



Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

April 1, 2013

The Honorable Andres Ayala, Jr.
State Senator
Co-Chair, Legislative Regulations Review Committee
Room 3600, Legislative Office Building
Hartford, Connecticut 06106-1591

The Honorable Selim G. Noujaim
State Representative
Co-Chair, Legislative Regulations Review Committee
Connecticut House Republican Office
Room 4200, Legislative Office Building
Hartford, Connecticut 06106

Dear Senator Ayala and Representative Noujaim:

Pursuant to Section 4-170 of the Connecticut General Statutes, I submit for the Legislative Regulations Review Committee's consideration and approval the proposed regulation amendments regarding Regulations of Connecticut State Agencies (RCSA) sections 22a-133k-1 through 22a-133k-3, inclusive – commonly referred to as the Remediation Standard Regulations or “RSRs” and RCSA section 22a-133q-1, commonly referred to as the Environmental Land Use Restriction or “ELUR” regulations.

The existing RSRs identify the technical standards for the remediation of environmental pollution at hazardous waste sites and other properties that have been subject to a spill, release or discharge. They also identify numeric standards for remediation of specific pollutants and the procedures and standards for variances and alternatives to such standards.

The proposed amendments to the RSRs are designed to aid site cleanup and redevelopment without compromising the protection of public health and environmental quality. The amendments remove unintended barriers to remediating sites by providing creative new clean-up options and opportunities, clarifying regulatory language, and addressing concerns expressed by the regulated community.

The existing ELUR regulations identify the procedures and standards for the use and recording of environmental land use restrictions thereby preventing the use of polluted real property for certain purposes or prohibiting certain activities on such property consistent with site risks. The proposed amendments to these regulations are to clarify requirements and incorporate procedural changes that streamline the process of utilizing an ELUR on polluted real property.

The proposed revisions to the regulations are authorized by Sections 22a-6 and 22a-133k (RSRs) and Sections 22a-6 and 22a-133q (ELUR) of the Connecticut General Statutes. In addition, pursuant to CGS Section 4-168(g) several technical amendments to the regulations were included due to a change in name of the agency and to correct clerical errors in the existing regulations.

If you have any questions, please contact the Department's legislative liaison, Robert LaFrance, via e-mail at robert.lafrance@ct.gov or by telephone at (860) 424-3401. I thank you in advance for your consideration.

Sincerely,



Daniel C. Esty
Commissioner

Enclosures

cc: The Honorable Senator Edward Meyer
The Honorable Representative Linda M. Gentile
Marcy Picano, Office of Fiscal Analysis
Robert LaFrance, Legislative Liaison, DEEP
Betsey Wingfield, Chief, Bureau of Water Protection and Land Reuse, DEEP