

## CRITERIA FOR REFERRALS OF LEPs TO THE BOARD FOR REVIEW/INVESTIGATION

21 September 2001

### A. AUTOMATIC REFERRALS IF ANY OF THE FOLLOWING ARE TRUE:

1. There are apparent or obvious exceedances of RSR soil or groundwater remediation standards;
2. Active remediation is underway;
3. Mobile and recoverable non-aqueous phase liquid (NAPL) is present;
4. Inappropriate environmental land use restriction (ELUR) recorded (even if no verification submitted) – i.e., if ELUR was not done according to process described in Remediation Standard Regulations and Connecticut General Statutes; or if LEP not authorized to approve of ELUR under site-specific circumstances (e.g., if site was transferred under Transfer Act);
5. An obvious release area which has not been investigated is later determined to be polluting a water supply or otherwise causing significant harm to human health or the environment;
6. An obvious release area of apparent significance has not been investigated;
7. The source of a detected groundwater plume has not been investigated for at all.

### B. REFERRALS OF THE FOLLOWING, IF:

- (i) several of the following shortcomings were noted in a single verification;
  - (ii) the shortcoming is a repeat one for a particular LEP;
  - (iii) the shortcoming is considered a gross deviation from the norm (e.g., particularly sensitive environmental setting, straightforward and should have known better, etc.); or
  - (iv) DEP and the LEP are unable to work out an acceptable resolution on a given case:
1. A potential area of concern has not been investigated;
  2. The degree and extent of soil or groundwater contamination at a release area have not been investigated at all;
  3. The source of a groundwater plume has not been sufficiently investigated for;
  4. Poor quality historic environmental data have been solely or largely relied on for demonstrating compliance with remediation standard regulations;
  5. A potentially significant environmental release is indicated with conflicting information as to whether or not it poses a significant threat to human health or the environment (e.g., is compliant with remediation standards), and there have not been any follow-up investigations of the conflicting information.

Where used above, the term “investigated” means to investigate an area through environmental sampling and testing.