Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

Robert J. Klee, Commissioner

In the Matter of a Petition for a Declaratory Ruling by	*
Elsie Patton	*

NOTICE OF INTENT TO ISSUE A DECLARATORY RULING AND ORDER REGARDING NOTICE

Elsie Patton (Petitioner), as an individual, submitted a Petition for Declaratory Ruling (Petition) to the Department of Energy and Environmental Protection (DEEP) on June 29, 2015. Notice of the receipt of the Petition and the Petition itself were posted on DEEP's website on July 29, 2015 (www.ct.gov/deep/declaratoryruling). In accordance with Connecticut General Statutes (CGS) § 4-176(e)(3) and the Regulations of Connecticut State Agencies (RCSA) § 22a-3a-4(c)(3), I note here my intent to issue a declaratory ruling in response to the Petition no later than December 28, 2015 unless a later date is agreed to in accordance with CGS § 4-176(i).

The Petition requests that I declare invalid RCSA § 22a-133k-1(16). The specific citation defines the term "engineered control" within RCSA §§ 22a-133k-1 to 22a-133k-3, which are commonly referred to as the Remediation Standards Regulations or RSRs. The specific numbered definition was added by a set of amendments to the RSRs effective as of June 27, 2013. In support of the request within the Petition, the Petitioner alleges that the definition of "engineered control" was not adopted in substantial compliance with CGS § 4-168.

In response to the Petition, I intend to review publicly available records regarding the rulemaking process, including the rulemaking records available at the Department and those currently posted on the Legislative Regulations Review Committee website. In addition, I am also holding open the opportunity for anyone else, including, but not limited to, the Petitioner and staff of the Department to comment on or submit other information for my consideration regarding the Petition for an additional forty-five (45) days from the date of this Notice and Order.

While not required, consistent with the posting of the Petition on the Department's website, I encourage staff from DEEP's Remediation Division to use any electronic notification or subscription system available to distribute this Notice of Intent and Order. Finally, all pleadings or any comments regarding this matter should be submitted to Commissioner Robert J. Klee c/o Kenneth M. Collette, Esq., Department of Energy and Environmental Protection, Office of Legal Counsel, 3rd floor, 79 Elm Street, Hartford, Connecticut, 06106 or via e-mail as an attachment to

kenneth.collette@ct.gov. All comments shall be signed by the commenter or his/her attorney or other representative, contain the name and telephone number of the commenter and his/her attorney or other representative. Mr. Collette will instruct anyone submitting documents electronically whether an original document will also be required.

Robert J. Klee, Commissioner

Date 8/27/15