

EUR FAQs

Do I need to resubmit an ELUR application if I submitted an application before February 16, 2021?

If a *complete* application for an ELUR was submitted prior to February 16, 2021, the application will be processed and considered using the RSRs and EUR regulations in effect at the time the application was submitted. Such applications do not need to be updated to meet new EUR or RSR requirements.

While this principle would apply to all matters addressed in the ELUR, the ELUR may not cover all of the issues at a site. Say for example, an ELUR application required by one provision of the RSRs was filed before February 16, 2021, and it is later determined that use of a second provision of the RSRs, for which an EUR is required, is also necessary. If that second EUR application is submitted after February 16, 2021, the second application must comply with the amended RSRs and EUR Regulations, or the regulations in effect when it is submitted.

If an application for an ELUR is submitted before February 16, 2021 and that application is deemed incomplete, a new application must be submitted and any such new application must comply with the amended RSRs and EUR Regulations, or the regulations in effect when it is submitted.

Can a verification be submitted after February 16, 2021 that relies on an ELUR that does not meet the new EUR and RSR requirements?

Yes, but only in the following situation. As was noted above, if an ELUR application DEEP has determined is complete was filed before February 16, 2021, that ELUR must satisfy the RSRs and EUR Regulations in effect at the time it was filed. If however, a complete ELUR application has not been submitted prior to February 16, 2021, an ELUR must be implemented in accordance with the amended EUR Regulations and must contain all restrictions and obligations identified by the amended RSRs.

For example, if an engineered control has been approved and constructed, and an application for the required ELUR that DEEP has determined to be complete was submitted before February 16, 2021, then such ELUR is sufficient to permit a verification relying on the approved and constructed engineered control. Any such ELUR does not need to recite any new restrictions or obligations in the RSRs. However, if an ELUR application has not been submitted, or is submitted after February 16, 2021, for an already approved engineered control, such ELUR

must set out the restrictions and obligations identified by the amended RSRs and must comply with the amended EUR Regulations.

Is there any new obligation for an ELUR that has already been recorded on the land record?

Yes, there are new obligations for already recorded ELURs. ELURs that have already been recorded on the land record do not need to be modified to reflect current RSRs, but are subject to new EUR requirements such as inspections and record keeping requirements and can also take advantage of new temporary allowable disturbance.

When utilizing an LEP implemented ELUR under Connecticut General Statutes 22a-133y, what version of the RSRs is applicable?

When an ELUR is necessary to complete a remediation undertaken pursuant to CGS 22a-133y, such ELUR may contain only the restrictions or obligations required by the RSRs before amendment, and may be executed and recorded by the owner, if such ELUR is executed and recorded within one hundred and eighty (180) days of the effective date of the amended regulations, provided:

The remedial action report for the subject site has been submitted to DEEP prior to February 16, 2021; or, a complete ELUR application has been submitted to the Department for review prior to February 16, 2021. If, prior to February 16, 2021, a final remedial action report has not been submitted, or a complete ELUR application has not been provided for the Department's review, any ELUR to be implemented under CGS § 22a-133y must comply with the new substantive and procedural requirements of the amended RSRs and the EUR Regulations.

How do I implement an EUR, or request a temporary release from an existing ELUR, using the newly adopted regulations?

A new form for requests for temporary release from an EUR is under development by the Department and will be posted as soon as possible. Until then, those seeking an EUR, or temporary release from an existing ELUR, may email the ELUR Coordinator at DEEP.EUR@ct.gov for additional guidance.

EUR Fees

What fees are required by the EUR Regulations?

The regulations require fees for:

- ELUR
- NAUL
- the review of waiver requests if an ELUR will be executed by an LEP pursuant to Connecticut General Statute § 22a-133y, and
- temporary releases required to be approved by the Commissioner.

Are there any exemptions from the fees?

Yes. Fees are not required if the parcel being remediated is owned by the state, or a municipality or other subdivision of the state, a municipal economic redevelopment agency, or a non-profit, or the remediation is being paid for using federal, state, or municipal funding. More complete information can be found in the EUR regulations at Regulations of Connecticut State Agencies § 22a-133q-9(f).

How much are those fees?

The fees required by the EUR regulations are as specified in the table below. To encourage businesses to prioritize remediation, and in recognition of the challenges all business – including those that own polluted properties – will face during the recovery from the COVID-19 pandemic, the Department has temporarily reduced, **by half**, the fees specified in the EUR regulations. This temporary reduction will be for a **two-year period** beginning February 16, 2021 and ending February 15, 2023. The table specifies the fees during, and after, that two-year period.

	Before 2/15/2023	After 2/15/2023
ELUR	\$2,500	\$5,000
Commissioner Approved NAUL	\$2,500	\$5,000
Commissioner Review of Waiver Requests for 22a-133y ELUR	\$1,250	\$2,500
LEP Approved NAUL	\$750	\$1,500
Commissioner Approved Temporary Release (including recurring activities)	\$500	\$1,000