

**State of Connecticut
Regulation of
Department of Energy and Environmental Protection
Concerning
Release Reporting Regulations**

The Regulations of Connecticut State Agencies are amended by adding sections 22a-450-1 to 22a-450-6, inclusive, as follows:

(NEW) Sec. 22a-450-1. General Provisions

(a) Applicability.

The release reporting regulations apply to the release of a reportable material after [insert the effective date of this section].

(b) Retention of Commissioner Authority.

Nothing in the release reporting regulations shall affect the commissioner's authority under any other statute or regulation, including, but not limited to, the commissioner's authority to issue an order, initiate or require any other action to prevent or abate a release or a potential source of a release, or take any other action authorized by law.

(c) Definitions.

As used in the release reporting regulations:

(1) "Biofuels" means a type of energy or fuel derived from renewable plant and animal materials, including, but not limited to, ethanol, biodiesel (vegetable oils and liquid animal fats), green diesel (derived from algae and other plant sources) and biogas (methane derived from animal manure and other digested organic material);

(2) "Chemical liquid" means any chemical, chemical solution or chemical mixture in liquid form;

(3) "Commissioner" means the Commissioner of Energy and Environmental Protection or the commissioner's designee;

(4) "Department" means the Department of Energy and Environmental Protection;

(5) "Diesel fuel" means a liquid fuel used or intended for use in diesel engines;

(6) "Domestic sewage" means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a building, but does not include manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains;

(7) "Environment" means waters of the state, land surface, subsurface strata or air, both indoors and outdoors;

(8) "Explosion" means a violent and destructive shattering or blowing apart of something;

(9) "Explosives" has the same meaning as provided for in section 29-343 of the Connecticut General Statutes;

(10) "Facility" means any site or area, building, structure, installation, equipment, machine, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, located in, on, or under any land or waters of the state;

(11) "Flammable liquid" means any liquid having a flashpoint at or below 199.4 °F (93 °C);

(12) "Food products" means potable water and material usually of plant or animal origin that contains essential nutrients such as carbohydrates, fats, proteins, vitamins or minerals, and is ingested and assimilated by an organism to produce energy, stimulate growth and maintain life;

(13) "Halogenated solvents" means volatile organic compounds with a boiling point of less than

482 degrees Fahrenheit and at least one (1) covalently-bonded halogen atom;

(14) “Hazard” means a serious, unexpected, and often dangerous situation requiring immediate action, including, but not limited to, the evacuation of an area;

(15) “Hazardous chemicals” has the same meaning as provided for in section 22a-448 of the Connecticut General Statutes;

(16) “Hazardous materials” has the same meaning as provided for in 49 USC 5102(2);

(17) “Hazardous waste” means any waste material which may pose a present or potential hazard to human health or the environment when improperly handled, treated, stored, transported or disposed of or otherwise managed including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.;

(18) “Immediately” means as soon as possible after the discovery of a release, however, not later than one (1) hour after such discovery;

(19) “Imminent release” means the existence of a condition that presents a substantial likelihood that a release may occur, including, but not limited to, an accident or malfunction such as a derailed railcar or overturned tractor trailer or cargo tanks, or containers in poor or compromised condition;

(20) “Impermeable” means not allowing a reportable material to pass through in order to prevent migration or seepage;

(21) “License” means the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law;

(22) “Liquefied petroleum gas” has the same meaning as provided for in section 43-36 of the Connecticut General Statutes;

(23) “Motor vehicle” means any vehicle propelled or drawn by any non-muscular power;

(24) “Oil or petroleum” means oil or petroleum of any kind or in any form, including, but not limited to, crude oil or fractions thereof, refined petroleum or fractions thereof, biofuels, waste oils, mineral oils, dielectric fluids and distillation products such as heating oils, diesel fuels, fuel oil, kerosene, naphtha, gasoline, and lubricating and hydraulic oils;

(25) “Operator” means a person in control of, or having responsibility for, the operation of a facility, vehicle used for transport, or stationary or non-stationary devices or equipment, including, but not limited to, transformers and hydraulic lifts;

(26) “PCBs” or “PCB” means the class of organic compounds known as polychlorinated biphenyls or terphenyls and includes any of several compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl or terphenyl molecule with chlorine;

(27) “Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, the federal government or other legal entity of any kind and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company;

(28) “Person required to report a release” means any of the following:

(A) An operator;

(B) Any person whose act or omission results, or has resulted in, a release or an imminent release;

(C) Any person who owns or controls any reportable material which is released or which is creating an imminent release; or

(D) Any person who transports, or is responsible for the transportation of, the reportable material released or an imminent release;

(29) “Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant;

(30) “Prohibited pesticide” means a pesticide: (A) identified in section 22a-66-2(a) of the Regulations of Connecticut State Agencies, (B) suspended or cancelled pursuant to 7 USC 136d, either voluntarily or by the United States Environmental Protection Agency, or (C) cancelled by the commissioner pursuant to section 22a-52 of the Connecticut General Statutes;

(31) “Properly trained personnel” means a person who has successfully completed the training pursuant to 29 CFR 1910.120 and 29 CFR 1910.1200, and who has also achieved competence in the use of emergency equipment and emergency procedures, spill response equipment, and mitigation, containment, and removal techniques;

(32) “Radioactive materials” means any solid, liquid or gas, that emits ionizing radiation spontaneously;

(33) “Release” means the discharge, spillage, uncontrolled loss, seepage or filtration, including but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of, a reportable material into the environment, a secondary containment system or into a building or structure, whether intended, unintended or by accident, negligence or otherwise;

(34) “Release reporting regulations” means sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies;

(35) “Reportable material” means any of the following: a chemical liquid, a solid, liquid or gaseous product, hazardous waste, or oil or petroleum, in any form, i.e., solid, liquid, semi-solid or gaseous. The term “Reportable material” does not include radioactive materials, potable water or water vapor;

(36) “Reportable quantity” means that quantity of a reportable material the release of which shall be reported to the commissioner pursuant to section 22a-450-2 of the Regulations of Connecticut State Agencies and if the reportable material released is a liquid or compressed gas, the reportable quantity is stated in gallons; if the reportable material released is a solid or uncompressed gas, the reportable quantity is stated in pounds;

(37) “Restricted use pesticide” means any pesticide that is either listed in 40 CFR Part 152.175, noted as a restricted use pesticide on the product label, or classified by the commissioner for restricted use pursuant to section 22a-50 the Connecticut General Statutes;

(38) “Secondary containment system” means a system serving one (1) or more primary storage containers or tanks that is designed, installed and operated to collect and contain a release of a reportable material in the event of loss of the integrity or failure of the primary containment;

(39) “Solid, liquid or gaseous products” means any substance or material including, but not limited to, hazardous chemicals, flammable liquids, explosives, liquefied petroleum gas, hazardous materials, or hazardous substances designated in accordance with section 311 of the federal Water Pollution Control Act, designated at 40 CFR 116.4;

(40) “Underground storage tank system” means one (1) or a combination of tanks (including underground pipes connected thereto) and any associated ancillary equipment and containment system, including, but not limited to, residential underground storage tank systems that is used or designed to contain an accumulation of reportable materials and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more (i) beneath the surface of the ground or (ii) covered with earthen materials;

(41) “Vehicles used for transport” means any motor vehicle, aircraft, vessel or railroad car used, or intended to be used, to transport persons or cargo, including, but not limited to, rolling stock, drones, or trailers;

(42) “Vessel” means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water;

(43) “Waste oil” means oil which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including, but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

(44) “Waters of the state” means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof;

(45) “Water supply well” means an artificial excavation, constructed by any method, for the purpose

of getting water for drinking or other domestic use; and

(46) “Wetland” means:

(A) those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), saltworts (*Salicornia Europaea*, and *Salicornia bigelovii*), sea lavender (*Limonium carolinianum*), saltmarsh bulrushes (*Scirpus robustus* and *Scirpus paludosus* var. *atlanticus*), sand spurrey (*Spergularia marina*), switch grass (*Panicum virgatum*), tall cordgrass (*Spartina pectinata*), high-tide bush (*Iva frutescens* var. *oraria*), cattails (*Typha angustifolia*, and *Typha latifolia*), spike rush (*Eleocharis rostellata*), chairmaker’s rush (*Scirpus americana*), bent grass (*Agrostis palustris*), and sweet grass (*Hierochloe odorata*), royal fern (*Osmunda regalis*), interrupted fern (*Osmunda claytoniana*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), marsh fern (*Dryopteris thelypteris*), bur-reed family (*Sparganium eurycarpum*, *Sparganium androcladum*, *Sparganium americanum*, *Sparganium chlorocarpum*, *Sparganium angustifolium*, *Sparganium fluctuans*, *Sparganium minimum*), horned pondweed (*Zannichellia palustris*), water-plantain (*Alisma triviale*), arrowhead (*Sagittaria subulata*, *Sagittaria graminea*, *Sagittaria eatoni*, *Sagittaria engelmanniana*), wild rice (*Zizania aquatica*), tuckahoe (*Peltandra virginica*), water-arum (*Calla palustris*), skunk cabbage (*Symplocarpus foetidus*), sweet flag (*Acorus calamus*), pickerelweed (*Pontederia cordata*), water stargrass (*Heteranthera dubia*), soft rush (*Juncus effusus*), false hellebore (*Veratrum viride*), slender blue flag (*Iris prismatica* pursh), blue flag (*Iris versicolor*), yellow iris (*Iris pseudacorus*), lizard’s tail (*Saururus cernuus*), speckled alder (*Alnus rugosa*), common alder (*Alnus serrulata*), arrow-leaved tearthumb (*Polygonum sagittatum*), halberd-leaved tearthumb (*Polygonum arifolium*), spatter-dock (*Nuphar variegatum* *nuphar advena*), marsh marigold (*Caltha palustris*), swamp rose (*Rosa palustris*), poison ivy (*Rhus radicans*), poison sumac (*Rhus vernix*), red maple (*Acer rubrum*), jewelweed (*Impatiens capensis*), marshmallow (*Hibiscus palustris*), loosestrife (*Lythrum alatum*, *Lythrum salicaria*), red osier (*Cornus stolonifera*), red willow (*Cornus amomum*), silky dogwood (*Cornus obliqua*), sweet pepper-bush (*Clethra alnifolia*), swamp honeysuckle (*Rhododendron viscosum*), high-bush blueberry (*Vaccinium corymbosum*), cranberry (*Vaccinium macrocarpon*), sea lavender (*Limonium nashii*), climbing hempweed (*Mikania scandens*), joe pye weed (*Eupatorium purpureum*), joe pye weed (*Eupatorium maculatum*), thoroughwort (*Eupatorium perfoliatum*); or

(B) land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.

(d) (1) For the purposes of sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release shall be considered to have been otherwise properly mitigated when such release has been mitigated in accordance with best management practices specified by the commissioner and posted on the department’s internet website.

(2) Notwithstanding the definition of waters of the state, for the purposes of the reporting of releases pursuant to sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, a release to soil above the saturated zone shall not be considered a release to the waters of the state.

(NEW) Sec. 22a-450-2. Releases Subject to Reporting

(a) Oil or Petroleum.

Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies

applies, a person required to report a release, shall report the release of oil or petroleum specified in this subsection.

(1) The release of any quantity of oil or petroleum if:

(A) The amount released is not known;

(B) The release is to or enters any waters of the state or a wetland;

(C) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin;

(D) The release is from or suspected to be from an underground storage tank system, including, but not limited to, into any secondary containment system, except drips from a dispenser nozzle during use for fuel dispensing.

(E) The release is known to contain PCBs, or for a release of the following where the PCB content is unknown: dielectric fluid or hydraulic oil in vehicle lifts or elevators; or

(F) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(2) The release of five (5) gallons or more of oil or petroleum if released within any period of twenty-four (24) hours.

(3) The release of less than five (5) gallons of oil or petroleum unless, within two (2) hours of discovery, the release is contained and removed or otherwise properly mitigated.

(b) A Reportable Material Other than Oil or Petroleum.

A person required to report a release, shall report the release of a reportable material, other than oil or petroleum, specified in this subsection.

(1) The release of any quantity of a reportable material, other than oil or petroleum, if:

(A) The release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies unless such release occurs beneath a laboratory fume hood, remains fully contained by such hood, and any fumes or vapors generated by such release are fully vented by such hood;

(B) The amount released is not known;

(C) The material released is not known;

(D) A restricted use pesticide is released in a manner that does not comply with state or federal law;

(E) A prohibited pesticide is released;

(F) PCBs, or materials containing PCBs, including, but not limited to, caulking materials, paints, silicones, roofing materials, are released;

(G) A halogenated solvent is released;

(H) The release is to or enters the waters of the state or a wetland;

(I) The release enters a storm sewer, sanitary sewer, combined sewer system or catch basin;

(J) The release is from an underground storage tank system, including, but not limited to, into any secondary containment system;

(K) The release contains per- or polyfluoroalkyl substances, commonly referred to as PFAS, in liquid form, and includes, but is not limited to, chemicals commonly referred to as PFOS, PFOA, PFNA, PFHpA, and PFHxS; or

(L) The release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(2) Unless an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies:

(A) The release of either ten (10) pounds or more or one-and-a-half (1.5) gallons or more, of a reportable material other than oil or petroleum, if released within any period of twenty four (24) hours; or

(B) The release of either less than ten (10) pounds or less than one-and-a-half (1.5) gallons of a reportable material other than oil or petroleum unless, within two (2) hours of discovery, properly

trained personnel have either contained and removed or otherwise properly mitigated the release.

(c) Imminent Releases and Other Releases Required to be Reported.

Regardless of whether an exemption in section 22a-450-3 of the Regulations of Connecticut State Agencies applies, a person required to report a release shall report the imminent release or actual release of a reportable material if such imminent release or actual release creates, or can reasonably be expected to create, a hazard, a fire, an explosion or threat of explosion, or poses an immediate actual or imminent potential threat to human health, public safety, or the environment.

(d) The Report.

Any report under this section, submitted by a person required to report a release, shall comply with the requirements of section 22a-450-4 of the Regulations of Connecticut State Agencies.

(e) Miscellaneous Provisions.

(1) For purposes of subsection (b)(1)(A) of this section, if there is no reasonable means of determining whether the release contains a concentration of thirty (30) percent or more by weight of any Material of Special Concern listed in Appendix A, section 22a-450-6 of the Regulations of Connecticut State Agencies, such release shall be reported to the commissioner in accordance with section 22a-450-4 of the Regulations of Connecticut State Agencies.

(2) If subsection (a), (b), or (c) of this section applies to a release of a reportable material, the reportable quantity for such material shall be the lowest or smallest reportable quantity provided for in this section. If a reportable material is mixed with another reportable material, subsection (a), (b), or (c) of this section shall apply to each reportable material in such mixture.

(NEW) Sec. 22a-450-3. Releases Exempt from Reporting

(a) Exceptions.

Notwithstanding subsections (a) and (b) of section 22a-450-2 of the Regulations of Connecticut State Agencies, the releases specified in this section do not need to be reported under the release reporting regulations:

(1) (A) A release that is specifically authorized by:

- (i) A license or order issued by the commissioner;
- (ii) Any state or federal statute or regulation; or
- (iii) A judgment or order of a court of applicable jurisdiction.

(B) A release that exceeds or otherwise violates the authorization specified in subparagraph (A) of this subdivision by the amounts specified in section 22a-450-2 of the Regulations of Connecticut State Agencies, provided any such release has been reported to the commissioner or the department in compliance with the terms of a license or order issued by the commissioner, a judgment of order of a court of applicable jurisdiction, or a state or federal statute or regulation.

(2) The release of any reportable material:

(A) Under a laboratory fume hood while performing laboratory functions, provided that such release occurs beneath a laboratory fume hood, remains fully contained by such hood, and any fumes or vapors generated by such release are fully vented by such hood; or

(B) From a consumer or industrial product that occurs when such product is used for its intended purpose in compliance with all applicable federal, state and local requirements. This includes, but is not limited to:

- (i) A petroleum sheen from the emission or discharge of an outboard motor in use; or
- (ii) The application of a pesticide or fertilizer, provided the application of such pesticide or fertilizer is in accordance with the manufacturer's registered label instructions and with state and federal law.

(3) A release from an agricultural land activity as long as the activity is conducted in accordance with best management agricultural practices identified in the "Manual of Best Management Practices for Agriculture - Guidelines for Protecting Connecticut's Water Resources" by the Connecticut Department of Environmental Protection and the U.S. Department of Agriculture's Natural Resources

Conservation Services 1993 Revised 1996.

(4) A release that consists wholly of:

(A) A petroleum sheen from roadways, driveways or parking lots due to normal vehicular travel or parking;

(B) Food products, provided that this exemption shall apply only if the release, and any material contaminated by the release is not likely to or has not reached the waters of the state, a wetland or a catch basin.

(C) Domestic sewage, provided that this exemption shall apply only if:

(i) The amount released does not exceed one hundred (100) gallons in any period of twenty-four (24) hours; and

(ii) The release, and any material contaminated by any such release, has not reached the waters of the state, a wetland or a catch basin.

(5) A release that is fully contained in an impermeable secondary containment system, provided that this exemption shall apply only if:

(A) The amount released does not exceed one hundred (100) pounds or fifteen (15) gallons, whichever is less, in any period of twenty-four (24) hours;

(B) The release, and any material contaminated by the release, is contained and removed or otherwise properly mitigated by properly trained personnel within two hours of discovery; and

(C) The release is not from an underground storage tank system.

(6) A release of radioactive materials, except that, if a release contains a mixture of a radioactive material and a reportable material, then this exemption does not apply and the release reporting regulations, as well as any requirements applicable to the release of radioactive materials, shall apply.

(b) Miscellaneous Provisions.

(1) If there is a release of a reportable material specified in section 22a-450-2 of the Regulations of Connecticut State Agencies and all of the applicable provisions of this section exempting such release from being reported are not met, the release shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(2) Notwithstanding the provisions of this section, a release required to be reported under subsection 22a-450-2(c) of the Regulations of Connecticut State Agencies shall be reported to the commissioner in accordance with and remain subject to section 22a-450-4 of the Regulations of Connecticut State Agencies.

(3) Any person who claims that a release is not reportable under this section shall bear the burden of demonstrating compliance with the requirements of this section.

(NEW) Sec. 22a-450-4. Reporting Requirements

(a) Initial Report and Required Action.

(1) A person required to report a release shall:

(A) Provide an initial report of such release to the commissioner as soon as possible, but no later than one (1) hour after the discovery of the release, except that for releases subject to sections 22a-450-2(a)(3), 22a-450-2(b)(2)(B), or 22a-450-3(a)(5)(B) of the Regulations of Connecticut State Agencies, if the release has not been completely contained, removed or mitigated, the initial report shall be provided to the commissioner no later than two (2) hours after discovery of the release; and

(B) Using properly trained personnel, act immediately to contain and remove or otherwise properly mitigate such release to the satisfaction of the commissioner.

(2) The initial report to the commissioner required by this subsection shall be made by telephone or by any other method specified by the commissioner and posted on the department's Internet

website or prepared and disseminated by the department in outreach materials. Such initial report shall include the information specified in this subdivision to the extent that such information is known at the time of such initial report.

(A) Contact Information

(i) The name of the person reporting the release, who such person represents and a telephone number of such person for immediate call back; and

(ii) The name and contact information of the person, business or entity that caused the release and the owner of the property where the release occurred.

(B) Information Regarding the Release

(i) The time, date and estimated duration of the release and when the release was discovered, including when the release began and whether the release is continuing, intermittent or has terminated;

(ii) A description of the source and the cause of the release;

(iii) The chemical name, identity, trade name, or Chemical Abstract Service, commonly known as CAS number, of each reportable material released;

(iv) An estimate of the quantity of each reportable material released and any amount recovered;

(v) For releases to the land or air, the location of the release by:

(I) Street address, city or town; and

(II) Identifiable permanent landmark and distance to such landmark or distance to the nearest street intersection; and

(vi) For releases to the waters of the state, the location of the release by:

(I) The name of the water body; and

(II) The location of the release with respect to a fixed point or points.

(C) Potential Impacts

(i) The medium such as air, water or land, including, but not limited to, in or out of a building, into secondary containment, to soils, groundwater, or surface water, into which the reportable material was released;

(ii) The identification of sensitive receptors and areas impacted or that may be impacted by the release, including, but not limited to, population centers, sensitive populations such as schools, hospitals, nursing homes, day care centers, waters of the state, wetlands, wildlife management watershed protection areas, public or private drinking water wells, and any aquifer protection area as defined in section 22a-354h of the Connecticut General Statutes;

(iii) Whether the release has entered or is likely to enter a storm sewer, sanitary sewer, combined sewer system or catch basin; and

(iv) Whether anyone has been or may be injured and if so, a brief description of any actual or potential injuries or fatalities.

(D) Response Actions and any Additional Information

(i) The actions taken or to be taken to contain and remove, or otherwise properly mitigate the release, including, but not limited to, any areas evacuated, any safety precautions undertaken or needed, and the type and quantity of material contained and removed or mitigated in response to the release;

(ii) The name and contact information of the entity employed or retained to respond to the release; and

(iii) Any additional information or relevant circumstances that would assist the commissioner in understanding the nature and potential impacts of the release or any response efforts.

(b) Follow-Up Report.

If requested by the commissioner, verbally or in writing, including electronically, a person required to report a release shall prepare and submit a follow-up report, containing the information required by this subsection, to the commissioner within the timeframe specified in such request, or if no timeframe is specified in such request, not later than sixty (60) days after such request. This follow-up report shall be submitted in a manner and on a form prescribed by the commissioner, including,

but not limited to, electronic filing, and shall include the information specified in this subsection to the extent that such information is known at the time such follow-up report is submitted.

(1) Initial Report Information

The information specified in subsection (a)(2) of this section as of the date such follow-up report is submitted, regardless of whether such information was provided in the initial report to the commissioner.

(2) Contact Information

The name, title, address, telephone number, e-mail address and signature of the person preparing the written report and person, business or entity that caused the release and the owner of the property where the release occurred.

(A) Information Regarding the Release

(i) The case number assigned by the department to the release; and

(ii) A chronology of:

(I) The date and time the release began;

(II) The date and time the release was discovered;

(III) The date and time the release ended;

(IV) The date and time the release was reported to the department;

(V) When any response actions were initiated; and

(VI) When any response actions were completed.

(B) Potential Impacts

(i) A site map identifying:

(I) The point at which the release occurred;

(II) The surrounding area, including, but not limited to, sensitive receptors or population centers, sensitive populations such as schools, hospitals, nursing homes, day care centers, waters of the state, wetlands, wildlife management watershed protection areas, public or private drinking water wells, or and aquifer protection area as defined in section 22a-354h of the Connecticut General Statutes;

(III) The area affected by or potentially affected by the release; and

(IV) The location of any private or public drinking water supply wells impacted or that may be impacted by the release.

(ii) The results of any laboratory analyses or other information used to determine the nature and extent of the release.

(C) Response Actions and Any Additional Information

(i) The method of clean-up and any proposed clean-up actions, current and future monitoring, the planned or final disposition of any materials, substances or wastes generated by containing and removing or otherwise mitigating the effects of the release;

(ii) All analytical results from clean-up and monitoring activities as of the date of the submission of the follow-up report;

(iii) Any actions taken and procedures implemented to prevent such a release from occurring in the future; and

(iv) Any additional information requested by the commissioner before submission of the follow-up report.

(c) Supplemental Information.

A person required to report a release shall, upon request by the commissioner, verbally or in writing, including electronically, provide the commissioner with any information, in addition to that required by this section, regarding the release or any actions taken in response to the release. Unless another timeframe is specified by the commissioner in writing, including electronically, any supplemental information shall be provided not later than thirty (30) days after any request for such information.

(d) Corrected or Omitted Information.

If any information reported to the commissioner pursuant to this section is inaccurate or misleading, or any relevant information was omitted, the person required to report a release shall

resubmit corrected or omitted information, in writing, as soon as possible, but not later than five (5) days after such person knows, or should have known, that the information submitted to the commissioner is inaccurate, misleading or that relevant information was omitted.

(NEW) Sec. 22a-450-5. Relationship to Other Requirements

Compliance with the release reporting regulations shall not affect or be deemed to satisfy any other legal requirement, including, but not limited to, any requirement to report, investigate or remediate a release. Such other requirements apply, even if a release is not required to be reported, or is reported, under the release reporting regulations. To the extent that any other federal or state statute, regulation, order or permit requires reporting the release of a reportable material, compliance with the release reporting regulations shall not constitute compliance with any such other requirement.

(NEW) Sec. 22a-450-6. Appendix

Appendix A to the Release Reporting Regulations

List of Materials of Special Concern

NAME (Search CAS # for Alternate Chemical Names)	CAS#
(E)-Crotonaldehyde	123-73-9
1,2-Dibromo-3-chloropropane	96-12-8
1,3-bis(2-Isocyanato-2-Propyl)Benzene	2778-42-9
1,4-Dichloro-2-butene	764-41-0
1-Chloro-2,4-Dinitrobenzene	97-00-7
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	1746-01-6
2-Acetylaminofluorene	53-96-3
2-Chloro-1,1,1,4,4,4-hexafluoro-2-butene	400-44-2
2-Diisopropylaminoethyl chloride hydrochloride	4261-68-1
2-Methylfuran	534-22-5
3,3'-Dichlorobenzidine	91-94-1
3-Bromopropyne	106-96-7
4-Aminobiphenyl	92-67-1
4-Aminophenol	123-30-8
7,12-Dimethylbenz[a]anthracene	57-97-6
Acetaldehyde	75-07-0
Acetic acid	64-19-7
Acetone cyanohydrin	75-86-5
Acetyl peroxide	110-22-5
Acrolein	107-02-8
Acrylonitrile	107-13-1

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Acryloyl chloride	814-68-6
Aldrin	309-00-2
Allyl alcohol	107-18-6
Allyl chlorocarbonate	2937-50-0
Allylamine	107-11-9
Aluminum phosphide	20859-73-8
Ammonia	7664-41-7
Ammonium perchlorate	7790-98-9
Antimony pentafluoride	7783-70-2
Arsenic	7440-38-2
Arsenic acid	7778-39-4
Arsenic disulfide	1303-32-8
Arsenic pentoxide	1303-28-2
Arsenic trioxide	1327-53-3
Arsenic trisulfide	1303-33-9
Arsenous trichloride	7784-34-1
Arsine	7784-42-1
Arsine, difluorophenyl -	368-97-8
Azaserine	115-02-6
Azinphos-methyl	86-50-0
Aziridine	151-56-4
Azocyclotin	41083-11-8
Barban	101-27-9
Bendiocarb	22781-23-3
Bendiocarb phenol	22961-82-6
Benzene	71-43-2
Benzeneearsonic acid	98-05-5
Benzidine	92-87-5
Benzo[a]pyrene	50-32-8
Benzo[b]fluoranthene	205-99-2
Benzoic acid	65-85-0
Benzotrichloride	98-07-7
Beryllium chloride	7787-47-5
Beryllium fluoride	7787-49-7
Beryllium nitrate	13597-99-4
Beta-Hexachlorocyclohexane	319-85-7
Beta-Propiolactone	57-57-8
Bis (trimethoxysilyl)ethane	18406-41-2

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Bis(chloromethyl) ketone	534-07-6
Bis(trifluoromethyl)disulfide	372-64-5
Boron trichloride	10294-34-5
Boron trifluoride	7637-07-2
Brodifacoum	56073-10-0
Bromadiolone	28772-56-7
Bromine	7726-95-6
Bromine Pentafluoride	7789-30-2
Bromine trifluoride	7787-71-5
Butadiene	106-99-0
Cacodylic acid	75-60-5
Cadmium	7440-43-9
Calcium arsenate	7778-44-1
Carbamic acid, methyl-, O-(((2,4-dimethyl-1,3-dithiolan-2-yl)methylene)amino)-	26419-73-8
Carbamic acid, N- 2-chloroethyl-N-nitroso -, methyl ester	13589-15-6
Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9
Carbofuran	1563-66-2
Carbofuran phenol	1563-38-8
Carbon disulfide	75-15-0
Carbon monoxide	630-08-0
Carbosulfan	55285-14-8
Chlordane	57-74-9
Chlorethoxyfos	54593-83-8
Chlorfenvinfos	470-90-6
Chloride trifluoride	7790-91-2
Chlorine	7782-50-5
Chlorine dioxide	10049-04-4
Chloroacetic acid	79-11-8
Chlorodinitrobenzenes	25567-67-3
Chloroform	67-66-3
Chloromethyl ether	542-88-1
Chloropicrin	76-06-2
Chlorosulfonic acid	7790-94-5
Chlorpyrifos	2921-88-2
Chromic chloride	10025-73-7
Cobalt carbonyl	10210-68-1
Colchicine	64-86-8
Coumaphos	56-72-4

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Crotonaldehyde	4170-30-3
Cumene hydroperoxide	80-15-9
Cyanogen	460-19-5
Cyanogen bromide	506-68-3
Cyanogen chloride	506-77-4
Cyanuric fluoride	675-14-9
DDT	50-29-3
delta-BHC	319-86-8
Diazinon	333-41-5
Dibenz[a,h]anthracene	53-70-3
Diborane	19287-45-7
Dichlone	117-80-6
Dichloroethyl ether	111-44-4
Dichloromethylsilane	75-54-7
Dichlorosilane	4109-96-0
Dichlorvos	62-73-7
Dieldrin	60-57-1
Diepoxybutane	1464-53-5
Diethyl chlorophosphate	814-49-3
Diethyl p-nitrophenyl phosphate	311-45-5
Diethylarsine	692-42-2
Diethylstilbestrol	56-53-1
Digoxin	20830-75-5
Diisopropyl fluorophosphate	55-91-4
Dimefox	115-26-4
Dimethoate	60-51-5
Dimethyl hydrazine	57-14-7
Dimethyl sulfate	77-78-1
Dimethylamine	124-40-3
Dimethylcarbamoyl chloride	79-44-7
Dimethyldichlorosilane	75-78-5
Dimethyl-p-phenylenediamine	99-98-9
Dimetilan	644-64-4
Dinitrocresol	534-52-1
Diphacinone	82-66-6
Disulfoton	298-04-4
Di-tert-butyl peroxide	110-05-4
Ebufos	95465-99-9

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Emetine, dihydrochloride	316-42-7
Endosulfan	115-29-7
Endosulfan sulfate	1031-07-8
Endrin	72-20-8
Endrin aldehyde	7421-93-4
Epichlorohydrin	106-89-8
Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1
Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1
Ethion	563-12-2
Ethoprophos	13194-48-4
Ethyl chloroformate	541-41-3
Ethyl methanesulfonate	62-50-0
Ethyl nitrate	625-58-1
Ethyl nitrite	109-95-5
Ethyl O-(p-Nitrophenyl) phenylphosphonothionate (EPN)	2104-64-5
Ethylene chlorohydrin	107-07-3
Ethylene dibromide	106-93-4
Ethylene fluorohydrin	371-62-0
Ethylene oxide	75-21-8
Fenamiphos	22224-92-6
Fensulfothion	115-90-2
Flocoumafen	90035-08-8
Fluorine	7782-41-4
Fluoroacetic acid	144-49-0
Fluoroacetyl chloride	359-06-8
Formaldehyde	50-00-0
Formaldehyde cyanohydrin	107-16-4
Formetanate hydrochloride	23422-53-9
Formparanate	17702-57-7
Germane	7782-65-2
Glycolic acid	79-14-1
HD [Sulfur mustard or bis(2-chloroethyl)sulfide]	505-60-2
Heptachlor	76-44-8
Hexachlorobutadiene	87-68-3
Hexachlorocyclopentadiene	77-47-4
Hexamethylphosphoramide	680-31-9
Hydrazine	302-01-2
Hydrazine, 1,2-dimethyl-	540-73-8

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Hydrochloric acid	7647-01-0
Hydrofluoric acid	7664-39-3
Hydrogen bromide	10035-10-6
Hydrogen cyanide	74-90-8
Hydrogen selenide	7783-07-5
Hydrogen sulfide	7783-06-4
Iron, Pentacarbonyl-	13463-40-6
Isobutylnitrile	78-82-0
Isodrin	465-73-6
Isopropyl percarbonate	105-64-6
Isopropylmethylpyrazolyl dimethylcarbamate	119-38-0
Kepone	143-50-0
Lactonitrile	78-97-7
Lead arsenate	7784-40-9
Lewisite	541-25-3
Manganese, bis(dimethylcarbamo-dithioato-S,S')-	15339-36-3
Melphalan	148-82-3
Mercuric cyanide	592-04-1
Mercury	7439-97-6
Methacrylonitrile	126-98-7
Methane, chloromethoxy-	107-30-2
Methane, oxybis[chloro-	115-10-6
Methanesulfonyl fluoride	558-25-8
Methiocarb	2032-65-7
Methyl chloride	74-87-3
Methyl chloroformate	79-22-1
Methyl fluoroacetate	453-18-9
Methyl fluorosulfonate	421-20-5
Methyl hydrazine	60-34-4
Methyl isocyanate	624-83-9
Methyl isopropenyl ketone	814-78-8
Methyl mercaptan	74-93-1
Methyl vinyl ketone	78-94-4
Methyltrichlorosilane	75-79-6
Metolcarb	1129-41-5
Mitomycin C	50-07-7
Monocrotophos	6923-22-4
Nickel carbonyl	13463-39-3

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Nitric acid	7697-37-2
Nitric oxide	10102-43-9
Nitrogen dioxide	10102-44-0
Nitrogen Tetraoxide	10544-72-6
Nitroglycerin	55-63-0
Nitromethane	75-52-5
N-Nitrosodiethanolamine	1116-54-7
N-Nitrosodiethylamine	55-18-5
N-Nitrosodimethylamine	62-75-9
N-Nitrosomorpholine	59-89-2
N-Nitroso-N-ethylurea	759-73-9
N-Nitroso-N-methylurea	684-93-5
N-Nitroso-N-methylurethane	615-53-2
N-Nitrosopyrrolidine	930-55-2
n-Propyl chloroformate	109-61-5
O-Dinitrobenzene	528-29-0
Oleum (Fuming Sulfuric acid)	8014-95-7
Oxamyl	23135-22-0
Oxygen difluoride	7783-41-7
Paraquat dichloride	1910-42-5
Paraquat methosulfate	2074-50-2
Parathion	56-38-2
Paris green	12002-03-8
P-Chlorophenol	106-48-9
Pentaborane	19624-22-7
Peracetic Acid	79-21-0
Perchloromethyl Mercaptan	594-42-3
Perfluoroisobutylene	382-21-8
Phenol	108-95-2
Phenol, 3-(1-methylethyl)-, methylcarbamate	64-00-6
Phenyl dichloroarsine	696-28-6
Phorate	298-02-2
Phosdrin	7786-34-7
Phosgene	75-44-5
Phosphamidon (Famfos)	13171-21-6
Phosphine	7803-51-2
Phosphorous trichloride	7719-12-2
Phosphorus (yellow or white)	7723-14-0

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Phosphorus Oxychloride	10025-87-3
Physostigmine	57-47-6
Physostigmine, salicylate (1:1)	57-64-7
Picric acid	88-89-1
Potassium arsenate	7784-41-0
Potassium arsenite	10124-50-2
Potassium cyanide	151-50-8
Potassium silver cyanide	506-61-6
Promecarb	2631-37-0
Propargyl alcohol	107-19-7
Propham	122-42-9
Propionitrile	107-12-0
Propylene oxide	75-56-9
Propyleneimine	75-55-8
Sarin	107-44-8
Selenious acid	7783-00-8
Sesquimustard (1,2-bis(2-chloroethylthio)ethane)	3563-36-8
Silver cyanide	506-64-9
Silver nitrate	7761-88-8
Sodium arsenate	7778-43-0
Sodium arsenite	7784-46-5
Sodium cyanide (Na(CN))	143-33-9
Sodium fluoroacetate	62-74-8
Sodium hydroxide	1310-73-2
Soman	96-64-0
Stibine	7803-52-3
Streptozotocin	18883-66-4
Strychnine	57-24-9
Strychnine, sulfate	60-41-3
Styrene	100-42-5
Sulfur dioxide	7446-09-5
Sulfur tetrafluoride	7783-60-0
Sulfur trioxide	7446-11-9
Sulfuric acid	7664-93-9
Tabun	77-81-6
Terbufos	13071-79-9
Tert-butyl hydroperoxide	75-91-2
Tetraethyl lead	78-00-2

NAME (Search CAS # for Alternate Chemical Names)	CAS#
Tetraethyl pyroposphate (TEPP)	107-49-3
Tetrafluoroethylene	116-14-3
Tetranitromethane	509-14-8
Thiodicarb	59669-26-0
Thionyl chloride	7719-09-7
Titanium tetrachloride	7550-45-0
Toluene-2,4-diisocyanate	584-84-9
Toluene-2,6-diisocyanate	91-08-7
Toxaphene	8001-35-2
Triallate	2303-17-5
Trichlorosilane	10025-78-2
Trimethoxysilane	2487-90-3
Trimethylamine	75-50-3
Trimethylchlorosilane	75-77-4
Vinyl acetate	108-05-4
Vinyl chloride	75-01-4
VX (o-ethyl-S-2-diisopropylaminoethyl methyl phosphonothiolate)	50782-69-9

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Statement of Purpose

Conn. Gen. Stat. § 22a-450 authorizes the Commissioner of Energy and Environmental Protection (“the Commissioner”) to adopt regulations for the reporting of discharges, spillages, uncontrolled losses, seepages or filtrations of oil or petroleum, chemical liquids, solid liquid or gaseous products or hazardous waste (sometimes referred to below as “releases”). These regulations define the thresholds that trigger reporting as well as specifying the information that must be reported.

Under current law all releases are reportable. Connecticut’s General Assembly has broadly defined the terms “oil or petroleum”, “chemical liquids”, “solid liquid or gaseous products” and “hazardous waste” and these terms taken collectively, literally include anything in liquid, solid, semi-solid, gaseous or any other form. The regulations rely on these broad definitions; it is anticipated that after adoption, the Department will provide guidance identifying both common and uncommon examples of what is subject to reporting under the regulations. Some common items include asbestos in its various forms, oils of any type, and industrial chemicals. Some less common items include items such biomedical waste or toxic pollutants. While the scope of section 22a-450 encompasses virtually anything, the proposed regulations apply only to the release of certain quantities or concentrations.

The purpose of the regulations is to define those releases that must be reported to the Commissioner, when those reports must be made, what must be included in any such report, and reemphasize existing obligations to respond to a release. The regulations will allow the Department of Energy and Environmental Protection’s Emergency Response and Spill Prevention Division to become aware of information such as the nature and cause of the release, the proximity of the release to sensitive environmental areas, and actions taken to contain and remove or otherwise properly mitigate the release. In addition, in response to a request from the business community, these draft rules streamline and clarify the requirements concerning the reporting of releases.

The requirement to report all releases is the default statutory requirement. The adoption of these regulations will put in place a series of exemptions to, and limitations on, that default statutory requirement. By specifying those release that must be reported, when compared to the number of releases that are currently reported, the regulations will result in fewer releases being reported. One benefit of this approach is that it will allow the Department to focus its resources on those releases which pose the greatest risk to public health and the environment.

The proposed regulations, then, should: 1) promote more timely intervention and mitigation of releases; 2) improve the quality of information reported; and 3) enhance the effectiveness of the Department’s Emergency Response and Spill Prevention Division by allowing it to concentrate its limited resources to releases that it deems of greatest concern. In addition, the regulations will provide the regulated community with greater clarity on what, when and how to report releases.

It may also be worth noting that the regulations will apply to materials, defined as “reportable materials,” that are released after the regulations take effect. In this sense, these regulations do not apply to “historical releases” or releases that occurred before the regulations take effect.

Summary of the Main Provisions:

The proposed regulations establish:

- * Clarity in applicability of the regulations;
- * Identification of what triggers release reporting, including specific threshold quantities and a listing of reportable materials of special concern;

- * Exceptions from reporting;
- * Identification of how and when to report and follow-up reporting requirements; and
- * The identification of the information (i.e., nature, cause, proximity to human population centers, sensitive environmental receptors, etc.) to be reported.

Legal Effects:

The proposed regulations are adopted pursuant to sections 22a-6, 22a-422, 22a-424, 22a-449 and 22a-450 of the Connecticut General Statutes and will require reporting of and responding to releases that occur after the regulations are adopted. The proposed regulations will establish enforceable requirements and any person who does not comply with the proposed regulations may be subject to the penalties provided for by law. In addition, to avoid potential conflict or confusion with other reporting or release related requirements, the regulations make clear that compliance with the proposed reporting regulations does not relieve any person of the obligation to comply with any other legal requirement, including, but not limited to, responding to a release.