

CBIA e²Waste Task Force Summary

February 18, 2022

Harold Blinderman: Day Pitney LLP

Mark Bobman: Bristol Resource Recovery

Issue	Notes
DEEP: Release Reporting	<ul style="list-style-type: none"> • On March 11, 2021, DEEP posted a Notice of Intent (NOI) to adopt proposed Release Reporting Regulations. For a copy of the NOI, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={10B22178-0000-C51D-B82E-4EF94B6273DB} • The comment period closed on May 10, 2021. • On October 13, 2021, DEEP issued the Hearing Officer report responding to public comment and corresponding revised Release Reporting Regulations. <ul style="list-style-type: none"> ❖ For a copy of the Hearing Officer Report, see: https://eregulations.ct.gov/mwg-internal/de5fs23hu73ds/progress?id=1pOOq6TknjciycnD0oOGKD2Jth1H6PaJQhA4dTD-IB0,&dl. ❖ For a copy of the revised Release Reporting Regulations, see: https://eregulations.ct.gov/mwg-internal/de5fs23hu73ds/progress?id=iMSYHycuOiJaV2SY8P4nkUJo0TtqXcU7xVH0VHv7pq0,&dl. • On November 11, 2021, DEEP submitted the Release Reporting Regulations (“DEEP’s 2021 Proposed Release Reporting Regulation Submittal”) to the Connecticut General Assembly’s Legislative Regulation Review Committee (“LRRC”). See, https://eregulations.ct.gov/mwg-internal/de5fs23hu73ds/progress?id=TBAI2ftZT8Hnc8SQ7N8TSKnAn-rwsMjrao3Zx1yoQx8,&dl. • At the December 21, 2021 LRRC meeting DEEP’s 2021 Proposed Release Reporting Regulation Submittal were “Rejected Without Prejudice” by the LRRC based on concerns set forth in the 2021 Memorandum from the Legislative Commissioner’s Office (“LCO”). The LCO identified five substantive concerns and 25 technical corrections with DEEP’s 2021 Proposed Regulation Reporting Regulation Submittal. <ul style="list-style-type: none"> ❖ For a copy of the LRRC’s Cover Letter, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={30D3E87D-0000-CE55-98F3-B48D7B2D9D76}. ❖ For a copy of the LCO’s 2021 Memorandum, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={30D3E87D-0000-C198-925A-C1F0A733ADDB}. • On January 6, 2022, DEEP issued Updated proposed Release Reporting Regulations in response to the LCO’s 2021 Memorandum and filed the Updated proposed Release Reporting Regulations to the AG’s Office for a legal sufficiency determination.

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DEEP: Release Reporting (continued)	<ul style="list-style-type: none"> ❖ For a copy of the January 6, 2022 Updated proposed Release Reporting Regulations, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={20D22F7E-0000-CE1D-B137-C49467F9D674}. ❖ For a copy of DEEP's Agency Certification of the January 6, 2022 updated proposed Release Reporting Regulations, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={00D22F7E-0100-CA06-8353-CF1E704DFAF3}. • On January 24, 2022, DEEP received the AG's Certification of Legal Sufficiency (new). • On January 26, 2022, DEEP submitted its response to the LCO's 2021 Memorandum to the LRRC ("DEEP's 2022 Proposed Release Reporting Regulation Submittal"), which will be before the LRRC at the LRRC's February 22, 2022 meeting (new). <ul style="list-style-type: none"> ❖ For a copy of DEEP's 2022 Proposed Release Reporting Regulation Submittal, see: https://eregulations.ct.gov/eRegsPortal/Search/getDocument?guid={40AE967E-0200-CA75-B4D7-44F64C4BC177}.
DEEP: Released-Based Remediation Program Development	<ul style="list-style-type: none"> • Working Group continues to meet regularly via Zoom on the second Tuesday of the month from 1:00pm to 2:30pm. • The Phase 1 Topical Subcommittees' Concept Papers have been posted DEEP's Release-Based Cleanup Program Stakeholder Engagement webpage. See: https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Cleanup-Program-Stakeholder-Engagement • Beginning in December 2021, the Phase 2 Topical Subcommittees, listed below, have been formed and are meeting virtually on a weekly basis. To review the Phase 2 Topical Subcommittee descriptions see: https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Cleanup-Program-Topical-Subcommittees. <ul style="list-style-type: none"> ❖ The Modification of Clean-up Standards for Lower-Risk Releases Subcommittee meets on Wednesdays from 10:00am to 11:30 am; ❖ The LEP-Implemented, Risk-Based Alternate Cleanup Standards Subcommittee meets on Tuesdays from 11:30am to 1:00pm; and ❖ The Clean-up Completion Documentation, Verifications, and Audit Frequency and Timeframes Subcommittee meets on Mondays from 1:30pm to 3:00pm. • The deadline for concept papers by the Phase 2 Topical Subcommittees is March 31, 2022.

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DEEP: Released-Based Remediation Program Development (continued)	<ul style="list-style-type: none"> • DEEP's webpage listing issues raised by the Working Group throughout the regulation development process that may require additional evaluation is live (new). See, Release-Based Working Group Additional Issues for Review (ct.gov). • The Working Group met on February 8, 2022. During the meeting, DEEP advised that it will begin to solicit volunteers for and Ad Hoc Team during the week of February 14. The purpose of the Ad Hoc Team is to review the need for guidance documents and forms for the implementation of the release-based cleanup program. The first meeting of the Ad Hoc Team will be during the first week of March and issue its report by the first week of May 2022. In addition, each Phase 2 Topical Subcommittee reported on their progress (new).
Permit Concierge Service (DEEP)	<ul style="list-style-type: none"> • Permit Concierge Service <ul style="list-style-type: none"> ❖ The Concierge Permit Assistance Advisory Committee (CPAAC) was formed in 2021, and held meetings/webinars throughout the remainder of the year. ❖ DEEP is working on implementing CPAAC suggestions, including a flow chart for air permitting processes and an Environmental Justice map, amongst others. • See, https://portal.ct.gov/DEEP/Permits-and-Licenses/Client-Concierge-Permit-Assistance
DEEP: Revisions to Remediation Standard Regulations and Environmental Use Restrictions	<ul style="list-style-type: none"> • RSR Wave 2 Proposed Regulations/Environmental Use Restriction (EUR) Proposed Revisions: <ul style="list-style-type: none"> ❖ Both sets of regulations became effective on February 16, 2021 ❖ Recent Developments: <ul style="list-style-type: none"> ▪ The new EUR Application forms are available on DEEP's EUR webpage. See https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Environmental-Use-Restrictions/Environmental-Use-Restrictions ▪ The EUR Annual Inspection Form; Fact Sheet; Fee Form; Form for Allowable Disturbance, Release or Termination; and Temporary Release for Recurring Activities Template posted on DEEP website. See: https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Environmental-Use-Restrictions/Environmental-Use-Restrictions <ul style="list-style-type: none"> ○ Owners of property subject to an EUR are responsible for complying with Annual and Five

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<p>DEEP: Revisions to Remediation Standard Regulations and Environmental Use Restrictions (continued)</p>	<p>Year Comprehensive Inspections. Beginning in 2021, Annual Inspections are to be completed every year between April 1st and July 31st, except in a year when a Five Year Comprehensive Inspection is required. The first Five Year Comprehensive Inspection will occur in 2025, where such inspection must be completed between April 1st and September 30th. Within 30 days of any inspection, an inspection report, using the form prescribed by DEEP, must be completed.</p> <ul style="list-style-type: none"> ○ Owners of property subject to an EUR are responsible for ensuring that an EUR Factsheet is maintained either on the property or with the person responsible for maintenance or operation of the property. The EUR Factsheet must be maintained until the EUR is permanently released or terminated in whole. ▪ Revised RSR FAQs and new EUR FAQs are posted on the DEEPs website. See https://portal.ct.gov/-/media/DEEP/site_clean_up/remediation_regulations/Revised-RSR-FAQs.pdf and https://portal.ct.gov/-/media/DEEP/site_clean_up/EUR/EUR-FAQs.pdf ▪ Revised Verification forms (Verification Addendum, Revised Form III Verification (Property)) are posted on DEEP's website. See https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Licensed-Environmental-Professional-Program/LEP-Verifications ❖ On December 8, 2021, DEEP posted the revised Verification Forms for the 133x Voluntary Program and updated Form III Verification Forms on the LEP Verifications Webpage. See: https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Licensed-Environmental-Professional-Program/LEP-Verifications. <ul style="list-style-type: none"> ▪ DEEP advised that 133x Verifications started on the old forms must be submitted prior to January 15, 2022. ❖ On December 23, 2021, DEEP posted new EUR Form and EUR Release Form with embedded eTransmittal Forms. See: https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Environmental-Use-Restrictions/Environmental-Use-Restrictions.

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DEEP: Additional Updates (Remediation Roundtable and Environmental Justice)	<ul style="list-style-type: none"> • Remediation Roundtable meeting held on October 5, 2021. See: https://portal.ct.gov/-/media/DEEP/site_clean_up/remediation_roundtable/Roundtablepresent-10_05_2021vfinal.pdf. Next meeting scheduled for March 22, 2022. • Environmental Justice (EJ) <ul style="list-style-type: none"> ❖ DEEP has updated the EJ webpage with revised Environmental Justice Public Participation Plan Form, Fact Sheet and Permit Checklist; and map displaying the affecting facilities in EJ communities and towns that contain EJ communities as census block groups. See: https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice. ❖ <i>On February 8, 2022, DEEP noticed that it is accepting nominations and applications for formation of the Connecticut Equity and EJ Advisory Council (“CEEJAC”), established by Gov. Lamont’s Executive Order 21-3 (“EO21-3”), until 5:00 PM on February 25, 2022. CEEJAC’s purpose and mission is “to advise the Commissioner of DEEP on current and historic [EJ], pollution reduction, energy equity, climate change mitigation and resiliency, health disparities, and racial inequity[.]” CEEJAC members (that are not a public official) will serve a two year term, or until their successor is appointed. EO21-3 also authorizes the Commissioner to establish subcommittees or working groups of CEEJAC to address specific topics; the participants of which are not required to be members of CEEJAC. Yet to be announced is the date and time of CEEJAC’s first meeting, which will occur in March 2022 (new).</i> <ul style="list-style-type: none"> ▪ To review EO21-3, see: https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-21-3.pdf. ▪ For DEEP’s Press Release on CEEJAC Nominations and Applications see: DEEP SEEKS NOMINATIONS AND APPLICATIONS FOR CT ENVIRONMENTAL JUSTICE ADVISORY COUNCIL. ▪ To access the CEEJAC webpage, see: https://portal.ct.gov/DEEP/Environmental-Justice/Connecticut-Equity-and-Environmental-Justice-Advisory-Council.
EPA: PFAS Updates	<ul style="list-style-type: none"> • On December 20, 2021, EPA issued the Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) for Public Water Systems under the federal Safe Drinking Water Act, which establishes nationwide monitoring for 29 PFAS and lithium in drinking water. <ul style="list-style-type: none"> ❖ Under the new rule, many public water systems will collect new data on 29 PFAS substances over a 12 month period from 2023 through 2025. ❖ To review the UCMR 5, see: https://www.govinfo.gov/content/pkg/FR-2021-12-27/pdf/2021-27858.pdf.

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EPA & DEEP: PFAS Updates (continued)	<ul style="list-style-type: none"> • <i>On January 24, 2022, EPA announced that four additional PFAS were added to the Toxics Release Inventory (“TRI”) List requiring covered facilities to start tracking their activities involving these PFAS as required by Section 313 of the Emergency Planning and Right-to-Know Act. Reporting forms for these PFAS will be due to EPA by July 1, 2-23, for calendar year 2022 data (new).</i> <ul style="list-style-type: none"> ❖ <i>To review the News Release, see: EPA Requires Reporting on Releases and Other Waste Management of Certain PFAS, Including PFBS US EPA.</i> • Docket ID No. EPA-HQ-OW-2022-0114: EPA is hosting public meetings to solicit input on environmental justice considerations related to proposed PFAS national primary drinking water regulation (NPDWR) under the Safe Drinking Water Act (SDWA). • EPA is issuing TSCA section 4(a)(1) Test Orders for 24 PFAS compounds (National PFAS Testing Strategy: Identification of Candidate PFAS for Testing)https://www.epa.gov/system/files/documents/2021-10/pfas-natl-test-strategy.pdf • Federal Register Vol. 87:22, February 2, 2022 Docket EPA-HQ-ORD-2021-0561 <ul style="list-style-type: none"> ❖ Draft IRIS Toxicological Review of Perfluorohexanoic Acid (PFHxA) and Related Salts • EPA action plan – limited funds are available for hiring new staff under the current budget, the agency seeks to hire additional personnel and is coordinating with DOD and other federal agencies <ul style="list-style-type: none"> ❖ RCRA and HAPs classifications expected, but likely to exempt POTWs • CTDEEP – 1/3 of state POTWs tested, including sludge at 4 facilities <ul style="list-style-type: none"> ❖ AFFF recovery – 400 fire trucks remain to be cleaned, with 2 firms under contract ❖ Funding of \$1.15M is devoted to testing private wells ❖ Mapping of GIS sensitive receptors is in progress ❖ Ambient water quality data to be established prior to establishing surface water criteria ❖ Contamination of private wells identified at Killingworth and East Hampton

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<p>DEEP Commercial Recycling General Permit</p> <p>Appendix H Food Waste</p>	<ul style="list-style-type: none"> • January 13, 2022 – regulated activities include processing, transfer, consolidation and depackaging <ul style="list-style-type: none"> ❖ Tier I 20 tons or 120 cubic yards per day ❖ Tier II 50 ton or 200 cubic yards per day ❖ <i>“Registrant” means (1) for Tier II: a person who has submitted the required Registration for a proposed operation; and/or (2) for Tier III: a person to whom the Commissioner has issued a written Approval of Registration for a proposed operation under this General Permit.</i> ❖ <i>“Notifier” means a person who generates Recyclables and/or other Solid waste in the course of conducting business and who subsequently transports such Recyclables and other Solid waste to a Site which is not the Site at which the Recyclables or Solid waste was generated and who is: (1) a retailer delivering goods to customers’ locations; 2) in the business of providing or maintaining utilities to customers; 3) an industry with more than one site owned and operated by the same corporate entity or which is under the same corporate ownership; or 4) an institution</i>
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