



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Program Policy Statement

**Remediation Division
Property Transfer Program**

'Portion' of an Establishment

This document sets forth the Department of Environmental Protection's (the Department's) policy on how a Certifying Party under the Transfer Act may segregate a "portion" of an establishment to be verified as properly investigated and remediated.

The Transfer Act, at Section 22a-134a(g) of the Connecticut General Statutes (CGS), was amended by Public Act 06-76 effective on October 1, 2006. The amendment provided, in part:

(2) If a certifying party completes the remediation for a portion of an establishment, such party may submit a verification by a licensed environmental professional for any such portion of an establishment. The certifying party shall be deemed to have satisfied the requirements of this subsection for that portion of the establishment covered by any such verification. If any portion of an establishment for which a verification is submitted pursuant to this subdivision is transferred, conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this act, then the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days of any such transfer, conveyance or change in ownership.

It is the policy of the Connecticut Department of Environmental Protection that it will administer the Transfer Act program in light of the above amendment allowing verifications for portions of an establishment, as follows:

1. For a 'portion' of the establishment to be verified as having been investigated in accordance with prevailing standards and guidelines, and remediated in accordance with the remediation standards, the portion must be accurately delineated. Accurate delineation is needed so that all interested parties and stakeholders may readily identify, at any time, the location, size, and exact boundary of the portion. Therefore, such 'portion' of an establishment must be clearly delineated by a class A-2 survey or similarly accurate survey. Such delineation must be clearly identified in the Verification Report .

2. Any verification rendered for a 'portion' of an establishment must be based on complete characterization of such portion in accordance with prevailing standards and guidelines, and the Certifying Party and the LEP must demonstrate that such portion is in full compliance with the Remediation Standard Regulations (RSRs), Section 22a-133k-1 through 3 of the Regulations of Connecticut State Agencies (RCSA). In short, the verification for a portion of an establishment must “stand on its own two feet”; meaning, it cannot attempt to rely to any extent upon any investigation or remediation of other portions of the establishment that has not yet been completed and filed as part of a verification.

3. After a verification for a portion of an establishment has been filed with the Department, subsequent verifications rendered for another portion of the establishment, or the entire establishment, may incorporate the previous verification(s) rendered for a portion of the establishment; however, the Certifying Party and LEP must specifically identify the physical (locational) and environmental relationship of each portion to all other portions. The Certifying Party remains obligated to comply with all applicable requirements pursuant to Section 22a-134a until a final verification is rendered by a LEP for the entire establishment. The LEP's final conceptual site model must discuss the portion of the establishment which has been previously verified in proper context to the environmental setting

If you have questions, please contact the Remediation Division of the Bureau of Water Protection and Land Reuse (860-424-3705). Also, the above referenced statute and regulations should be consulted for further guidance.

//S:/PATRICK F. BOWE

Patrick F. Bowe, Director
Remediation Division
October 1, 2007