

Connecticut Cleanup Programs and Liability Relief

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Environmental Protection (DEEP)*

DEEP Cleanup 101-a.k.a. Bootcamp



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2014 DECD Brownfield Client Workshop



Connecticut Department of Energy and Environmental Protection

General Cleanup Authority

Based on pollution to “Waters of the State”

- CGS § 22a-432 – Creating or maintaining a source-Order to polluter or landowner responsible



- CGS § 22a-433 – Maintaining a source- Order to landowner that didn't cause pollution but is maintaining



DEEP Enforcement Authority

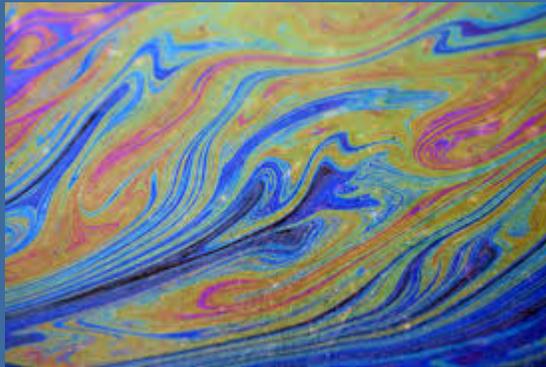
- Notices of violation
- Consent order (respondent must agree)
 - May or may not include monetary penalty
- Unilateral order
 - May or may not include monetary penalty
 - Subject to appeal
- Attorney general referrals
 - For injunctive relief, cease & desist, monetary penalty
- Criminal referral- Chief State's Attorney
- EPA referral



Spill Reporting

CGS § 22a-451 - Reporting of new spill

- Initial report by telephone to 24/ 7 hotline
- Follow- up with written report
- Initial response by DEEP Emergency Response & Spill Prevention Division
- Addresses immediate threat- not RSR cleanup
- Ongoing cases may be referred to Remediation Division



Property Transfer Program

- CGS § 22a- 134 to 134- 134d
- Key definitions:
 - Establishment
 - Transfer of establishment-complex definition
- Act triggered by “transfer of establishment”
 - Many exemptions- eminent domain, mortgage & tax lien foreclosure, inheritance, family transfers, stock transfers
- ECAF filed with enrollment form
 - \$3,250 initial fee, DEEP oversight = additional fee at final cleanup
 - LEP oversight and verification or DEEP oversight- usually LEP



Voluntary Remediation

- CGS § 22a-133x
 - ECAF filed with enrollment form
 - \$3,250 fee (50% municipal discount, waived for state grantees)
 - LEP oversight and verification or DEEP oversight- usually LEP
- CGS Section 22a-133y
 - Must be GB or GC groundwater, not under order or stipulated judgment
 - LEP does Phase 2 and 3 and submits final cleanup report
 - LEP submits RAP before remediation starts



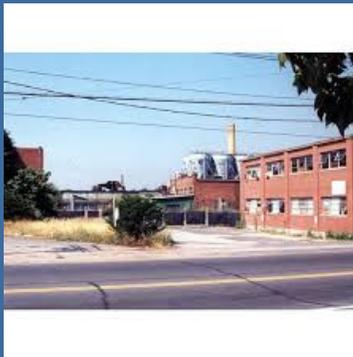
RCRA Corrective Action

- 238 sites in Connecticut that handled, stored, treated hazardous waste
- Some overlap with property transfer program
- EPA has goals each fiscal year
- Important to DEEP too- grant funding
- Differences from state cleanup program:
 - Ecological risk assessment always required
 - More public participation
 - Some administrative differences



Superfund Program

- Federal Superfund (15 sites)
 - Sites on EPA “National Priority List”
 - Sites cleaned up under EPA supervision
 - EPA seeks state concurrence on remedy
 - State laws & regulations frozen at time of remedy selection
- State Superfund (13 sites)
 - Program not highly active



Raymark Site, Stratford, mid 1990s



Raymark Site, Stratford, today



DEEP Remediation Division Districts

North Central District

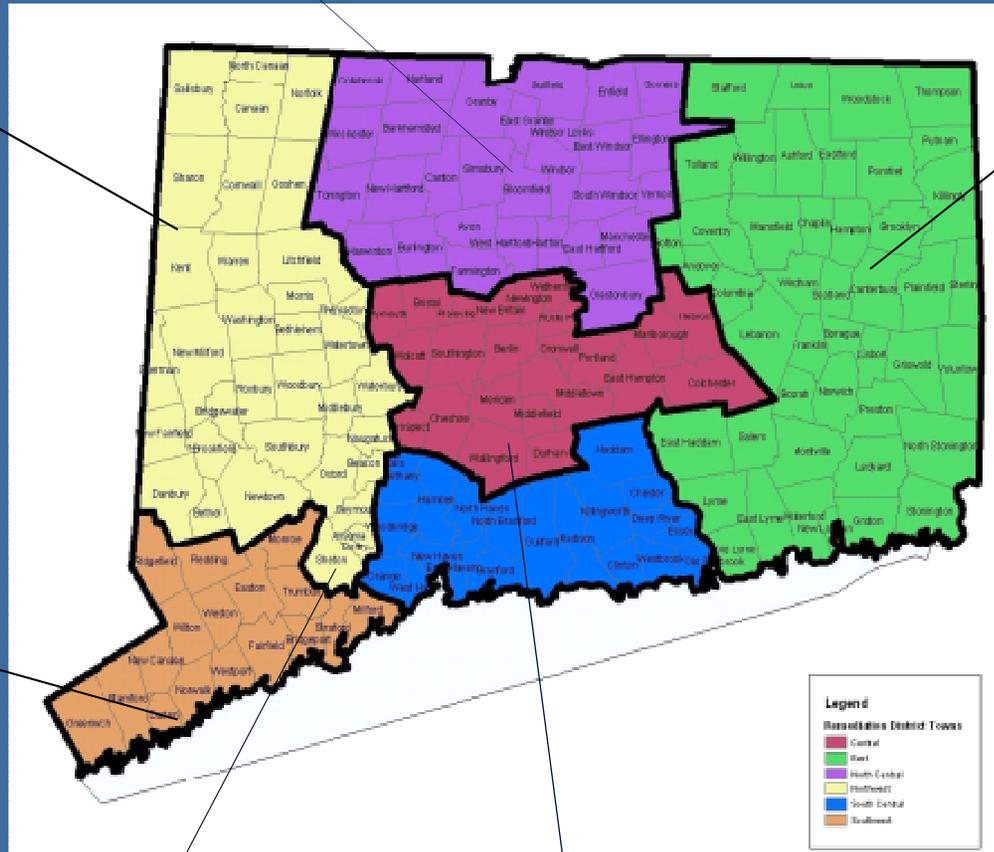
Robert (Rob) Robinson
(860) 424-3775

Northwestern District

Patricia (Pat) DeRosa
(860) 424-3501

Eastern District

Bill Warzecha
(860) 424-3776



Coordination & Support

Jacques Gilbert (acting)
(860) 424-3336

Petroleum Cleanup Fund

Jacques Gilbert
(860) 424-3336

Southwestern District

Peter Hill
(860) 424-3912

South Central District

Tom RisCassi
(860) 424-3781

Central District

David Ringquist
(860) 424-3373

Phase 1 Site Assessment

- Tells where to look in later phases
- Existing & past uses of site
 - What did they do, & where?
 - Raw materials & wastes?
 - Identify areas where contaminants may have been released
- Important for Federal & state due diligence
 - Limited shelf life- 6 months to 1 year



Phase 2 Site Assessment

- Confirms presence/ absence of contamination in AOCs
- Sample collection- soil, groundwater, surface water, sediment, soil gas
- Possibly geophysics or other non- invasive methods



Phase 3 Site Assessment

- Full site characterization
 - Exactly where is the contamination now in three dimensions?
 - Where is the contamination going in the future?
 - Is the contamination above a standard?
- Needed to determine remedial (clean- up) options



State Cleanup Requirements

- Remediation Standard Regulations (RSRs) (RCSA § 22a-133k-1 to k-3) apply to all cleanups
- Wave 1 RSR revisions June 2013- help certainty and speed of Brownfield redevelopment projects
- Wave 2 in development
- Cleanup plan developed and implemented using RSRs



Brownfield Regulatory Programs

- Any program can be pathway for Brownfield remediation and redevelopment
- Property Transfer Program
 - Connecticut General Statutes CGS §22a-134
- Voluntary Remediation Programs
 - CGS §22a-133x and §22a-133y
- Urban Sites Remedial Action Program
 - CGS §22a-133m

