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Connecticut Remediation Program Changes are Proposed

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by Jean Perry Phillips

Last summer, in an innocent era unmarred by Covid-19, the Environmental Practice Group at Pullman & Comley published a series of Client Alerts regarding proposed amendments to the Remediation Standard Regulations (RSRs), which are often referred to as *Wave 2*. The amendments are sought by the Connecticut Department of Energy and Environmental Protection (DEEP) as part of its efforts to overhaul Connecticut's remediation programs.

The proposed amendments to the RSRs were shortly followed by DEEP's proposed amendments to the Environmental Use Restriction regulations utilized for obtaining and managing Environmental Land Use Restrictions and Notice of Activity and Use Limitations. Both of these mechanisms can be utilized to achieve compliance with certain aspects of the RSRs.

At that time, the proposed amendments were published, and public hearings were held to allow public scrutiny and comment on the changes (as mandated by state statute). DEEP recently published updated versions of the proposed regulations and responses to what DEEP considers "key comments." The final regulations will need to be submitted to the Office of Fiscal Analysis and the Legislative Environment Committee next. The Legislative Regulatory Review Committee (LRRC) will then hold a meeting and the public will have another opportunity to comment on the proposed regulations. The LRRC must approve the revised regulations.

DEEP (which remains busy while in quarantine) also recently provided notice of its intent to promulgate release reporting regulations on its website. These regulations are in development and DEEP accepted comments through August 20. DEEP has indicated that it will spend the fall drafting proposed regulatory language and put that draft language out for further public comment in the late fall/early winter of 2020. The regulations ultimately developed will potentially

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affect all property owners and businesses in the State of Connecticut.

We will be providing a new series of Client Alerts on the proposed amendments including further information on the submittal to the LRRC and commenting processes. We cannot emphasize enough that the amended regulations will have a profound effect on the way remediation occurs in Connecticut. Any real property or business that is now enrolled in a formal remediation program will be subject to the new regulations.

Further information can be found here: <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations/Proposed-Amendments-to-the-RSRs-and-EURs> and here: <https://portal.ct.gov/DEEP/Emergency-Response-and-Spill-Prevention/Emergency-Response-and-Spill-Prevention>

For more information on DEEP's changes to the Remediation Standard Regulations, please contact any member of our Environmental Practice Group.

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