

Managing Environmental Compliance in Connecticut



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Commissioner

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Connecticut Department of Environmental Protection
Office of Enforcement Policy and Coordination

Issue 10

Department Issues New General Permit for the Temporary Storage or Transfer of Contaminated Soil

On September 7, 2006, the Commissioner issued a new general permit entitled "The General Permit for Contaminated Soil and/or Sediment Management (Staging and Transfer)." This general permit contains a set of standards that will help ensure that individuals engaged in the management of contaminated soil or sediment utilize environmentally protective management practices while transferring or temporarily storing these materials. It is primarily intended for use during temporary projects that involve the management of contaminated media, such as site remediation, construction, or utility installation projects that have anticipated durations of two years or less. Registration requirements for this general permit vary, and depend primarily upon where the management activities will occur (i.e. management at the site of excavation or management at an alternate location) and the total volume of contaminated media that will be managed at the site at any one time.

The issuance of this general permit marks the first step in the advancement of the Department's Comprehensive Contaminated Soil Management Plan. This will provide new avenues to treat and recycle contaminated soil, which will help to reduce soil disposal rates in Connecticut. This effort will ultimately result in the issuance of three separate general permits that will: 1) authorize the staging and transfer of contaminated media; 2) authorize specific beneficial reuses of minimally contaminated media; and, 3) authorize specific forms of soil treatment. For more information, please visit the DEP website at: <http://www.dep.state.ct.us/pao/download.htm#WasteGP>. Questions regarding this general permit may be directed to William Sigmund at (860) 418-5924.

Department Steps Up Enforcement to Protect Tidal Wetlands

The Department has stepped up efforts to promptly halt illegal activity that adversely impact tidal wetlands in the State. Cease and Desist Orders are being issued resulting in quicker resolution of all adverse impacts.

Tidal wetlands are some of the world's most productive ecosystems, providing flood protection, water quality improvements, and essential habitat for fish and wildlife. Therefore, activities that could destroy or degrade tidal wetlands are strictly regulated by the Department.

In October 2006, the Department issued a Cease and Desist Order to property owners for illegal filling of tidal wetlands on their property along the Thames River in Uncasville. The Cease and Desist Order required them to stop work on the project, which involved excavation of about 4,500 square feet of tidal wetlands and the illegal construction of a concrete boat launch ramp, and to restore the damage done to the marine environment.

The Department hearing officer found that the property owners had violated state environmental regulations, and ordered the submittal of a restoration plan to the state.

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Seeds of Responsible Growth Take Root

Recognizing the significant need to embrace sound growth principles, on October 6, 2006 Governor M. Jodi Rell issued Executive Order 15 creating an Office of Responsible Growth.

Under the Governor's Executive Order, the Office of Responsible Growth will be created within the Office of Policy and Management, the State's budget and policy department. This office will chair an Interagency Steering Council specifically charged with several actions including: expanding housing opportunities to meet the needs of all Connecticut residents and support an expanding workforce with housing that provides ready access to passenger rail and bus service; reviewing transportation policies and projects to increase opportunities to promote mass transit and roadway design that supports state and local economic development while preserving and enhancing the character, as well as the "walkability," of Connecticut's communities; and coordinating policy development and capital planning in an effort to efficiently utilize state expertise and financial resources. Providing support to municipalities while recognizing and being respectful of Connecticut's tradition of home rule and local autonomy is also key to this effort.

The Governor's Responsible Growth Initiative dovetails with the Department's Landscape Stewardship Initiative. The major action areas of this initiative include: improving coordination and focus of departmental programs and plans that influence land development and management in Connecticut; offering assistance to and coordinating with municipalities, land trusts, developers and other stakeholders to foster environmental awareness in land use decision-making; continuing to identify, acquire, conserve and manage lands in a manner that protects the state's biodiversity and improves and protects Connecticut's natural resources and environment for present and future generations; building a public constituency that understands the need for and supports sound land use decisions that protect the integrity of Connecticut's diverse ecosystems; and improving the understanding and connection people have with Connecticut's diverse landscape of ridgelines and rivers, shorelines and wetlands, forests and fields that shape our cities and towns and are essential to the very identity of the places we live.

Perhaps most important to the success of this effort will be the active engagement of municipal officials and volunteers who work to preserve the unique character of their communities in the face of difficult land use decisions. The DEP will involve outside interests including federal, state and local officials, RPOs, municipal organizations, private developers, NGOs and interested local citizens. To that end, the DEP has established a committee of diverse stakeholders to help guide the initiative. For more information on DEP's Landscape Stewardship activities please contact Margaret Welch by phone at (860) 424-3618 or via e-mail at margaret.welch@po.state.ct.us.

Department Steps Up Enforcement to Protect Tidal Wetlands *(cont. from page 1)*

The restoration must include removal of the boat launch ramp, restoration of the natural grade of the property and restoration of the wetlands and replanting of the types of salt marsh vegetation that were removed.

In another case of illegally filling a tidal wetland, the Department issued a Cease and Desist Order to a property owner in Old Lyme. In this case, the property owner was found to have covered an approximately 60 by 70 foot area with six to twelve inches of sand fill waterward of the high tide line and atop tidal wetlands and constructed a retaining wall without prior authorization from the Department. The order required the property owner to cease all placement or spreading of fill material at the site and to submit a plan to restore the filled area of the site to its prior condition. Since the property owner has failed to submit the restoration plan as required by the order the case has been referred to the Office of the Attorney General for further action.

Environmental Improvements by Connecticut Facilities Through EPA's National Environmental Performance Track Program

Through participation in EPA's Performance Track Program, many private and public facilities across the country are enhancing their environmental performance beyond traditional regulatory compliance, and are being recognized nationally for their efforts. Performance Track members share the goal of continuous environmental improvement and commit to making facility and operational enhancements that will produce measurable environmental benefits, such as reductions in water and energy usage, waste generation, and air emissions. CT DEP coordinates with EPA Region 1 during applicant selection and provides technical support for the design of facility specific environmental improvements.

During 2006, five Connecticut facilities participated in the Performance Track Program. These facilities include: The U.S. Postal Service's Processing & Distribution and Vehicle Maintenance Facilities in Hartford; Covanta Energy's Resource Recovery Facilities in Hartford and Preston; and Bristol-Meyers Squibb Company in Wallingford. Listed below are some examples of the recent environmental improvements that have been achieved by these facilities.

- The U.S. Postal Service's Vehicle Maintenance Facility recycles 100% of vehicle coolants (including extended life coolant currently shipped by manufacturers in new vehicles), or approximately 12,000 pounds of vehicle coolant per year. In addition, the facility has lowered its natural gas consumption and reduced overall greenhouse gas emissions by nearly 10% compared with 2003 emissions by installing a highly energy efficient boiler.
- Covanta Energy's Southeastern Connecticut Resources Recovery Facility has installed a stormwater collection system that is capable of capturing as much as 250,000 gallons per year of stormwater from the employee parking lot for reuse as process cooling water. The facility has also installed fuel catalytic devices on front-end loaders that are reducing diesel fuel consumption and air emissions.
- Bristol-Meyers Squibb is installing a selective catalytic reduction unit on its main power generator, which supplies peak and emergency power. This modification is expected to reduce NOx emissions by 90% or approximately 5,000 pounds of NOx per year compared with 2002 emissions. The facility is also using excess secondary containment to capture rainwater from the facility for use as process cooling water.

To be eligible for participation in EPA's Performance Track Program, facilities are required to have an established environmental management system (EMS), a favorable compliance record, and a commitment to both continuous improvement in environmental performance and public outreach. For more information on the Performance Track Program, please visit the EPA-Region 1 website @ <http://www.epa.gov/region01/ems/performtrack.html> or contact Jean Holbrook, Performance Track Coordinator for EPA-Region 1 at 617-918-1816 or at holbrook.jean@epa.gov.

Performance Track Fast Facts

At the end of 2005, the program had 371 members in 46 states and Puerto Rico. Since the program's inception, performance track members have collectively reduced their water use by nearly 1.9 billion gallons. Members have conserved close to 9,000 acres of land and have increased the use of recycled materials by nearly 120,000 tons.

In 2004 (the most recent year for which data is available), members collectively reduced their water use by more than half a billion gallons, reduced generation of hazardous waste by 800 tons, and reduced their use of non renewable transportation fuels by more than 43,000 gallons.

Operating Under the General Permit to Limit Potential to Emit

The Clean Air Act Amendments of 1990 (CAAA) required each state to develop a Title V operating permit program for major sources of air pollution. The Department established the Title V operating permit program to meet this federal requirement. Recognizing the need to streamline the process and offer permit flexibility, another option was designed and implemented by the Department.

The other option is obtaining an approval of registration under the General Permit to Limit Potential to Emit (GPLPE). The GPLPE registration allows facilities that would otherwise be subject to the Title V Permit program to voluntarily limit emissions below major source thresholds, in lieu of obtaining a Title V Permit. The GPLPE was revised and re-issued on February 24, 2006. Those seeking to operate under the GPLPE must file a new registration application.

Based on feedback from the regulated community, changes have been made to the record keeping requirements of the GPLPE. These changes provide greater flexibility in what records must be kept in order to calculate actual air emissions to demonstrate compliance.

In addition to remaining below Title V emission thresholds, each facility granted approval of registration under the GPLPE must submit an Annual Compliance Certification Form. The Annual Compliance Certification Form must be submitted for the previous calendar year on or before January 30th in each year in which the permittee is registered.

A permittee for which the actual emissions of any regulated air pollutant as reported in registration for approval under the GPLPE are at or above 50% of the emission limitation specified in the permit must submit an Annual Emissions Summary on or before January 30th in addition to the Annual Compliance Certification. If a permittee reports actual emissions of all regulated air pollutants are below 50% of the emissions limitations at the time of registration the permittee does not need to complete the Annual Emissions Summary for the length of the registration.

Updated reporting forms for the GPLPE issued on February 24, 2006 are posted on the DEP website (www.dep.state.ct.us/air2/enf/gplpefandin.htm). Questions regarding compliance with the GPLPE may be directed to the Compliance Analysis and Coordination Unit at 860-424-3702.

Changes to Hazardous Waste Manifest Requirements

As of September 5, 2006, only the new federal EPA approved nationally standardized "Uniform Hazardous Waste Manifest" may be used for shipping hazardous waste. State-specific manifests will no longer be acceptable. As a result of this change, please note that the Connecticut DEP no longer supplies hazardous waste manifest forms. The federal EPA website below lists all approved sources for the new uniform federal manifest form. <http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/index.htm>

Because the new federal uniform manifest form is only 6-parts (down from 8-parts), there are no dedicated copies to submit to the origination or destination state. This means that the generator must make a legible photocopy of the completed manifest to send in to the DEP.

In Connecticut, a generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest to accompany such shipment. Connecticut's requirements are more stringent than those at the federal level. For example, both small quantity and large quantity generators in Connecticut are subject to all manifest requirements. In addition, small quantity generators in Connecticut are not exempted from manifest requirements when they have a contractual agreement with a reclaimer. Conditionally exempt small quantity generators are not currently required to use manifests provided that they do not accumulate more than 1000 kg of hazardous waste or 1 kg of any acute hazardous waste at the site.

Getting the Lead Out of Packaging

Connecticut is one of nineteen states that prohibits the use of certain toxic heavy metals in packaging offered for distribution or sale in their states. Since 1992, in Connecticut it has been illegal to add cadmium, lead, hexavalent chromium or mercury to any packaging or packaging component. These metals pose significant environmental and health hazards as toxic constituents of incinerator ash, stack emissions or landfill leachate. This prohibition also includes any packaged product offered for distribution or sale in the state. Commercial entities covered by this statute [CGS 22a-255(g) thru (m)] include manufacturers, raw material suppliers, importers, distributors and retailers.

To support the prohibition, Connecticut and several other states banded together to create the Toxics in Packaging Clearinghouse, which serves as a resource for companies with questions on packaging. In 2006, the Clearinghouse obtained a grant from EPA to ascertain the rate of compliance by testing packaging acquired in the marketplace. Member states acquired and provided packaged products to the Clearinghouse for testing. Over 350 packages were tested and 59 of these "flunked" with regulated metals content of 100ppm or greater. The dominant presence in these 59 was of cadmium, lead, and total chromium (hexavalent chromium was not measured), with only four hits for mercury. The final test results will be published by the Toxics in Packaging Clearinghouse at <http://www.toxicsinpackaging.org/>

All the manufacturers, importers, distributors, and retailers have been notified that one or more of their packaged products are in violation of the packaging law. Of the companies notified, 93% responded favorably and enforcement actions for the remaining 7% are being initiated by various member states. Connecticut will benefit from reductions of these toxic heavy metals since virtually all of the items identified are also sold in the state.

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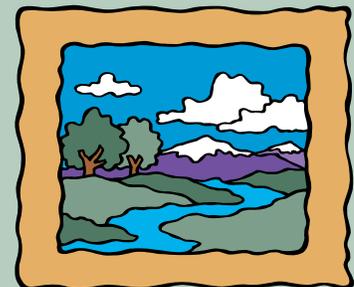
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Organic Land Care DVD

The Department has produced a DVD that provides information for municipalities interested in learning more about organic land care. The 7 1/2-minute DVD defines organic land care and describes its benefits and potential challenges. The DVD highlights the experience of two Connecticut towns implementing it on their playing fields, including on-location interviews with Cheshire's Parks and Recreation Director and Granby's Director of Public Works. Also featured is footage from the University of Connecticut's Research Farm where different fertilizer formulations are being tested.



The DVD was funded in part by a grant from the U.S. Environmental Protection Agency and produced by the Department and Middlesex Community College. For more information, contact Judy Prill at (860) 424-3694.