



March 2013

DEEP ISSUES PROPOSAL FOR TRANSFORMED CLEANUP PROGRAM

The lawyers in our Environmental Law Practice Group at Murtha Cullina LLP want you to be aware that the Department of Energy and Environmental Protection (DEEP) has issued a Draft Proposal for a Transformed Cleanup Program (“Proposal”) and is now seeking stakeholder input. The Proposal reflects a program that may significantly alter the way regulated entities report and manage new and historical releases of pollution. Significant changes in the cleanup program include required reporting of new releases greater than twenty (20) pounds or three (3) gallons, including releases to secondary containment, as well as reporting of historical environmental conditions (“HECs”) under specified circumstances. Pursuant to the Proposal, the reportable concentration threshold for HECs will be two times the default cleanup criteria applicable to the current land use. DEEP also seeks to establish an “Environmental Release Professional” program, with separate qualifications and licensing requirements than that of Licensed Environmental Professionals.

The Proposal can be found by [clicking here](#). We encourage you to submit comments and any proposed modifications to DEEP, including comments about how the Proposal may affect your business. Comments are to be submitted to the following email address by March 18, 2013: DEEP.Cleanup.Transform@ct.gov.

If you wish to submit comments or would like more information concerning the Proposal, please contact Sarah Kowalczyk (skowalczyk@murthalaw.com), Mark Sussman (msussman@murthalaw.com), or any of the other members of [Murtha Cullina’s Environmental Practice Group](#).

If you do not wish to submit individual comments, we can assist in offering comments or suggestions to the Environmental Policies Council of the Connecticut Business and Industry Association for a compilation of comments to be submitted on behalf of various industries (i.e., manufacturing, lending, real estate, municipal).



If you have any questions about the issues addressed here, or any other matters involving environmental law or land use issues, please contact:

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Or any of the members of our [Environmental Law Practice Group](#).

BOSTON

HARTFORD

MADISON

NEW HAVEN

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WOBURN