

SECTION 6

- i. Notice of Intent

ADMINISTRATIVE REGULATIONS

Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.

A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated August 7, 2012.

Notice of Errata

Supplement number 88 of the Regulations of Connecticut State Agencies (dated 5-12) was found to contain the following errors:

The amendment date in Section 20-327b-1 is incorrect;

The amendment dates in Sections 38a-686-1 through 38a-686-3 are incorrect.

These two regulations are being re-published with the correct amendment dates in this issue of the Connecticut Law Journal, beginning on page 61C. Replacement pages for Supplement 88 will be printed and distributed to subscribers of the regulations supplement with instructions for inserting these pages into the full set of the regulations.

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Notice of Intent to Adopt Regulations And to Hold a Public Hearing

Pursuant to sections 4-168, 22a-6, 22a-133k and 22a-133q of the Connecticut General Statutes ("CGS"), the Commissioner of Energy and Environmental Protection hereby gives notice of the commissioner's intent to amend sections 22a-133k-1 through 22a-133k-3, inclusive, and section 22a-133q-1 of the Regulations of Connecticut State Agencies ("RCSA").

Remediation Standard Regulations - Revisions to RCSA sections 22a-133k-1 through 22a-133k-3, inclusive – commonly referred to as the Remediation Standard Regulations or "RSRs" – are authorized under sections 22a-6 and 22a-133k of the CGS. 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 purpose of the proposed amendments to the RSRs is to aid site cleanup and redevelopment without compromising the protection of public health and environmental quality. The proposed amendments seek to remove unintended barriers to remediating sites by providing creative new directions and opportunities, clarifying regulatory language, and addressing concerns expressed by the regulated community.

Amendments include, but are not limited to:

- Identifying a definition, test methodology and criteria for petroleum hydrocarbons that provides better characterization of the nature of the contamination;
- Expanding, in specific settings, the definition of “inaccessible soil” to render inaccessible certain substances found in polluted fill that are normally found in asphalt;
- Updating the numeric direct exposure criteria for the constituent lead to be equivalent to the federal standard;
- Deleting the pollutant mobility criteria (PMC) exception to comply with the more stringent GA PMC in certain GB areas;
- Clarifying the requirement that polluted fill containing any combination of coal ash, wood ash, coal fragments, or asphalt paving fragments may contain volatile organic substances not exceeding the PMC for such substances;
- Providing a PMC exception, under certain conditions, for pollutants, other than volatile substances, based upon representative ground water sampling;
- Providing an alternative in applying the direct exposure criteria (DEC) and PMC should single sample results exceed two times the criterion by demonstrating site conditions warrant a higher multiplier and requesting such approval of the Commissioner; and
- Increasing the flexibility of engineered controls by tailoring such controls to the applicable DEC or PMC demonstration.
- Changes to the applicability section to clarify when and how the regulations apply;
- Identification that approvals must be requested on forms prescribed by the commissioner;
- Correcting the risk-based formula for calculating the residential DEC for any additional polluting substance, correcting the risk-based formula used to derive the ground-water protection criteria for non-carcinogenic additional polluting substances and updating the conversion factor used in such formula;
- Providing exceptions for the following: certain incidental sources of polluted soil resulting from the normal use of motor vehicles; certain incidental sources of polluted soil resulting from the use of asphalt paving; and releases of certain pollutants in ground water from leaking water supply distribution systems;
- Deletion of the prohibition on using a statistical compliance demonstration when excavation is the remedy and deletion of the prohibition for a person requesting a widespread polluted fill variance if such person was authorized to legally dispose of such fill; and
- Restructuring the compliance and post-compliance ground water monitoring sections to allow LEP self-implementation of these sections.

Environmental Land Use Restriction Regulations - Revisions to RCSA section 22a-133q-1, the Environmental Land Use Restriction or “ELUR” regulations are authorized under sections 22a-6 and 22a-133q of the CGS. 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 purpose of the amendments to these regulations is to clarify requirements and incorporate procedural changes that streamline the process of utilizing an ELUR on polluted real property.

Copies of the proposed amended regulations, small business impact statement and regulatory flexibility analysis, and other related material are available for public inspection during normal business hours at the Department of Energy and Environmental Protection's Bureau of Water Protection and Land Reuse, Remediation Division, 2nd Floor, 79 Elm Street, Hartford, Connecticut. A link to the proposed regulations is available at the Department's website at: www.ct.gov/dep/publicnotices or may be obtained from Rose Quinones at the above address, or by phone at (860) 424-3705. With this notice the Department seeks comment on the provisions in the proposed amendments.

Public Hearing and Comments - All interested parties are invited to present their views on the proposed amended regulations at a hearing to be held at the following place and time:

October 25, 2012

1:00 p.m. – 6:00 p.m. until all the comments have been heard or until the last person present has testified.

Phoenix Auditorium, 5th Floor

Department of Energy and Environmental Protection

79 Elm Street, Hartford, Connecticut

The hearing officer may close the hearing at that time, adjourn to a later date if needed or hold the record open for the submission of additional written testimony.

Speakers are requested, although not required, to submit a written copy of their comments.

Written comments may be submitted to Robert E. Bell, Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, Connecticut, 06106 – 5127 at any time prior to the close of the public hearing. All comments must be received by the close of the public hearing and will not be accepted or considered if received after the close of the public hearing.

In addition, the Department provides notice of an informational session which will be held:

September 26, 2012

1:30 p.m. - 3:30 p.m.

Phoenix Auditorium, 5th Floor,

Department of Energy and Environmental Protection

79 Elm Street, Hartford, Connecticut

Interested persons are advised, however, that the informational session is not a substitute for submitting comments in the manner described above in this notice and that the Department will not be receiving public comments during the informational session. Any person seeking to comment on the proposed regulations will need to submit a comment in writing or at the public hearing, even if the same matter is discussed during the informational session.

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to requirements

of the Americans with Disabilities Act. To request an accommodation, call 860-424-3194, or deep.himed@ct.gov.

Macky McCleary
Deputy Commissioner

DEPARTMENT OF MOTOR VEHICLES

Issuance of Driver's License with Restrictions

Section 14-36a-2 of the Regulations of Connecticut State Agencies is amended and the following is substituted in lieu thereof:

Sec. 14-36a-2. Issuance of a driver's license bearing restrictions

The commissioner may issue a driver's license bearing one or more of the following restrictions:

"A" – restricts the licensee in the operation of student transportation vehicles to transportation of students to school sponsored activities only;

"B" – restricts the licensee to operation of motor vehicles only when such licensee is using corrective lenses;

"C" – restricts the licensee to the operation of motor vehicles only when such motor vehicles are equipped with special controls or equipment;

"D" – restricts the licensee to operation of motor vehicles only when such licensee is employing a prosthetic aid;

"E" – restricts the licensee to operation of motor vehicles only when such motor vehicles are equipped with an automatic transmission;

"F" – restricts the licensee to operation of motor vehicles only when such motor vehicles are equipped with dual external mirrors;

"G" – restricts the licensee to operation of motor vehicles only during periods of daylight;

"K" – restricts the licensee to the operation of commercial motor vehicles within this state as authorized in the Code of Federal Regulations, Title 49, section 383.153(a)(10), including, but not limited to, all licensees who are eighteen years of age or older but younger than twenty-one years of age;

"L" – restricts the licensee to the operation of commercial motor vehicles that are not equipped with air brakes, in accordance with the requirements of the Code of Federal Regulations, Title 49, Section 383.95;

"M" – restricts the licensee, in the operation of commercial motor vehicles requiring a passenger (P) endorsement, to only those vehicles listed in Group B or Group C of the Code of Federal Regulations, Title 49, Section 383.91;

"N" – restricts the licensee, in the operation of commercial motor vehicles requiring a passenger (P) endorsement, to only those vehicles listed in Group C of the Code of Federal Regulations, Title 49, Section 383.91;

"R" – restricts the licensee to operation of motor vehicles on roadways that are not limited access highways;

"U" – restricts the licensee to operation of commercial motor vehicles only when such licensee is using an operable hearing aid;

"V" – indicates the existence of a medical variance, issued by the Federal Motor Carrier Safety Administration, on the medical certificate of the operator of a commercial motor vehicle, such as an exemption, Skill Performance Evaluation (SPE) certification, or grandfathering provision in accordance with the requirements