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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: October 27, 2020

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

	Yes or No
Mandatory	Y
Federal Requirement	Y
Permissive	N

For the Committee's Information:

Substantive Concerns:

1. On page 2, in section 22a-133k-1(a)(14)(B)(ii), the proposed regulation uses the term "breakdown component". Because this term is not defined, it is not clear what this term means.

2. On page 5, in section 22a-133k-1(a)(44), the term "Connecticut certified laboratory" is used. Because this term is not defined or further clarified, it is not clear what is meant by this term.
3. On page 5, in section 22a-133k-1(a)(49)(A), the proposed regulation refers to a "reasonable timeframe". Because this term is not defined, it is not clear what constitutes a "reasonable timeframe" for purposes of this definition and who would make such a determination.
4. On page 9, in section 22a-133k-1(b)(2), the proposed regulation refers to "appropriate" representative characterization of a release. It is not clear if the agency intends the use of the word "appropriate" or the use of another word such as "accurate".
5. On page 10, in section 22a-133k-1(b)(3), the proposed regulation states that if any provision of the RSRs "conflicts with any provision of any other statute or regulation, the more stringent provision shall prevail". The agency does not have the authority to require that a more stringent provision of a regulation override a different standard set forth in a provision of the general statutes. This provision should be rewritten to comport with the agency's statutory authority.
6. On page 10, in section 22a-133k-1(c), the agency is bracketing reference to requests for "approval of any variance from or alternative criteria", and leaves references to "request". It is unclear what type of requests this subsection is intended to address and this provision should be clarified.
7. On page 10, in section 22a-133k-1(d)(1), the proposed regulation refers to "when public notice is required by law". It is unclear what law is being referenced. This provision should be clarified.
8. On page 12, in section 22a-133k-1(d)(4), the proposed regulation provides, in part, that compliance with the requirements of such subsection shall satisfy, "as applicable", the notice requirements in four sections of the general statutes. It is not clear what "as applicable" means in this context. In addition, a regulation cannot override the requirements of a statute and regulatory notice requirements must be consistent with the statutory requirements. This provision should be clarified.
9. On page 20, in section 22a-133k-2(b)(2)(A)(ii)(II), and throughout the remainder of the the proposed regulation, including the appendices, the proposed regulation makes references to an EUR that is required to "enumerate and require compliance" with a provision of the proposed regulations for which it is unclear what would be "enumerated". For example, in section 22a-133k-2(b)(2)(A)(ii)(II), the EUR would be required to "enumerate" the requirement that "access to the parcel containing such release is limited to individuals working at or temporarily visiting the subject parcel for industrial/commercial activity". It is unclear how an EUR would "enumerate" such a requirement. Accordingly, for this provision and for each of the remaining provisions in the proposed regulation that require an EUR to "enumerate" a requirement, the proposed regulation should be made clear as to exactly what would be "enumerated" in the EUR.

10. On page 25, in section 22a-133k-2(c)(1)(A)(i), the proposed regulation requires the "mass analysis" of a substance. Because this term is not defined, it is unclear what analytical technique is required.
11. On page 26, in section 22a-133k-2(c)(1)(B), the proposed regulation provides that said subsection "may" apply to polluted soil above the seasonal high water table if remediation to the seasonal low water table is technically impracticable or would not result in the permanent elimination of a source pollution. It is unclear if the proposed regulation intends to utilize "shall" in this instance as the proposed regulation, with the use of "may", fails to otherwise indicate when the subsection would not apply to polluted soil above the seasonal high water table. This provision should be clarified.
12. On page 26 in section 22a-133k-2(c)(2)(B)(i)(I), and throughout the remainder of the proposed regulation, including the appendices, the proposed regulation uses a unit or designator for the subdivision of the section that is not recognized or authorized. The use of designators "(a)" and "(b)" following a subclause designation should not be used because it could create confusion about what is being referred to. Accordingly, the division of the text should be reorganized in each such instance to avoid the use of such designators.
13. On page 35, in section 22a-133k-2(d)(3)(A), the first sentence is not cogent. This sentence should be rewritten for clarity.
14. On page 38, in section 22a-133k-2(e)(3)(A)(ii), the proposed regulation refers to "the general vicinity" of a release area. Because this phrase is not defined, it is unclear what is meant.
15. On page 47, the proposed regulation indicates that section 22a-467 of the general statutes provides for the "reuse" of soils containing PCBs. Section 22a-467 of the general statutes does not provide for the reuse of soils contaminated with PCBs. This provision should be clarified.
16. On page 48, in section 22a-133k-2(h)(3)(C)(iii)(II)(c), the provision is not complete and is not cogent in light of the preceding provisions. This provision should be clarified.
17. On page 48, in section 22a-133k-2(h)(5)(A), the proposed regulation refers to "A Soil Horizon". While it is presumed that the use of this term refers, generally, to topsoil, this term should be defined for clarity.
18. On page 53, in section 22a-133k-3(b)(3), the proposed regulation provides that a request for approval "may" include those items listed in subparagraphs (A) to (D), inclusive, of such subdivision. The use of "may" in this instance is confusing as it seems the agency intends such items to be included in any such request for approval. This provision should be clarified.
19. On page 61, in section 22a-133k-3(d)(2)(B)(iii)(I), the proposed regulation refers to a requirement to include a "public water service area map...that indicates that water is *now* available" (emphasis added). The use of the word "now" makes this provision unclear

because it is not known if "now" refers to the effective date of the regulation or to the date of the request for approval of alternative groundwater protection criteria by the commissioner. This provision should be clarified.

20. On page 64, in section 22a-133k-3(e)(2)(E)(iii), the proposed regulation requires the parcel owner to maintain reports concerning the effectiveness of the variance, but does not specify for how long the owner needs to maintain such reports. A time period should be added for clarity.

21. On page 64, in section 22a-133k-3(f)(1), the proposed regulation exempts compliance with certain groundwater criteria for "the following substances in groundwater". However, the first exemption is for "substances resulting from releases of drinking water from a public water supply". It is unclear what "substances" may be encompassed in this first exemption. This provision should be clarified.

22. On page 74, in Appendix A, in the eleventh row of the first column, and throughout Appendices B to G, inclusive, the proposed regulation is changing a reference from "ETPH Analysis" to "CT ETPH Analysis". Because the latter term is not defined, this change creates a lack of clarity. This term should be defined. Also, the provision allowing the use of this analysis for samples taken on or after June 22, 1999 would appear to need amendment if such analysis was not utilized as of said date.

23. On page 102, in Appendix I, the proposed regulation contains a depiction of a map apparently to be used in connection with potential alternative groundwater protection criteria. According to the text of Appendix I, such map will be made available at the agency's headquarters and on its Internet website. However, the proposed regulation, in the text of Appendix I, does not indicate how the map is to be actually utilized. Moreover, as contained on page 102, such map contains no legend and it is unclear what the map actually depicts. The use of such map should be clarified in the text of Appendix I and the map should contain depictions and a legend so that it is clear what the map is intended to indicate.

Technical Corrections:

1. On page 1, in the introductory language, "The regulations of sections" should be "Section 1. Sections", for proper form and "hereby amended" should be "amended to read", for proper form.

2. On page 1, in section 22a-133k-1(a), in the introductory language of the subsection, "terms shall have" should be "terms have", for proper form.

3. On page 1, in section 22a-133k-1(a)[(1)], " "[Analytical " should be "[Analytical", for proper form and in new (1) of said subsection, the opening quotation mark should be underlined and "pesticides" should be "pesticide's", for proper form.

4. On page 1, in section 22a-133k-1(a)(4), and throughout the proposed regulation, "ground [] water" should be "[groundwater] groundwater", and "ground[-]water" should be "[ground-water] groundwater" for proper form.
5. On page 2, in section 22a-133k-1(a)(8), the brackets surrounding "Commissioner" should be deleted and "commissioner" should be deleted, for proper form.
6. On page 2, in section 22a-133k-1(a)(9), and throughout the proposed regulation, "including but not limited to," should be "including, but not limited to,", for proper form.
7. On page 2, in section 22a-133k-1(a)(11), "Connecticut" should be deleted as unnecessary.
8. On page 2, in section 22a-133k-1(a)(15), in the fourth line, the opening bracket before "Regulations" and the closing bracket after "Agencies" should be deleted and in the fifth line "RSRs" should be deleted, for consistency with the definition of RSRs. The same change should be made throughout the proposed regulation, when referring to a specific section or sections of the RSR regulations rather than the RSR regulations as a whole.
9. On page 3, in section 22-133k-1(a)(18), "prevent" should be "prevents", for proper form.
10. On page 3, in section 22a-133k-1(a)(24), "provided" should be "as provided", for proper form.
11. On page 4, in section 22a-133k-1(a)(39), "at least" should be inserted after "meets", for clarity and in subparagraph (C) of said subsection and throughout the remainder of the proposed regulation, including each appendix, a space should be inserted between any designator and the next following word, for proper form. For example, in section 22a-133k-1(a)(39)(C), "(C)Is" should be "(C) Is".
12. On page 5, in section 22a-133k-1(a)(44), "Reporting Limit" should be "reporting limit", for proper form.
13. On page 6, in section 22a-133k-1(a) [(53)] (65), "(65)" should be "(67)", for accuracy and the remaining subdivision designators in the subsection should be renumbered accordingly.
14. On page 6, in section 22a-133k-1(a)(67)", "delivers water from the source(s)" should be "deliver water from the source, for proper form and an underlined comma should be inserted after "Statutes", for proper form.
15. On page 7, in section 22a-133k-1(a)(68)" and throughout the remainder of the proposed regulation, including each appendix, when reference is made to a number, including a measurement, time period or quantity of something, the number should be spelled out followed by such number appearing in parentheses, for consistency. For example, in section 22a-133k-1(a)(68), "(99)" should be "ninety-nine (99)".

16. On page 7, in section 22a-133k-1(a)(72), and throughout the remainder of the regulation, including each appendix, the terms "Department's" or "Department" should be lower case unless used as the first word in a sentence or the full name of an agency.
17. On page 7, in section 22a-133k-1(a)(73), an underlined comma should be inserted after the first "inclusive" and "the aforementioned" should be "said", for proper form.
18. On page 7, in section 22a-133k-1(a)(79), the quotation marks around "watercourse" should be deleted and "Section" should be "section", for proper form.
19. On page 8, in section 22a-133k-1(a)(86), "Subject area includes" should be "Subject area includes", for proper form.
20. On page 8, in section 22a-133k-1(a)(87), "commissioner" should be underlined, to accurately reflect the text of the existing regulation.
21. On page 8, in section 22a-133k-1(a)(89), "means, [with" should be "means [, with" and the underlined comma after "commissioner" should be deleted, for proper form.
22. On page 9, in section 22a-133k-1(a)(99), the opening quotation mark before "Water" should be underlined and "Quality Criteria" should be "quality criteria", for proper form.
23. On page 9, in section 22a-133k-1(a)(100), "through 22a-426-9" should be "to 22a-426-9, inclusive", for proper form.
24. On page 10, in section 22a-133k-1(c), in the fourth line, a period should be inserted after "writing" to accurately reflect the text of the existing regulation.
25. On page 10, in section 22a-133k-1(d)(1), "completed. Except" should be "completed, except", for proper form.
26. On page 10, in section 22a-133k-1(d)(1)(A)(i), "section 22a-133k-1(g) of the RSRs" should be "subsection (g) of this section", for proper form.
27. On page 12, in section 22a-133k-1(d)(2)(C), "period, within thirty" should be "period or within thirty", for proper form.
28. On page 12, in section 22a-133k-1(d)(3), "[(2)]" should be deleted, to accurately reflect the text of the existing regulation.
29. On page 12, in section 22a-133k-1(d)(4), "sections" should be "section", for proper form.
30. On page 12, in section 22a-133k-1(d)(5), "shall mean" should be "means", for proper form.

31. On page 13, in the catchline of section 22a-133k-1(e), and in all of the catchlines of the proposed regulation, including each appendix, there should be a space between the closing bracket and the first letter or character that follows the closing bracket, for proper form.
32. On page 13, in section 22a-133k-1(e)(1)(B)(viii), "zone" should be "zoned" for accuracy; in (B)(ix), an underlined semicolon should be inserted at the end of the clause, for proper form; in (B)(xi), and throughout the remainder of the proposed regulation, including each appendix, "State of Connecticut" should be "state of Connecticut", for proper form and on page 14, in (B)(xi), "purchase" should be "purchases", for proper form.
33. On page 14, in section 22a-133k-1(e)(3)(A)(i), an underlined comma should be inserted after "interim verification" and "section" should be "sections", for proper form.
34. On page 14, in section 22a-133k-1(e)(3)(B), "EUR regulation" should be "EUR regulations", for proper form.
35. On page 14, in section 22a-133k-1(f)(2)(A), "Trust Agreement/Fund" should be "Trust Agreement or Trust Fund", for proper form.
36. On page 14, in section 22a-133k-1(f)(3), "cannot" should be "may not", in accordance with the committee's directive concerning mandates.
37. On page 15, in section 22a-133k-1(f)(4)(B), "section 22a-133k-1(g) of the RSRs" should be "subsection (g) of this section", for proper form.
38. On page 15, in section 22a-133k-1(g)(1), "A form prescribed by the commissioner" should be "Such form", for clarity.
39. On page 16, in section 22a-133k-1(h), the catchline should be underlined, for proper form.
40. On page 18, in section 22a-133k-1(i)(1), "only" should be deleted and "maybe" should be "may be", for proper form and in subsection (i)(1)(A), "for" should be "to", for clarity.
41. On page 19, in section 22a-133k-1(i)(2)(A), "these regulations" should be "this section", for proper form. Also, in (2)(A)(ii), "section 22a-133k-1(d) of the RSRs" should be "subsection (d) of this section", for proper form.
42. On page 19, in section 22a-133k-1(i)(2)(B), "these regulations" should be "this section", for proper form and an underlined comma should be inserted after "interim verification", for proper form.
43. On page 19, in section 22a-133k-1(i)(2)(C), "of the Connecticut General Statutes" should be inserted after "22a-134a(g)(1)(C)" and "these regulations" should be "this section", for proper form.
44. On page 20, in section 22a-133k-2(b)(2)(B)(iii), the underlined quotation marks should be deleted, for proper form.

45. On page 21, in section 22a-133k-2(b)(3)(B)(iii)(I), "free" should be "and free", for proper form.
46. On page 21, in section 22a-133k-2(b)(4)(A), "[subsection] subsection 22a-133k-2(d) [(7)] (2) of the RSRs. Inaccessible soil" should be "subsection [22a-133k-2(d)(7)] (d)(2) of this section, inaccessible soil", for clarity and to accurately reflect the text of the existing regulation.
47. On page 23, in section 22a-133k-2(b)(7)(A), "obtained pursuant to" should be "determined in accordance with", for clarity.
48. On page 26, in section 22a-133k-2(c)(1)(B), "area" should be "areas", for accuracy.
49. On page 26, in section 22a-133k-2(c)(2)(A), in the last line, "subparagraph (A)(ii) of this subdivision" should be "subparagraph (B)(ii) of this subdivision", for accuracy.
50. On page 26, in section 22a-133k-2(c)(2)(B), "Area Except," should be "Area, Except", for proper form.
51. On page 26, in section 22a-133k-2(c)(2), in subparagraphs (B)(i)(I)(b) and (B)(i)(II)(b), "section 22a-133k-2(d)(3)(B) of the RSRs" should be "subsection (d)(3)(B) of this section", for proper form.
52. On page 28, in section 22a-133k-2(c)(3)(A)(ii), "is equal to or less than five hundred" should be underlined and the semicolon should be underlined and moved to after "five hundred", to accurately reflect the text of the existing regulation.
53. On page 28, in section 22a-133k-2(c) (3)(B)(ii)(I), "subsection [(bb)" should be "subsection; [(bb)"; and "subparagraph]; [and" should be "subparagraph; and", to accurately reflect the text of the existing regulation.
54. On page 29, in section 22a-133k-2(c)(3)(B)(iv) and on page 30, in section 22a-133k-2(c)(4)(A), each new formula should be underlined utilizing an unbolded underlining, for proper form.
55. On page 31, in section 22a-133k-2(c)(5), in the catchline, "Exemptions" should be "Exceptions", to accurately reflect the text of the existing regulation.
56. On page 32, in section 22a-133k-2(c)(5)(B)(i)(III), "section 22a-133k-2(f)(2)(B) of the RSRs" should be "subsection (f)(2)(B) of this section", for proper form and in subclause (IV) of said clause, "section 22a-133k-2(b) of the RSRs" should be "subsection (b) of this section", for proper form. Similarly, on page 33 in subparagraph (E)(i) of said subdivision, "section 22a-133k-2(b)(6) of the RSRs" should be "subsection (b)(6) of this section", for proper form, and similar revisions should be made throughout the remainder of the section.
57. On page 34, in section 22a-133k-2(c)(6), "particular" should be deleted as unnecessary.

58. On page 38, in section 22a-133k-2(e)(2)(B), "Except of" should be "Except for", for clarity.
59. On page 38, in section 22a-133k-2(e)(3)(A), "soil that" should be "soil that is", for proper form.
60. On page 39, in section 22a-133k-2(f)(1)(A)(iii), "the direct exposure criteria in" should be moved to after "compliance with", the brackets around "subsection (b) of this" should be deleted and "22a-133k-2(b) of the RSRS" should be deleted, for proper form.
61. On page 39, in section 22a-133k-2(f)(1)(B), "that the eligibility" should be "the eligibility" and the first instance of "have been satisfied," should be deleted, for clarity.
62. On page 41, in section 22a-133k-2(f)(2)(A)(iv) and (v), "of this subsection" should be "of this subdivision", for proper form.
63. On page 43, in section 22a-133k-2(f)(2)(C)(ii), in the fifth line, the semicolon after "cm/sec" should be underlined, to accurately reflect the text of the existing regulation.
64. On page 44, in section 22a-133k-2(f)(2)(C)(v), and throughout the remainder of the proposed regulation, "Commissioner" should be "commissioner", for proper form.
65. On page 45, in section 22a-133k-2(f)(3)(A)(iii), "such public roadway is proposed to be removed" should be inserted after "future time", for clarity.
66. On page 46, in section 22a-133k-2(h)(2), underlined commas should be inserted before the two occurrences of "as defined" and "pursuant to" should be "[pursuant to] in", for proper form.
67. On page 47, in section 22a-133k-2(h)(3)(A) "if such soil to be reused" should be "if the following requirements are met", for clarity.
68. On page 47, in section 22a-133k-2(h)(3)(B)(i)(III), "Is reused" should be "The polluted soil is reused", for proper form.
69. On page 48, in section 22a-133k-2(h)(3)(C)(iii)(II)(c), "is provided" should be inserted after "soil", for proper form.
70. On page 48, in section 22a-133k-2(h)(5)(B), "the A Soil Horizon" should be "the soil horizon", for proper form and in subparagraph (D) of said subdivision, "Such" should be "The", for proper form.
71. On pages 50 and 51, in sections 22a-133k-3(b)(1)(A) and (b)(1)(B), each of the new equations should be underlined with an unbolded underlining, for proper form and clarity.
72. On page 51, in the table in section 22a-133k-3(b)(1)(A), in the third row of the third column, "Waterbody-specific" should be "waterbody-specific", for consistency.

73. On page 52, in the table in section 22a-133k-3(b)(1)(C), the content of the table should be underlined, for proper form. The same change should be made on page 53 to the table in subsection (b)(2)(B) of said section.

74. On page 54, in section 22a-133k-3(c)(1)(A), "Unless other specified" should be "Unless otherwise specified", for clarity.

75. On page 54, in section 22a-133k-3(c)(1)(A)(ii)(III)(b), "cause" should be "clause", for proper form.

76. On page 55, in section 22a-133k-3(c)(3)(B), "of this subdivision" should be inserted after "subparagraph (A)", for proper form.

77. On page 56, in section 22a-133k-3(c)(4)(B)(i), underlined commas should be inserted after "carcinogenic substance" and "non-carcinogenic substance", for proper form.

78. On pages 56 and 57, in section 22a-133k-3(c)(5), "the water table is less than thirty (30) feet below the ground surface, no building exists over the groundwater polluted with such substances at a concentration above applicable volatilization criteria, and" should be deleted as repetitive of the subsequent subparagraphs.

79. On page 58, in section 22a-133k-3(c)(6)(A)(ii)(V), a space should be inserted after "monitored" and after the semicolon, for proper form.

80. On page 58, in section 22a-133k-3(c)(7), "Building, for the purpose of this subsection," should be "For the purposes of this subsection, "building"", for proper form.

81. On page 59, in section 22a-133k-3(d)(2)(A)(i)(I), "shall be submitted" should be "is submitted", for proper form.

82. On pages 59 and 60, in sections 22a-133k-3(d)(2)(A)(ii) and (A)(iii), each equation should be underlined with an unbolded underlining, for proper form.

83. On page 60, in section 22a-133k-3(d)(2)(B), "demonstrates and demonstrate" should be "demonstrates", for clarity. Also, in subparagraph (B)(i), "subclause" should be "subclauses", for proper form.

84. On page 61, in section 22a-133k-3(d)(2)(B)(iii)(I), in the first line, "which" should be inserted after "Health", for proper form.

85. On page 61, in section 22a-133k-3(e), "subsection has been" should be "subsection have been", for proper form.

86. On page 62, in section 22a-133k-3(e)(1)(A)(vii), in the third line, "0" should be deleted, for proper form.

87. On page 62, in section 22a-133k-3(e)(1)(A)(ix)(II), "risk" should be "risks", for clarity.

88. On page 62, in section 22a-133k-3(e)(1)(B), "will indicate" should be "shall indicate", in accordance with the committee's directive concerning mandates.
89. On page 65, in section 22a-133k-3(h), "upon Groundwater" should be "upon groundwater", for proper form.
90. On page 65, in section 22a-133k-3(h)(1)(E), in the second line, "the" should be inserted before "risks", for proper form, and in the fourth line, "[subsection] section 22a-133k-3(e) [(2) of this section or otherwise identified] of the RSRs;" should be "subsection (e)(2) of this section; [or otherwise identified]", for proper form.
91. On page 65, in section 22a-133k-3(h)(1), subparagraph designator "(F)" should be "[(F)] (G)" and subparagraph designator "(G)" should be "(H)", for accuracy.
92. On page 66, in section 22a-133k-3(h)(3), "the subparagraphs of" should be deleted as unnecessary.
93. On page 68, in section 22a-133k-3(h)(4)(A)(i), "have been" should be "has been", for clarity.
94. On page 68, in section 22a-133k-3(h)(4)(B)(i), "The" should be fully underlined, for proper form.
95. On page 71 and throughout the remainder of the proposed regulation, the introductory language to Appendices A to G, inclusive, should not appear in bold text, to accurately reflect the text of the existing regulation. Also, in said introductory language, "the RSRs" should be underlined, for proper form.
96. On page 80 and throughout Appendices A to G, inclusive, wherever a comma is added to a number, such comma should be underlined for proper form. For example, on page 80, in Appendix D, in the last row of the second column, "580,000" should be "580,000" to reflect that the comma is being added to the text of the existing regulation.
97. On page 74, in Appendix A, in the tenth row of the first column, the underlining should be deleted, to accurately reflect the text of the existing regulation. Also, "TPH-" should be inserted before "Total", to accurately reflect the text of the existing regulation.
98. On page 75, in Appendix B, page 78 in Appendix C and page 81 in Appendix D, "**Semi-volatile**" should be "**Semi-volatile**", to accurately reflect the text of the existing regulation.
99. On page 76, in the heading of the table in Appendix B, a space should be inserted between "**in**" and "**mg**" and in the next to last row of the first column of the table, "by" should be "By", to accurately reflect the text of the existing regulation.
100. On page 77, in Appendix C, in the first row of the second column, "GWPC" should be underlined, for proper form.

101. On page 80, in Appendix D, in the first row of the second column and on page 81 in the first row of the second column, "SWPC" should be underlined, for proper form and "[ug/L]" should be "[ug/l]", to accurately reflect the text of the existing regulation.

102. On page 83, in Appendix E, in the first row, "waterin" should be "water in", for proper form.

103. On page 88, in Appendix G, and throughout the remainder of Appendix G, a space should be inserted between the closing parenthesis and the first letter of the next occurring word, for proper form. For example, on page 88, in subdivision (1)(A), a space should be inserted between "(A)" and "Residential". As well, throughout the headings of the tables in Appendix G, the terms "Terms", "Description", "Value" and "Units" should appear in bold text, for consistency.

104. On page 88, in Appendix G, in subdivision (1)(A)(iii) and on page 89, in subdivision (1)(A)(iv), "Appendix G(1)(A) of the RSRs" should be "this subparagraph", for proper form.

105. On page 89, in Appendix G, and throughout the remainder of Appendix G, each equation should be underlined with an unbolded underlining, for proper form.

106. On page 90, in Appendix G, in subdivision (1)(B)(iii) and (1)(B)(iv), "Appendix G(1)(B) of the RSRs" should be "this subparagraph", for proper form.

107. On page 91, in Appendix G, in subdivisions (2)(C) and (3)(C), "Appendix G(2) of the RSRs" and "Appendix G(3) of the RSRs", respectively, should each be "this subdivision", for proper form.

108. On page 92, in Appendix G, in subdivision (3)(D), "Appendix G(3)(A) or (B)" should be "subparagraph (A) or (B) of this subdivision", for proper form.

109. On page 92, in Appendix G, in subdivision (4)(A)(ii)(III), "Appendix G(4) of the RSRs" should be "this clause", for proper form.

110. On page 93, in Appendix G, in subdivision (4)(C), "Appendix G(4)(B) of the RSRs" should be "subparagraph (B) of this subdivision", for proper form.

111. On page 93, in Appendix G, in subdivision (4)(D), "criteria ria" should be "criteria", for proper form.

112. On page 93, in Appendix G, in subdivision (5)(A)(iii), "subparagraph (A) of Appendix G(5) of the RSRs" should be "this subparagraph", for proper form.

113. On page 94, in Appendix G, in subdivision (5)(A)(iv), "Appendix G(5)(A)(i) or (A)(ii) of the RSRs" should be "clause (i) or (ii) of this subparagraph", for proper form.

114. On page 94, in Appendix G, in subdivision (5)(B)(iii), "subparagraph (B) of Appendix G(5) of the RSRs" should be "this subparagraph", for proper form.

115. On page 95, in Appendix G, in subdivision (5)(B)(iv), "Appendix G(5)(B)(i) or (B)(ii) of the RSRs" should be "clause (i) or (ii) of this subparagraph", for proper form.

116. On page 95, in Appendix G, in subdivision (5)(C)(ii), "Appendix G(5)(C)(i) of the RSRs" should be "clause (i) of this subparagraph", for proper form.

117. On page 96, in Appendix G, in subdivision (5)(C)(v), "subparagraph (C) of Appendix G(5) of the RSRs" should be "this subparagraph", for proper form.

118. On page 98, the introductory language for Appendix H should be centered, for consistency. Also, in the headings of the second table on page 98, in Appendix H, the terms "Terms", "Description", "Value" and "Units" should appear in bold text, for consistency. Also, the terms in the heading of the third table beginning on page 98 and continuing on page 99 and page 100, and the terms in the heading of the second table beginning on page 100, should appear in bold type, for consistency.

119. On page 100, the introductory language to Appendix I should be centered, for consistency.

120. On page 101, in Appendix I, "which shall also be made" should be "and shall also make it", for proper form and clarity.

Recommendation:

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

Reviewed by: Bradford M. Towson / Shannon McCarthy

Date: October 16, 2020

Section. 22a-133k. Regulations establishing standards for the remediation of hazardous waste sites and for review and approval of final remedial action reports.

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

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