*Directions for the initial approval of the TRRA:*

* *All edits to this TRRA template should be made in track changes for DEEP staff review.*
* *Gray text: are directions and should be deleted.*
* Blue *text:* *Will need site-specific edits – all unnecessary text should be deleted and the blue text changed to black.*
* *The draft TRRA document must be embedded into the* [*Form for Allowable Disturbance, Release or Termination from Environmental Use Restriction*](https://portal.ct.gov/-/media/DEEP/site_clean_up/EUR/EUR-Release-Form.docx)*, and submitted using the* [*Electronic Document Transmittal Form*](https://portal.ct.gov/-/media/DEEP/site_clean_up/sites/ElectronicDocumentTransmittalFormdocx.docx) *to upload the form to the Remediation Division Connecticut* [*Secure File Transfer (SFT) website*](https://sft.ct.gov/)*.*
* *For the Remediation Division to process this form, the fee required by RCSA section 22a-133q-7 must be received by the Central Permit Processing Unit (CPPU) of the Department along with the applicable fee for initial review and approval.*

*Please contact the EUR Program of the Remediation Division (**DEEP.EUR@ct.gov**) with any questions on the template.*

**Soil Management Plan for**

**Temporary Release for Recurring Activities an Environmental Land Use Restriction / Notice of Activity and Use Limitation**

**Current name of parcel *if applicable:* formerly known as name on EUR**

**Current address *if applicable:* formerly known as former address**

**Town/City, State, Zip**

**REM ID# insert REM ID#**

**insert date**

**Introduction**

The Remediation Division of the Connecticut Department of Energy and Environmental Protection (“DEEP”) approved a Temporary Release for Recurring Activities (the “TRRA”) from the Environmental Land Use Restriction (“ELUR”) / Notice of Activity and Use Limitation (“NAUL”), which references this Soil Management Plan (the “Plan”). This Plan may be amended with the written approval of DEEP. The Plan was prepared by Preparer Company Name on behalf of the Company(ies) seeking TRRA for the Current Parcel Name Facility in City/Town Name, Connecticut*. If party seeking TRRA is not the owner include:* The Owner has authorized [name of easement holders/tenants/condo owners] (“Authorized Party”) to utilize the TRRA and the Plan. A copy of this authorization is attached as *Appendix A* to this letter.

An ELUR/NAUL has been recorded for the parcel at Volume XX, Page XX onDate, on the municipal land records of the City/Town of Name. A temporary release from the ELUR/NAUL is a temporary suspension of the prohibitions of the ELUR/NAUL for activities to be completed in accordance with a plan and schedule approved by DEEP. A TRRA is a temporary release of the ELUR/NAUL which is approved in advance by the DEEP to eliminate the need for multiple temporary releases for activities that are expected at the parcel.

This Plan describes: *edit to reflect parcel specific conditions*

* The restrictions and affirmative obligations of the ELUR/NAUL;
* The clean cover material;
* The Functional Features of the Engineered Control and how soil is rendered inaccessible and/or environmentally isolated;
* The engineered control;
* Activities which do not require a TRRA;
* Limits on Activities;
* Soil management and work area restoration requirements; and
* Reporting and record keeping for operating logs and completion reports.

Throughout this document, “the parcel” refers to the entire Current Parcel Name site *if applicable* (which includes: [units, divisions, etc.]). The term “Subject Area(s)” refers to locations where the restrictions and affirmative obligation of the ELUR/NAUL apply.

This Plan may also be used in the event of an emergency that requires self-implementing immediate action, as described in Paragraph 4 of the ELUR/NAUL. An example of an emergency is a situation that requires immediate repair and replacement of a buried utility line or power pole.

A Licensed Environmental Professional as defined in Connecticut General Statutes section 22a-133v (the “LEP”) shall oversee the activities which are conducted pursuant to this Plan.

Please refer to the DEEP approval of the TRRA for any additional requirements and conditions that must be met. It is critical that the Owner, Authorized Party, any party performing the work, and the LEP overseeing the activities be familiar with the:

* The approval of the TRRA, which includes provisions for revocation if certain requirements and conditions are not met;
* Requirements and conditions of the ELUR/NAUL; and
* Details of this Plan.

All personnel performing subsurface work within a Subject Area shall be notified of the nature of contaminants present, have appropriate health and safety procedures in place, and conduct the work and restoration activities in accordance with this Plan. At all times during performance of the work all applicable local, state and federal occupational health and safety measures shall be complied with.

Prior to initiation of soil excavation, the Owner, Authorized Party, contractor or any other personnel performing the excavation or subsurface work shall contact the utility locating service, Call-Before-You-Dig, and/or appropriate utility companies to identify and mark the location of below-grade utilities.

**Environmental Land Use Restriction/Notice of Activity and Use Limitation**

The ELUR/NAUL describes:

* The restrictions and affirmative obligations that apply at the parcel or portions of the parcel;
* The reasons why such restrictions and affirmative obligations are necessary to adequately protect human health and the environment; and
* Why the ELUR/NAUL is consistent with the Remediation Standard Regulations, Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies.

A summary of the restrictions and affirmative obligations of the ELUR/NAUL are described below. The restrictions and affirmative obligations are described in detail in *Exhibit B* of the ELUR/NAUL. The survey which illustrates the locations of the Subject Area(s) is included as *Exhibit C* of the ELUR/NAUL.

*Copy and paste the Opinion Overview Table from the EUR here. If this is for an ELUR recorded using the pre-2/16/21 forms use the Decision Document Overview, but only include the restrictions that are in the ELUR.*

**TRRA Notification Form**

Prior to commencing any non-emergency work pursuant to this Plan, the Owner, or Authorized Party shall provide at least 14 days advance written notice to DEEP, on a form prescribed by the Commissioner.

This form is used to provide the Commissioner:

* 14-day notice prior to initiation of activities which require the use of the TRRA and, if applicable, written authorization for authorized parties to use the TRRA.
* A completion report within 30 days of completing activities pursuant to the TRRA.

A new notification should be submitted for each project conducted under the TRRA, documenting the entire history of the project from notification to submittal of the completion report.

**Clean Cover Material** *Include this section if applicable*

For the purpose of the TRRA clean cover material is soil which meets the applicable direct exposure criteria and pollutant mobility criteria. Clean cover material includes other materials, such as pavement or concrete, which are used to render polluted soil inaccessible. *Include the following if there is an engineered control with clean cover material:* Clean cover material, covers and protects the functional features of the engineered control which overlie polluted soil.

The clean cover material may be disturbed without exposing inaccessible soil *Include the following if there is an engineered control:* or disturbing the functional features of the engineered control as described below.

**Functional Feature(s), Inaccessible Soil and Environmentally Isolated** *Include this section if applicable*

The functional feature(s) is(are) the *describe the feature, i.e.:* warning layer that separate(s) the clean cover material from the polluted soil. Disturbance of the functional feature will expose the polluted soil.

Inaccessible Soil and Environmentally Isolated Soil is soil which exceeds the applicable direct exposure criteria and pollutant mobility criteria respectively. Disturbance of such soil will result in exposure of polluted soil.

**Description of Engineered Control** *Include this section if applicable*

An engineered control was used to address exceedances of the Direct Exposure Criteria *or* Direct Exposure Criteria and the Pollutant Mobility Criteria for polluted soil and to render the soil inaccessible *or* inaccessible and environmentally isolated.

*Insert a description of the engineered control from the recorded ELUR/NAUL.*

*To allow for flexibility in soil management protocols, it may be useful to consider the engineered control to be made up of clean cover material or functional features. The clean cover materials cover and protect the functional features. The functional features serve to render soil inaccessible and/or environmentally isolated. This approach does not work if the clean cover material is also the functional feature, ie, an engineered control which consists of pavement directly above the soil which is rendered inaccessible.*

Clean cover material:describe features and depth

Functional features:describe features

**Monitoring and Maintenance Activities Which Do Not Require a TRRA** *include this section if applicable*

Activities that do not violate the restrictions and affirmative obligations of the ELUR may be conducted without a TRRA and the oversight of an LEP. These activities include:

*Include a bulleted list of parcel specific activities which do not require the use of the TRRA*.

*Examples:*

*Work that can be completed under a limited disturbance*

* *Excavation less than 2 feet below ground surface may be conducted because the ELUR/NAUL prohibits excavation greater than 4 feet.*

*Engineered control consisting of a paved parking lot*

* *Visual inspections of the engineered control, pavement and concrete;*
* *Mowing and weed control and removal of weeds;*
* *Filling of seams or cracks in asphalt and concrete surfaces;*
* *Repair of defects in asphalt and concrete which do not expose polluted soil by filling with asphalt and concrete.*

**Limits on Activities**

The following limits apply to activities conducted pursuant to this Plan:

* All work is to be completed under the direction of a LEP;
* Each disturbance will be of a duration of less than 120 days;
* The total volume of excavated soil shall not exceed 500 cubic yards;
* The total square footage of the disturbance shall not exceed 1000 square feet
* When the disturbed area is unattended, such area is demarcated and left in stable and secure condition;
* The [*engineered control and*] work area is returned to the condition described in the ELUR/NAUL promptly upon conclusion of the activities;
* No TRRA disturbance may commence until 90 days has passed since the completion of a previous allowable disturbance.
* [If an engineered control will be disturbed –
* Insert procedures for disturbing and repairing the engineered control.
* Include provisions to limit infiltration of water into environmentally isolated soil. If infiltration is likely to occur, include a groundwater monitoring plan.]

Activities that exceed the limits described above, will require approval under a Temporary Release prior to initiating the work.

**Unexpected Conditions or Pollutants Notification**

In the event that during implementation of activities, conditions or pollutants other than those identified or described in the ELUR/NAUL are encountered, the person authorized to conduct activities shall notify the EUR Program of such unexpected conditions or pollutants, in writing, on a form prescribed by the Commissioner, within 72 hours of discovering such conditions or pollutants. The person authorized to conduct activities pursuant to this section shall comply with any comments or conditions from the Commissioner regarding any notification submitted under this subsection, including, but limited to, any action to take in response to unexpected conditions or pollutants.

**Soil Management and Work Area Restoration Requirement****s**

**Excavated Soils and Stockpiles**

Soils, other excavated material, or debris excavated as part of activities shall be managed in accordance with all applicable laws and the following:

* Stockpiles of soil, other excavated material, or debris shall be either located on polyethylene or similar sheeting material, stored in drums or roll-off containers or on concrete or bituminous concrete. Where such soil, other excavated material, or debris has been placed in drums or roll-off containers, such drums or containers shall be in good condition (i.e., not rusting, no apparent structural defects or incapable of holding the stored materials) that shall always remain closed, except when soil, other excavated material, or debris is being added or removed. Soil, other excavated material, or debris stored on polyethylene or similar sheeting material, or on concrete or bituminous concrete, shall be covered except when such soil, other excavated material, or debris is being added or removed from storage;
* All soil, other excavated material, or debris stored shall be compatible with anything stored with such soil, other excavated material, or debris so as to not produce any the following effects: heat or pressure; fire or explosion; violent reaction; toxic dusts, mists, fumes or gases; or flammable fumes or gases;
* Soil, other excavated material, or debris subject to section 22a-133k-2(b)(3), section 22a-133k-2(b)(4) or section 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies shall be sorted, separated, and stockpiled in isolation from all other soil, other excavated material, and debris;
* Polluted soils, other excavated materials, or debris shall be separated from soil, excavated material or debris that is not polluted. All stockpiles of soil, other excavated material, or debris that is polluted shall be managed in a stockpile storage area that:
	+ Prevents access by the general public through fencing or other similar means; and
	+ Is identified by a sign that is visible from a distance of at least 25 feet, posted at each stockpile storage area entrance, identifying, at a minimum, the name of the person authorized to conduct activities under this subsection, a contact name and phone number, the hours of operation, includes the phrase “Keep Out” and, in text visible for a distance of 5 feet, includes the phrase “Polluted Soil;”
	+ Dust controls shall be implemented and maintained according to best practices. Wind erosion and dust transport from the stockpiles and the travel areas of the staging, transfer and temporary storage area shall be minimized. Anti-tracking measures, including, but not limited to, vehicle skid pads, shall be implemented to prevent tracking outside of the parcel; and
	+ Soil, other excavated material, or debris that is or contains hazardous waste, as defined by section 22a-448 of the Connecticut General Statutes shall be sorted, separated, and stockpiled in isolation from all other soil, other excavated material, and debris and shall be managed in compliance with the requirements of sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, of the Regulations of Connecticut State Agencies.
	+ For the purposes of this TRRA, soil, other excavated material, or debris is considered to be stockpiled when such soil, excavated material, or debris has been accumulated, consolidated for storage, and will have to be removed from the stockpile for replacement or disposal.
	+ Nothing in this Plan shall relieve the Owner, or Authorized Party, and/or any party performing the work from complying with the requirements of Title 40 Code of Federal Regulations Part 761 (“Federal Requirements”). For soil containing PCBs not subject to Federal Requirements the following applies:
* Soil containing PCBs at a concentration less than or equal to the applicable direct exposure criteria and pollutant mobility criteria for the release area may be returned to the extent practical to substantially the same location and depth from which it was excavated;
* Soil containing PCBs less than or equal to 10 parts per million which cannot be returned to substantially the same location and depth from which it was excavated must be disposed of at a properly permitted facility; and
* Soil containing PCBs at a concentration greater than 10 parts per million must be disposed of at a properly permitted facility.
* Site-specific management

**Requirements for Imported Fill**

Imported fill must be tested prior to placement. The fill will consist of natural soil imported from an off-site source which has been certified by the supplier to not have been impacted by a release of fuel, oil, pesticides, herbicides, hazardous materials, and/or other substances.

Representative samples of the fill will be collected at a frequency of one grab sample will be collected for each [50] cubic yards of material, or portion thereof, from each source location that is imported on-site. Samples will be sent to a laboratory certified by the Connecticut Department of Public Health (CTDPH). The Reasonable Confidence Protocols will be used. A Data Quality Assessment and Data Usability Evaluation will be performed on the analytical results.

**Restoration**

Restoration of impacts from activities, including, but not limited to, restoration of the area where activities were conducted, shall be conducted in accordance with the following requirements:

* The area where activities were conducted shall be restored to the condition described in the ELUR/NAUL;
* Soils, other excavated materials, or debris, excavated as part of activities:
	+ Provided it is returned to the location and depth from which it was excavated, may be returned without the need for analytical testing;
	+ Not returned to the location and depth from which it was excavated shall be tested to determine the concentration of pollutants in such soil, other excavated materials, or debris. The analytical results of testing, shall be taken into account and such soil, other excavated material, or debris shall be either reused in compliance with section 22a-133k-2(h) of the Regulations of Connecticut State Agencies, or disposed of at a facility authorized to accept such soil, other excavated material, or debris, provided any such reuse of disposal complies with all other applicable requirements; or
	+ That constitutes or contains a hazardous waste, as defined by section 22a-448 of the Connecticut General Statutes, shall, in addition to the above, be managed in compliance with the requirements of sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, of the Regulations of Connecticut State Agencies;
	+ If soil, other excavated material, or debris is stockpiled on concrete or bituminous concrete, following the removal of the stockpile, the area below the stockpile shall be swept to remove any remaining stockpiled soil excavated material or debris;
	+ Soil sampling shall be conducted in the area below and in the vicinity of where soil, other excavated material, or debris was stored whenever:
	+ Soil, other excavated material, or debris is removed from polyethylene or similar sheeting material; or
	+ The Commissioner or an LEP determines that soil, other excavated material, or debris was not managed pursuant to the requirements of this subsection following the removal of such soil, other excavated material, or debris;
* An LEP shall oversee the collection of soil samples required by this subdivision. Such samples shall be analyzed for each of the pollutants known or reasonably expected to be present in the excavated soil, other excavated material, or debris and all pollutants identified in the ELUR/NAUL. All laboratory analysis shall be performed by a laboratory certified by the Department of Public Health for the chemical testing performed. When such analytical results are greater than the applicable RSR criteria, the soil, other excavated material, or debris below and in the vicinity of the soil stockpile shall be subject to the requirements of the RSRs; and
* Any pollution resulting from activities shall be remediated to the satisfaction of the Commissioner.
* Site-specific management

**Record Keeping and Reporting**

**Record of Activities**

The person authorized to conduct activities under this TRRA shall maintain an up-to-date record of operating activities on the parcel, as they are occurring, for the duration of the activities. At a minimum, such record shall include:

* A summary of the contaminants of concern;
* The depth and location from which soil, excavated materials, or debris were excavated;
* For each stockpile storage area:
	+ The date soil, excavated materials, or debris were received at such area(s);
	+ Each date soil, excavated materials, or debris were transported from the area, and the date of final disposition of such soil, excavated materials, or debris; and
	+ An accounting of the total volume of soil, excavated material and debris managed at such area;
* The total volume of soil, excavated material, or debris that were returned to the location where it was originally excavated;
* Each receiving site where excavated soil, excavated materials, or debris were reused or disposed of, including the facility name, location, and address and the amount of soil, excavated material, or debris brought to such facility, with copies of the accompanying bills of lading or waste manifests; and
* If soil samples were collected and analyzed, all laboratory analytical results and results tables, with a map showing where the samples were collected.

**Completion Report**

After conducting activities pursuant to this Plan, a completion report shall be prepared and submitted to the Commissioner on a form prescribed by the Commissioner within 30 days of the completion of all activities associated with the current release work.

The completion report shall include:

* A summary of the work performed, including the dates activities were initiated and completed;
* Time-dated photographs of the activities conducted on site while in progress and after completion, unless the taking of such photographs is prohibited by law;
* Records or waste manifests documenting the final disposition of excavated soils, materials and debris;
* Where there has been disturbance of inaccessible soils or an engineered control, records documenting, as applicable, how post-restoration polluted soils meet the requirements for inaccessible soils, or how an engineered control and warning layers, if any, were repaired or replaced;
* The results of any laboratory analysis conducted, and an explanation of the need for such analysis, as well as a laboratory data quality assessment and usability evaluation that complies with the requirements in section 22a-133k-1(h)(1) of the Regulations of Connecticut State Agencies;
* An explanation of how, after completion of activities authorized by the temporary release, the subject area meets the requirements of the ELUR/NAUL as recorded;
* An as-built plan, prepared using the survey or simplified survey required by section 22a-133q-4 of the ELUR/NAUL regulations as a base map, documenting site conditions after completion of the activities authorized by the TRRA; and
* A statement signed and sealed by the LEP supervising the activities conducted under the TRRA indicating that the area upon which the work was performed is in compliance with the ELUR/NAUL and the RSRs, or that additional work is necessary for the area upon which the work was performed to comply with the ELUR/NAUL and the RSRs, in which case the statement shall include a detailed description of the work to be performed, an explanation of why such additional work is needed and a schedule to perform such activities. The Commissioner’s receipt of any such report noting that additional work is necessary shall not excuse any non-compliance with the TRRA and shall not prevent the Commissioner from taking any other action regarding such non-compliance; and
* A statement, signed and sealed by an LEP, certifying that the completion report is true and accurate.

If the activities authorized by the TRRA Approval have been conducted for the last time, following the receipt of a completion report, the Commissioner may prepare a termination of the TRRA. Not more than 7 days after receipt of such termination signed by the Commissioner, the owner shall ensure that no alterations of any kind are made and that the termination of TRRA is recorded on the land records of the municipality where the ELUR/NAUL is recorded.

**Contact Information**

**Owner**

[*Name of Contact*]

[*Address*]

[*Phone*]

[*Email*]

**Authorized Party**

[*Name of Contact*]

[*Address*]

[*Phone*]

[*Email*]

**DEEP**

Environmental Use Restriction Coordinator-TRRA

Department of Energy and Environmental Protection

Bureau of Water Protection and Land Reuse

Remediation Division

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