**DEEP Financial Assurance Account**

**Engineered Control**

ISSUING BANK: Bank name

CASHIER’S CHECK NUMBER: Check number

TOTAL AMOUNT: U.S. $ Dollar amount

PAYEE: Commissioner

Connecticut Department of Energy and Environmental Protection

Bureau of Central Services

Financial Management Division

79 Elm Street

MAKER: Enter Maker

Title, if applicable

Name of Owner/Operator

Street Address

Town, State, Zip Code

Hartford, CT 06106-5127

Address of Parcel with Engineered Control: Street Address and Town

REM ID #: Rem#

To the Commissioner:

Whereas, the Connecticut Department of Energy and Environmental Protection (“DEEP”) has established certain regulations applicable to the Maker requiring that the owner of parcel using an engineered control for control of polluted soils shall provide financial assurance to be available when the Commissioner of DEEP (“the Commissioner”) determines it is needed for maintenance and monitoring of the engineered control;

Whereas, the Maker has elected to provide DEEP with a cashier’s check to provide such financial assurance for the parcel noted above;

Now, therefore, the Maker agrees as follows:

1. I, the Maker identified above, am providing Cashier’s Check No. Check number in the amount of Dollar amount in words U.S. dollars $Dollar amount (“the Financial Assurance”) to the Commissioner of DEEP (“The Commissioner”). I am providing this Financial Assurance in connection an approved engineered control of polluted soils at Street address and Town, Rem ID # Rem#(“the Engineered Control”). The Financial Assurance is required by §§ 22a-133k-1(f) and 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies.

2. I authorize the Commissioner to deposit the Financial Assurance into a DEEP-dedicated account and acknowledge and agree that I shall not be entitled to any interest on the amount so deposited, regardless of how long such Financial Assurance is retained by the Commissioner.

3. The Commissioner is authorized to draw upon and use the Financial Assurance should the Commissioner determine it is needed for maintenance and monitoring of the Engineered Control. Except in the event of an emergency, when the notice required by this provision shall not apply, prior to utilizing the Financial Assurance the Commissioner shall provide the Maker with written notice, at the address noted above, or a subsequent address provided to the Commissioner by the Maker, that maintenance or monitoring of the Engineered Control is necessary. If such maintenance or monitoring has not been performed to the Commissioner’s satisfaction within five (5) business days of receipt of any such notice, the Commissioner may draw upon the Financial Assurance to perform such maintenance or monitoring.

4. Multiple and partial draws on this Financial Assurance by the Commissioner are expressly permitted, up to an aggregate amount not to exceed the total amount specified in paragraph 1.

5. Both the Commissioner and the Maker intend that no third party have access to the Financial Assurance, except for payments made by the Commissioner.

6. The Financial Assurance shall remain in place until:

(a) The Commissioner determines that such assurance is no longer required by §§ 22a-133k-1(f) and 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies; or

(b) Alternative Financial Assurance acceptable to the Commissioner has been provided.

No later than sixty (60) days after the Commissioner makes the Determination described in 6(a) or finds an acceptable alternative financial assurance has been provided as described in 6(b), any amounts remaining in the Financial Assurance shall be returned to the Maker at the address noted above, or at a subsequent address provided in writing by the Maker.

7. Nothing in the Financial Assurance shall be deemed or construed to affect any authority of the Commissioner, including, but not limited to, the authority to issue any order to prevent or abate pollution or potential sources of pollution or take any other action authorized by law. In addition, other than the financial assurance required by §§ 22a-133k-1(f) and 22a-133k-2(f)(2) of the Regulations of Connecticut State Agencies, this Financial Assurance shall not satisfy any legal requirement applicable to the Maker or to the parcel on which the Engineered Control is located.

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Signature of Maker

Title, if applicable

Select Date