



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 7, 2011
Environment Committee

Testimony Submitted by Acting Commissioner Susan Frechette
Department of Environmental Protection

**Committee Senate Bill No. 227 - AN ACT CONCERNING REMEDIATION STANDARDS
UNDER A CONSENT ORDER**

Thank you for the opportunity to present testimony regarding Committee Senate Bill No. 227 - AN ACT CONCERNING REMEDIATION STANDARDS UNDER A CONSENT ORDER. The Department of Environmental Protection (Department) opposes this bill because there are already protections in place for the issues identified in the bill.

While the language of the proposed bill is not explicit, we believe that the intent is to prohibit the change in a numeric remediation standard for a contaminant, when a party is cleaning up a contaminated site pursuant to a consent order. When the Department enters into a consent order with a property owner requiring them to remediate contaminated property, that order is site specific and tailored to the facts of each case. As a general rule, terms in a consent order cannot be altered without the express written consent of both parties to the consent order. In addition, once the Department approves reports and plans submitted under a step of the consent order, that step has been complied with and will not be re-opened.

There are consent orders which require that sites be cleaned up to the remediation standard regulations. Any change in the remediation standard regulations would be through a formal regulation adoption process, and no adoption process is underway or planned at this time. When the Department last considered amending the remediation standards regulations, the Department's draft included a "transition provision" specifically to address the situation where a party may be nearing completion of a cleanup and would have allowed the cleanup to continue under the existing remediation standards, rather than the proposed amendments to the remediation standards. In the future when the Department proposes amendments to the remediation standard regulations, it is our intent to include a similar transition provision.

Finally, if there is a specific site subject to a consent order for which the sponsor would like to discuss how the standards apply, the Department would be happy to meet with the sponsor and other interested persons to address any concerns specific to that situation.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@CT.gov.