methods other than reporting is by telephone become available in the future, the Department will post the details needed to use such method on its website. However, because it is impossible to individually notify everyone in the state with a direct communication, the Department’s website remains an important tool for communication. We will also look into the possibility of using DEEP’s e-alert system.*

**No revisions have been made in response to this comment.**

## 16. Comment regarding releases from UST Systems

### Comment:

- These Proposed Regulations indicate that: "The release of less than five (5) gallons of oil or petroleum unless, within two (2) hours of discovery, the release is contained and removed or otherwise properly mitigated" must be reported. The Proposed Regulations also state that "a person required to report, shall report the release of oil or petroleum specified in this subsection. 1.) The release of any quantity of oil or petroleum if: ... (D) The release is from or suspected to be from an underground storage tank system, including but not limited to, into any secondary containment."

Are these statements contradictory? At a gas station, the petroleum in either case is likely to be "from a UST system." In the one case, however, it appears that reporting is not required if the volume is less than 5 gallons and the spill is cleaned up within two hours; while in the other case, any volume of oil or petroleum spilled which is from a UST system requires reporting. This distinction appears to hinge on what is meant by "from a UST system."

*There is no contradiction. A release of oil or petroleum "from a UST system" is reportable, regardless of quantity or if such release is into the UST system's secondary containment system. There are, however, scenarios at gas stations where the release does not come from the UST system, such as when a delivery overfills into the spill bucket. In that scenario, the oil or petroleum is released from the delivery truck, not the UST system.*

**No revisions have been made in response to this comment.**

## 17. Comment regarding initial and follow-up reporting.

### Comment:

- What criteria triggers follow-up reporting? The Proposed Regulations should include a timeframe following the initial report in which DEEP may request a follow-up report or additional information. All releases that result in an initial report should also be required to submit a follow-up report.

*DEEP may request additional information, or a follow-up report, at any time. Because releases vary in their nature, extent and impact, it is impractical to apply a specific timeframe in which additional information or a follow up report must be submitted. Note that any additional information requested, or report required, is not related to the cleanup of the release. Nor will such a request prevent a release from being "closed," as the Proposed Regulations concern only reporting, and do not define cleanup endpoints. To require a follow-up report for every release is unduly burdensome on both DEEP and the regulated community and is unnecessary because not all releases warrant a follow-up report. If DEEP determines that a follow-up report is required, DEEP shall make that request.*

- Can or should the information required to be included in a follow up report be specified in the Proposed Regulations?

*The process for requesting a follow-up report, and the contents of such report, are specified in the Proposed Regulations at Sec. 22a-450-4(b)(1).*

- The information reported in the initial release report may not be made available to the public. *The initial reports are already available to the public on the Department's internet website and they will still be made available in the future, as they currently are.*

**No revisions have been made in response to this comment.**

## **18. Comment regarding release reporting of oil/water mixture**

### **Comment:**

- Would an oil and water mixture qualify for reporting?  
*If the amount of oil or petroleum in the mixture, that is released, is more than 5 gallons, then it is reportable. If the quantity of oil or petroleum present in the release is unknown, the release must be reported under Sec. 450-2(a)(1)(A).*

**No revisions have been made in response to this comment.**

## **19. Comments unrelated to these Proposed Regulations**

### **Comments:**

- Several comments were related to very specific home heating oil release scenarios and asked about clean-up requirements, mitigation, who is authorized to remove contamination, and if there are any penalties associated with non-compliance.  
*The scope of these Proposed Regulations is the reporting of releases, pursuant to Conn. Gen. Stat. §§ 22a-450. The requirements associated with clean-up, mitigation, who is authorized to remove contamination and civil penalties associated with non-compliance are contained in a number of other regulations and statutes. While many of those requirements also apply to releases subject to the Proposed Regulations, this comment period concerns only the proposed adoption of the Proposed Regulations.*

## **IV. CHANGES MADE BY DEEP**

### **1. Addition of the term PFAS to the Proposed Regulations**

#### **Proposed Language: Section 22a-450-2(b)(1)(K)**

(K) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an actual or potential threat to human health, public safety, or the environment.

#### **Final Language: Section 22a-450-2(b)(1)(K) and Section 22a-450-2(b)(1)(L) is modified as follows (modifications also reflect modifications explained in Section 4, on page 11 of this document)**

(K) The release contains per- or polyfluroalkyl substances, commonly referred to as PFAS, in liquid form, and includes, but is not limited to, chemicals commonly referred to as PFOS, PFOA, PFNA, PFHpA and PFHxS; or

(L) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

**Reason for change:** *It is necessary for the Proposed Regulations to specifically address releases of PFAS, an emerging contaminant with serious adverse impact on human health, even at low concentrations in the parts per trillion range. Research and scientific understanding on the human health and ecological impacts of PFAS is rapidly, and continuously, evolving. Some PFAS have been proven to bioaccumulate (accumulate within the body) in animals and humans when ingested. Certain PFAS have been linked to health risks including developmental effects in fetuses and infants, various forms of cancer, and decreased liver, thyroid, and immune system function. Requiring reports of PFAS releases will enable the Department to tailor its response to these releases as the science concerning health risks and mitigation of PFAS releases evolves.*

## 2. Clarification on the term “waters of the state”

**Final Language:** 22a-450-1 is modified by the addition of subsection (d) (1) and subsection (d) (2) as follows:

(d) (1) For the purposes of sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release shall be considered to have been otherwise properly mitigated when such release has been mitigated in accordance with best management practices specified by the commissioner by posting such practices on the department’s internet website or another equivalent method of mitigation approved by the commissioner upon request of a person reporting a release.

(2) Notwithstanding the definition of waters of the state, for the purposes of the reporting of releases pursuant to sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release to soil above the saturated zone shall not be considered a release to the waters of the state.

**Reason for change:** *The Department intends to clarify that, for the purposes of spill reporting, releases to soil above the saturated zone shall not be considered releases to the “waters of the state” even though such releases may contact soil water.*

## 3. Typographical edits

**Proposed Language:** Section 22a-450-3(a)(2)(A)

(A) From under a laboratory fume hood while performing laboratory functions, provided that this exemption shall apply only to the release of small inconsequential quantities; or

**Final Language:** Section 22a-450-3(a)(2)(A)

(A) ~~From under~~Under a laboratory fume hood while performing laboratory functions, provided that this exemption shall apply only to the release of small inconsequential quantities; or

## V. CONCLUSION

Based upon the comments addressed in this Hearing Report, I recommend the proposed amendments to the Proposed Regulations, public noticed on March 11, 2021, be revised as recommended herein, and that the recommended final proposal be submitted to the Commissioner for approval and submittal to the Attorney General and subsequently to the Legislative Regulations Review Committee of the Connecticut General Assembly.

/s/Moises Torrent  
Moises Torrent, Hearing Officer  
Environmental Analyst  
Bureau of Materials Management & Compliance Assurance  
Emergency Response and Spill Prevention Division

October 13, 2021

**Appendix I:****Notice of Intent  
Revisions 22a-450-1 to 22a-450-6, inclusive  
The Release Reporting Regulations**

In accordance with section 4-168(a) of the Connecticut General Statutes (CGS), the Connecticut Department of Energy and Environmental Protection (the “Department”) hereby gives notice that it proposes to add 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 authority to adopt the proposal is granted by Chapter 446k of the CGS

**Statement of Purpose**

Conn. Gen. Stat. § 22a-450 authorizes the Commissioner of Energy and Environmental Protection (“the Commissioner”) to adopt regulations for the reporting of discharges, spillages, uncontrolled losses, seepages or filtrations of oil or petroleum, chemical liquids, solid liquid or gaseous products or hazardous waste (sometimes referred to below as “releases”). These regulations define the thresholds that trigger reporting as well as specifying the information that must be reported.

Based upon the provisions of section 22a-450, discharges, spillages, uncontrolled losses, seepage or filtrations of virtually anything can be required to be reported. Connecticut’s General Assembly has broadly defined the terms “oil or petroleum”, “chemical liquids”, “solid liquid or gaseous products” and “hazardous waste” and these terms taken collectively, literally include anything in liquid, solid, semi-solid, gaseous or any other form. The regulations rely on these broad definitions; it is anticipated that after adoption, the Department will provide guidance identifying both common and uncommon examples of what is subject to reporting under the regulations. Some common items include asbestos in its various forms, oils of any type, and industrial chemicals. Some less common items include “biomedical waste” as defined in section 22a-209-15(a) of the Regulations of Connecticut State Agencies and toxic pollutants as that term is defined in 33 USC section 1362. While the scope of section 22a-450 encompasses virtually anything, the proposed regulations apply only to the release of certain quantities or concentrations.

The purpose of the regulations is to define those releases that must be reported to the Commissioner, when those reports must be made, what must be included in any such report, and reemphasize existing obligations to respond to a release. The regulations will allow the Department of Energy and Environmental Protection’s Emergency Response and Spill Prevention Division to become aware of information such as the nature and cause of the release, the proximity of the release to sensitive environmental areas, and actions taken to contain and remove or otherwise properly mitigate the release. In addition, in response to a request from the business community, these draft rules streamline and clarify the requirements concerning the reporting of releases. The requirement to report all releases is the default statutory requirement. The adoption of these regulations will put in place a series of exemptions to, and limitations on, that default statutory requirement. By specifying those release that must be reported, when compared to the

number of releases that are currently reported, the regulations will result in fewer releases being reported.

At the same time by requiring prompt notification in the event of a release, 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 to releases that it deems of greatest concern. In addition, the regulations will provide the regulated community with greater clarity on what, when and how to report releases.

It may also be worth noting that the regulations will apply to materials, defined as "reportable materials," that are released after the regulations take effect. In this sense, these regulations do not apply to "historical releases" or releases that occurred before the regulations take effect.

### **Summary of the Main Provisions:**

The proposed regulations establish:

- \* Clarity in applicability of the regulations;
- \* Identification of what triggers release reporting, including specific threshold quantities and a listing of reportable materials of special concern;
- \* Exceptions from reporting;
- \* Identification of how and when to report and follow-up reporting requirements; and
- \* The identification of the information (i.e., nature, cause, proximity to human population centers, sensitive environmental receptors, etc.) to be reported.

### **Legal Effects:**

The proposed regulations are adopted pursuant to sections 22a-6, 22a-422, 22a-424, 22a-449 and 22a-450 of the Connecticut General Statutes and will require reporting of and responding to releases that occur after the regulations are adopted. The proposed regulations will establish enforceable requirements and any person who does not comply with the proposed regulations may be subject to the penalties provided for by law. In addition, to avoid potential conflict or confusion with other reporting or release related requirements, the regulations make clear that compliance with the proposed reporting regulations does not relieve any person of the obligation to comply with any other legal requirement, including, but not limited to, responding to a release.

The proposed regulations, statement of purpose, a small business impact statement and a fiscal note indicating no additional expense to the state or municipal governments to implement these proposed regulations are posted and available for download (pdf) on the eRegulations system (<https://eregulations.ct.gov>).

Copies of the proposed regulations, statement of purpose, small business impact statement and fiscal note are also available by contacting the Department of Energy and Environmental Protection's Emergency Response and Spill Division by email ([DEEP.ReleaseRegs@ct.gov](mailto:DEEP.ReleaseRegs@ct.gov)).

### **Public hearing**

One public hearing has been scheduled to obtain public comment to determine whether to adopt the proposed regulations or to adjust the measures. This hearing will be held through Zoom, a

remote online hearing platform. All interested persons are invited to express their views on the proposed regulations at the following public hearing:

**Date:** June 1, 2021  
**Time:** 6:30 pm  
**Zoom Link:** <https://ctdeep.zoom.us/meeting/register/tJcrdu6trz4rG9UFYSap2GItRbcBq-VZ41m>

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

**Written comments**

Interested persons may choose to present their views regarding the proposed regulations, in writing, during the public comment period. Written comments should be submitted no later than 5:00 p.m. on June 15, 2021 (two weeks after the public hearing date). 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](mailto:DEEP.ReleaseRegs@ct.gov)
- By mail, or delivery service, to Lori Saliby, Assistant Director at the Department of Energy and Environmental Protection, Bureau of Materials Management & Compliance Assurance, Emergency Response & Spill Prevention Division, 4<sup>th</sup> Floor, 79 Elm Street, Hartford, CT 06106-5127

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](mailto: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](mailto: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](mailto:deep.aaoffice@ct.gov). Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

  
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Betsey Wingfield  
Deputy Commissioner

March 11, 2021

**Appendix II:**

**The Release Reporting Regulations  
Revisions 22a-450-1 to 22a-450-6, inclusive,  
With Final Language**

**State of Connecticut  
Regulation of  
Department of Energy and Environmental Protection  
Concerning  
Release Reporting Regulations**

**The Regulations of Connecticut State Agencies are amended by adding sections 22a-450-1 to 22a-450-6, inclusive, as follows:**

**(NEW) Sec. 22a-450-1. General Provisions**

(a) Applicability

The Release Reporting Regulations apply to the release of a reportable material after [insert the effective date of this section].

(b) Retention of Commissioner Authority

Nothing in the Release Reporting Regulations shall affect the commissioner's authority under any other statute or regulation, including, but not limited to, the commissioner's authority to issue an order, initiate or require any other action to prevent or abate a release or a potential source of a release, or take any other action authorized by law.

(c) Definitions

As used in the Release Reporting Regulations:

(1) "Biofuels" means a type of energy or fuel derived from renewable plant and animal materials, including, but not limited to, ethanol, biodiesel (vegetable oils and liquid animal fats), green diesel (derived from algae and other plant sources) and biogas (methane derived from animal manure and other digested organic material);

(2) "Chemical liquid" means any chemical, chemical solution or chemical mixture in liquid form;

(3) "Commissioner" means the Commissioner of Energy and Environmental Protection or the commissioner's designee;

(4) "Department" means the Department of Energy and Environmental Protection;

(5) "Diesel Fuel" means a liquid fuel used or intended for use in diesel engines;

(6) "Domestic Sewage" means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a building, but does not include manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains;

(7) "Environment" means waters of the state, land surface, subsurface strata or air, both indoors or outdoors;

(8) "Explosives" has the same meaning as provided for in section 29-343 of the Connecticut General Statutes;

(9) "Explosion" means a violent and destructive shattering or blowing apart of something;

(10) "Facility" means any site or area, building, structure, installation, equipment, machine, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, located in, on, or under any land or waters of the state;

(11) "Flammable liquid" means any liquid having a flashpoint at or below 199.4 °F (93 °C);

(12) "Food Products" means potable water and material usually of plant or animal origin that contains essential nutrients such as carbohydrates, fats, proteins, vitamins or minerals, and is ingested and assimilated by an organism to produce energy, stimulate growth and maintain life;

(13) "Halogenated solvents" means volatile organic compounds with a boiling point of less than

482 degrees Fahrenheit and at least one (1) covalently-bonded halogen atom;

(14) “Hazard” means a serious, unexpected, and often dangerous situation requiring immediate action, including, but not limited to, the evacuation of an area;

(15) “Hazardous chemicals” has the same meaning as provided for in section 22a-448 of the Connecticut General Statutes;

(16) “Hazardous materials” has the same meaning as provided for in 49 USC 5102(2);

(17) “Hazardous waste” means any waste material which may pose a present or potential hazard to human health or the environment when improperly handled, treated, stored, transported or disposed of or otherwise managed including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.;

(18) “Immediately” means as soon as possible after the discovery of a release, however, not later than one (1) hour after such discovery;

(19) “Imminent Release” means the existence of a condition that presents a substantial likelihood that a release may occur, including, but not limited to, an accident or malfunction such as a derailed railcar or overturned tractor trailer or cargo tanks, or containers in poor or compromised condition;

(20) “Impermeable” means not allowing a reportable material to pass through in order to prevent migration or seepage;

(21) “License” means the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law;

(22) “Liquefied petroleum gas” has the same meaning as provided for in section 43-36 of the Connecticut General Statutes;

(23) “Motor Vehicle” means any vehicle propelled or drawn by any non-muscular power;

(24) “Oil or Petroleum” means oil or petroleum of any kind or in any form, including, but not limited to, crude oil or fractions thereof, refined petroleum or fractions thereof, biofuels, waste oils, mineral oils, dielectric fluids and distillation products such as heating oils, diesel fuels, fuel oil, kerosene, naphtha, gasoline, and lubricating and hydraulic oils;

(25) “Operator” means a person in control of, or having responsibility for, the operation of a facility, vehicle used for transport, or stationary or non-stationary devices or equipment, including, but not limited to, transformers, hydraulic lifts;

(26) “Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, the federal government or other legal entity of any kind and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company;

(27) “Person Required to Report a Release” means any of the following:

(A) An operator;

(B) Any person whose act or omission results, or has resulted in, a release or an imminent release;

(C) Any person who owns or controls any reportable material which is released or which is creating an imminent release;

(D) Any person who has directly or indirectly caused a release or an imminent release; or

(E) Any person who transports, or is responsible for the transportation of, the reportable material released or an imminent release;

(28) “Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant;

(29) “PCBs” or “PCB” means the class of organic compounds known as polychlorinated biphenyls or terphenyls and includes any of several compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl or terphenyl molecule with chlorine;

(30) “Prohibited pesticide” means a pesticide: (A) identified in section 22a-66-2(a) of the Regulations of Connecticut State Agencies, (B) suspended or cancelled pursuant to 7 USC 136d, either voluntarily or by the United States Environmental Protection Agency, or (C) cancelled by

the commissioner pursuant to section 22a-52 of the Connecticut General Statutes;

(31) “Properly Trained Personnel” means a person who has successfully completed the training pursuant to 29 CFR 1910.120 and 29 CFR 1910.1200, and who has also achieved competence in the use of emergency equipment and emergency procedures, spill response equipment, and mitigation, containment, and removal techniques;

(32) “Radioactive materials” means any solid, liquid or gas, that emits ionizing radiation spontaneously;

(33) “Release” means the discharge, spillage, uncontrolled loss, seepage or filtration, including but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of, a reportable material into the environment, a secondary containment system or into a building or structure, whether intended, unintended or by accident, negligence or otherwise;

(34) “Reportable material” means any of the following: a chemical liquid, a solid, liquid or gaseous product, hazardous waste, or oil or petroleum, in any form, i.e., solid, liquid, semi-solid or gaseous. The term Reportable Material does not include radioactive materials, potable water or water vapor;

(35) “Reportable quantity” means that quantity of a reportable material the release of which must be reported to the commissioner pursuant to section 22a-450-2 of the Regulations of Connecticut State Agencies and if the reportable material released is a liquid or compressed gas, the reportable quantity is stated in gallons; if the reportable material released is a solid or uncompressed gas, the reportable quantity is stated in pounds;

(36) “The Release Reporting Regulations” means sections 22a-450-1 through 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies;

(37) “Restricted use pesticide” means any pesticide that is either listed in 40 CFR Part 152.175, noted as a restricted use pesticide on the product label, or classified by the commissioner for restricted use pursuant to section 22a-50 the Connecticut General Statutes;

(38) “Secondary containment system” means a system serving one (1) or more primary storage containers or tanks that is designed, installed and operated to collect and contain a release of a reportable material in the event of loss of the integrity or failure of the primary containment;

(39) “Solid, liquid or gaseous products” means any substance or material including, but not limited to, hazardous chemicals, flammable liquids, explosives, liquefied petroleum gas, hazardous materials, or hazardous substances designated in accordance with Section 311 of the federal Water pollution Control Act, designated at 40 CFR 116.4;

(40) “Underground storage tank system” means one (1) or a combination of tanks (including underground pipes connected thereto) and any associated ancillary equipment and containment system, including, but not limited to, residential underground storage tank systems that is used or designed to contain an accumulation of reportable materials and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more (i) beneath the surface of the ground or (ii) covered with earthen materials;

(41) “Vehicles used for Transport” means motor vehicle, aircraft, vessel or railroad cars used, or intended to be used, to transport persons or cargo, including, but not limited to, rolling stock, drones, or trailers;

(42) “Vessel” means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water;

(43) “Waste oil” means oil which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including, but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

(44) “Waters of the State” means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof;

(45) “Water supply well” means an artificial excavation, constructed by any method, for the purpose of getting water for drinking or other domestic use; and

(46) “Wetland” means:

(A) those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), saltworts (*Salicornia Europaea*, and *Salicornia bigelovii*), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus robustus* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina*), switch grass (*Panicum virgatum*), tall cordgrass (*Spartina pectinata*), high-tide bush (*Iva frutescens* var. *oraria*), cattails (*Typha angustifolia*, and *Typha latifolia*), spike rush (*Eleocharis rostellata*), chairmaker’s rush (*Scirpus americana*), bent grass (*Agrostis palustris*), and sweet grass (*Hierochloe odorata*), royal fern (*Osmunda regalis*), interrupted fern (*Osmunda claytoniana*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), marsh fern (*Dryopteris thelypteris*), bur-reed family (*Sparganium eurycarpum*, *Sparganium androcladum*, *Sparganium americanum*, *Sparganium chlorocarpum*, *Sparganium angustifolium*, *Sparganium fluctuans*, *Sparganium minimum*), horned pondweed (*Zannichellia palustris*), water-plantain (*Alisma triviale*), arrowhead (*Sagittaria subulata*, *Sagittaria graminea*, *Sagittaria eatoni*, *Sagittaria engelmanniana*), wild rice (*Zizania aquatica*), tuckahoe (*Peltandra virginica*), water-arum (*Calla palustris*), skunk cabbage (*Symplocarpus foetidus*), sweet flag (*Acorus calamus*), pickerelweed (*Pontederia cordata*), water stargrass (*Heteranthera dubia*), soft rush (*Juncus effusus*), false hellebore (*Veratrum viride*), slender blue flag (*Iris prismatica* pursh), blue flag (*Iris versicolor*), yellow iris (*Iris pseudacorus*), lizard’s tail (*Saururus cernuus*), speckled alder (*Alnus rugosa*), common alder (*Alnus serrulata*), arrow-leaved tearthumb (*Polygonum sagittatum*), halberd-leaved tearthumb (*Polygonum arifolium*), spatter-dock (*Nuphar variegatum nuphar advena*), marsh marigold (*Caltha palustris*), swamp rose (*Rosa palustris*), poison ivy (*Rhus radicans*), poison sumac (*Rhus vernix*), red maple (*Acer rubrum*), jewelweed (*Impatiens capensis*), marshmallow (*Hibiscus palustris*), loosestrife (*Lythrum alatum*, *Lythrum salicaria*), red osier (*Cornus stolonifera*), red willow (*Cornus amomum*), silky dogwood (*Cornus obliqua*), sweet pepper-bush (*Clethra alnifolia*), swamp honeysuckle (*Rhododendron viscosum*), high-bush blueberry (*Vaccinium corymbosum*), cranberry (*Vaccinium macrocarpon*), sea lavender (*Limonium nashii*), climbing hempweed (*Mikania scandens*), joe pye weed (*Eupatorium purpureum*), joe pye weed (*Eupatorium maculatum*), thoroughwort (*Eupatorium perfoliatum*); or

(B) land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.

(d) (1) For the purposes of sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release shall be considered to have been otherwise properly mitigated when such release has been mitigated in accordance with best management practices specified by the commissioner by posting such practices on the department’s internet website.

(2) Notwithstanding the definition of waters of the state, for the purposes of the reporting of releases pursuant to sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release to soil above the saturated zone shall not be considered a release to the waters of the state.

**(NEW) Sec. 22a-450-2. Releases Subject to Reporting**

(a) Oil or Petroleum

Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release, shall report the release of oil or petroleum specified in this subsection.

(1) The release of any quantity of oil or petroleum if:

(A) The amount released is not known;

(B) The release is to or enters any waters of the state or a wetland;

(C) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin;

(D) The release is from or suspected to be from an underground storage tank system, including, but not limited to, into any secondary containment system, except minor incidental drips from a dispenser nozzle during fuel dispensing;

(E) The release is known to contain PCBs, or for a release of the following where the PCB content is unknown, dielectric fluid or hydraulic oil in vehicle lifts or elevators; or

(F) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(2) The release of five (5) gallons or more of oil or petroleum if released within any period of twenty four (24) hours.

(3) The release of less than five (5) gallons of oil or petroleum unless, within two (2) hours of discovery, the release is contained and removed or otherwise properly mitigated.

(b) A Reportable Material Other than Oil or Petroleum

A person required to report a release, shall report the release of a reportable material, other than oil or petroleum, specified in this subsection.

(1) The release of any quantity of a reportable material, other than oil or petroleum, if:

(A) The release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies unless such release is of an inconsequential amount and occurs beneath a laboratory fume hood;

(B) The amount released is not known;

(C) The material released is not known;

(D) A restricted use pesticide is released in a manner that does not comply with state or federal law;

(E) A prohibited pesticide is released;

(F) PCBs, or materials containing PCBs, including, but not limited to, caulking materials, paints, silicones, roofing materials, are released;

(G) A halogenated solvent is released;

(H) The release is to or enters the waters of the state or a wetland;

(I) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin;

(J) The release is from an underground storage tank system, including, but not limited to, into any secondary containment system;

(K) The release contains per- or polyfluoroalkyl substances, commonly referred to as PFAS, in liquid form, and includes, but is not limited to, chemicals commonly referred to as PFOS, PFOA, PFNA, PFHpA, and PFHxS; or

(L) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(2) Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies:

(A) The release of either ten (10) pounds or more or one and a half (1.5) gallons or more, of a reportable material other than oil or petroleum, if released within any period of twenty four (24) hours; or

(B) The release of either less than ten (10) pounds or less than one and a half (1.5) gallons of a

reportable material other than oil or petroleum unless, within two (2) hours of discovery, properly trained personnel have either contained and removed or otherwise properly mitigated the release.

(c) Imminent Releases and Other Releases Required to be Reported

Regardless of whether an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release shall report the imminent release or actual release of a reportable material if such imminent release or actual release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(d) The Report

Any report under this subsection, submitted by a person required to report a release, shall comply with the requirements of section 22a-450-4 of the Regulations of Connecticut State Agencies.

(e) Miscellaneous Provisions

(1) For purposes of subsection (b)(1)(A) of this section, if there is no reasonable means of determining whether the release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies, such release shall be reported to the commissioner in accordance with section 22a-450-4 of the Regulations of Connecticut State Agencies.

(2) If subsection (a), (b), or (c) of this section applies to a release of a reportable material, the reportable quantity for such material shall be the lowest or smallest reportable quantity provided for in this section. If a reportable material is mixed with another reportable material, subsection (a), (b), or (c) of this section shall apply to each reportable material in such mixture.

**(NEW) Sec. 22a-450-3. Releases Exempt from Reporting**

(a) Exceptions

Notwithstanding subsections (a) and (b) of section 22a-450-2 of the Regulations of Connecticut State Agencies, the releases specified in this section do not need to be reported under the Release Reporting Regulations:

(1) (A) A release that is specifically authorized by:

- (i) A license or order issued by the commissioner;
- (ii) Any state or federal statute or regulation; or
- (iii) A judgment or order of a court of applicable jurisdiction.

(B) A release that exceeds or otherwise violates the authorization specified in subparagraph (A) of this subdivision by the amounts specified in section 22a-450-2 of the Regulations of Connecticut State Agencies, provided any such release has been reported to the commissioner or the department in compliance with the terms of a license or order issued by the commissioner, a judgment of order of a court of applicable jurisdiction, or a state or federal statute or regulation.

(2) The release of any reportable material:

(A) Under a laboratory fume hood while performing laboratory functions, provided that this exemption shall apply only to the release of small inconsequential quantities; or

(B) From a consumer or industrial product that occurs when such product is used for its intended purpose in compliance with all applicable federal, state and local requirements. This includes, but is not limited to:

- (i) A petroleum sheen from the emission or discharge of an outboard motor in use; or
- (ii) The application of a pesticide or fertilizer, provided the application of such pesticide or fertilizer is in accordance with the manufacturer's registered label instructions and with state and federal law.

(3) A release from an agricultural land activity as long as the activity is conducted in accordance with best management agricultural practices identified in the "Manual of Best Management Practices for Agriculture - Guidelines for Protecting Connecticut's Water Resources" by the Connecticut

Department of Environmental Protection and the U.S. Department of Agriculture's Natural Resources Conservation Services.

(4) A release that consists wholly of:

(A) A small or inconsequential petroleum sheen from roadways, driveways or parking lots due to vehicular use;

(B) Food products, provided that this exemption shall apply only if the release, and any material contaminated by the release is not likely to or has not reached the waters of the state, a wetland or a catch basin.

(C) Domestic sewage, provided that this exemption shall apply only if:

(i) The amount released does not exceed one hundred (100) gallons in any period of twenty-four (24) hours; and

(ii) The release, and any material contaminated by any such release, has not reached the waters of the state, a wetland or a catch basin.

(5) A release that is fully contained in an impermeable secondary containment system, provided that this exemption shall apply only if:

(A) The amount released does not exceed one hundred (100) pounds or fifteen (15) gallons, whichever is less, in any period of twenty-four (24) hours;

(B) The release, and any material contaminated by the release, is contained and removed or otherwise properly mitigated by properly trained personnel within two hours of discovery; and

(C) The release is not from an underground storage tank system.

(6) A release of radioactive materials, except that, if a release contains a mixture of a radioactive material and a reportable material, then this exemption does not apply and the Release Reporting Regulations, as well as any requirements applicable to the release of radioactive materials, shall apply.

(b) Miscellaneous Provisions

(1) If there is a release of a reportable material specified in section 22a-450-2 of the Regulations of Connecticut State Agencies and all of the applicable provisions of this section exempting such release from being reported are not met, the release shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(2) Notwithstanding the provisions of this section, a release required to be reported under subsection 22a-250-2(c) of the Regulations of Connecticut State Agencies shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(3) Any person who claims that a release is not reportable under this section shall bear the burden of demonstrating compliance with the requirements of this section.

#### **(NEW) Sec. 22a-450-4. Reporting Requirements**

(a) Initial Report and Required Action

(1) A person required to report a release shall:

(A) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3), 22a-450-2(b)(2)(B), or 22a-450-3(a)(5)(B) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

(B) Using properly trained personnel, act immediately to contain and remove or otherwise properly mitigate such release to the satisfaction of the commissioner.

(2) The initial report to the commissioner required by this subsection shall be made by telephone

or by any other method specified by the commissioner by posting such method on the department's Internet website and by preparing and disseminating outreach materials. Such initial report shall include the information specified in this subdivision to the extent that such information is known at the time of such initial report.

(A) Contact Information

(i) The name of the person reporting the release, who such person represents and a telephone number of such person for immediate call back; and

(ii) The name and contact information of the person, business or entity that caused the release and the owner of the property where the release occurred.

(B) Information Regarding the Release

(i) The time, date and estimated duration of the release and when the release was discovered, including when the release began and whether the release is continuing, intermittent or has terminated;

(ii) A description of the source and the cause of the release;

(iii) The chemical name, identity, trade name, or Chemical Abstract Service, commonly known as CAS number, of each reportable material released;

(iv) An estimate of the quantity of each reportable material released and any amount recovered;

(v) For releases to the land or air, the location of the release by:

(I) Street address, city or town; and

(II) Identifiable permanent landmark and distance to such landmark or distance to the nearest street intersection; and

(vi) For releases to the waters of the state, the location of the release by:

(I) The name of the water body; and

(II) The location of the release with respect to a fixed point or points.

(C) Potential Impacts

(i) The medium such as air, water or land, including, but not limited to, in or out of a building, into secondary containment, to soils, groundwater, or surface water, into which the reportable material was released;

(ii) The identification of sensitive receptors and area impacted or that may be impacted by the release, including, but not limited to, population centers, sensitive populations such as schools, hospitals, nursing homes, day care centers, waters of the state, wetlands, wildlife management watershed protection areas, public or private drinking water wells, or an aquifer protection area as defined in section 22a-354h of the Connecticut General Statutes;

(iii) Whether the release has entered or is likely to enter a storm sewer, sanitary sewer, combined sewer system or catch basin; and

(iv) Whether anyone has been or may be injured and if so, a brief description of any actual or potential injuries or fatalities.

(D) Response Actions and any Additional Information

(i) The actions taken or to be taken to contain and remove, or otherwise properly mitigate the release, including, but not limited to, any areas evacuated, any safety precautions undertaken or needed, and the type and quantity of material contained and removed or mitigated in response to the release;

(ii) The name and contact information of the entity employed or retained to respond to the release; and

(iii) Any additional information or relevant circumstances that would assist the commissioner in understanding the nature and potential impacts of the release or any response efforts.

(b) Follow-Up Report

(1) If requested by the commissioner, verbally or in writing, including electronically, a person required to report a release shall prepare and submit a follow-up report, containing the information required by this subsection, to the commissioner within the timeframe specified in such request, or if no timeframe is specified in such request, not later than sixty (60) days after such request. This

follow-up report shall be submitted in a manner and on a form prescribed by the commissioner, including, but not limited to, electronic filing, and shall include the information specified in this subsection to the extent that such information is known at the time such follow-up report is submitted.

(A) Initial Report Information

The information specified in subsection (a)(2) of this section as of the date such follow-up report is submitted, regardless of whether such information was provided in the Initial Report to the commissioner.

(B) Contact Information

(i) The name, title, address, telephone number, e-mail address and signature of the person preparing the written report and person, business or entity that caused the release and the owner of the property where the release occurred.

(C) Information Regarding the Release

(i) The case number assigned by the department to the release; and

(ii) A chronology of:

(I) The date and time the release began;

(II) The date and time the release was discovered;

(III) The date and time the release ended;

(IV) The date and time the release was reported to the department;

(V) When any response actions were initiated; and

(VI) When any response actions were completed.

(D) Potential Impacts

(i) A site map identifying:

(I) The point at which the release occurred;

(II) The surrounding area, including, but not limited to sensitive receptors or population centers, sensitive populations such as schools, hospitals, nursing homes, day care centers, waters of the state, wetlands, wildlife management watershed protection areas, public or private drinking water wells, or an aquifer protection area as defined in section 22a-354h of the Connecticut General Statutes;

(III) The area affected by or potentially affected by the release; and

(IV) The location of any private or public drinking water supply wells impacted or that may be impacted by the release.

(ii) The results of any laboratory analyses or other information used to determine the nature and extent of the release.

(E) Response Actions and Any Additional Information

(i) The method of clean-up and any proposed clean-up actions, current and future monitoring, the planned or final disposition of any materials, substances or wastes generated by containing and removing or otherwise mitigating the effects of the release;

(ii) All analytical results from clean-up and monitoring activities as of the date of the submission of the follow-up report;

(iii) Any actions taken and procedures implemented to prevent such a release from occurring in the future; and

(iv) Any additional information requested by the commissioner before submission of the follow-up report.

(c) Supplemental Information

A person required to report a release shall, upon request by the commissioner, verbally or in writing, including electronically, provide the commissioner with any information, in addition to that required by this section, regarding the release or any actions taken in response to the release. Unless another timeframe is specified by the commissioner in writing, including electronically, any supplemental information shall be provided within thirty (30) days of any request for such information.

(d) Corrected or Omitted Information

If any information reported to the commissioner pursuant to section 22a-450-4 of the Regulations of Connecticut State Agencies is inaccurate or misleading, or any relevant information was omitted, the person required to report a release shall resubmit corrected or omitted information, in writing, as soon as possible, but not later than five (5) days after such person knows, or should have known, that the information submitted to the commissioner is inaccurate, misleading or that relevant information was omitted.

**(NEW) Sec. 22a-450-5. Relationship to Other Requirements**

Compliance with the Release Reporting Regulations shall not affect or be deemed to satisfy any other legal requirement, including, but not limited to, any requirement to report, investigate or remediate a release. Such other requirements apply, even if a release is not required to be reported, or is reported, under the Release Reporting Regulations. To the extent that any other federal or state statute, regulation, order or permit requires reporting the release of a reportable material, compliance with the Release Reporting Regulations shall not constitute compliance with any such other requirement.

**(NEW) Sec. 22a-450-6. Appendix**

**Appendix A to the Release Reporting Regulations  
List of Materials of Special Concern**

NAME (Search CAS # for Alternate Chemical Names)	CAS#
(E)-Crotonaldehyde	123-73-9
1,2-Dibromo-3-chloropropane	96-12-8
1,3-bis(2-Isocyanato-2-Propyl)Benzene	2778-42-9
1,4-Dichloro-2-butene	764-41-0
1-Chloro-2,4-Dinitrobenzene	97-00-7
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746-01-6
2-Acetylaminofluorene	53-96-3
2-Chloro-1,1,1,4,4,4-hexafluoro-2-butene	400-44-2
2-Diisopropylaminoethyl chloride hydrochloride	4261-68-1
2-Methylfuran	534-22-5
3,3'-Dichlorobenzidine	91-94-1
3-Bromopropyne	106-96-7
4-Aminobiphenyl	92-67-1
4-Aminophenol	123-30-8
7,12-Dimethylbenz[a]anthracene	57-97-6
Acetaldehyde	75-07-0
Acetic acid	64-19-7
Acetone cyanohydrin	75-86-5
Acetyl peroxide	110-22-5
Acrolein	107-02-8
Acrylonitrile	107-13-1

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Acryloyl chloride	814-68-6
Aldrin	309-00-2
Allyl alcohol	107-18-6
Allyl chlorocarbonate	2937-50-0
Allylamine	107-11-9
Aluminum phosphide	20859-73-8
Ammonia	7664-41-7
Ammonium perchlorate	7790-98-9
Antimony pentafluoride	7783-70-2
Arsenic	7440-38-2
Arsenic acid	7778-39-4
Arsenic disulfide	1303-32-8
Arsenic pentoxide	1303-28-2
Arsenic trioxide	1327-53-3
Arsenic trisulfide	1303-33-9
Arsenous trichloride	7784-34-1
Arsine	7784-42-1
Arsine, difluorophenyl -	368-97-8
Azaserine	115-02-6
Azinphos-methyl	86-50-0
Aziridine	151-56-4
Azocyclotin	41083-11-8
Barban	101-27-9
Bendiocarb	22781-23-3
Bendiocarb phenol	22961-82-6
Benzene	71-43-2
Benzeneearsonic acid	98-05-5
Benzidine	92-87-5
Benzo[a]pyrene	50-32-8
Benzo[b]fluoranthene	205-99-2
Benzoic acid	65-85-0
Benzotrichloride	98-07-7
Beryllium chloride	7787-47-5
Beryllium fluoride	7787-49-7
Beryllium nitrate	13597-99-4
Beta-Hexachlorocyclohexane	319-85-7
Beta-Propiolactone	57-57-8
Bis (trimethoxysilyl)ethane	18406-41-2

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Bis(chloromethyl) ketone	534-07-6
Bis(trifluoromethyl)disulfide	372-64-5
Boron trichloride	10294-34-5
Boron trifluoride	7637-07-2
Brodifacoum	56073-10-0
Bromadiolone	28772-56-7
Bromine	7726-95-6
Bromine Pentafluoride	7789-30-2
Bromine trifluoride	7787-71-5
Butadiene	106-99-0
Cacodylic acid	75-60-5
Cadmium	7440-43-9
Calcium arsenate	7778-44-1
Carbamic acid, methyl-, O-(((2,4-dimethyl-1,3-dithiolan-2-yl)methylene)amino)-	26419-73-8
Carbamic acid, N- 2-chloroethyl-N-nitroso -, methyl ester	13589-15-6
Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9
Carbofuran	1563-66-2
Carbofuran phenol	1563-38-8
Carbon disulfide	75-15-0
Carbon monoxide	630-08-0
Carbosulfan	55285-14-8
Chlordane	57-74-9
Chlorethoxyfos	54593-83-8
Chlorfenvinfos	470-90-6
Chloride trifluoride	7790-91-2
Chlorine	7782-50-5
Chlorine dioxide	10049-04-4
Chloroacetic acid	79-11-8
Chlorodinitrobenzenes	25567-67-3
Chloroform	67-66-3
Chloromethyl ether	542-88-1
Chloropicrin	76-06-2
Chlorosulfonic acid	7790-94-5
Chlorpyrifos	2921-88-2
Chromic chloride	10025-73-7
Cobalt carbonyl	10210-68-1
Colchicine	64-86-8
Coumaphos	56-72-4

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Crotonaldehyde	4170-30-3
Cumene hydroperoxide	80-15-9
Cyanogen	460-19-5
Cyanogen bromide	506-68-3
Cyanogen chloride	506-77-4
Cyanuric fluoride	675-14-9
DDT	50-29-3
delta-BHC	319-86-8
Diazinon	333-41-5
Dibenz[a,h]anthracene	53-70-3
Diborane	19287-45-7
Dichlone	117-80-6
Dichloroethyl ether	111-44-4
Dichloromethylsilane	75-54-7
Dichlorosilane	4109-96-0
Dichlorvos	62-73-7
Dieldrin	60-57-1
Diepoxybutane	1464-53-5
Diethyl chlorophosphate	814-49-3
Diethyl p-nitrophenyl phosphate	311-45-5
Diethylarsine	692-42-2
Diethylstilbestrol	56-53-1
Digoxin	20830-75-5
Diisopropyl fluorophosphate	55-91-4
Dimefox	115-26-4
Dimethoate	60-51-5
Dimethyl hydrazine	57-14-7
Dimethyl sulfate	77-78-1
Dimethylamine	124-40-3
Dimethylcarbamoyl chloride	79-44-7
Dimethyldichlorosilane	75-78-5
Dimethyl-p-phenylenediamine	99-98-9
Dimetilan	644-64-4
Dinitrocresol	534-52-1
Diphacinone	82-66-6
Disulfoton	298-04-4
Di-tert-butyl peroxide	110-05-4
Ebufos	95465-99-9

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Emetine, dihydrochloride	316-42-7
Endosulfan	115-29-7
Endosulfan sulfate	1031-07-8
Endrin	72-20-8
Endrin aldehyde	7421-93-4
Epichlorohydrin	106-89-8
Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1
Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1
Ethion	563-12-2
Ethoprophos	13194-48-4
Ethyl chloroformate	541-41-3
Ethyl methanesulfonate	62-50-0
Ethyl nitrate	625-58-1
Ethyl nitrite	109-95-5
Ethyl O-(p-Nitrophenyl) phenylphosphonothionate (EPN)	2104-64-5
Ethylene chlorohydrin	107-07-3
Ethylene dibromide	106-93-4
Ethylene fluorohydrin	371-62-0
Ethylene oxide	75-21-8
Fenamiphos	22224-92-6
Fensulfothion	115-90-2
Flocoumafen	90035-08-8
Fluorine	7782-41-4
Fluoroacetic acid	144-49-0
Fluoroacetyl chloride	359-06-8
Formaldehyde	50-00-0
Formaldehyde cyanohydrin	107-16-4
Formetanate hydrochloride	23422-53-9
Formparanate	17702-57-7
Germane	7782-65-2
Glycolic acid	79-14-1
HD [Sulfur mustard or bis(2-chloroethyl)sulfide]	505-60-2
Heptachlor	76-44-8
Hexachlorobutadiene	87-68-3
Hexachlorocyclopentadiene	77-47-4
Hexamethylphosphoramide	680-31-9
Hydrazine	302-01-2
Hydrazine, 1,2-dimethyl-	540-73-8

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Hydrochloric acid	7647-01-0
Hydrofluoric acid	7664-39-3
Hydrogen bromide	10035-10-6
Hydrogen cyanide	74-90-8
Hydrogen selenide	7783-07-5
Hydrogen sulfide	7783-06-4
Iron, Pentacarbonyl-	13463-40-6
Isobutylnitrile	78-82-0
Isodrin	465-73-6
Isopropyl percarbonate	105-64-6
Isopropylmethylpyrazolyl dimethylcarbamate	119-38-0
Kepone	143-50-0
Lactonitrile	78-97-7
Lead arsenate	7784-40-9
Lewisite	541-25-3
Manganese, bis(dimethylcarbamo-dithioato-S,S')-	15339-36-3
Melphalan	148-82-3
Mercuric cyanide	592-04-1
Mercury	7439-97-6
Methacrylonitrile	126-98-7
Methane, chloromethoxy-	107-30-2
Methane, oxybis[chloro-	115-10-6
Methanesulfonyl fluoride	558-25-8
Methiocarb	2032-65-7
Methyl chloride	74-87-3
Methyl chloroformate	79-22-1
Methyl fluoroacetate	453-18-9
Methyl fluorosulfonate	421-20-5
Methyl hydrazine	60-34-4
Methyl isocyanate	624-83-9
Methyl isopropenyl ketone	814-78-8
Methyl mercaptan	74-93-1
Methyl vinyl ketone	78-94-4
Methyltrichlorosilane	75-79-6
Metolcarb	1129-41-5
Mitomycin C	50-07-7
Monocrotophos	6923-22-4
Nickel carbonyl	13463-39-3

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Nitric acid	7697-37-2
Nitric oxide	10102-43-9
Nitrogen dioxide	10102-44-0
Nitrogen Tetraoxide	10544-72-6
Nitroglycerin	55-63-0
Nitromethane	75-52-5
N-Nitrosodiethanolamine	1116-54-7
N-Nitrosodiethylamine	55-18-5
N-Nitrosodimethylamine	62-75-9
N-Nitrosomorpholine	59-89-2
N-Nitroso-N-ethylurea	759-73-9
N-Nitroso-N-methylurea	684-93-5
N-Nitroso-N-methylurethane	615-53-2
N-Nitrosopyrrolidine	930-55-2
n-Propyl chloroformate	109-61-5
O-Dinitrobenzene	528-29-0
Oleum (Fuming Sulfuric acid)	8014-95-7
Oxamyl	23135-22-0
Oxygen difluoride	7783-41-7
Paraquat dichloride	1910-42-5
Paraquat methosulfate	2074-50-2
Parathion	56-38-2
Paris green	12002-03-8
P-Chlorophenol	106-48-9
Pentaborane	19624-22-7
Peracetic Acid	79-21-0
Perchloromethyl Mercaptan	594-42-3
Perfluoroisobutylene	382-21-8
Phenol	108-95-2
Phenol, 3-(1-methylethyl)-, methylcarbamate	64-00-6
Phenyl dichloroarsine	696-28-6
Phorate	298-02-2
Phosdrin	7786-34-7
Phosgene	75-44-5
Phosphamidon (Famfos)	13171-21-6
Phosphine	7803-51-2
Phosphorous trichloride	7719-12-2
Phosphorus (yellow or white)	7723-14-0

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Phosphorus Oxychloride	10025-87-3
Physostigmine	57-47-6
Physostigmine, salicylate (1:1)	57-64-7
Picric acid	88-89-1
Potassium arsenate	7784-41-0
Potassium arsenite	10124-50-2
Potassium cyanide	151-50-8
Potassium silver cyanide	506-61-6
Promecarb	2631-37-0
Propargyl alcohol	107-19-7
Propham	122-42-9
Propionitrile	107-12-0
Propylene oxide	75-56-9
Propyleneimine	75-55-8
Sarin	107-44-8
Selenious acid	7783-00-8
Sesquimustard (1,2-bis(2-chloroethylthio)ethane)	3563-36-8
Silver cyanide	506-64-9
Silver nitrate	7761-88-8
Sodium arsenate	7778-43-0
Sodium arsenite	7784-46-5
Sodium cyanide (Na(CN))	143-33-9
Sodium fluoroacetate	62-74-8
Sodium hydroxide	1310-73-2
Soman	96-64-0
Stibine	7803-52-3
Streptozotocin	18883-66-4
Strychnine	57-24-9
Strychnine, sulfate	60-41-3
Styrene	100-42-5
Sulfur dioxide	7446-09-5
Sulfur tetrafluoride	7783-60-0
Sulfur trioxide	7446-11-9
Sulfuric acid	7664-93-9
Tabun	77-81-6
Terbufos	13071-79-9
Tert-butyl hydroperoxide	75-91-2
Tetraethyl lead	78-00-2

<b>NAME (Search CAS # for Alternate Chemical Names)</b>	<b>CAS#</b>
Tetraethyl pyroposphate (TEPP)	107-49-3
Tetrafluoroethylene	116-14-3
Tetranitromethane	509-14-8
Thiodicarb	59669-26-0
Thionyl chloride	7719-09-7
Titanium tetrachloride	7550-45-0
Toluene-2,4-diisocyanate	584-84-9
Toluene-2,6-diisocyanate	91-08-7
Toxaphene	8001-35-2
Triallate	2303-17-5
Trichlorosilane	10025-78-2
Trimethoxysilane	2487-90-3
Trimethylamine	75-50-3
Trimethylchlorosilane	75-77-4
Vinyl acetate	108-05-4
Vinyl chloride	75-01-4
VX (o-ethyl-S-2-diisopropylaminoethyl methyl phosphonothiolate)	50782-69-9

## **Statement of Purpose**

Conn. Gen. Stat. § 22a-450 authorizes the Commissioner of Energy and Environmental Protection (“the Commissioner”) to adopt regulations for the reporting of discharges, spillages, uncontrolled losses, seepages or filtrations of oil or petroleum, chemical liquids, solid liquid or gaseous products or hazardous waste (sometimes referred to below as “releases”). These regulations define the thresholds that trigger reporting as well as specifying the information that must be reported.

Under current law all releases are reportable. Connecticut’s General Assembly has broadly defined the terms “oil or petroleum”, “chemical liquids”, “solid liquid or gaseous products” and “hazardous waste” and these terms taken collectively, literally include anything in liquid, solid, semi-solid, gaseous or any other form. The regulations rely on these broad definitions; it is anticipated that after adoption, the Department will provide guidance identifying both common and uncommon examples of what is subject to reporting under the regulations. Some common items include asbestos in its various forms, oils of any type, and industrial chemicals. Some less common items include items such biomedical waste or toxic pollutants. While the scope of section 22a-450 encompasses virtually anything, the proposed regulations apply only to the release of certain quantities or concentrations.

The purpose of the regulations is to define those releases that must be reported to the Commissioner, when those reports must be made, what must be included in any such report, and reemphasize existing obligations to respond to a release. The regulations will allow the Department of Energy and Environmental Protection’s Emergency Response and Spill Prevention Division to become aware of information such as the nature and cause of the release, the proximity of the release to sensitive environmental areas, and actions taken to contain and remove or otherwise properly mitigate the release. In addition, in response to a request from the business community, these draft rules streamline and clarify the requirements concerning the reporting of releases.

The requirement to report all releases is the default statutory requirement. The adoption of these regulations will put in place a series of exemptions to, and limitations on, that default statutory requirement. By specifying those release that must be reported, when compared to the number of releases that are currently reported, the regulations will result in fewer releases being reported. One benefit of this approach is that it will allow the Department to focus its resources on those releases which pose the greatest risk to public health and the environment.

The proposed regulations, then, 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 to releases that it deems of greatest concern. In addition, the regulations will provide the regulated community with greater clarity on what, when and how to report releases.

It may also be worth noting that the regulations will apply to materials, defined as “reportable materials,” that are released after the regulations take effect. In this sense, these regulations do not apply to “historical releases” or releases that occurred before the regulations take effect.

### **Summary of the Main Provisions:**

The proposed regulations establish:

- \* Clarity in applicability of the regulations;
- \* Identification of what triggers release reporting, including specific threshold quantities and a listing of reportable materials of special concern;

- \* Exceptions from reporting;
- \* Identification of how and when to report and follow-up reporting requirements; and
- \* The identification of the information (i.e., nature, cause, proximity to human population centers, sensitive environmental receptors, etc.) to be reported.

**Legal Effects:**

The proposed regulations are adopted pursuant to sections 22a-6, 22a-422, 22a-424, 22a-449 and 22a-450 of the Connecticut General Statutes and will require reporting of and responding to releases that occur after the regulations are adopted. The proposed regulations will establish enforceable requirements and any person who does not comply with the proposed regulations may be subject to the penalties provided for by law. In addition, to avoid potential conflict or confusion with other reporting or release related requirements, the regulations make clear that compliance with the proposed reporting regulations does not relieve any person of the obligation to comply with any other legal requirement, including, but not limited to, responding to a release.