



REVITALIZING NEW ENGLAND: BROWNFIELDS SUMMIT 2022

MAY 18 & 19, 2022
Devens Common Center | Devens, MA



Brownfields Summit 2022

If we Chose a Betamax, Should We Switch to VHS or Should We Just Go to Blu-Ray? Starting an Environmental Remediation Framework from Scratch

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The Video Tape Wars



Betamax
1975



VHS
1976



@Retro_Series

Which Format Would you Choose?

System A

- Small tape cassettes
- Better color quality
- Resolution of 250 lines
- Clearer sound
- Quicker fast forward
- One hour record time

System B

- Larger tape cassettes
- Lesser color quality
- Resolution of 240 lines
- Murkier sound
- Slower fast forward
- Two hour record time

The Video Tape Wars – Why did Betamax Lose?



Betamax
1975



VHS
1976



@Retro_Series

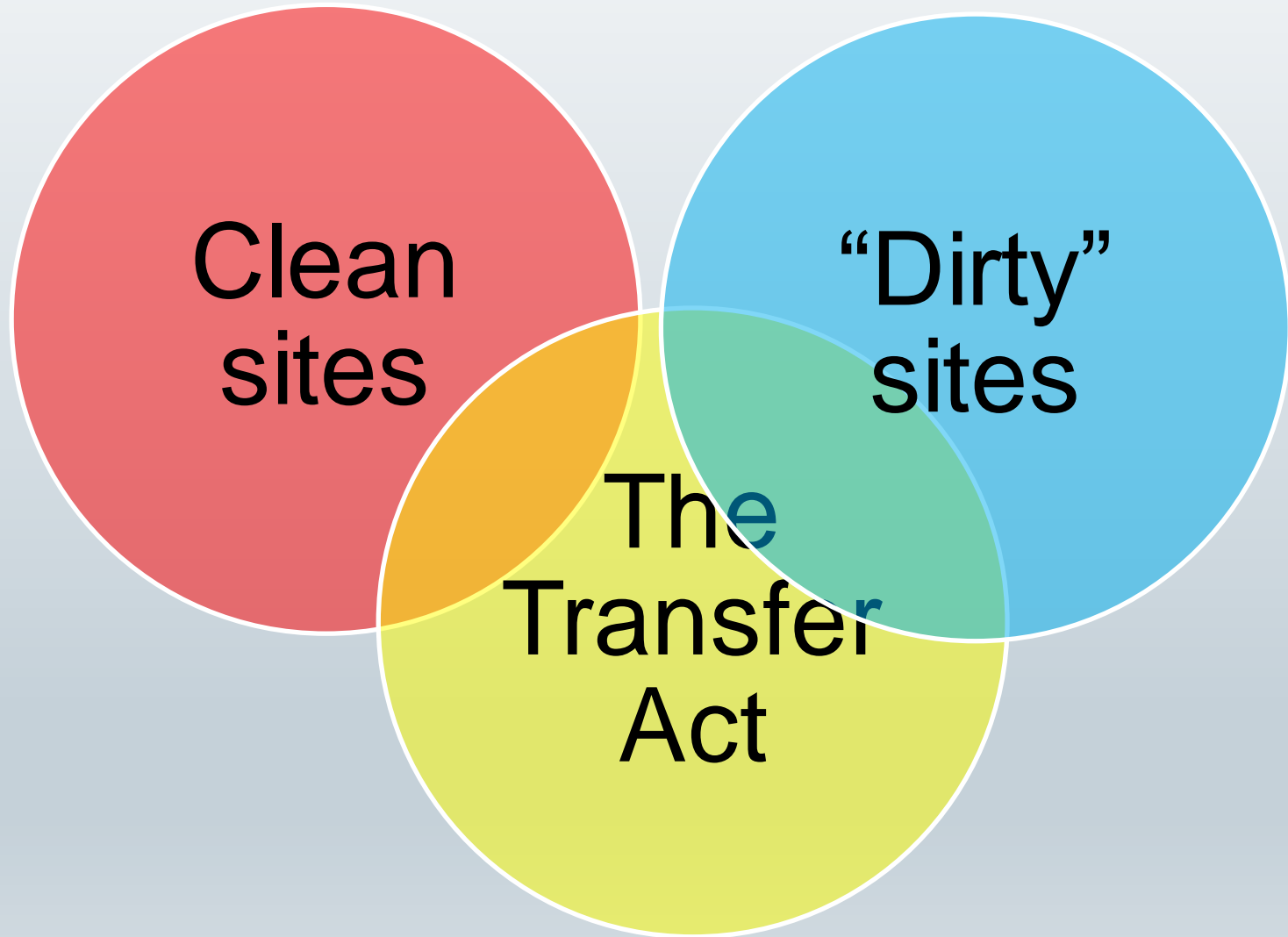
Now, It's Streaming vs. Blu Ray



A Brief History of Remediation Programs



The Connecticut Transfer Act



Basics of the Transfer Act

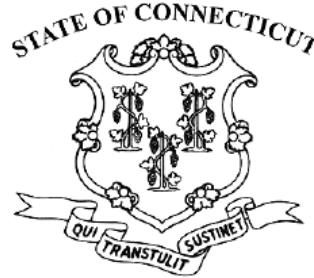
- Applies to “transfer” of an “establishment”
- Transfer is broadly defined – can be business or real estate
- What constitutes an “establishment:”
 - Generation of 100 kg of hazardous waste *in any one month*
 - Bringing offsite hazardous waste to the site
 - Auto body repair
 - Dry cleaning
 - Furniture stripping
- Transfer-based vs. release-based triggers

Transfer Act – Next Steps

- Prove that the site has never been contaminated
Form I
- Prove that the site has been previously remediated
Form II
- Much of the remediation has been completed
Form IV

- Everything else?? – Form III
 - Investigate
 - Remediate
 - Verify

The Sunset of the Transfer Act



House Bill No. 7001

September Special Session, Public Act No. 20-9

***AN ACT REVISING PROVISIONS OF THE TRANSFER ACT AND
AUTHORIZING THE DEVELOPMENT AND IMPLEMENTATION OF A
RELEASE-BASED REMEDIATION PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22a-134 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof

The Sunset of the Transfer Act

- Hailed in 2020 as a boon for economic development
- Transfer Act diverted resources from truly contaminated sites to other sites
- Transfer Act was seen as an anachronism:
 - Only one of two states have such a program
 - Complicated and didn't track with federal programs
 - Due diligence is now commonplace
- But, there's a catch . . .

Revamping the RSRs – Take 1

- From 2005 to 2009, Connecticut tried to overhaul the Remediation Standard Regulations (“RSRs”)
- Broad agreement on modernizing the regulations
- Process fell apart over what to do with toxicological risk assessment and sediment issues

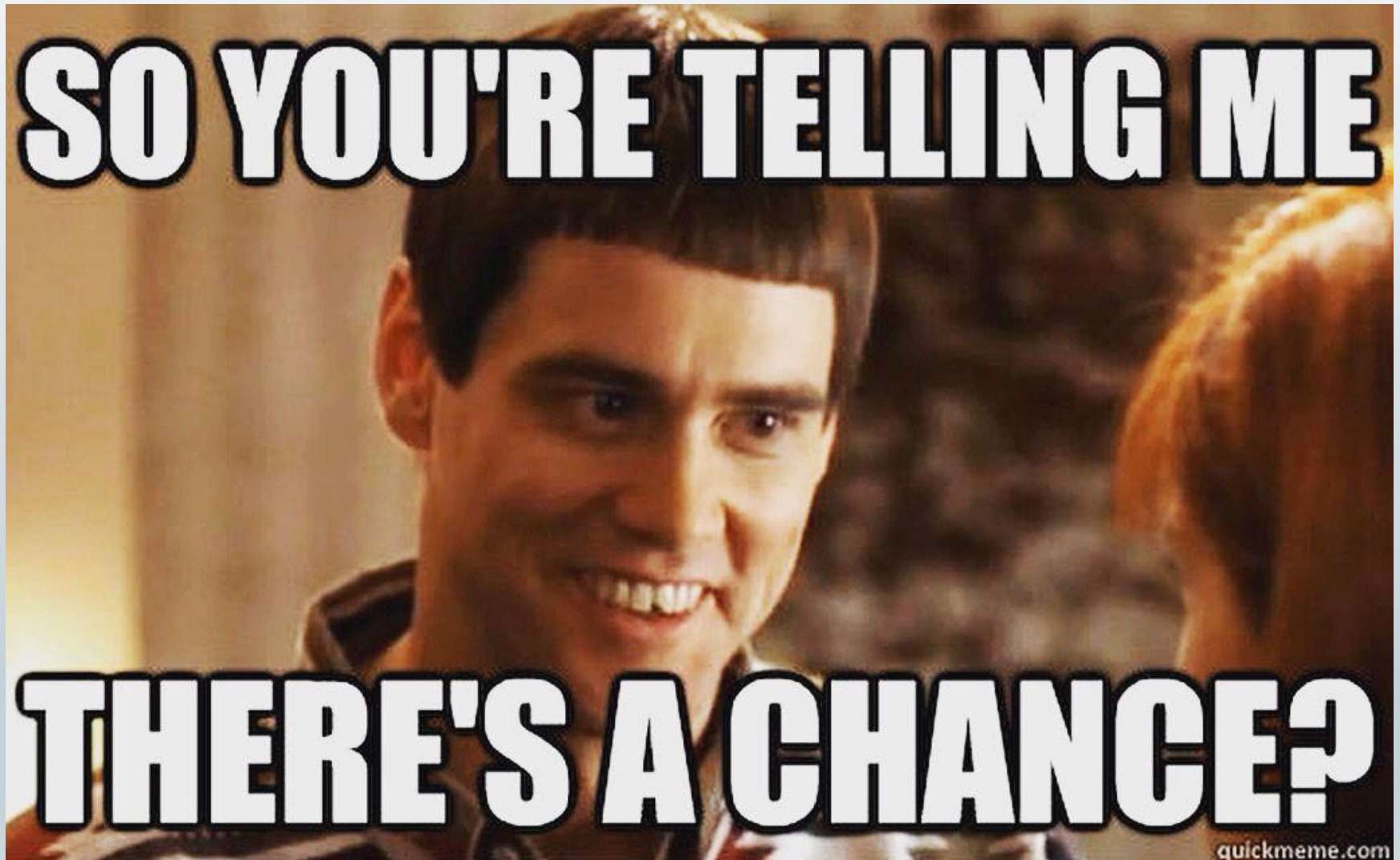


Revamping the RSRs – Take 2

- Connecticut tried to overhaul the RSRs again from 2011-2014
- Focus was going to be on casting a “wide net” which would bring more sites to remediation programs, but with “wide holes” to allow for early exits
- Process fell apart when parties could not agree on how big the net or the holes should be.



Revamping the RSRs – Take 3



Release-Based Working Group

- 19 meetings and counting (since Dec. 2020)
- 8 subcommittees with topical papers:
 - Discovery of historical releases
 - Reporting newly-discovered historical releases
 - Characterization of a discovered release
 - Immediate removal actions
 - Tiering of releases
 - Modification of standards for lower-risk sites
 - LEP-implemented risk-based alternate cleanup standards
 - Cleanup completion documentation, audits and timeframe

Release-Based Working Group - Challenges

- Lots of opinions
- Subcommittees covered a lot of ground, but operated separately
- Converting working papers to regulation
- A lack of trust and buy-in



House Bill No. 5124

Public Act No. 22-50

**AN ACT CONCERNING REVISIONS TO CERTAIN ECONOMIC AND
COMMUNITY DEVELOPMENT-RELATED STATUTES.**

The RSRs – Emerging Lessons

- If working with volunteers, broad buy-in is necessary
- If the state wants to chart its own path, it should say so clearly
- Everything takes twice as long as you think it will

Questions?

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