Comprehensive Evaluation and Transformation of CT's Cleanup Laws

Evaluation Workgroups Discussion

August 9, 2011

Agenda

- Summary of the Visioning Session and Public Participation
- Explanation of the Workgroup Process and Timeframe
- Discussion of Workgroup Topics Offered by DEEP
- Discussion of Workgroup Topic Ideas Offered by the Public

Agenda

- Request for Additional Workgroup Topic Ideas from the Audience
- Public Discussion on All Potential Workgroup Topics – what are our best ideas
- Public Selection of Workgroup Topics

Summary of June 27th Visioning Session

- First step in finding opportunity to make significant improvements to our cleanup programs
- 80 stakeholders participated in 10 breakout groups
- Stakeholders represented state government, municipalities, regulated community (PRPs, brownfield redevelopers and owners), environmental constituents, EJ community, environmental consultants/LEPs, and environmental attorneys.

Visioning Session – Continued Public Involvement

- Submit your own vision by viewing the Session's PowerPoint and completing the guided questions on our *Stakeholder Input and Public Participation Web Page*
- Follow-up questions have also been published
- Draft Visioning Session Report available on the Transformation's Stakeholder page
- Please provide your vision, answer to follow-up questions and comments to the draft report to: DEP.Cleanup.Transform@ct.gov

Public Participation

- Everyone has the ability to comment on each step of the Transformation process
- Web interactivity allows for ease of input – *even during vacation*!
- Stakeholders input is critical to a successful outcome to this process

Selection of Workgroup Topics for Evaluation

- Four workgroup topics have been created by DEEP from requirements of Public Act No. 11-141
- DEEP has received some topics through DEP.Cleanup.Transform@ct.gov prior to today
- Today we hope to hear many great ideas from the group
- We will discuss the merits of all topics and vote on the best choices to assist the Evaluation and Transformation

Workgroups Timelines

- Announce Workgroups and Solicit Interest by **August 12th**
- DEEP to Announce Assignments – **Week of August 22nd**
- 1st Meeting of Workgroups – **Week of August 29th**
- Workgroup Reports Due – **September 28th**
- Publish Workgroup Reports & Seek Public Input – **Week of October 3rd**

I will take your questions …

Workgroup Formulation

- Today we will be discussing potential workgroup **topics**
- DEEP will use these topic ideas and your input on these topics to create workgroups and solicit interested volunteers
- A single topic may comprise a workgroup or multiple topics may be combined and refined to constitute a workgroup

DEEP Offered Topics

1. **Timing Under Current Remediation Program**

   Based on statistics compiled by DEEP (# of properties that have entered into each property remediation program, the rate by which properties enter the programs, and # of properties that have completed the requirements of each property remediation program), determine factors that may influence the length of time to complete investigation and remediation under existing programs

DEEP Offered Topics

2. **LEP Program Performance and Utilization**

   Compile data on audits of verifications rendered by LEPs, determine the role of the LEP in each step of the investigation and remediation process, and suggest situations where the role of the LEP could be modified to expedite investigation and remediation

DEEP Offered Topics

3. **Single Remediation Program Comparison**

   Evaluate states with single remediation programs and compare with Connecticut's existing programs

4. **Evaluate Connecticut's Liability Relief Programs**

   Evaluate all programs provided for in chapters 445 and 446k of the general statutes that provide liability relief for potential and existing property owners

Public Topics Suggestions

- What topics do you think would be necessary to **Evaluate** through the workgroup process?

- We need ideas that will present information that will form the basis for our **Transformation**?

	Workgroup Topic Idea	Goal
1	**Evaluate factors that Influence Timing under CT Remediation Programs ***	Using baseline program statistics, determine factors and suggest ideas that may influence inv/remediation timing
2	**LEP Program Performance and Utilization ***	Determine baseline and suggest ideas to expedite investigation and cleanup using LEPs
3	**Single Remediation Program Evaluation ***	Compile info and evaluate single remediation programs and compare to current Programs
4	**Evaluate CT's Current Liability Relief Statutes ***	Evaluate existing liability relief provisions
5	**Defining and Measuring Success (ensuing success can be measured)**	Creating goals and guiding principles for the Remediation Program
6	**Case Studies – What went wrong?**	Analyze several cases that did not go smoothly to help identify potential solutions
7	**Addressing current vs. historical issues (50-100+ yrs old)**	Evaluate how current versus historical contamination should be addressed
8	**Entries Points into Current CT Remediation Programs**	What are best entry points for each (business transaction/discovery/on-going releases) Program

*** required per Public Act No. 11-141**

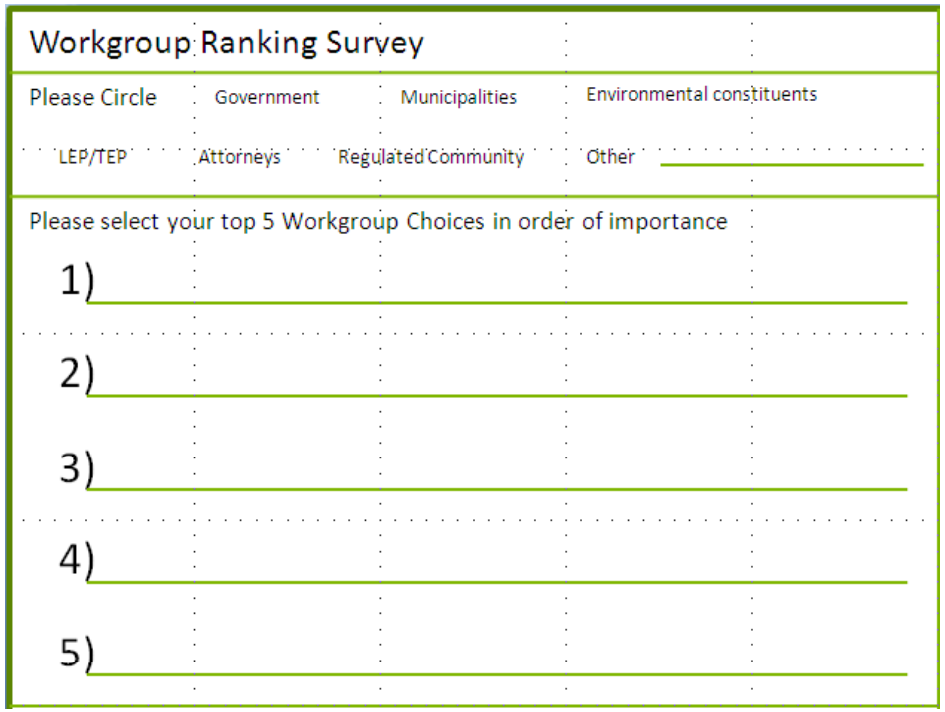
	Workgroup Topic Idea	Goal
9	**Widespread contamination issues – urban fill and pesticides**	Evaluate and suggest a uniform, fair, practical, and protective approaches
10	**Soil and GW characterization and cleanup objectives**	Evaluate cleanup objectives in light of types of site, setting and receptors, and evaluate use of GIS system to generate site-specific standards
11	**What is the "finish line" and how is it defined in different Programs?**	Evaluate the finish line in Programs for consistency and clarity
12	**Evaluate the best practices with other state cleanup programs**	Evaluate the general framework and suggest processes that would benefit CT
13	**Review process for approval of site-specific cleanup criteria**	Evaluate and suggest a timely process
14	**Development of criteria – base assumptions for criteria**	Evaluate the assumptions used in the development of criteria
15	**Standards or guidance for residential or non-applicable sites (not in program)**	Establishing guidance for dealing with sites not in program and suggesting how sites can use current tools
16	**Release Registry**	Evaluate a new mechanism to report releases detected during investigations and mechanisms to address releases

	Workgroup Topic Idea	Goal
17	**Transition and phase out/transfer from existing to new programs**	Evaluate mechanisms by which parties can and/or must transition out of existing Programs and into any new Programs suggested
18	**Prioritization of sites by risk – human health**	Have appropriate level of effort based on risk posed by site conditions and receptors
19	**Defining responsibility for pollution – taking into account historical contamination scenarios**	Explore polluter pays when the actual polluter does not exist or is no longer viable
20	**Streamlining resolution of potable and other public health WQ issue problems**	Evaluate ways that resolution for potable water and community septic systems problems can be streamlined and expedited
21	**Streamline institution and engineered control process**	Evaluate ways by which to expedite these processes
22	**Clarification of existing Transfer Act entry points**	Evaluate ways to clarify an provide for more consistency given the many confusing exemptions to entry into the Transfer Act
23	**Issues of uniformity within existing Transfer Act (differing requirements)**	Evaluate issues posed by having multiple requirements within the Transfer Act and recommend solutions

	Workgroup Topic Idea	Goal
24	**Issues of federal/state overlap**	Evaluate areas of investigation and cleanup that have state and federal overlap of authority and suggest streamlining improvements
25	**Self-implementing vs. DEEP approval**	Evaluate approval roles for DEEP and LEPs to determine what should be self-implementing, what can be approved by LEP, and what DEEP must approve
26	**Looking to eliminate overlap within existing programs**	Evaluate programs that have overlap of authority and suggest streamlining improvements
27	**Groundwater monitoring requirements**	Evaluate groundwater monitoring requirements and suggest streamlining improvements
28	**Consistency of any new program and existing program with established goals**	Evaluate existing programs and any new program with yet to be established goals and principles
29	**Evaluation of various program models**	Evaluate forms of transformation: keep existing programs and modify, consolidate existing programs, or consolidate into single program

Workgroup Topic Voting

- DEEP wants to know what you think about these topics
- We are passing out voting cards
- We are interested in the stakeholder group your represent
- What is your Top 5 in order of preference



Workgroup Ranking Survey

Please Circle Government Municipalities Environmental constituents

LEP/TEP Attorneys Regulated Community Other _____

Please select your top 5 Workgroup Choices in order of importance

1) _____

2) _____

3) _____

4) _____

5) _____

	Workgroup Topic Ideas		Workgroup Topic Idea
1	What is the finish line? How does risk influence the finish line and factors that influence closure	6	Evaluate factors that influence current CT Remediation Program Timing
2	Defining and Measuring Success (ensuing success can be measured)	7	LEP Program Performance and Utilization
3	Defining responsibility for pollution – taking into account historical contamination scenarios	8	Single Remediation Program Evaluation
4	Entries Points into Current CT Remediation Programs	9	Evaluate CT's Liability Relief
5	Evaluate the best practices with other state cleanup programs	10	Evaluation of various program models

Topic Selection Process

- DEEP will evaluate all Workgroup Topic ideas, take into account today's discussion and voting, and formulate the final workgroups by August 12th
- Workgroups will be balanced with respect to scope and breadth as well as subject matter
- Some Workgroups may have to be cancelled if there is a lack of participation interest

Workgroup Participation

- Please email DEP.Cleanup.Transform@ct.gov the Workgroups that you would like to participate in, your order of preference, and any applicable experience with a topic
- You will be notified the week of August 22nd with workgroup assignments and the date and time of your first meeting
- DEEP will assign a DEEP staff to co-lead each Workgroup with the other co-lead selected by the group
- DEEP will limit the participants in each Workgroup to 12-15 people

I will take your questions …