

Dear Environment Committee:

I am writing to comment on Section 2 of Senate Bill 1082, relating to the Significant Environmental Hazard Program (SEHP). I agree that the addition of specific response requirements will make the SEHP more predictable and self-implementing, although I defer to EPOC and the Licensed Environmental Professional community with respect to the technical merits of the various requirements. I do not believe that the thresholds for reporting contamination under the SEHP statute should be amended, however, until DEEP updates the default numeric standards under its Remedial Standard Regulations. Those standards, which form the basis of most of the SEHP reporting requirements, are now almost 20 years old and, in many instances, do not reflect current scientific knowledge.

I also agree that the discovery of nonaqueous phase liquids (NAPL) should prompt both a report to DEEP and a rapid remedial response. As drafted, however, SB 1082 will create another set of overlapping and duplicative requirements. The language of Section 2 will require owners and operators of underground storage tanks to report the discovery of NAPL twice – first within 24 hours pursuant to the Connecticut Underground Storage Tank Regulations and again within in accordance with SEHP – and then engage in two concurrent but different responses. I have highlighted the relevant sections of the UST regulations, which are attached, so that you can see the differences in reporting and response requirements.

Duplicate reporting and inconsistent response requirements impose a cost without conferring a benefit to either public health or the environment. I therefore ask that, if this bill is enacted before the DEEP amends the numeric RSR standards, the references to NAPL in SB 1082 be qualified to apply only to NAPL that is not already subject to reporting and remediation requirements. Adding the phrase “that is not subject to the reporting and response requirements of Subsections 105 and 106 of RCSA §22a-449(d)” after each occurrence of the phrase “nonaqueous phase liquid” would eliminate the duplication and allow NAPL associated with USTs to be reported and remediated under the UST regulations. If the legislature prefers that all NAPL, regardless of source, be reported and remediated pursuant to the SEHP, then the bill should include a statement that reporting and remediating NAPL pursuant to SEHP is deemed to satisfy the analogous requirements of Subsections 105 and 106 of RCSA §22a-449(d).

Thank you for your attention.

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