

July 2015

Summary of New Significant Environmental Hazard Reporting Requirements

1. Contamination of public or private drinking water well with a substance in concentrations above GWPC¹ for that substance or the presence of nonaqueous phase liquid:
 - (a) TEP notifies owner and client within 24 hours of discovery of hazard.
 - (b) Owner notifies DEEP.
 - i. Verbally within one business day of awareness of significant hazard; and
 - ii. In writing within five days of verbal notice.
 - iii. TEP's client notifies DEEP if owner has not notified DEEP within 7 days after TEP makes determination of significant hazard.
 - (c) Owner determines presence of other water supply wells within 500 feet of polluted groundwater by conducting receptor survey.
 - i. Owner seeks access to drinking water supply wells within 500 feet of polluted groundwater on adjacent properties for sampling.
 - ii. If access is granted, owner samples and analyzes water quality.
 - iii. Owner submits a report within 30 days of becoming aware of significant hazard to DEEP of evaluation, including proposals, as necessary, for further action.

* Owner to provide verification to TEP's client that owner has notified DEEP.
2. Contamination of public or private drinking water well with a substance in concentrations less than GWPC for that substance or any other substance for which there is no GWPC:
 - (a) TEP notifies owner and client within 7 days of discovery of significant hazard.
 - (b) Owner notifies DEEP in writing within 30 days of awareness of significant hazard.
 - (c) Owner performs confirmatory sampling and submits report of confirmatory sampling of well within 30 days of awareness of significant hazard to DEEP, which should include:
 - i. Any further action to identify and eliminate exposure to contaminants on ongoing basis.
 - ii. If confirmatory sampling shows contamination above GWPC for that substance, owner proceeds with (1)(b) and (1)(c).
3. Contamination [no longer an exclusion for TPH] of soil within 2 feet from the ground surface with a substance at concentration at or above 30 times the DEC² for commercial/industrial use, at or above 15 times DEC for certain substances,³ or at or above 15 times the residential DEC for residential use exclusions for certain substances:⁴

- (a) TEP notifies owner and client within 7 days of discovery of significant hazard.
 - (b) Owners notifies DEEP in writing within 90 days of awareness of significant hazard.
 - (c) Exceptions to Owner notification obligations:
 - i. If remediated in accordance with the RSRs⁵ within 90 days; or
 - ii. Contaminated soil is rendered inaccessible within 90 days; or
 - iii. Contaminated soils which exceed 30 or 15 times the criterion is treated or disposed of within 90 days⁶; or
 - iv. Substance is lead on a residential property that is already in lead abatement program.
 - (d) If notice is exempted per (c) above, then within 90 days, the owner shall, at a minimum:
 - i. Evaluate the extent of contamination that exceeds 15 or 30 times the applicable DEC; and
 - ii. Prevent exposure to such soil; and
 - iii. Submit a report to DEEP with required notification on the evaluation and prevention, including proposals for other action such as maintenance and monitoring of interim controls.
4. Contamination of groundwater within 15 feet of an industrial/commercial building with a Volatile Organize substance at or above 10 times the industrial/commercial volatilization criteria for groundwater or within 15 feet of a residential building at or above 10 times the residential volatilization criterion:
- (a) TEP notifies owner and client within 7 days of discovery of significant hazard.
 - (b) Owner notifies DEEP in writing within 30 days of awareness of significant hazard.
 - (c) Owner submits proposed plan to mitigate exposure or permanently abate contamination or condition within 30 days of becoming aware of the significant hazard to DEEP.
 - (d) Exceptions:
 - i. Soil vapor concentration is at or below 10 times the soil vapor volatilization criterion appropriate for the land use of the parcel; or
 - ii. Groundwater concentration is below 10 times a site-specific volatilization criterion calculated per DEEP regulation; or
 - iii. Groundwater volatilization criterion appropriate for the land use for such substance is 50,000 ppb; or
 - iv. Within 30 days of discovery of contamination, an indoor air monitoring program is initiated in the building⁷; or
 - v. Parcel contains a building that is not occupied and owner submits required notification on the same date the building is reoccupied; or
 - vi. Parcel contains building with commercial/industrial use and such compounds are used in industrial activities and is regulated by OSHA.⁸

5. Contamination of groundwater discharging to surface water with (1) a substance for which an acute aquatic life criterion is established in the water quality standards in excess of 10 times (i) the criterion; or (ii) such criterion times a site-specific dilution factor calculated per DEEP regulation, or (2) a nonaqueous phase liquid:
 - (a) TEP notifies owner and client within 7 days of discovery of significant hazard.
 - (b) Owners notifies DEEP.
 - For nonaqueous phase liquids not otherwise reported to DEEP:
 - Verbally within 1 business day of awareness that contamination entered surface water body; and
 - In writing within 30 days of awareness of contamination.
 - For contamination described in section 5(1):
 - In writing within 30 days of awareness of contamination.
 - (c) Owner submits proposed plan to mitigate exposure or permanently abate contamination or condition before the date of required written notification.
 - (d) Exception:
 - i. Owner knows that the polluted discharge at such concentration or in such a physical state had been reported to the DEEP in writing within the preceding year.
6. Contamination of groundwater within 500 feet upgradient or 200 feet in any direction of a public or private drinking water well with a substance at a concentration at or above the GWPC:
 - (a) TEP notifies owner and client within 7 days of discovery of hazard.
 - (b) Owner notifies DEEP in writing within 30 days of awareness of significant hazard.
 - (c) Owner determines presence of other water supply wells within 500 feet of polluted groundwater by conducting receptor survey.
 - i. Owner seeks access to drinking water supply wells within 500 feet of polluted groundwater on adjacent properties for sampling.
 - ii. If access is granted, owner samples and analyzes water quality.
 - iii. Owner submits a report within 30 days to DEEP of evaluation, including proposals, as necessary, for further action.
7. Polluted vapors emanating from soil, groundwater or free product which are migrating into structures or utility conduits and which pose an explosion hazard:
 - (a) TEP notifies owner and client immediately but not later than 24 hours after discovery of hazard.
 - (b) Owner notifies – DEEP and local fire department – orally immediately and not more than 2 hours after awareness of the hazard and subsequently in writing within 5 days of the oral notice.
 - (c) TEP's client notifies DEEP, if owner fails to notify DEEP – no time period specified.

* Owner to provide verification to TEP's client that owner has notified DEEP.

- ¹ GWPC refers to Ground Water Protection Criteria.
- ² DEC refers to Direct Exposure Criteria.
- ³ Antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, thallium, vanadium, zinc, or polychlorinated biphenyls, excluding arsenic or lead from lawful application of pesticides IF parcel is commercial/industrial use and contamination is not more than 300 feet from any residence, school, park, playground, or daycare facility.
- ⁴ Exclusions: (1) If parcel is in industrial-commercial use: acetone; 2-butanone; chlorobenzene; 1,2-dichlorobenzene; 1,3-dichlorobenzene; 1,1-dichloroethane; cis-1,2-dichloroethylene; *trans*-1,2-dichloroethylene; ethylbenzene; methyl-tert-butyl-ether; methyl isobutyl ketone; styrene; toluene; 1,1,1-trichloroethane; xylenes; acenaphthylene; anthracene; butyl benzyl phthalate; 2-chlorophenol; di-n-butyl phthalate; di-n-octyl phthalate; 2,4-dichlorophenol; fluoranthene; fluorene; naphthalene; phenanthrene; phenol and pyrene; (2) TPH, for any parcel use; (3) antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, thallium, vanadium, zinc, or polychlorinated biphenyls below 30 times the commercial/industrial DEC at a commercial/industrial property that is covered with pavement and maintained in a manner that preserves the integrity of such coverage or fenced off from the general public.
- ⁵ RSRs refers to Connecticut's Remediation Standards Regulations, R.C.S.A. § 22a-133k-1 et. seq.
- ⁶ Owners who are not required to notify DEEP may voluntarily submit a notification at any time to DEEP, which shall issue a certificate of completion if the soils exceeding relevant criteria were treated or disposed of properly. DEEP shall wait 90 days after receiving notice before determining whether to post notice on website.
- ⁷ Indoor air sampling of the subject substance(s) immediately above such contaminated groundwater shall be conducted once every 2 months for at least 1 year. The parcel owner notifies DEEP in writing within 7 days of learning that the monitoring program was not conducted as required, or that any such air sample exceeded 10 times the target indoor air concentration appropriate for the use of the building (i.e. residential/industrial-commercial).
- ⁸ OSHA refers to Occupational Safety and Health Administration.

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