



**General Permit to Employ a Permitted
Environmental Professional to Oversee Cleanup
Activities of Releases for Which the Permitted Entity
is the Responsible Party
and
for Certain Tank Removal Companies to Oversee
Cleanup of Releases from Residential Underground
Heating Oil Storage Tank Systems**

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Emergency Response and Spill Prevention Division

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General Permit to Employ a Permitted Environmental Professional to Oversee Cleanup Activities of Releases for Which the Permitted Entity is the Responsible Party and for Certain Tank Removal Companies to Oversee Cleanup of Releases from Residential Underground Heating Oil Storage Tank Systems

APPROVAL OF REGISTRATION REQUIRED

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Section 1. Authority

This general permit is issued under the authority of section 22a-454(e) of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Approval of registration” means an approval of registration issued under Section 4 of this general permit.

“Authorized activity” means any activity authorized by this general permit.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

“Department” means the department of energy and environmental protection.

“Immediate action report” means a report prepared pursuant to section 22a-134tt-5(k) of the Regs., Conn. State Agencies.

“Individual permit” means a permit issued to a named permittee under section 22a-454(b) of the General Statutes.

“Licensed Environmental Professional” means an environmental professional defined by section 22a-133v.

“Municipality” means a municipality defined by section 22a-423 of the General Statutes.

“Permittee” means any person to whom the commissioner has issued an approval

of registration under this general permit.

“Permitted Environmental Professional” or “PEP” means a person authorized by a permit issued pursuant to section 22a-454 of the General Statutes to certify release records.

“Person” means person as defined by section 22a-423 of the General Statutes.

“Registrant” means a person who files a registration pursuant to Section 4 of this general permit.

“Registration” means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

“Release” means a release as defined by section 22a-134pp of the General Statutes.

“Release-Based Cleanup Regulations” means regulations adopted pursuant to section 22a-134tt of the General Statutes.

“Release remediation closure report” means a report prepared pursuant to section 22a-134tt-12 of the Regs., Conn. State Agencies.

“Release Reporting Regulations” means regulations adopted pursuant to section 22a-450 of the General Statutes.

“Residential underground heating oil storage tank system” means residential underground heating oil storage tank system as defined in section 22a-449a of the General Statutes.

“Soil” means unconsolidated geologic material overlying bedrock, including, but not limited to, sediment that has been removed from any surface water body and placed on dry land.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“Underground Storage Tank Regulations” means regulations adopted pursuant to section 22a-449(d) of the General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

Provided the requirements of Section 3(b) of this general permit are satisfied,

this general permit authorizes the permitted environmental professional(s) employed by the registrant and identified in a registration submitted as required herein to engage in the following activities:

- (1) Certify, for the purposes of an immediate action report or release remediation closure report, that releases have been contained, removed or otherwise mitigated and cleaned up in the manner, and to the standards required by Regs., Conn. State Agencies § 22a-134tt-8.

(b) *Eligible Entities*

- (1) Those entities which have an internal fire department and/or an internal spill response team (e.g., certain public utilities, certain chemical manufacturers/distributors, and defense contractors) shall be eligible for this general permit.
- (2) Those entities that are in the business of removing residential underground heating oil storage tank systems and registered with the Department of Consumer Protection shall be eligible for this general permit.

(c) *Requirements for Authorization*

This general permit authorizes the activities listed in Section 3(a) of this general permit provided a completed registration with respect to such activity has been filed with the commissioner and complies with Section 4 and the commissioner has issued an approval of registration with respect to such activity.

(d) *Geographic Area*

This general permit applies throughout the State of Connecticut.

(e) *Effective Date and Expiration Date of this General Permit*

This general permit is effective on the date it is issued by the commissioner and expires 4 years from such date of issuance.

(f) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the commissioner issues a written approval of registration with respect to such activity.

Section 4. Registration Requirements

(a) *Who Must File a Registration*

Any eligible entity seeking coverage under the authority of this general permit shall file with the commissioner:

- (1) A registration form which meets the requirements of this section of this general permit and
- (2) The applicable fee.

(b) *Scope of Registration*

A registrant shall submit one registration form for all activities for which the registrant seeks authorization under this general permit. The registration shall be valid for a period of one year.

(c) *Renewal of Registration*

A registrant shall submit a renewal registration not less than 60 days prior to the expiration of such registrant's previous registration. A renewal registration shall include a registration form and applicable fee, as specified by subsection (d) of this section.

No registration under this general permit shall be renewed if the commissioner determines that the activities of the permittee have resulted or will result in pollution, contamination, emergency, or a violation of any requirement including, but not limited to, the Release-Based Cleanup Regulations.

(d) *Contents of Registration*

(1) Fees

(A) A registration fee of \$500 shall be submitted with a registration form. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.

(B) The registration fee shall be paid by check or money order payable to the Department of Energy and Environmental Protection, via the Department's E-payment portal, or any other method specified by the commissioner.

(C) The registration fee is non-refundable.

(2) Registration Form

A registration shall be filed on forms prescribed and provided by the commissioner and shall include but not be limited to the following:

(A) Legal name, address, and telephone number of the registrant. If the registrant is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.

(B) Legal name, telephone number, and e-mail address of the employee(s) who the registrant has designated as a PEP.

(C) Certification that the employee(s) designated as a PEP has the

necessary education, training and qualifications to operate as a PEP as described in Section 5(a) of this general permit.

- (D) Any information required by the commissioner to determine that the proposed subject activity is conducted in accordance with state and federal law.
- (E) The signature of the registrant and of the individual or individuals responsible for actually preparing the registration, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this general permit registration is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(e) ***Where to File a Registration***

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(f) ***Additional Information***

The commissioner may require a registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) ***Action by Commissioner***

- (1) The commissioner may reject a registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(d)(2) of this general permit. Any registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(d)(1) of this general permit.

- (2) The commissioner may deny a registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Denial of a registration under this subsection shall constitute notice to the registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a registration with reasonable conditions. If the commissioner approves a registration with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, denial, or approval of a registration shall be in writing.

Section 5. Conditions of This General Permit

The permittee shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, the permittee shall ensure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) *PEP Experience and Qualifications*

The employee(s) designated as a PEP by the permittee must have the following experience and qualifications which shall be certified to on the registration.

- (1) Experience. A minimum of 10 years of experience (within the last 15 years) in responding to hazardous materials incidents involving mitigation and/or remedial activities associated with spills and releases including but not limited to releases from underground storage tanks; experience in planning remedial activities; knowledge of chemical fate and transport and soil classification; competency in the use of emergency equipment and emergency procedures, spill response equipment, and mitigation, containment, and removal techniques.
- (2) Education.
 - (A) Up to 4 years of experience may be substituted with a bachelor's degree in a relevant subject of study (biology, chemistry, earth science, geology/hydrogeology, environmental science, or other related environmental field).
 - (B) Up to 2 years of experience may be substituted for an associates degree in a relevant subject of study (biology, chemistry, earth science, geology/hydrogeology, environmental science, or other related environmental field).

- (3) A PEP must have the requisite training which shall include the following:
 - (A) OSHA 1910.120
 - (B) OSHA 30
 - (C) ICS 100
 - (D) ICS 200
 - (E) ICS 700
 - (F) DEEP approved training course and passage of the course examination; and
 - (G) Applicable refresher training for certain courses listed above

(b) *General Operating Conditions*

- (1) The permittee's PEP(s) shall be on-site during an active release until the point at which the source of the release has been stopped; throughout critical phases of response, which may include directing certain response activities during the assessment and cleanup phases; and for confirmation for the purpose of certification of closure.
- (2) The permittee's PEP(s) shall register to upload certifications described in section 3(a) above and shall make all required submittals in any electronic platform prescribed by DEEP.
- (3) If the permittee's PEP arrives on-scene for response to an oil or chemical spill incident and there is no DEEP representative present, the permittee shall immediately verify that the incident has been reported and/or report the incident by telephoning (860) 424-3338 or (860) 424-3333.
- (4) If the permittee's PEP causes or has any involvement in the spillage or uncontrolled discharge of any chemical liquid, hazardous material or substance, hazardous waste or petroleum product, the permittee shall immediately control the spill source, contain the spill, and notify the DEEP Emergency Dispatch Center by telephoning (860) 424-3338 or (860) 424-3333.
- (5) The permittee's PEP(s) may undertake those activities which a PEP is allowed pursuant to the Underground Storage Tank Regulations.

(c) *Operating Conditions for PEPs overseeing activities for which the permitted entity is the responsible party*

In addition to the general operating conditions provided in Section 5.b., the permittee's PEP(s) shall only certify cleanups where the permittee created or maintained a release such as releases caused by the permittee or resulting from the permittee's equipment. This includes cleanups conducted by permitted spill cleanup contractors (i.e., individual 454 permit holders).

(d) *Operating Conditions for permittees in the business of removing residential*

underground heating oil storage tank system

- (1) In addition to the general operating conditions provided in Section 5.b., if in the course of removal of a residential underground heating oil storage tank system associated contamination is found, the permittees may perform cleanups where the release of home heating oil has impacted soil only and the permittee's PEP(s) may certify such cleanups.
- (2) The permittee's PEP(s) cannot certify cleanups where the release from a residential underground heating oil storage tank system impacts groundwater.
- (3) If the release from a residential underground heating oil storage tank system has migrated off-site or has impacted soil beneath a structure, the permittee's PEP may certify cleanup; however, the permittee must hire a spill cleanup contractor permitted under CGS § 22a-454 to perform the cleanup.

(e) *Reporting and Record Keeping Requirements*

The registrant shall retain all records necessary to demonstrate compliance with this permit for a period of 3 years after the completion of any regulated activities. The periods for retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the commissioner. The commissioner may inspect such records to evaluate the registrant's compliance with this general permit.

Section 6. General Conditions

(a) *Reliance on Registration*

When evaluating a registration, the commissioner relies on information provided by the registrant. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within 2 hours of the permittee's learning of such violation by a means and method specified by the commissioner. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) ***Duty to Provide Information***

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, or with the permittee's approval of registration, the permittee shall provide such information in writing within 30 days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) ***Changes to PEP Designation***

Any changes to a permittee's PEP(s), such as the addition or removal of a PEP, must be submitted to the commissioner within 14 days of the change. The addition of a new PEP is subject to commissioner approval in writing.

(e) ***Certification of Documents***

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

(f) ***Date of Filing***

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(g) ***False Statements***

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(h) ***Correction of Inaccuracies***

Within 15 days after the date a permittee becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant

information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for approval of registration is pending and after the commissioner has approved such request.

(i) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Audits*

The commissioner shall have an auditing goal of at least 25% of all release remediation closure reports and immediate action reports submitted by a PEP

under this general permit. If the commissioner finds such documents to be deficient, the commissioner may require additional documentation or may require a certification by another PEP with knowledge of the cleanup or a verification by a licensed environmental professional.

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Emma Cimino
Deputy Commissioner