

Connecticut Department of Energy & Environmental Protection
CERCLIS Policy Approved by EPA

At the request of the Connecticut Department of Energy & Environmental Protection (DEEP), the United States Environmental Protection Agency (US EPA) will remove (archive) any active federal superfund site from CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System) if remedial action through one or more DEEP Remediation Programs has been completed. If remedial action has not been completed, yet an interested party makes the commitment to remediate the site through a DEEP Remediation Program, the Department is willing to recommend to the US EPA that they issue a "comfort letter" stating that "the US EPA will not take further action to list the site on the National Priorities List." Interested parties are asked to submit requests for consideration to:

Mr. Patrick F. Bowe
Director
Remediation Division, 2nd Floor
79 Elm Street
Hartford, CT 06106

Remedial action is completed at a site when one or more of the following conditions are met:

1. The site is subject to, and the certifying party has complied with, the requirements of the Property Transfer Law (Sections 22a-134 through 22a-134e of the Connecticut General Statutes, amended by Public Acts 06-184 and 06-76).
 - a. A Form II has been filed. The transferor of the establishment submits written documentation that any discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste which has occurred at the parcel has been remediated. The remediation has been approved in writing by the Commissioner of DEEP, or a Licensed Environmental Professional (LEP) has verified that the site has been remediated in accordance with the Remediation Standard Regulations (RSRs), Sections 22a-133k and 22a-133q of the Regulations of Connecticut State Agencies. In those cases where remedial action has been conducted pursuant to an administrative order or consent order to abate pollution (Sections 22a-432 "Order to correct potential sources of pollution", and 22a-433 "Order to landowner" of the Connecticut General Statutes), the Department has reviewed the filing, and has agreed in writing that the order has been fully complied with and that a Form II is appropriate.
 - b. A Form III has been filed, and subsequently, the final remediation report has been approved in writing by the Commissioner of DEEP, or a LEP has verified that the site has been remediated in accordance with the RSRs including post-remediation monitoring.
 - c. A Form IV has been filed, and subsequently, the final remediation report has been approved in writing by the Commissioner of DEEP, or a LEP has verified that the site has been remediated in accordance with the RSRs including post-remediation monitoring.
2. The site is listed on the "CT Inventory of Hazardous Waste Disposal Sites" as of October 1, 1995; is owned by a municipality (e.g., municipal solid waste disposal areas); is a contaminated property located in an area for which the groundwater classification is GA or GAA; or is an establishment and has been remediated pursuant to Section 22a-133x of the Connecticut General Statutes "Investigation and Remediation of Contaminated Real Property by Owner."
 - a. The final remediation report has been approved in writing by the Commissioner of DEEP, or a LEP has verified that the site has been remediated in accordance with the RSRs including post-remediation monitoring.
3. The site is located in a GB or GC area and has been remediated pursuant to Section 22a-133y of the Connecticut General Statutes "Voluntary Site Remediation in GB and GC areas: Procedures. Review by Commissioner. Environmental Use Restrictions."
 - a. A LEP has verified that the site has been remediated in accordance with the RSRs including post-remediation monitoring, or if deemed necessary (Section 22a-133y of the Connecticut General Statutes), the Commissioner of DEEP has approved in writing the final remedial action report.
4. The site has been remediated pursuant to an administrative order or a consent order to abate pollution

(Sections 22a-432 "Order to correct potential sources of pollution" and 22a-433 "Order to landowner" of the Connecticut General Statutes).

- a. The final remediation report has been approved in writing by the Commissioner of DEEP. The Department has reviewed the order to ensure that the remediation has addressed all environmental concerns.
5. The site has been determined to be eligible for and has been remediated under the Urban Sites Remedial Action Program (Section 22a-133m of the Connecticut General Statutes).
- a. The final remediation report has been approved in writing by the Commissioner of DEEP.

The Department will recommend that a "comfort letter" stating that "the USEPA will not take further action to list the site on the National Priorities List" be issued if an interested party demonstrates their commitment to remediate the site through any of the DEEP Remediation Programs highlighted above. The Department will make the recommendation when:

1. In those cases where the Department is providing oversight of the remediation, the remedial work plan and schedule has been approved in writing by the Commissioner of DEEP.
2. In those cases where a LEP is providing oversight of the remediation, a copy of the remedial work plan and schedule is provided with the request for a "comfort letter".

The Department of Energy & Environmental Protection reserves the right to request that the EPA withdraw a site from the archive list if the remediation of the site is determined to be incomplete.

November 1998