

## **COMMENTS FROM A GROUP OF BROWNFIELD ADVOCATES IN CONNECTICUT**

November 14, 2011

Mr. Graham Stevens  
Department of Energy & Environmental Protection  
79 Elm Street  
Hartford, CT 06106

Dear Graham,

As a group of practitioners who were very pleased to have the opportunity to work with the Department of Energy and Environmental Protection, the Department of Economic and Community Development, the Connecticut General Assembly, and the Governor toward passage of Connecticut's landmark brownfield legislation earlier this year, we have an intense and continuing interest in DEEP's activities associated with its "Comprehensive Evaluation and Transformation of Connecticut's Cleanup Laws" initiative. We appreciate this opportunity to comment on the draft workgroup reports made available by DEEP.

We understand there are further milestones to be met in the course of DEEP's progress toward the development of the report and recommendations DEEP is required to submit to the legislature under section 6 of Public Act 11-141. We feel, though, that it is important to communicate to DEEP now our collective reservations regarding where the process stands as of today and our perception as to where it may be heading.

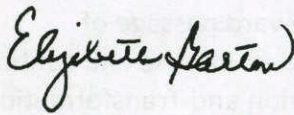
We strongly believe that transformation of any programs in Connecticut – legislative or regulatory, environmental or otherwise - must be designed and implemented in a manner consistent with and supportive of the top priority of Governor Malloy and the General Assembly to grow our economy and create jobs. In reading the workgroup reports, we are concerned that they may be signaling a rush to create the framework of a dramatically new, comprehensive and inventory-driven system. Without proper foundation, legislating such a framework could have the effect of increasing exponentially the universe of sites and incidents pulled into the state program and thereby put before the existing DEEP staff for action and without a clear path out. This direction, without more, carries a corresponding potential for crushing impacts on both the economy and DEEP's ability to discharge its responsibilities consistently, predictably, fairly, and in a timely and cost effective manner that is protective of the environment.

We urge DEEP to resist the urge to craft, in a few short months, an entirely new cleanup program for Connecticut. Rather, we recommend that DEEP focus on the foundational elements essential to building a program that will be risk-based, self-implementing, priority-driven, and effective in driving economic and job growth while protecting our environment, which elements are common themes emphasized in each of the draft transformation initiative

reports. We would be delighted to work with DEEP once again in the coordinated and comprehensive development of a foundation based on these principles.

As a starting point for building this strong foundation, we recommend DEEP focus on revising the state's Remediation Standard Regulations ("RSRs"), which were promulgated in 1996 as required by Section 22a-133k. We recognize and, subject to seeing a draft, support DEEP's recently proposed "consensus" amendments to the RSRs. As you know, DEEP shared a conceptual overview of these amendments with the regulated community at DEEP's Remediation Roundtable presentation last week. But these amendments are not enough to provide the necessary and critical foundation of the type of program DEEP's draft reports seem ultimately to be urging. Unlike earlier failed efforts to amend the RSRs, we are confident that with appropriate focus on the Governor's message and the clear and unwavering principles identified herein, Connecticut can be well on its way in relatively short order to having a cleanup program that protects the environment and fosters sustainable economic development.

Sincerely,



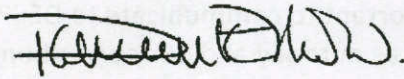
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Elizabeth Barton  
Partner  
Day Pitney LLP




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Eric Brown  
Director, Energy & Environmental Policy  
CT Business & Industry Association



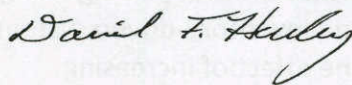
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Pamela Elkow  
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Lee Hoffman  
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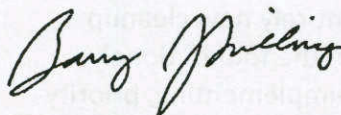
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David Hurley  
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Barry Trilling  
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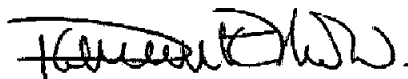
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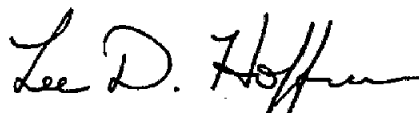
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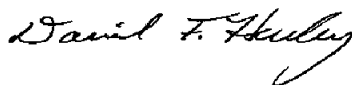
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