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Newsflash: Connecticut Remediation Regulations Published and Effective as of February 16, 2021

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by Jean Perry Phillips

The long-awaited revisions to the Remediation Standard Regulations (RSRs) and to the Environmental Use Restriction (EUR) regulations were published by the Connecticut Secretary of State on February 16, 2021. The revised regulations are effective upon publication. These amendments to the regulations were sought by the Connecticut Department of Energy and Environmental Protection (DEEP) as part of its efforts to overhaul Connecticut's remediation programs. The revised regulations are applicable to properties that are already undergoing remediation pursuant to state requirements as well as those properties that become subject to state requirements in the future.

The RSRs provide criteria for the remediation of polluted soil or groundwater as required by statute. The RSRs were initially adopted in 1996 and amended in 2013. The 2021 revisions make a number of changes to the existing RSRs, including those that address pesticide contamination, widespread polluted fill, groundwater volatilization criteria, Licensed Environmental Professional (LEP) approval of cleanups and criteria, use of background concentrations as criteria for cleanups, and clarifications of many other existing regulatory provisions.

The DEEP's regulations pertaining to Environmental Land Use Restrictions (ELURs) have been in place since 1996. ELURs are an accepted alternative to achieve remediation by restricting usage and/or requiring the preservation of certain protective structures (such as impermeable caps) as a way to prevent exposure to contaminants. The DEEP's proposed amendments in effect create a new application process as well as address the use of Notice of Activity and Use Limitations (NAULs) in addition to the ELURs.

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There are many forms, applications and processes associated with both sets of revised regulations that will need to be updated. DEEP states that complete applications received prior to February 16 will be honored, and DEEP reports that it is currently reviewing up to 40 revised forms pursuant to the new regulations. The agency expects to have the new forms and processes ready and published soon and asks the regulated community to check the DEEP website and watch for emails on this point.

Further information can be found [here](#).

Should you have any questions concerning these regulatory revisions, please feel free to contact one of the members of our Environmental group, including Jean Perry Phillips, Gary B. O'Connor or Lee D. Hoffman.

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