

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: March 25, 2025

Regulation No:	2025-14
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Release-Based Cleanup Regulations
Statutory Authority: (copy attached)	22a-134tt

	Yes or No
Mandatory	Y
Federal Requirement	Y
Permissive	N

For the Committee's Information:

1. The proposed regulation amends several sections of the Regulations of Connecticut State Agencies to replace references to sections 22a-133k-1 to 22a-133k-3, inclusive, with references to sections beginning with 22a-133tt. However, numerous other sections of the Regulations of Connecticut State Agencies reference these sections. References to sections 22a-133k-1 to 22a-133k-3 appear in the following sections of the Regulations of Connecticut State Agencies: Sections 22a-133v-1, 22a-133v-5, 22a-133v-6, 22a-209-1, 22a-449(c)-104, 22a-449(c)-105, 22a-449(c)-108 and 22a-354i-1. It is unclear whether these sections should also be amended to replace references to sections 22a-133k-1 to 22a-133k-3.

Substantive Concerns:

1. On page 25, in section 22a-134tt-1(i)(4)(C)(i)(I), the proposed regulation requires the taking of a soil sample "at a reasonable distance further away from the source of such release". It is not clear what constitutes a reasonable distance for purposes of this requirement or who has discretion to make such a determination. This requirement should be clarified.
2. On page 26, in section 22a-134tt-1(i)(5)(B), the proposed regulation requires that "a safe drinking water supply is provided". However, it is unclear from this provision who is required to provide such safe drinking water supply and to whom it is required to be supplied.
3. On pages 29 and 30, in section 22a-134tt-2(f)(2), in the table for Naturally Occurring Background Metals Values for Connecticut, the Low Values for Beryllium and Silver appear to be the same as the High Values for such metals. Accordingly, it is unclear how it would be determined that a sample of either metal is above the Low Value and below the High Value. This should be clarified.
4. On page 71, in section 22a-134tt-7(e)(5), the provision is unclear and should be rewritten for clarity.
5. On pages 111 and 112, in section 22a-134tt-10(a)(1), subparagraphs (A) to (C), inclusive, should be revised to clarify how such subparagraphs interrelate. As drafted, it is unclear whether compliance with each subparagraph is required or if compliance with one subparagraph is sufficient. If the intention is to require compliance with subparagraph (A) or, in the alternative, subparagraphs (B) and (C), "or" should be inserted after the semicolon in subparagraph (A), and subparagraphs (B) and (C) should be redesignated subparagraphs (B)(i) and (B)(ii).
6. On pages 118 to 122, sections 22a-134tt-10(c)(2)(A), 22a-134tt-10(c)(2)(B), 22a-134tt-10(c)(3), 22a-134tt-10(c)(5), 22a-134tt-10(c)(6) and 22a-134tt-10(d)(1) provide that remediation to the applicable remediation criteria "may not be required" if certain conditions are met. It is not clear whether remediation to the applicable remediation criteria is never required if the applicable conditions are met or whether there are some cases where the applicable remediation criteria will apply even when the applicable conditions are met. These provisions should be clarified. For example, if remediation to the applicable remediation criteria will never be required if the applicable conditions are met, all instances of "may not be required" should be "shall not be required", for clarity.
7. On page 134, section 22a-134tt-10(j) provides that nothing in the proposed regulation shall preclude the Commissioner of Energy and Environmental Protection "from taking any action necessary to prevent or abate pollution, or to prevent or abate any threat to human health or the environment." It is not clear what authority to act this provision intends to preserve. This provision should be clarified by providing a citation to such authority.

8. Pages 207 to 292, of the proposed regulation deletes the entire text of sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies after each section heading. New language is inserted after the bracketed text in each section stating that remediation standards "adopted pursuant to section 22a-133k of the general statutes" shall be "those standards adopted" in various sections of the proposed regulation. It is unclear which provisions of the sections referenced are replacing the deleted provisions of sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.

If the intent is to eliminate the remediation standards in sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies, these sections should be repealed and the new language under the heading for each of these sections in the proposed regulation should be amended to reference specific provisions of the cited sections.

9. On page 294, in section 5, the introductory language states that "Sections 22a-133q-1 to 22a-133q-9" are being amended, but, on pages 325 to 327, the existing language for section 22a-133q-8 does not appear to have any changes. If the intent is to amend section 22a-133q-8, the section should be amended. If the section is not being amended, in the introductory language to section 5, "Sections 22a-133q-1 to 22a-133q-9" should be "Sections 22a-133q-1 to 22a-133q-7, inclusive, section 22a-133q-9".

Technical Corrections:

1. Throughout the proposed regulation, the pages should be numbered, for proper form.
2. Throughout the proposed regulation, numbers should be expressed as numerals rather than words or words followed by numerals in parenthesis, for consistency. For example, on page 12, in section 22a-134tt-1(122), "two (2)" should be "2".
3. Throughout the proposed regulation, "Department" should be "department" and "Commissioner" should be "commissioner", except when any of such words are the first word in a sentence or part of a proper noun, for consistency. For example, on page 22, in section 22a-134tt-1(h)(1)(B), "Department" should be "department" and, on page 24, in section 22a-134tt-1(i)(3)(B), "Commissioner" should be "commissioner".
4. Throughout the proposed regulation, "of the RBCRs" should be inserted after "cleanup standards sections", for clarity and consistency. For example, on page 32, in sections 22a-134tt-3(a)(2)(B) and (a)(2)(C), "of the RBCRs" should be inserted after "cleanup standards sections".
5. Throughout the proposed regulation, "DEEP" should be "department" or "the department", as appropriate, for consistency. For example, on page 52, in section 22a-134tt-5(h)(1)(B), "DEEP" should be "department".
6. Throughout the proposed regulation, "Water Quality Standards" should be "water quality standards", for consistency with the defined term, except the reference to "Connecticut

Water Quality Standards" on page 16, in section 22a-134tt-1(a)(173), should not be changed.

7. Throughout the proposed regulation, the term "surface-water protection criteria" and, on page 116, in section 22a-134tt-10(b)(2)(B), "surface water protection-criteria" should be "surface water protection criteria", for consistency with the defined term.

8. Throughout the proposed regulation, "1000" should be "1,000", for consistency. For example, on page 43, in section 22a-134tt-5(e)(1)(B), on page 44, in section 22a-134tt-5(e)(2)(B), and on page 117, in the table, in the first row of the first column, "1000" should be "1,000".

9. On page 1, in section 22a-134tt-1(a), "RBCRS" should be "RBCRs", for consistency.

10. On page 1, in section 22a-134tt-1(a)(2), "passive recreation" should be "passive recreation activity", for consistency; and "these regulations" should be "subdivision (100) of this subsection", for clarity and proper form.

11. On page 1, in section 22a-134tt-1(a)(6), "(3)" should be inserted after "(a)", for consistency.

12. On page 2, in section 22a-134tt-1(a)(16)(B), "regulations adopted pursuant to section 22a-134tt of the Connecticut General Statutes" should be "the RBCRs", for consistency.

13. On page 3, in section 22a-134tt-1(a)(23), in the fourth line, "shall" should be "do", for clarity.

14. On page 4, in section 22a-134tt-1(37), in the third line, a period should be inserted after "Statutes", "except that" should be deleted and "emergent" should be "Emergent" and, in the fourth line, a closing quote should be inserted after "release" and "mean" should be "include", for clarity. Additionally, in subparagraphs (A) and (B) of said subdivision, the section symbols should be "section", for proper form.

15. On page 5, in section 22a-134tt-1(a)(48), "means the substances identified as fertilizers" should be "has the same meaning as provided", for proper form.

16. On page 5, in section 22a-134tt-1(a)(52), the quotes surrounding the word "waters" should be deleted and a comma should be inserted after "waters" and after "Statutes", for proper form.

17. On page 8, in section 22a-134tt-1(a)(77), "the term is" should be deleted, "that is" should be inserted after "Statutes" and "in accordance with" should be "as described in", for accuracy.

18. On page 9, in section 22a-134tt-1(86), "alternative" should be "remediation option", for clarity.

19. On page 10, in section 22a-134tt-1(98), the second occurrence of "piece, tract, or lot" should be deleted for clarity.
20. On page 12, in section 22a-134tt-1(128), "is" should be "are", for clarity.
21. On page 12, in section 22a-134tt-1(131), "provided in as section 22a-134pp(7)" should be "as provided in section 22a-134pp(7) of the Connecticut General Statutes", for consistency and proper form.
22. On page 13, in section 22a-134tt-1(141), "that term is" should be deleted, for proper form.
23. On page 13, in section 22a-134tt-1(143), in the third line, "by" should be "in", for clarity.
24. On page 14, in section 22a-134tt-1(146), the quotes surrounding the word "waters" should be deleted, for proper form, and a comma should be inserted after "waters", for proper form.
25. On page 14, in section 22a-134tt-1(157), "Zone" should be "zone", for consistency.
26. On page 15, in section 22a-134tt-1(159), ""Tier Characterization"" should be ""Tier characterization"", for consistency; "delineated" should be inserted before "nature" and "has been delineated" should be deleted, for clarity.
27. On page 16, in section 22a-134tt-1(a)(174), the definition of "wetland" should be rewritten as follows, for proper form: ""Wetland" has the same meaning as provided in section 22a-38(15) or 22a-29(2) of the Connecticut General Statutes".
28. On page 17, in section 22a-134tt-1(c)(1), "Such form" should be "Any such form", for accuracy.
29. On page 19, in section 22a-134tt-1(d)(3)(C)(ii), "now" should be deleted, for clarity.
30. On page 20, in section 22a-134tt-1(d)(4)(C)(ii), "now" should be deleted, for clarity.
31. On page 22, in section 22a-134tt-1(h)(1)(B), in the second line, "provided" should be "except" and, in the third line, a comma should be inserted after "possess", for proper form.
32. On page 22, in section 22a-134tt-1(h)(4), in the second line, the duplicate "a portion" should be deleted, for proper form.
33. On page 23, in section 22a-134tt-1(i)(1)(A)(iii), "be impacting" should be "impact", for clarity.
34. On page 23, in section 22a-134tt-1(i)(2)(A)(ii), "such person to have created or be maintaining" should be "that such person created or maintained", for clarity.

35. On page 23, in section 22a-134tt-1(i)(2)(C), "requiring" should be "to require", for clarity.
36. On page 24, in section 22a-134tt-1(i)(4)(A)(iii), "used at" should be "described in", for accuracy; and "of the RBCRs" should be inserted after "22a-134tt-9(b)(5)(B)".
37. On page 26, in section 22a-134tt-1(i)(6)(A), "public" should be inserted before "utility", for consistency.
38. On page 26, in section 22a-134tt-2(a)(1), "when regulations are first adopted pursuant to section 22a-134tt" should be "the RBCRs are adopted", for consistency.
39. On page 26, in section 22a-134tt-2(a)(2), the subdivision paragraph should not be indented, for consistency; and, in subparagraph (A) of said subdivision, "indicating" should be "that indicate", for clarity.
40. On page 27, in section 22a-134tt-2(a)(3), in two instances, "when regulations are first adopted pursuant to section 22a-134tt" should be "the RBCRs are adopted", for consistency; and "in their entirety" should be deleted, for clarity.
41. On page 28, in section 22a-134tt-2(f)(1)(A), "(A) the" should be "(A) The", for consistency and proper form.
42. On page 29, in section 22a-134tt-2(f)(2)(A), "subsection" should be "subdivision" and, in section 22a-134tt-2(f)(2)(B), "subdivisions (B), (C), or (D) of subsection (f) of this section" should be "subparagraphs (B), (C) or (D) of this subdivision", for accuracy.
43. On page 32, in section 22a-134tt-3(a)(2)(A)(i), "22a-134tt-4" should be "section 22a-134tt-4 of the RBCRs", for consistency and proper form.
44. On page 34, in section 22a-134tt-3(b)(1)(B), "must" should be "is required to", for clarity.
45. On page 34, in section 22a-134tt-3(b)(1)(B)(i), "any" should be "Any", for consistency and proper form.
46. On page 34, in section 22a-134tt-3(b)(1)(C)(i)(IV), "using" should be deleted, for clarity.
47. On page 37, in section 22a-134tt-3(c)(5)(B), "Connecticut" should be inserted before "General Statutes", for consistency and proper form.
48. On page 38, a line space should be inserted after the heading for section 22a-134tt-4 and before the heading for subsection (a), for consistency and proper form.
49. On page 38, in section 22a-134tt-4(a)(1), "herein" should be "in this section", for clarity and proper form.

50. On page 40, in section 22a-134tt-5(a)(3), in the third and eighth lines, "herein" should be "in this section", for clarity and proper form.
51. On page 44, in section 22a-134tt-5(e)(2)(D)(ii), "be" should be inserted before "impacted", for clarity.
52. On page 44, in section 22a-134tt-5(e)(2)(D)(iii), "subparagraphs" should be "subparagraph", for accuracy.
53. On page 46, in section 22a-134tt-5(e)(5), "is causing" should be "causes", for clarity.
54. On page 49, in section 22a-134tt-5(f)(3), in the third line, "time" should be "times", for accuracy.
55. On page 50, in section 22a-134tt-5(f)(3)(D), in the last line, "(b)(iv)" should be "(B)(iv)", for accuracy.
56. On pages 50 and 51, in section 22a-134tt-5(f)(5), the colon should be a period and subparagraph designator (A) should be deleted, the extra line spaces should be deleted and the subclause designators (i) to (iii), inclusive, should be subparagraph designators (A) to (C), inclusive, for proper form.
57. On page 53, in section 22a-134tt-5(h)(2), "must" should be "shall", in accordance with the committee's directive concerning mandates.
58. On page 55, in section 22a-134tt-5(j)(2), "A" should be "Any", for proper form.
59. On page 55, in section 22a-134tt-5(j)(3)(D), "therein" should be "in such report", for clarity.
60. On page 55, in section 22a-134tt-5(j)(3), the second subparagraph designated (E) should be redesignated as subparagraph (F) and subparagraph (F) should be redesignated as subparagraph (G); in the first subparagraph (E), "of this section" should be inserted after "(f)"; and in redesignated subparagraph (F), "subsections (e) or (f)" should be "subsection (e) or (f)", for proper form.
61. On page 55, in section 22a-134tt-5(j)(4), "therein" should be "in such plan", for clarity; and, in (4)(B), "of this section" should be inserted after "(g)", for proper form.
62. On page 56, in section 22a-134tt-5(j)(6), "within 7 days" should be "not later than 7 days after such rejection", for clarity.
63. On page 57, in section 22a-134tt-5(k)(4)(B), "herein" should be "in this section", for clarity.
64. On page 57, in section 22a-134tt-5(l), the subsection designator should appear in bold text and there should be a subdivision heading in bold text for such provision, for consistency.

65. On page 61, in section 22a-134tt-6(e)(7), "by that" should be "pursuant to said", for clarity.
66. On page 62, in section 22a-134tt-6(f)(5)(B), "of the RBCRs" should be inserted after "22a-134tt-10", for clarity; and "subsection (h) of section 22a-134tt-10" should be "section 22a-134tt-10(h)", for consistency.
67. On page 63, in section 22a-134tt-6(g), the subsection designator and catchline should be in bold text, for consistency.
68. On page 63, in section 22a-134tt-6(g)(3), "therein" should be "in such schedule", for clarity.
69. On page 63, in section 22a-134tt-6(h)(1)(B), "group" should be inserted before "was", for clarity.
70. On page 65, in section 22a-134tt(h)(2), "Regulations" should be "regulations", for consistency.
71. On page 65, in section 22a-134tt(h)(3)(B), "executed within 36 days of" should be "executed not later than 36 days after", for clarity.
72. On pages 65 and 66, in sections 22a-134tt-7(b)(3)(B) and (b)(4), "Regulations" should be "regulations", for consistency.
73. On page 69, in section 22a-134tt-7(d)(2)(C)(i) and (ii), "within" should be "not later than" and, in (iii), "Within" should be "Not later than", for clarity.
74. On page 72, in section 22a-134tt-7(g)(2)(A)(i), "Remedial Action Plan" should be "remedial action plan", for proper form.
75. On page 73, in section 22a-134tt-7(g)(3), "Appendix 2 to" should be inserted after "forth in", for clarity.
76. On pages 77 and 78, in sections 22a-134tt-9(b)(2)(A)(ii) and (D)(ii)(I), "passive recreation" should be "passive recreation activity", for consistency.
77. On page 79, section 22a-134tt-9(b)(3)(B)(III) should be rewritten as follows, for clarity: "A permanent structure that renders the soil inaccessible is maintained in good condition to the extent required to prevent exposure of such soil and shall not be removed, provided that written notice is submitted to the commissioner".
78. On page 80, in section 22a-134tt-9(b)(3)(D)(iii)(I), "herein" should be "pursuant to this subdivision", for clarity.
79. On page 83, in section 22a-134tt-9(c)(1)(B), "a" should be inserted before "GA" and "apply to" should be "require remediation of the", for clarity.

80. On page 84, in section 22a-134tt-9(c)(2)(D), "if" should be inserted after "subparagraph", for clarity.
81. On page 85, in section 22a-134tt-9(c)(2)(E), "subparagraph" should be "subdivision", for accuracy.
82. On pages 86 and 87, in section 22a-134tt-9(c)(3)(B)(iv), in the table below the formula, in the first column and first row, "Term" should appear as a single word with all the letters together, for proper form.
83. On page 88, in section 22a-134tt-9(c)(4)(B), in the sixth line, "subdivision" should be "subparagraph", for accuracy.
84. On page 89, in section 22a-134tt-9(c)(5)(A)(iv)(II), "has been" should be "be" and "prohibit the removal of such structure" should be "be prohibited from removal", for clarity.
85. On page 100, in section 22a-134tt-9(f)(2)(B)(i)(VI), in the sixth line, "material" should be inserted after "such" for clarity.
86. On page 100, in section 22a-134tt-9(f)(2)(B)(iv)(II), "Regulations" should be "regulations", for consistency.
87. On page 100, in section 22a-134tt-9(f)(2)(B)(iv)(III), "no later than sixty (60) days following" should be "not later than 60 days after" and "within sixty (60) days of" should be "not later than 60 days after", for clarity and consistency.
88. On page 100, in section 22a-134tt-9(f)(2)(B)(vi)(II), "of this subparagraph" should be inserted after "(viii)", for proper form.
89. On page 101, in section 22a-134tt-9(f)(2)(C)(ii)(III), "Regulations" should be "regulations", for consistency.
90. On page 101, in section 22a-134tt-9(f)(2)(C)(ii)(IV), "no later than sixty (60) days following" should be "not later than 60 days after" and "within sixty (60) days of" should be "not later than 60 days after", for clarity and consistency.
91. On page 102, in section 22a-134tt-9(f)(2)(C)(vii)(II), in the second and ninth lines, and in (III), in the third line, each occurrence of "will be maintained" should be "maintained," for clarity.
92. On page 102, in section 22a-134tt-9(f)(2)(D)(i), "Final Engineered Control Completion Statement" should be all lower-case, for proper form; and "within one hundred and twenty (120) days from" should be "not later than one 120 days after", and, in (ii), "within one hundred and twenty (120) days of" should be "not later than 120 days after", for clarity.

93. On page 103, in section 22a-134tt-9(f)(2)(D)(iii), "within one hundred and eighty (180) days of" should be "not later than 180 days after", for clarity.

94. On page 104, in section 22a-134tt-9(f)(3)(D), "or" should be "of", for accuracy.

95. On page 105, in section 22a-134tt-9(h)(3), the subparagraph designator "(A)" should be placed before the first paragraph and the subclause designator "(i)" should be placed before the second paragraph, for proper form.

96. On page 106, in section 22a-134tt-9(h)(3)(B), the subclause designator "(i)" should be placed before the first paragraph, for proper form.

97. On page 106, in section 22a-134tt-9(h)(3)(C), in the first line, "for" should be "from", for accuracy.

98. On page 107, in section 22a-134tt-9(h)(3)(C)(iii)(II), "will be" should be deleted as unnecessary.

99. On page 107, in section 22a-134tt-9(h)(4)(A), "therein" should be "in such soil", for clarity.

100. On page 109, in section 22a-134tt-9(j)(1)(D), "Immediate Action" should be lower-case, for proper form.

101. On page 110, in section 22a-134tt-9(j)(4), in the fifth line, "this provisions" should be "the provisions", for accuracy.

102. On page 110, in section 22a-134tt-9(j)(7)(B), "within 15 days of" should be "not later than 15 days after", for consistency.

103. On page 110, in section 22a-134tt-9(j)(9), in the third line, "this" should be "the", for clarity and consistency.

104. On page 112, in section 22a-134tt-10(a)(3)(A), "groundwater" should be "a groundwater plume", for clarity.

105. On page 112, in section 22a-134tt-10(a)(3)(A)(iv), in the fourth line, "occupied by such groundwater plume" should be inserted after "basin", for clarity.

106. On page 112, in section 22a-134tt-10(a)(3)(B), "groundwater" should be "a groundwater plume discharging to a low-dilution surface water body", for clarity, and "subsection" should be "subdivision", for accuracy.

107. On page 115, in section 22a-134tt-10(b)(1)(C), in the table, in the second column, "WQC" should be "water quality criteria", or, alternatively, on page 16, in section 22a-134tt-1(172), "Water quality standards" should be "Water quality criteria or "WQC"", for consistency with the defined term.

108. On page 115, in section 22a-134tt-10(b)(1)(D), "alternative surface water protection" should be "alternative surface water protection criteria", for accuracy.

109. On page 117, in section 22a-134tt-10(b)(3), in the first line, the extra space after "release-" should be deleted and, in the eighth line, a comma should be inserted after "request", for proper form.

110. On page 118, in section 22a-134tt-10(c)(2)(A)(ii), and on page 119, in section 22a-134tt-10(c)(2)(B)(ii), "that to use such criteria," should be deleted as unnecessary.

111. On page 120, in section 22a-134tt-10(c)(4)(B)(i), in the first and third lines, a comma should be inserted after "substance", for proper form.

112. On page 122, in section 22a-134tt-10(c)(7), "purpose" should be "purposes", for proper form.

113. On page 122, in section 22a-134tt-10(d)(1)(A)(iii), "public water supply well" should be "public drinking water supply well", for consistency with the defined term.

114. On page 122, in section 22a-134tt-10(d)(2), and on page 123, in section 22a-134tt-10(d)(3)(A)(ii)(II), the extra space before "of the RCBRs" should be deleted, for proper form.

115. On page 123, in section 22a-134tt-10(d)(3)(A)(i)(I), "calculation" should be "calculated", for clarity.

116. On page 123, in section 22a-134tt-10(d)(3)(A)(v), "on-going" should be "ongoing", for proper form.

117. On page 126, in section 22a-134tt-10(d)(5), the semicolon before subparagraph (A) should be a colon, for proper form.

118. On page 127, in section 22a-134tt-10(e)(1)(A)(ix)(II), "risk" should be "risks", for proper form.

119. On page 128, in section 22a-134tt-10(e)(2)(E)(iii), "Regulations" should be "regulations", for consistency.

120. On page 130, in section 22a-134tt-10(g)(7), "providing" should be "which provides", for proper form.

121. On page 130, in section 22a-134tt-10(h)(1)(E), "subsection (e)(2)" should be "subsection (e)(1)", for accuracy.

122. On page 132, in section 22a-134tt-10(h)(3)(D), "also include any other information" should be deleted, for proper form.

123. On page 133, in section 22a-134tt-10(i)(1)(C), the comma after "subdivision" should be deleted, for proper form.

124. On page 134, in section 22a-134tt-10(i)(3)(A), "are not specified" should be "is not specified", and "sections" should be "section", for proper form, and "22a-134tt-App 7" should be "22a-134tt-App7", for accuracy.

125. On page 135, in section 22a-134tt-11(b)(1)(C), and on page 136, in section 22a-134tt-11(b)(2)(C), "may" should be "need", for proper form.

126. On page 136, in section 22a-134tt-12, "cleanup standards sections" should be "RCBRs", for consistency.

127. On page 136, in section 22a-134tt-12(1)(D), "regulations adopted pursuant to section 22a-134tt or 22a-450 of the Connecticut General Statutes" should be "the RBCRs", for consistency.

128. On page 137, in section 22a-134tt-13(a)(2), the provision in subparagraph (A) should be moved and redrafted as the second sentence of section 22a-134tt-13(a)(1) and the remaining subparagraphs should be redesignated accordingly, for clarity and proper form.

129. On page 137, in section 22a-134tt-13(a)(2), the first word of each subparagraph should be capitalized, for consistency.

130. On page 137, in section 22a-134tt-13(a)(2)(C), "1" should be "one", for clarity.

131. On page 138, in section 22a-134tt-13(b)(1), "herein" should be "in this subsection" and, "of a release record" should be inserted after "submission", for clarity.

132. On page 138, in section 22a-134tt-13(b)(1)(A), "the" should be inserted before "person who verified", for proper form.

133. On page 138, in section 22a-134tt-13(b)(1)(B), ". The commissioner's review" should be "and", for clarity, and, in section 22a-134tt-13(b)(1)(B)(iii), "this subsection" should be "this section", for accuracy.

134. On pages 138 and 139, in section 22a-134tt-13(b)(2)(A), 22a-134tt-13(b)(3) and 22a-134-13(c)(1)(A), the extra spaces before "who verified" should be deleted, and, in sections 22a-134tt-13(c)(1) and 22a-134tt-13(c)(1)(A), the extra spaces before "Except" and "Such notice", respectively, should be deleted, for proper form.

135. On page 139, in section 22a-134tt-13(c)(1), "herein" should be "in this subsection", for clarity.

136. On page 139, in section 22a-134tt-13(c)(1)(A)(i), "shall" should be "need", for proper form.

137. On page 139, in section 22a-134tt-13(c)(1)(C), "If, at any time after commencing a focused audit, the commissioner determines additional information is necessary to complete the audit" should be "May require additional information", for consistency, and, in the second line, "shall" should be "need" and, in the third line, "of" should be deleted, for proper form.
138. On page 140, in section 22a-134tt-13(c)(2)(A), the extra spaces before "who verified" and "Such notice" should be deleted, for proper form.
139. On page 140, in section 22a-134tt-13(d)(1), in the fourth line, the first "a" should be deleted, for clarity.
140. On page 141, in section 22a-134tt-13(d)(1)(C), "If, at any time after commencing a full audit, the commissioner determines additional information is necessary to complete the audit" should be "May require additional information", for consistency, and, in the second line, "shall" should be "need", for proper form.
141. On page 142, in section 22a-134tt-13(e)(2)(B), "sections" should be "section", for proper form; and "of the RBCRs" should be inserted before "not more than", for accuracy.
142. On pages 142 and 143, in section 22a-134tt-13(f)(1), the first word of each subparagraph should be capitalized , for consistency.
143. On page 143, in section 22a-134tt-13(f)(2), "subsections (c)(1) and (d)(1)" should be "subsection (c)(1)(A) or (d)(1)(A)", for accuracy and proper form; and, in the fourth line, the second "subsection" should be "subsections", for proper form.
144. On page 155, in section 22a-134tt-App2., in the table field "PCBs", "section 22a-134tt-9(b)(4)" should be "section 22a-134tt-9(b)(4) of the RBCR", for accuracy.
145. On page 165, in section 22a-134tt-App4., "[PCB's] PCBs" should be "PBCs", for proper form.
146. On page 166, in section 22a-134tt-App5., in the heading to the table, "Criteriafor" should be "Criteria for", for proper form.
147. On page 175, in section 22a-134tt-App8.(1)(B), "(i)" should be "(i)", for proper form.
148. On page 189, in section 22a-134tt-App8.(4)(C), "Surface Water Protection Criteria" should be "surface water protection criteria", for consistency with the defined term.
149. On page 201, in section 22a-134tt-App10., in the title of the map, "Potential Alternative Groundwater Protection Map" should be "Potential Alternative Groundwater Protection Criteria Map" and, in the second paragraph, "eRegs system" should be "eRegulations System", for consistency.

150. On page 292, in Section 3, the boldface caption after "(NEW)" should be deleted, the subdivision (5) should be inserted after "(NEW)" and the text of the following provision should be moved to after the subdivision on the same line, for proper form.

151. On page 293, in Sec. 4, the text should not be underlined and "(NEW)" should precede the text on the first line, in the third line, "release based" should be "release-based", and, in the fourth line, "at section 22a-134tt-1" should be "in section 22a-134tt-1(a)", for consistency and proper form.

152. On page 294, in Sec. 5, the introductory language should be rewritten as follows, for proper form: "Sections 22a-133q-1 to 22a-133q-9, inclusive, and sections 22a-1343-App1 and 22a-133-App2 of the Regulations of Connecticut State Agencies are amended to read as follows:".

153. On page 295, in section 22a-133q-1(a)(22), "Release Based" should be "Release-Based", for consistency and proper form.

154. On page 295, in section 22a-133q-1(a)(24), "[22a-133k-1(a)]" should be "[22a-133k-1(a)] 22a-134tt-1(a)", for accuracy.

155. On page 297, in section 22a-133q-2(b)(9), "22a-134tt-7(d)" should be underlined, for proper form.

156. On page 314, in section 22a-133q-5(a)(4)(D), "sections" should be "section", for proper form; and "22a-134tt-10" should be "22a-134tt-10 of", for accuracy.

157. On page 332, in section 22a-133q-app1.4.iv., the first reference to "[22a-133k]" should be "[22a-133k-1]" and the second reference to "[22a-133k]" should be "[22a-133k-3]", to reflect the text of the existing regulation.

158. On page 333, in section 22a-133q-app1.6.ii., "[22a-133k]" should be "[22a-133k-1]" and "[22a-133k]" should be "[22a-133k-3]", to reflect the text of the existing regulation.

159. On page 340, in section 22a-133q-app2., in the last box on the page, referencing "{Language for LEP approval}", "22a-133[a]q-1" should be [22a-133a-1] "22a-133q-1", for proper form.

Recommendation:

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

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Sec. 22a-134tt. Regulations. Working group. Regulation requirements. Remediation standards considerations. Audit requirements. Incorporation of other requirements.

(a) The commissioner shall adopt, amend or repeal regulations, in accordance with the provisions of chapter 54, as are necessary and proper to carry out the purposes of sections 22a-134pp to 22a-134xx, inclusive.

(b) The commissioner, or his or her designee, shall co-chair and convene, in conjunction with the Commissioner of Economic and Community Development, or his or her designee, a working group in the department for the purpose of providing advice and feedback for regulations to be adopted by the commissioner in accordance with the provisions of this section. The Commissioner of Economic and Community Development, or his or her designee, shall serve as co-chair of such working group. The membership of the working group shall include: (1) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the environment and commerce; (2) environmental transaction attorneys; (3) commercial real estate brokers; (4) licensed environmental professionals; (5) representatives from the Connecticut Manufacturers' Collaborative; (6) representatives of environmental advocacy groups; (7) representatives of the Environmental Professionals Organization of Connecticut; (8) municipal representatives; (9) representatives from the brownfields working group established pursuant to section 32-770; (10) representatives of the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns; (11) representatives of the Council on Environmental Quality; and (12) any other interested members of the public designated by the commissioner. The commissioner shall convene monthly meetings of such working group until such time as regulations are adopted pursuant to this section. Not less than sixty days before posting notice on the eRegulations System pursuant to section 4-168, the commissioner shall provide a draft of such regulations to the members of the working group and allow members of the working group to provide advice and feedback on such draft. The members of the working group shall provide such advice and feedback not later than thirty days after the date on which such members receive such draft. Not less than fifteen days before posting such notice on the eRegulations System pursuant to section 4-168, the commissioner shall convene at least one monthly meeting of the working group after providing a draft of such regulations. The commissioner shall provide a revised draft for review by such members prior to posting notice on the eRegulations System pursuant to section 4-168.

(c) Such regulations shall include, but need not be limited to, provisions regarding (1) reporting requirements for any releases required to be reported pursuant to sections 22a-134qq to 22a-134tt, inclusive, including, but not limited to, reportable quantities and concentrations above which a release shall be reported in accordance with said sections; (2) procedures and deadlines for remediation, including public participation; (3) standards for remediation for any release to the land and waters of the state, including environmental use restrictions, as defined in section 22a-133o; (4) verification and commissioner's audit of remediation; (5) supervision of remediation based on pollutant type, concentration or volume, or based on the imminence of harm to public health; and (6) any required fees.

(d) In any regulation adopted pursuant to subsection (a) of this section, the commissioner shall specify tiers of releases based on risk, as determined by the

commissioner, and that, based on the tier to which such release is assigned, certain releases may be remediated under the supervision of a licensed environmental professional, without the supervision of the commissioner, and may be remediated without being verified. Tiers of releases shall be specified based on: (1) The existence, source, nature and extent of a release; (2) the nature and extent of danger to public health, safety, welfare and the environment, both immediate and over time; (3) the magnitude and complexity of the actions necessary to assess, contain or remove the release; (4) the extent to which the proposed remediation will not remove the release, in its entirety, from the land and waters of the state but will instead leave behind pollutants to be managed using a risk mitigation approach authorized by regulations adopted pursuant to this section; and (5) the extent to which the oversight of the commissioner is necessary to ensure compliance with the provisions of sections 22a-134qq to 22a-134tt, inclusive.

(e) (1) In any regulation adopted pursuant to subsection (a) of this section, the commissioner shall specify the types of releases to be reported and the timeframe for such reporting. When specifying the types of releases that shall be reported and the timeframes for reporting releases, the commissioner shall consider the factors specified in subdivisions (1), (2), (3) and (5) of subsection (b) of this section.

(2) Such regulations may exempt the requirement for a report if remediation can be accomplished through containment, removal or mitigation of a release upon discovery and in a manner and by a timeframe specified in the regulations adopted pursuant to subsection (a) of this section, provided such regulations shall specify that certain records be maintained by the person performing a cleanup and a schedule for the retention of such records.

(3) Such regulations may require any such report be made in a timeframe commensurate with the severity of the risk posed by such release, with the shortest reporting time corresponding to releases that pose an imminent or substantial threat to human health or the environment, including, but not limited to, residential areas, parks and schools, or releases that exist near drinking water supplies or that present a higher risk to human health or the environment. Such regulations shall permit a longer timeframe for a report of a release that does not pose an imminent or significant threat to human health or the environment.

(4) Such regulations shall provide for a process to amend or retract release reports that were reported in error.

(5) No release required to be reported by regulations adopted pursuant to section 22a-450 shall also be required to be reported by regulations adopted pursuant to subsection (a) of this section.

(f) In establishing standards for remediation adopted pursuant to subsection (a) of this section, the commissioner shall (1) consider the standards for remediation set forth in regulations adopted pursuant to section 22a-133k; (2) give preference to cleanup methods that are permanent, if feasible; (3) provide flexibility, when appropriate, for licensed environmental professionals to establish and implement risk-based alternative cleanup standards developed in consideration of site use, exposure assumptions, geologic and

hydrogeologic conditions and physical and chemical properties of each substance that comprise a release; (4) consider any factor the commissioner deems appropriate, including, but not limited to, groundwater classification of the site; and (5) provide for standards of remediation less stringent than those required for residential land use for polluted properties that (A) are located in areas classified as GB or GC under the standards adopted by the commissioner for classification of groundwater, (B) have historically been used for industrial or commercial purposes, and (C) are not subject to an order issued by the commissioner regarding such release, consent order or stipulated judgment regarding such release, 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 such regulations specify the types of industrial or commercial land uses to which any such property may be put subsequent to such remedial action.

(g) The regulations adopted pursuant to subsection (a) of this section regarding audits shall:

(1) Authorize the commissioner to audit any verification;

(2) Set goals for the number of audits to be conducted. Such goals shall be consistent with the requirements of section 22a-134uu and shall, at a minimum, set a goal of auditing twenty per cent of verifications rendered for releases from at least one tier and set a goal of auditing verifications rendered for releases from the other tiers at a frequency that is based on the number of verifications submitted for releases in each tier;

(3) Prioritize the auditing of higher risk releases that may jeopardize human health or the environment;

(4) Utilize multiple levels of auditing. The levels of auditing may include:

(A) Screening documents or forms submitted to the department;

(B) Conducting a thorough evaluation of the verification, including, but not limited to, inspecting a property or requesting additional supporting information regarding an investigation or remediation of a release; and

(C) Auditing focused on specific issues identified in screening documents or forms, conditions specific to a particular release or issues that present a higher risk to human health or the environment; and

(5) Provide certain timeframes for commencing audits that shall be no later than one year after verification and provide opportunities to reopen a remediation when: (A) The commissioner has reason to believe that a verification was obtained through the submittal of materially inaccurate or erroneous information, or otherwise misleading information material to the verification, or that misrepresentations were made in connection with the submittal of the verification, (B) a verification is submitted pursuant to an order of the commissioner, in accordance with section 22a-134ss, (C) any post-verification monitoring, or operations and maintenance, is required as part of a verification and which is not completed, (D) a verification that relies upon an environmental land use restriction was not

recorded on the land records of the municipality in which such land is located in accordance with section 22a-133o and applicable regulations, (E) the commissioner determines that there has been a violation of the provisions of sections 22a-134qq to 22a-134tt, inclusive, or (F) the commissioner determines that information exists indicating that the remediation may have failed to prevent a substantial threat to public health or the environment.

(h) In adopting the regulations prescribed by this section, the commissioner shall incorporate the requirements of other cleanup provisions of the general statutes to assure consistency, clarity and efficiency in the application of remediation requirements contained in the general statutes and other applicable provisions of the regulations of Connecticut state agencies by the commissioner and members of the regulated community.