



Connecticut Department of
Energy & Environmental Protection
Bureau of Water Protection & Land Reuse
Remediation Division

Frequently Asked Questions

Reporting of Significant Environmental Hazards

Q1: *What are significant environmental hazards?*

A1: Significant environmental hazards are specific conditions defined by law, in [Section 22a-6u of the Connecticut General Statutes](#) (CGS), for which property owners have an obligation to notify the Department of Energy and Environmental Protection (DEEP) when they become aware of such conditions. These conditions are termed significant hazards because they pose a potential short-term health risk to exposed individuals or the environment.

Q2: *How significant are the hazard conditions being reported?*

A2: All the types of significant hazard conditions required to be reported pose a potential short-term risk to public health that should be investigated and resolved in a short time frame. The law requires actions to mitigate (prevent exposure to) such risk. Only one type of hazard condition, the presence of vapors posing a potential explosion hazard, is an emergency condition and should be immediately reported to the **Emergency Response and Spill Prevention Division of DEEP at (860) 424-3338**. The Emergency Response and Spill Prevention Division is also the most appropriate contact for a response to the time critical condition of an active release of petroleum to surface waters.

Q3: *What are the types of significant environmental hazards that must be reported to DEEP?*

A3: The significant environmental hazard conditions that must be reported to DEEP when encountered during investigation or remediation of a parcel are defined in the statute, including numeric threshold criteria ([see Tables A, B, and C](#)). The hazard conditions are listed below:

- Public or private drinking water supply wells in which pollution exceeds the groundwater protection criteria,
- Public or private drinking water supply wells in which any pollution at the site being investigated is detected, even if water quality meets groundwater protection criteria,
- Polluted groundwater 500 feet upgradient of or within 200 feet in any direction of a drinking water well with pollution detected above groundwater protection criteria,
- Polluted groundwater within fifteen feet of an occupied building with the potential to pose a short-term risk to indoor air quality,
- Polluted groundwater likely discharging to a surface water body with the potential to pose a short-term risk to aquatic life,
- Polluted soil present within two feet of the surface with the potential to pose a direct contact, short-term risk to humans, and
- The presence of vapors from polluted soil, groundwater or residual free product at levels posing a potential explosion hazard and imminent threat to human health, public safety and the environment.

A hazard definition summary can be found on the [Significant Environmental Hazard Quick Summary](#) table.

Q4: Once identified, when do the significant environmental hazard conditions listed above have to be reported to DEEP?

A4: The specific timeframes for reporting can be found in CGS Section 22a-6u and are summarized below. The timeframes for reporting each type of condition are based on the nature and severity of the potential risk posed by the condition. In general:

- Conditions posing a **potential explosion hazard must be verbally reported immediately to the Emergency Response and Spill Prevention Division of DEEP at (860) 424-3338, and to the local Fire Department**, followed by written notice to DEEP within five days of the verbal notice.
- Drinking water wells with pollution exceeding an acceptable standard must be reported verbally to DEEP within one business day, followed by written notice to DEEP within five days of the verbal notice.
- Non-aqueous phase liquid (“free product”) actively entering a surface water body must be reported to DEEP within one day, followed by written notification within thirty days of the initial notification.
- The timeframe for providing written notice to DEEP for the other types of reportable hazard conditions is usually thirty days, but is ninety days for polluted surface soil posing a direct exposure threat.

A summary of requirements can be found on the [Significant Environmental Hazard Quick Summary](#) table.

Q5 Who is required to report significant environmental hazards, and how is this done?

A5: As spelled out in the law (CGS Section 22a-6u):

- The **owner** of a parcel is generally required to notify DEEP when he/she becomes aware that a significant environmental hazard exists on or emanating from that parcel.
- A **technical environmental professional** (TEP) conducting an investigation or remediation that identifies pollution is required to report the conditions listed above to the property owner and to his/her client (if the client is not the property owner).
- **Specific Circumstance** - When a water supply well is found to be polluted, the TEP must notify, if identifiable, the property owner of the source of the pollution and should inform them of their obligation to notify DEEP. If the parcel being investigated is not the source and if there is pollution in a drinking water well above groundwater protection criteria, the TEP’s client must provide notice to DEEP if the property owner of the source cannot be identified or fails to notify. Notice to DEEP must also be provided by the TEP’s client for explosion threats, even if the source of pollution cannot be identified.

A [form \(with instructions\)](#) for reporting the significant environmental hazard condition in writing to DEEP is available from the DEEP website. For conditions other than those posing an explosion hazard or associated with free product actively entering a stream, owners can call (860) 424-3705 to report the significant environmental hazard conditions that must be reported verbally to DEEP within 24 hours.

Q6: What happens after DEEP receives a hazard notification?

A6: Within 10 days of receipt of a written hazard notification, DEEP will review the hazard notification along with any supporting information submitted, and will acknowledge, in writing, receipt of the hazard notification. DEEP staff may contact the person submitting the hazard notification prior to issuing the acknowledgment letter, if clarification or additional information is needed.

For most types of hazards, a report of actions to evaluate or abate the hazard condition is required along with the notification. The acknowledgment letter may also approve or disapprove of the actions taken and, in some cases, may direct the property owner to undertake further action to fully abate the hazard or to continue with actions already underway.

DEEP may also indicate, if appropriate, that no additional action is necessary to abate the hazard condition identified in the notification.

Q7: What is the difference in significant environmental hazard conditions that provide protection to water supply wells?

A7: Water supply wells are protected by provisions to notify DEEP if pollutants are detected in a water supply well, or if pollutants are near to a supply well and could enter the well. The notification and response requirements are different if pollution is present above groundwater protection criteria (GWPC) established in the [Remediation Standard Regulations](#). The following table compares aspects of the law that protect drinking water wells, and includes reference to the subsection of the law (CGS 22a-6u) that applies:

Protection of Drinking Water Wells			
	Supply Well [6u(b)]	Supply Well [6u(c)]	Monitoring Well [6u(g)]
Threshold Value	> GWPC in supply <i>or</i> non-aqueous phase liquid present	Anything Detected in supply (if associated with site)	> GWPC in monitoring well 500 feet upgradient of <i>or</i> within 200 feet radius of a water supply well
Notify	1 day verbal/ 5 day written	30 day written	30 day written
Action (by day 30)	Well Survey 500 feet <i>and</i> Test abutters	Retest Well <i>and</i> If retest > GWPC, same actions as for 6u(b)	Well Survey 500 feet <i>and</i> Test abutters
Report	30 days With recommended actions	With notification at 30 days With recommended actions	

Q8: What is the definition of a supply well?

A8: A drinking water supply well is a well that provides water that a person may drink, even if it is not intended for this purpose, such as an irrigation well with accessible water hydrants.

Q9: Do I need to notify if the supply well already has a treatment system?

A9: The presence of any treatment system on a supply well is a pre-existing mitigation measure for any hazard condition identified for the water present in the well. Notification is necessary but there may be no additional actions necessary if the extent of the pollution is well defined and already treated or monitored. The existing measures should be incorporated as the recommendations for further action in the required report.

Q10:- What relationship does the significant environmental hazard program have to published lists of criteria for additional polluting substances?

A10: Because the law specifically refers to adopted Remediation Standard Criteria (the Water Quality Criteria for surface water) in defining a significant environmental hazard, substances without such published criteria are not subject to reporting, with one exception. Any substance that is associated with a release on the site that is detected at any concentration in a water supply well is subject to notification requirements.

Q11: What are the different provisions to protect people from exposure to surface soils that may pose a short-term risk?

A11: Surface soils in the top two feet pose different short-term risks depending on the type of pollution and duration of potential exposure. The law provides for different threshold criteria that are tied to the current land use and the established Industrial Commercial or Residential Direct Exposure Criteria (I/C DEC or Res. DEC) in the [Remediation Standard Regulations](#). A special case is for industrial commercial property that is near residential areas and may therefore have exposure associated with unauthorized access by children. The following table compares aspects of the law that protect humans from exposure to polluted soils.

Surface Soil - Direct Exposure Threats [6u(d)]			
Pollutant	Industrial/ Commercial	Industrial/Commercial With specified residential uses within 300 feet	Residential
Metals and PCBs	30 x I/C DEC	15 x I/C DEC 30 x I/C DEC if already paved/fenced	15 x Res. DEC
TPH	exempted	exempted	exempted
Organic chemicals	30 x I/C DEC	30 x I/C DEC	15 x Res. DEC
	Some substances excepted (I/C DEC =2,500 mg/kg)		

Q12: What are some of the specific actions required by the law to address environmental hazard conditions?

A12: These actions are based on the type of hazard condition and the unique characteristics of each site:

- **Pollution in a drinking water supply well above groundwater protection criteria or containing free product:**
Within thirty days, the property owner must submit a report describing actions taken to:
 - Conduct a drinking water well receptor survey for a 500-foot radius;
 - Seek access and test wells on adjacent parcels (DEEP also recommends re-testing the on-site drinking water supply well for confirmation); and
 - Provide recommendations for further evaluation or abatement.
- **Pollution in a drinking water supply well below groundwater protection criteria:**
Within thirty days submit a report describing actions taken to:
 - Resample the drinking water supply well to confirm the test results;
 - If pollution exceeding standards is identified, follow the requirements above;
 - Provide recommendations for further evaluation or abatement.
- **Polluted groundwater within 500 feet upgradient or within 200 feet of a drinking water supply well:**
Within thirty days submit a report describing actions taken to:
 - Conduct a drinking water well receptor survey for a 500-foot radius;
 - Seek access and test wells on-site and on adjacent parcels, if within 500 feet; and
 - Provide recommendations for further evaluation, mitigation, or abatement.

In the case of drinking water wells, further recommendations for evaluation may include testing additional wells, and recommendations to mitigate or abate the hazard condition may include a monitoring program, installation of a water treatment, or providing a connection to public water.

➤ **Polluted soil posing a risk for human contact**

Within ninety days submit a report describing actions taken to:

- Evaluate extent of soil exceeding hazard thresholds ([see Tables A, B, and C](#));
- Post warning signs and fence the polluted area or otherwise limit access to the polluted soil;
- Establish a maintenance program to ensure that, until the soil is removed or remediated, any temporary access control that limits human exposure remains effective;
- Provide recommendations for further actions; and
- Optionally, a plan to remove or remediate the soil above the hazard threshold concentrations may be included.

➤ **Polluted groundwater poses a risk to indoor air quality**

Within thirty days develop and submit a plan to:

- Evaluate site conditions, soil vapor, and indoor air quality to determine if there is an actual unacceptable impact on indoor air.
- Install any necessary control measures to prevent unacceptable migration of vapors into occupied spaces, and establish an operation, maintenance, and monitoring program for these controls.
- Based on testing results obtained, develop a regular monitoring program to ensure pollution remaining onsite does not migrate undetected into any occupied spaces.

➤ **Polluted groundwater poses a risk to surface water quality**

Within thirty days develop and submit a plan to:

- Evaluate site conditions, including quality of the monitoring data and available in-stream dilution, to determine if there is an actual or likely predictable impact on in-stream biota.
- Based on this evaluation, recommend site-specific actions to monitor, mitigate or abate the hazard condition.

A summary of response actions is on the [Significant Environmental Hazard Quick Summary](#) table.

Q13: Does the owner of the parcel have any other obligations under this law [CGS 22a-6u] after reporting a significant environmental hazard, beyond the response actions described above?

A13: Yes, in the following situations:

1. The law requires that the notifying property owner undertake specified initial response actions and, after taking these actions, make recommendations for further actions to evaluate, monitor, mitigate or abate the hazard condition. In addition, the property owner is obligated to implement any such recommended actions approved by DEEP, including any continued monitoring of site conditions.
2. If DEEP directs the property owner to take specific actions, the property owner may be obligated to perform such actions.
3. If any person is undertaking activities (i.e., construction, demolition, significant soil disruption or installation of utilities) on the parcel that may increase the likelihood of human exposure to known contaminants, the significant environmental hazard notification must be posted in a conspicuous location on such property, and, in the case of a place of business, in a conspicuous place inside the place of business not later than 5 days after the start of such activities. Posting of such notice is the responsibility of the property owner, and the owner may be subject to civil penalties for failure to comply with this requirement.

Q14: What are my obligations if a water supply well is found to be polluted above established standards?

A14: Your obligations vary:

1. If you conducted the testing, or it was conducted on your behalf, as a result of a DEEP requirement, you must notify the well's owner and the local director of health within twenty-four hours; and
2. If you, as the owner of a well, are notified it is polluted above applicable standards, you must notify at least one tenant of each unit, and each lessee, of the pollution within twenty-four hours, and confirm that you have done so to the local director of health.
3. If you are the owner of the well, you should use an alternative source of potable water, such as bottled water until a longer-term solution is in place.

Q15: What are my responsibilities if I did not cause the pollution?

A15: If you are the owner of a site where pollution requiring a significant hazard notification is present and you submit notification of a significant environmental hazard, the law requires you to take initial response actions to limit short-term risk. If you did not cause the pollution, DEEP may take this into account in evaluating your recommendations for further actions.

Even if you did not cause the pollution, DEEP may require you to further delineate the problem and could require you to take actions to limit short-term risk the hazard condition poses.

If you inform DEEP of a third party agreement for environmental responsibility, DEEP may work with that party to mitigate or abate the short-term risk of a hazard condition, with an understanding that they are acting on your behalf. However, if they fail to abate the hazard condition, DEEP may require that you, as property owner, take actions.

If an environmental hazard condition discovered on your property is due to a source off your property, DEEP may work with you to ensure that the condition on your property does not pose a short-term risk to occupants.

Q16: What if I want to change the approved monitoring or maintenance program for a mitigated condition, or later conduct actions that result in permanent abatement of the hazard condition?

A16: DEEP will accept for review and approval any report that updates a previously approved report with recommendations for further actions. Within this framework you may request changes in approved long-term care or provide a report of additional actions that may be a basis for certification of abatement.

Q17: What happens if I stop conducting an approved maintenance or monitoring program?

A17: DEEP cannot with confidence determine that a hazard remains controlled and does not pose a short-term risk if an approved monitoring or maintenance program is not conducted to periodically re-validate this conclusion. Failure to conduct necessary long-term activity may result in the site being added to the published list of open, uncontrolled significant hazard notifications, and may cause DEEP to initiate other actions.

Q18: How do I know when my obligations to abate a hazard have been completed?

A18: If an owner completes the actions required to abate the hazard condition(s) to the DEEP's satisfaction and the actions result in abatement of the hazard condition "*such that notice under [the law] would not be required,*" DEEP will issue a certificate of compliance. If a certificate is not forthcoming, and you wish to request a certificate when abatement actions are completed, you may submit a report of your actions supporting the abatement to DEEP for review and approval under the law.

Sometimes the short-term risk associated with a hazard condition is eliminated by preventing exposure, but the hazard condition remains present on the site. DEEP considers such hazards to be mitigated (“controlled”) but often requires monitoring to ensure that the risk remains controlled in the future. DEEP will approve a report that identifies an on-going monitoring program to ensure the reported hazard remains mitigated, but cannot certify the hazard has been permanently abated in satisfaction of the law’s requirement in this circumstance.

Q19: If a significant environmental hazard has been mitigated or abated, is my site clean?

A19: Not necessarily. The Significant Environmental Hazard law is intended to identify and abate short-term risks associated with specific environmental conditions identified in the law. There may also be other releases of pollutants at a parcel that do not require a notification under this law. Areas with pollution below the significant environmental hazard reporting threshold would not require any hazard mitigation or abatement action under this law, but such areas would still be polluted.

After mitigation or abatement of short-term risks (meaning prevention of exposure to the significant hazard condition), the release of pollution that resulted in the hazard notification is still present and potential long-term risks may be associated with it, or with other releases. However, a significant hazard can be considered mitigated or abated under this law even though potential long-term risks may not be addressed yet.

Q20: Who else is made aware of the significant environmental hazard condition?

A20: By law, DEEP must provide a copy of the hazard notification to the local elected official of the municipality within which the site is located and to the local director of health. DEEP includes a copy of DEEP’s acknowledgment letter in these correspondence. DEEP is also required to post a web listing of significant environmental hazard conditions that have not been mitigated or abated on their website.

Q21: Where can I find the list of sites for which hazard notifications have been submitted to DEEP?

A21: DEEP maintains a list of Significant Environmental Hazard Notifications on the DEEP internet website. The list is updated regularly. You can access it at:

http://www.ct.gov/deep/lib/deep/site_clean_up/hazard_notification/hazardnotificationssummary.pdf

Q22: If site is on the published list, but is actually controlled or resolved through mitigation or abatement, respectively, how can we get the list corrected?

A22: DEEP strives to keep the information on the list up to date, and updates it regularly. If you believe the list does not accurately reflect the status of your site, please contact DEEP. After the July 1, 2015 statutory amendments, it will take some realignment of our database to generate a list of only current open significant hazard notifications. This list will improve with IT support in the next few months.

Q23: Where can I get a copy of the law (CGS Section 22a-6u, as amended)?

A23: A copy of the law is available at https://www.cga.ct.gov/current/pub/Chap_439.htm#sec_22a-6u.

Q24: Where can I find concise summary of the law's requirements?

A24: The key elements of the law's requirements are summarized in the [Significant Environmental Hazard Quick Summary](#) table. In using this table, please bear in mind that there are numerous nuances in the law that should also be understood.

Q25: Where can I get more information about significant environmental hazards?

A25: Additional information can be found on the DEEP internet website at <http://www.ct.gov/deep/remediation>. The Remediation Division may be contacted by phone at 860-424-3705.

Q26: What about a sample in the month of June 2015 that wasn't a SEH then, but is above the levels that went into effect in July?

A26: DEEP recommends the following approach to evaluation of data associated with current investigations:

- If the sample result is incorporated in a report that was finalized and delivered to the owner before July 1, 2015, the determination of a hazard should have been based on the threshold levels in effect when the owner became aware.
- If the sample result is incorporated in a report that was delivered to the owner after July 1, 2015, the property owner's evaluation of the data in the report and their subsequent actions must be based on the law in effect when they "became aware" of conditions, in accordance with the statutory language, thus the amended thresholds would apply.