



Environmental Professionals' Organization of Connecticut

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Testimony on behalf of

Environmental Professionals' Organization of Connecticut

Raised Bill S.B. No. 941

An Act Delaying Implementation of Certain Standards and Sampling Requirements Upon The Detection of Pollutants Causing Contamination of Soil, Groundwater or Public Or Private Drinking Water Wells
Environment Committee

February 27, 2015

The Environmental Professionals' Organization of Connecticut (also known as "EPOC") was formed in 1996 to represent the interests of Connecticut's Licensed Environmental Professionals. LEPs are the people who are authorized by the Connecticut Department of Energy and Environmental Protection to perform investigation and remediation of property in Connecticut and certify, through a Verification, that the property meets the Connecticut Remediation Standard Regulations. The LEPs are therefore directly affected by the policies and procedures established under the General Statutes and their associated regulations for investigation and remediation of contaminated sites in Connecticut, including brownfields.

The Environmental Professional's Organization of Connecticut (EPOC) supports the passage of Raised Bill S.B. No. 941, which would postpone the implementation of revisions to the Significant Environmental Hazard (SEH) reporting requirements specified in Section 22a-6u of the General Statutes from July 1, 2015 to July 1, 2017.

It is our understanding that the revisions to the original SEH reporting requirements, which were part of Public Act 13-308, included a two year delay in implementation (to July 1, 2015) to allow other components of the Department of Energy and Environmental Protection (DEEP) remediation transformation process to be adopted. The remediation transformation process at DEEP is at least a year behind the timelines that were originally provided to the public by DEEP in 2013, and we believe that this two year postponement in the program is consistent with the original intent of Public Act 13-308.

In addition, a key provision of Public Act 13-308 was that prior to implementation of the revised SEH requirements, that the DEEP and the public would have an opportunity to review, consider, and implement certain recommendations made by an outside consultant, CDM Smith, who was retained by DEEP to review how the State makes risk-based decisions and policy. Although the consultant has submitted this report to DEEP, a response from DEEP on how recommendations from the consultant will be incorporated into risk-based decision making has not been issued. Further, the public has not had an opportunity to comment on how DEEP proposes to implement risk-based revisions to the remediation programs.

We understand that the remediation transformation process must be accomplished in measured steps. All of the necessary provisions will need to be implemented over a period of years; however, in this instance, we think the revisions to the SEH reporting requirements must be linked to how risk-based decisions are made in reporting and remediating releases of hazardous substances to the environment. We thank you for the opportunity to submit these comments and look forward to the opportunity to be included in any further discussions should this bill move forward.