

Remediation Roundtable

October 5, 2021





Remediation Roundtable Agenda

- ▶ **Roundtable Tips**
- ▶ **Updates**
 - ▶ Release Reporting Regulations
 - ▶ Release-Based Clean Up Program Regulation Development
 - ▶ PFAS Action Plan
- ▶ **Presentations**
 - ▶ Remediation Standard Regulations
 - ▶ Environmental Use Restriction Regulations



Announcements

Dates for 2022

- ➔ March 22nd
- ➔ June 21st
- ➔ October 18th





Announcements

Freedom of Information Requests

- **Staff continue to work on backlog of FOIA requests submitted during shut down**

★ If you have an old FOIA request that is no longer needed, please let us know so we can take it out of the system



Web Updates

- [Environmental Use Restrictions](#) **NEW**
 - [Environmental Land Use Restrictions](#) **NEW**
 - [Notices of Activity and Use Limitation](#) **NEW**
 - [Emergency and Non-Emergency EUR Releases](#) **NEW**
- [Connecticut Remediation Standard Regulations](#) – FAQs and Affirmative Responsibility to Clean Up Pollution in CT
- [Verification Form Instructions Webpage](#)
- [Verification Forms](#)- Form III Property and Business and Form III Portion for Property and Business **NEW**
- [LEP Verification Audit Program Fact Sheet](#)
- [Property Transfer Program](#) – includes updated information regarding Public Act 20-9
- [Transmittal of Documents](#)
- [Release-Based Cleanup Program Stakeholder Engagement](#)



Staff Changes-Retirements

Ron Curran- Southwest District



Michelle Bedson- Southwest District





Staff Changes-New Staff

Abigail Plungis:
Southwest District



Katherine Nee:
Southcentral District





New Staff

Normandy Avery:
Eastern District



Carly Saindon:
Student Intern





Questions or Comments?

Please type your Questions into CHAT

If we need further clarification, we
may take you off mute to speak

www.ct.gov/deep/remediationroundtable



Remediation Roundtable Tips





Tip# 30: Landfill Monitoring Reports

MaryAnne Danyluk
Environmental Analyst
Remediation Division



Key Points

- ▶ Remediation Division Responsibility: Review Landfill monitoring reports **with receptors**
- ▶ Division has over 103 Landfills under our review
 - ❖ Will be posting the list on our webpage
- ▶ New Form to help screen data quickly and call our attention to changes



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New Landfill Monitoring Form

- ▶ Technical Environmental Professional to conduct the work and sign off
- ▶ Identify the event of the submittal
- ▶ Provide a general summary of results. Raw data summarized in Tables and description
- ▶ Keep a Table of historic data for trends for reduction in monitoring frequency



New Landfill Monitoring Form

- ▶ Concentration Comparison
 - Drinking water = State ALs /MCLs
 - Groundwater = GWPC
 - Surface water = SWPC
- ▶ If you have monitored for 1,4 Dioxane and PFAS please check the box on the form
- ▶ Reasonable Confidence Protocol are applicable



Questions or Comments?

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Tip# 31: Submitting a Stewardship Permit Application

Diane Duva

Director

Emergency Response Planning and Support Office

MMCA



Updated Application Instructions and Forms

NEW: Revised [application instructions](#)

NEW: Revised [application form](#)

- Send the payment and paper application form to CPPU
- Send an electronic copy of the application form and all attachments to the Secure File Transfer site

Questions to DEEP.REMStewardship@ct.gov



Questions or Comments?

Please type your Questions into CHAT

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www.ct.gov/deep/remediationroundtable

Release Reporting Update

Lori Saliby

Assistant Division Director, Emergency Response and Spill Prevention
Division



Connecticut Department of Energy and Environmental Protection

Public Comment

- A hearing to receive public comments was held on April 27, 2021
- The public comment period for the Regulations closed on May 10, 2021
- 100 comments were received from 25 separate commenters



Categories of Comments/Questions

1. Supportive
2. Secondary Containment
3. Relationship to other rules and requirements
4. Regarding specific substances – PFAS, PCB, Asbestos, and others
5. Terms and Definitions
6. Exemptions
7. Appendix A Materials of Special Concern
8. Responsible party
9. Reportable quantities & Types of releases (i.e. USTs, oil/water separators, etc.)
10. Timeframes
11. Notifications to 3rd parties (i.e. water companies)
12. Methods of reporting



Process & Schedule

- Internal DEEP review of hearing officer's report – Statement of Reasons
- Internal DEEP review of final proposed regulatory language
- Transmit for review by Office of Attorney General
- Upon approval, submit to LRRC
- Goal of being on LRRC agenda for December





Questions?



Connecticut Department of Energy and Environmental Protection

Release-Based Clean Up Program Regulation Development Updates

October 5, 2021

Jan Czeczotka

Director, Remediation Division



Connecticut Department of Energy and Environmental Protection

Release-based Cleanup Program

Update:

- Public comment posted on First-Phase Subcommittees Concept Papers
- Q & A sessions with First-Phase Subcommittees Co-chairs and DEEP completed at July, August and Sept. WG meetings



Release-based Cleanup Program

Update:

- Historical Fill & Anthropogenic Background Ad Hoc Team selected and report out at Sept. & Oct. WG meetings
- Releases on Residential Properties Ad Hoc Team selected and report out at Sept. & Oct. WG meeting

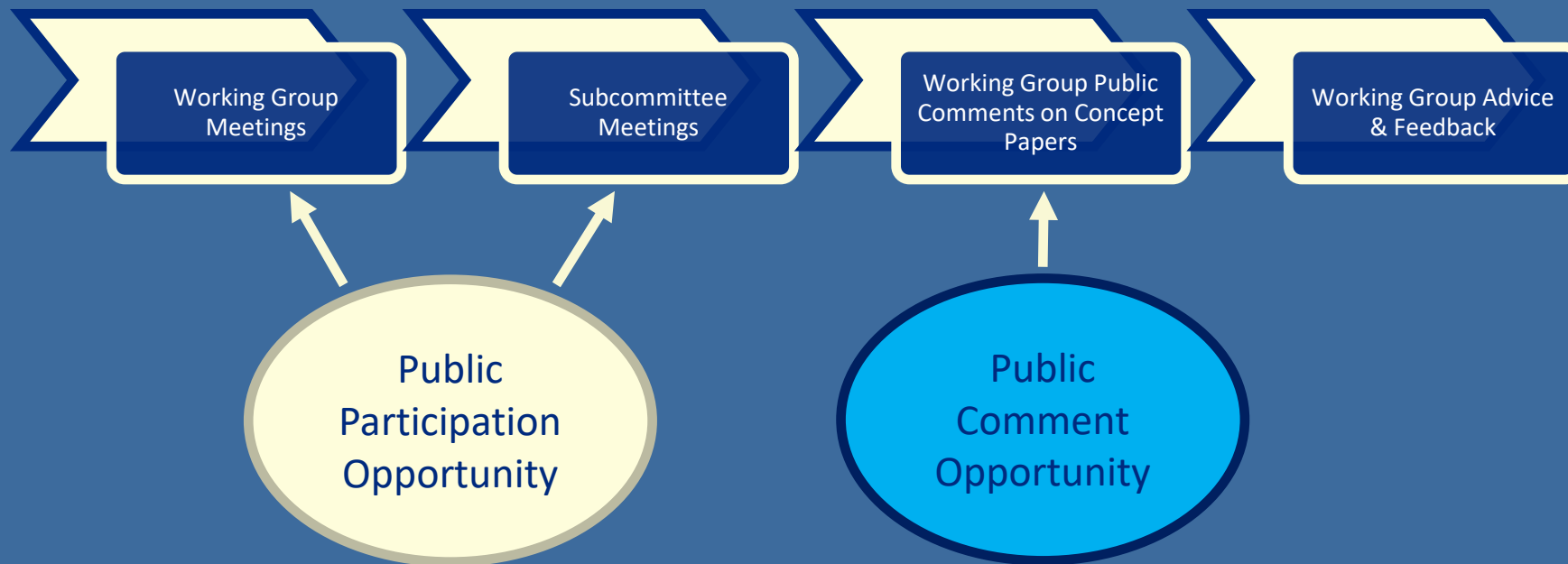


III. Upcoming Tasks for Review of Concept Papers

Key Dates	Tasks/Objectives
June 11 - 15 th	<ul style="list-style-type: none">• Subcommittee Concept Papers due to Working Group• DEEP to post on its webpage (6/15) and alert stakeholder of 3 week comment period• DEEP to seek volunteers for Ad Hoc Teams & seek Ad Hoc
July 13 th – Working Group Meeting	<ul style="list-style-type: none">• DEEP to distribute written comments received on Subcommittee concept papers and summarize comments• DEEP to submit its comments on concept papers• Working Group to host Q&A session with co-chairs of Subcommittees 1 and 2• Create and Charge Ad Hoc Teams
August 10 th – Working Group Meeting	<ul style="list-style-type: none">• Working Group hosts Q&A session with co-chairs of Subcommittees 3, 4 & 5• Ad Hoc Teams Topical Discussions• Create and charge Drafting Team
September 10 th September 14 th – Working Group Meeting	<ul style="list-style-type: none">• Submit written questions to DEEP for Sept. 14th panel• Working Group to host Q&A session with DEEP• Ad Hoc Teams Topical Discussions• Further charge Drafting Team
October 12 th – Working Group Meeting	<ul style="list-style-type: none">• Ad Hoc Teams Topical Discussions• Discussion on Drafting Team output
October 26 th – Special Meeting of Working Group	<ul style="list-style-type: none">• Discuss and adopt final advice and recommendations from Drafting Team and transmit Concept Papers with recommendations and advice on key components of such concepts, and questions or suggestions

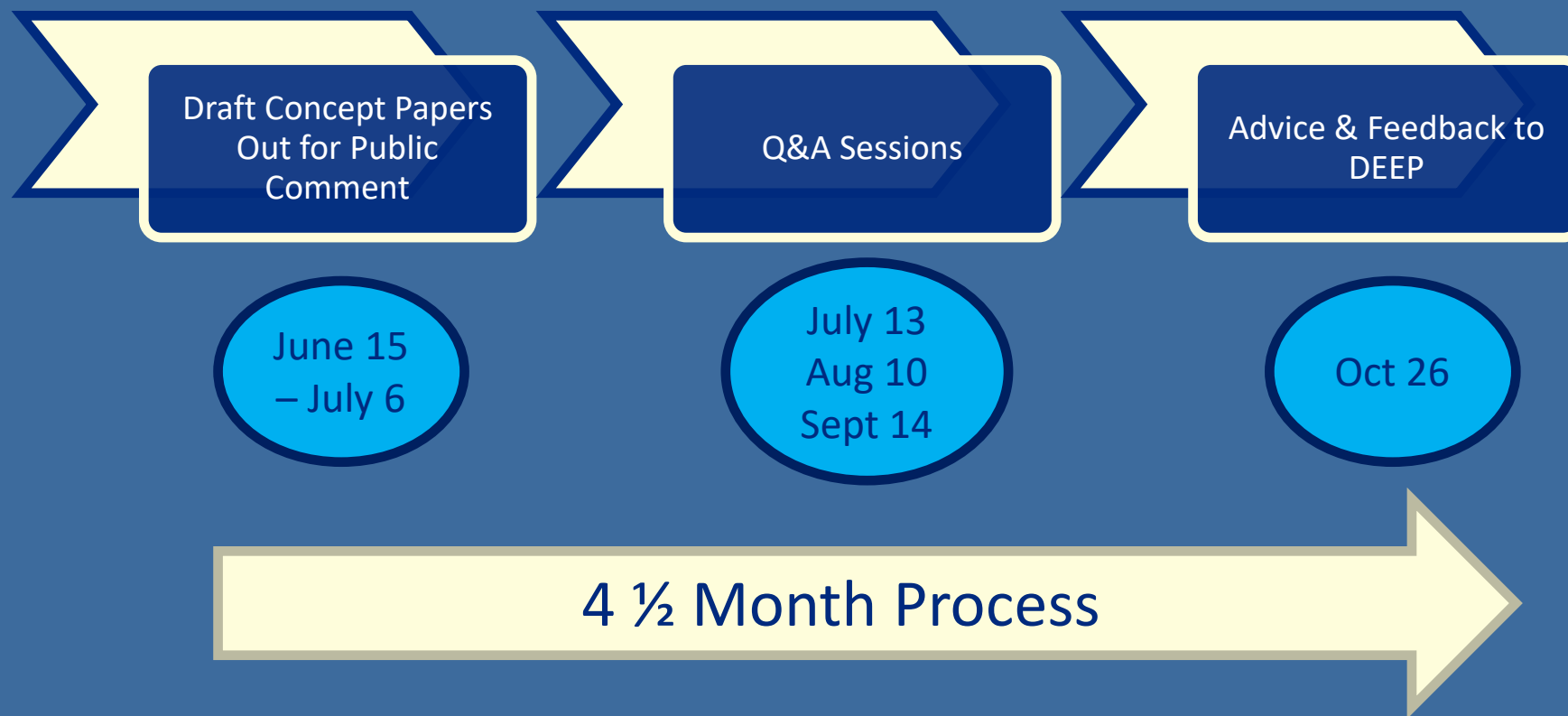
Work Group – Subcommittee Process

First Phase Subcommittee Process



Working Group – Advice & Feedback

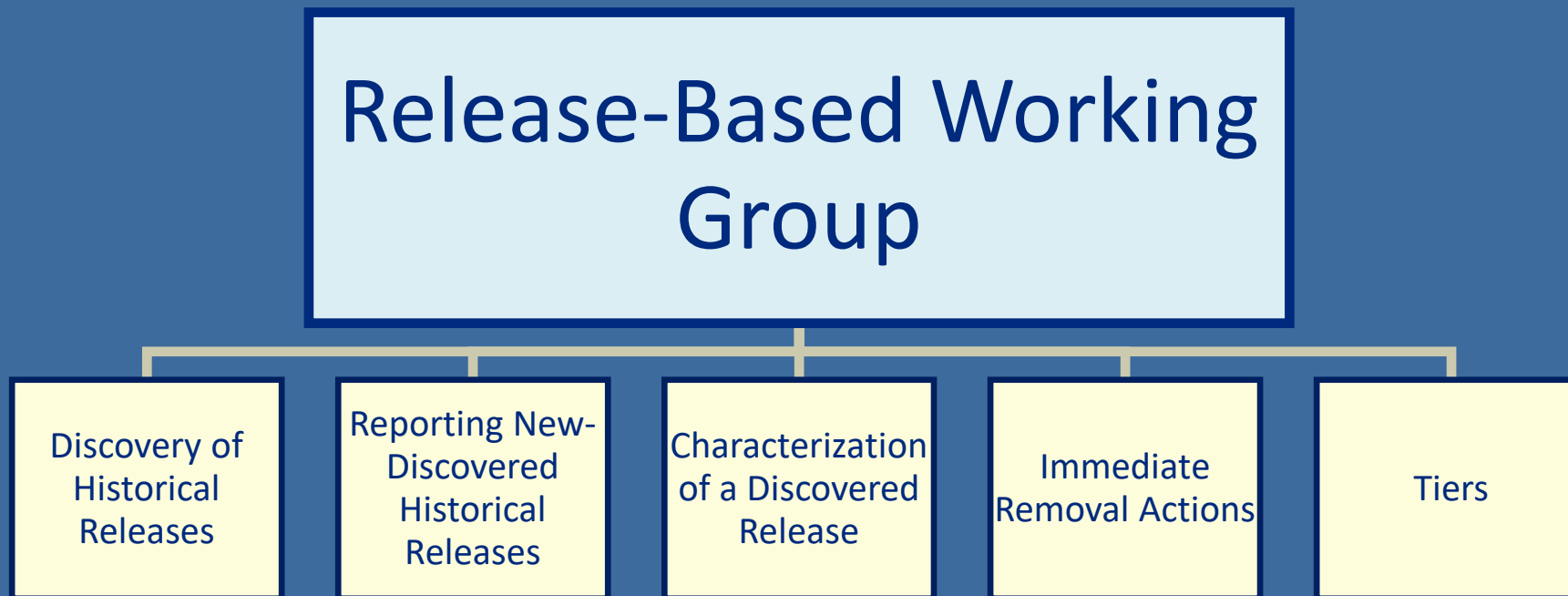
First Phase Subcommittee Process



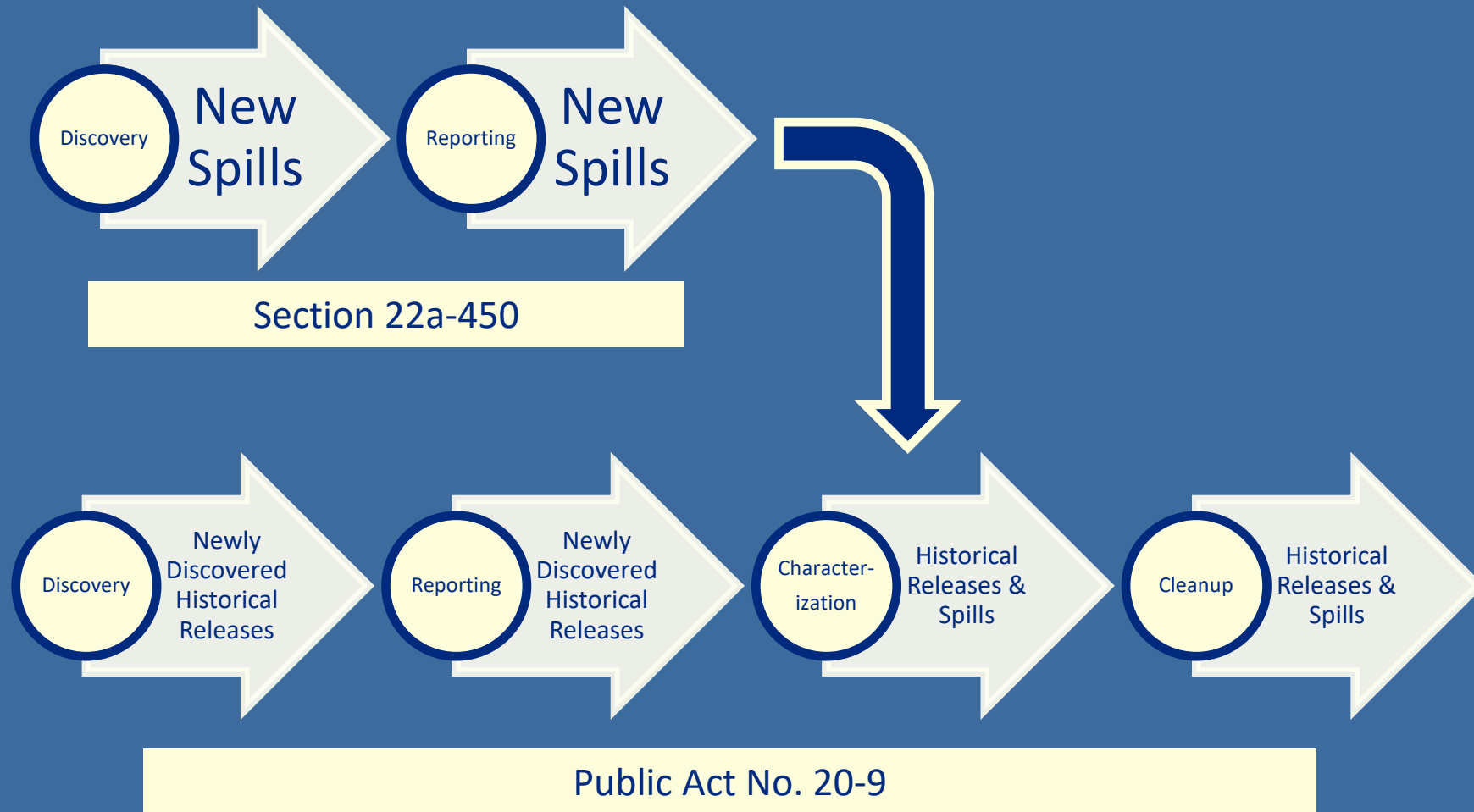
Transparency – Meetings Show Formulation of Advice and Feedback



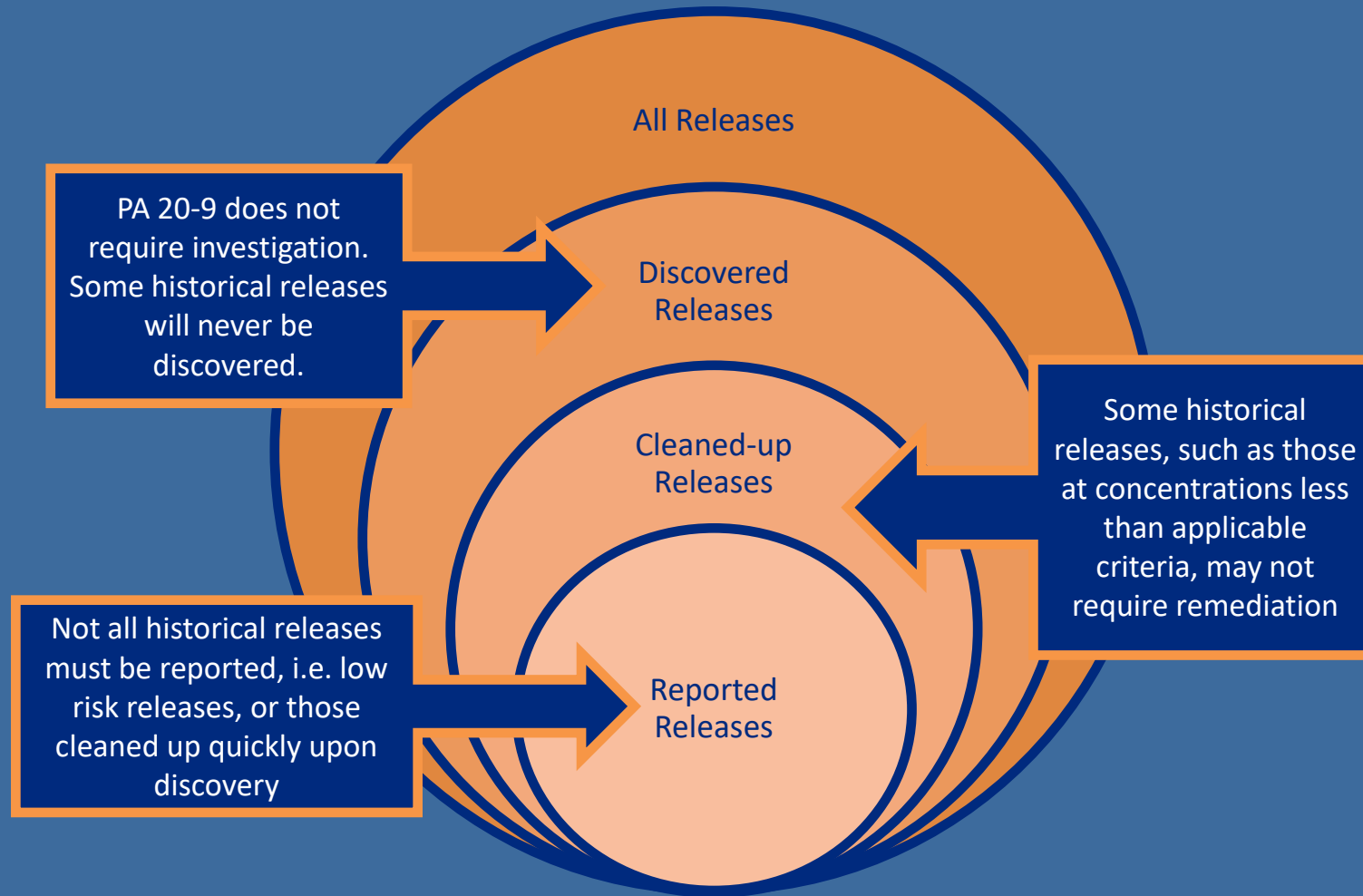
Subcommittees Topics



Process Map – Subcommittee Topics



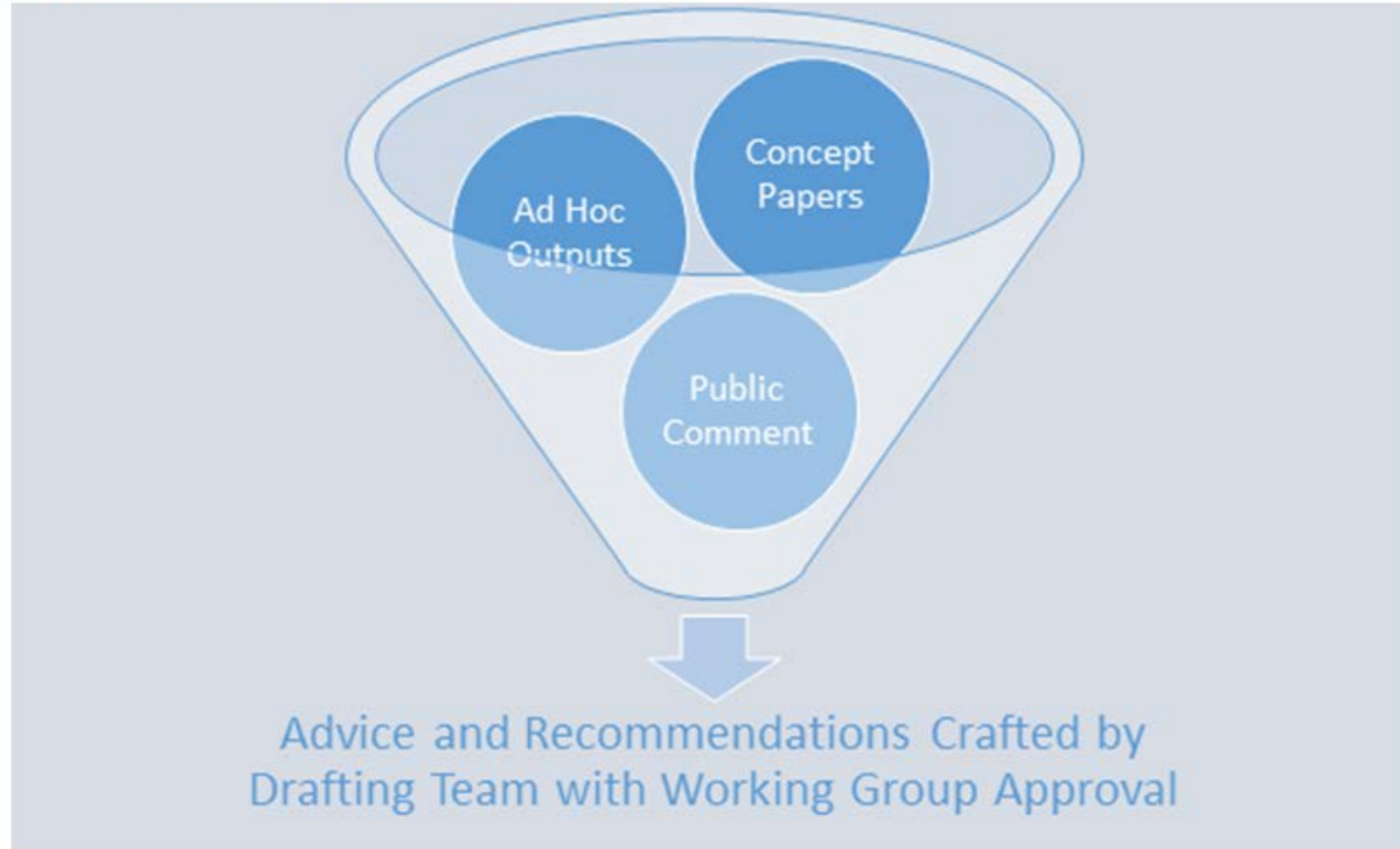
Universe of *Historical Releases*



Not all releases will be discovered, not all discovered releases will be cleaned-up or reported.



Production – Working Group and Drafting Team Weave Together Concept Papers and Ad Hoc Teams' Outputs



Draft Second Phase Subcommittees

COMING
SOON!

Release-Based Working Group

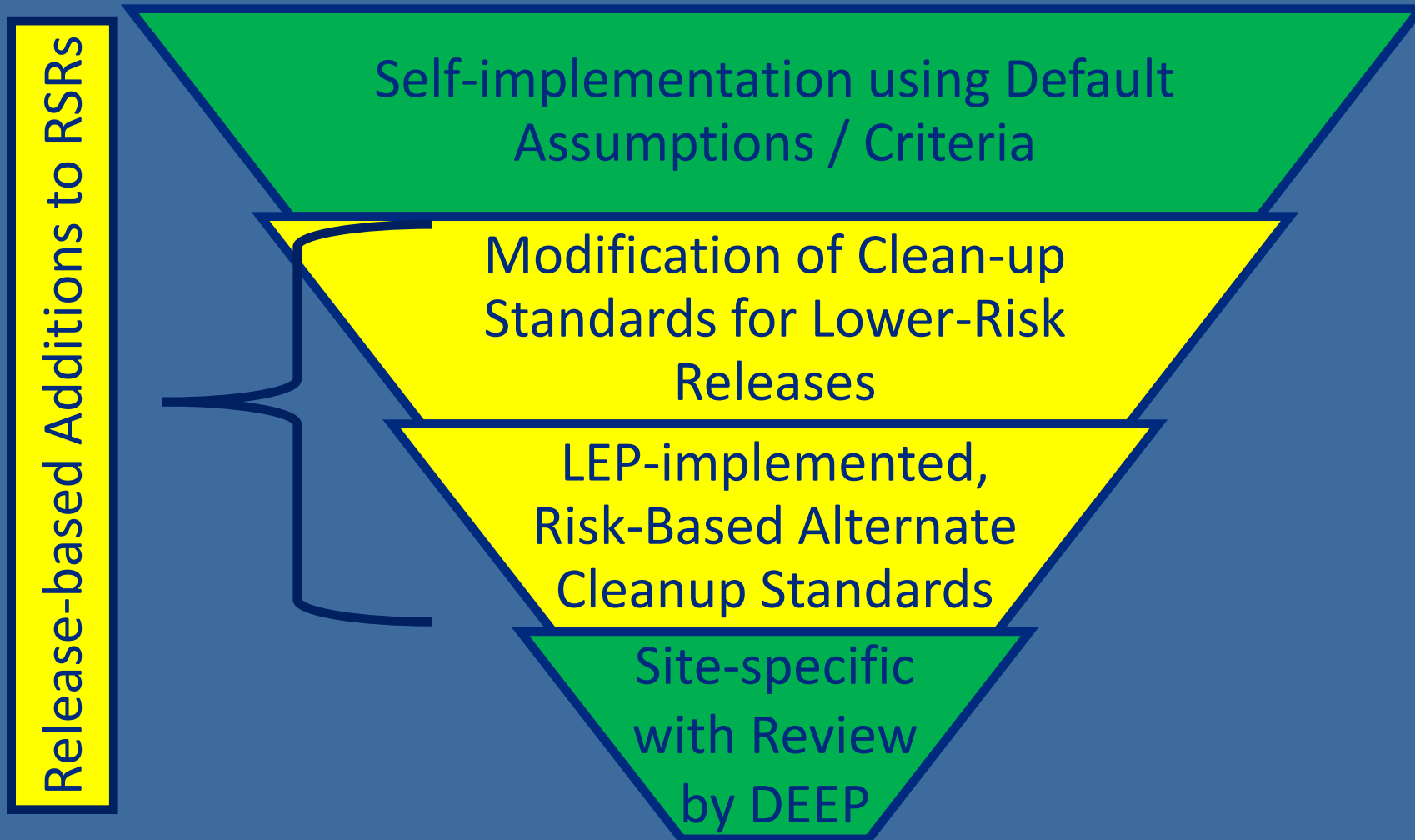
Modification of
Clean-up Standards
for Lower-Risk
Releases

LEP-implemented,
Risk-Based Alternate
Cleanup Standards

Clean-up
Completion
Documentation,
Verifications, and
Audit Frequency and
Timeframes



Cleanup Regulations – Start with RSRs



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Release-Based Working Group

Stay engaged:

- The statutory Working Group meets the second Tuesday of each month from 1 pm to 2:30 pm
- Public participation is encouraged
- Recordings of past meetings posted online along with other materials

<https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Clean-Up-Program-Regulation-Development>





Please type your Questions into CHAT

After the presentation you can email Graham directly at:

graham.stevens@ct.gov

Formal feedback can also be sent to:

DEEP.Cleanup.Transform@ct.gov



REMEDIATION ROUNDTABLE – 10/5/2021

PFAS Action Plan Update

Speakers: Ray Frigon and Shannon Pociu, CT DEEP Remediation Division



2021 LEGISLATIVE WRAP-UP – PFAS Bills

PA 21-191 (SB 837)

- **Bans AFFF use** for training/testing upon passage & for firefighting beginning Oct. 1, 2021
- Directs DEEP to identify **take-back program for municipal AFFF**
- **Bans** in-state sale of **PFAS-containing food packaging** by manufacturers/distributors beginning Jan. 2024

PA 21-121 (HB 6666)

- Requires annual **PFAS testing by water bottlers** that utilize DPH-approved sources (beginning by Jan. 2022)
- Authorizes DPH to **prohibit use of bottled water sources with PFAS** levels above DPH Action Level

2021 LEGISLATIVE WRAP-UP – PFAS Funding

Public Act 21- 111

- **\$1.15 M/year** bond allocation for **FY 2022 and FY 2023**
- Grants-in-aid to municipalities for:
 - Provision of **potable water**
 - **Assessment and remedial action** to address PFAS pollution

Public Act 21-191

AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM.

- Signed July 13, 2021
- 2 Sections:
 - **Section 1: AFFF provisions**
 - Section 2: Bans in-state sale of PFAS-containing food packaging beginning Jan. 1, 2024 – amends CGS Section 22a-255h (not being discussed today)

Public Act 21-191 – Summary

Effective dates of bans on use of Class B foam containing PFAS [Alternative identified by DEEP](#) is National Foam Universal® F3 Green.

AFFF USE	EFFECTIVE DATE OF BAN
Testing and training	7/13/2021 (Effective upon bill passage)
Firefighting or vapor suppression	10/1/2021
Airports	10/1/2023
Federally-required uses	Allowed until prohibited by Federal law, or 1 year after Federal law changes no longer requiring use.



Public Act 21-191 - Summary

- **Extensions to comply with 10/1/2021 AFFF ban** will be allowed for:
 - Chemical plants
 - Oil refineries
 - Terminal, storage, and distribution facilities for flammable liquids
- Must first apply to DEEP for 2-year extension.
 - [Extension of Class B PFAS Firefighting Foam Use \(ct.gov\)](#)
 - Will need to provide:
 - ✓ Justification for request
 - ✓ Containment, treatment, and disposal measures for AFFF

Public Act 21-191 - Summary

- DEEP shall develop or identify a **Take-Back Program for municipal AFFF by 10/1/2021**
 - Currently underway
- Provisions may be **enforced by DEEP** within available appropriations.

STOP USING OLD FOAM CONCENTRATE!

You can help protect yourself, the environment, and your community's health.

 <p>STOP</p> <p>Stop using AFFF foam concentrate for training or for any non-Class B fires.</p> <p>State law prohibits use for training and testing.</p>	 <p>ASAP</p> <p>Stop using AFFF foam concentrate for Class B fires.</p> <p>State law prohibits use of October 1, 2021.</p>	 <p>USE</p> <p>For those that use a fluorine-free alternative, use of AFFF is prohibited.</p> <p>See DEEP Contract # 2500000004 to purchase.</p>
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Connecticut Department of Energy & Environmental Protection (DEEP) and the Connecticut Fire Service (CFFS) are working together to help you and to encourage pick up of old AFFF from your fire trucks before August 31, 2021. Questions? Contact the State Fire Administrator at (860) 688-6690.



AFFF TAKE-BACK PROGRAM

- **AFFF Take-Back Program** (DEEP/DESPP, supported by \$2M bond)
 - ✓ **PFAS-free foam selected** by DESPP with DEEP input: Feb. 5, 2021
 - ✓ **Take-back program underway** for state/municipal AFFF concentrate (20,000 gal. collected to date, est. 40,000 gal. total)
 - ✓ Phase 1 – Container collection and storage/disposal: **Launched in May 2021**
 - ✓ Phase 2 – Decontamination study: **Initiated Summer 2021**
 - ☐ Phase 3 – Remove AFFF from and decontaminate apparatus: **Begin Fall 2021**



AFFF TAKE-BACK PROGRAM – Decon Study



- **2 Decon Locations & Cleaning Methods**

- AECOM/TRS - PerfluorAd
- Arcadis - V171 ("FluoroFighter")

- **Sampling Fluorine-Free Foam from municipal fire departments that already replaced AFFF**

ONGOING PFAS PROJECTS – Potable Water Testing

■ Killingworth

- DEEP sampling private wells near PFAS detection in a community well water system
- Approx. 70 private wells tested to date
- 16 wells exceed DPH Drinking Water Action Level (DWAL) – carbon treatment systems installed
- Source investigation pending

■ East Hampton

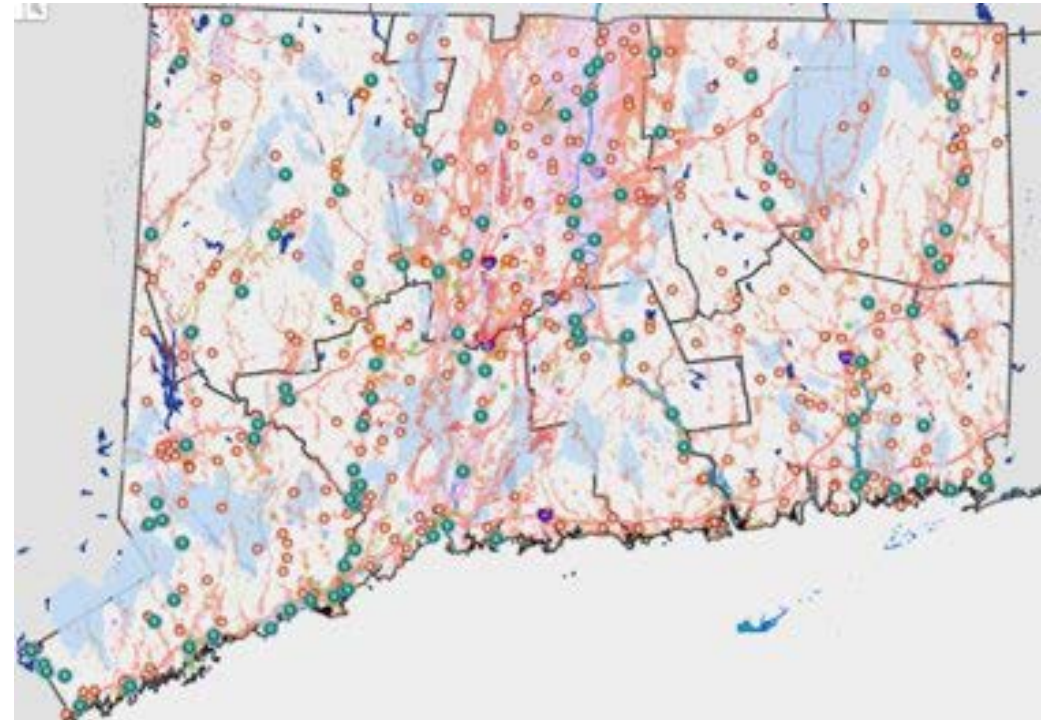
- Known AFFF deployment site associated with a fire
- DEEP and DPH testing private wells potentially impacted
 - 1 private well exceeds DWAL – bottled water provided
- Sampling on-going



ONGOING PFAS PROJECTS – GIS Project

■ PFAS Vulnerability Study

- Comprehensive mapping of ***potential*** PFAS sources and sensitive receptors such as public and private drinking water supplies and surface water/fisheries
- Intended use: Inform prioritization and planning for future PFAS testing
- **DEEP is NOT planning to test 2,400 sites.**



ONGOING PFAS PROJECTS – POTW Testing

- Sampling of about 1/3 of POTWs (35)
 - Summer sampling round completed 9/30
 - Second round planned in Feb/March 2022
- Media tested:
 - **Influent, effluent, sludge** at all 35 POTWs
 - **Scrubber water** at the 5 POTWs with incinerators
 - **Surface water** and **fish tissue** samples from 10 receiving waters (summer only)
- Final report anticipated in Spring 2022



NEW PFAS PROJECTS – UCONN Senior Design

4 PFAS-related Senior Design Projects selected by UConn School of Engineering students for 2021-2022 school year.

1. **Soil Background Study**, may include groundwater and soil leaching analysis (with DEEP, analysis funding-dependent)
2. **In-situ Soil Remediation** alternatives analysis (with DEEP)
3. **PFAS in Artificial Turf** (with DEEP and DPH Environmental Health, analysis funding-dependent)
4. **PFAS Laboratory Extraction** – design a new automated solid phase extraction technique (with DPH Lab Certification Program)



PFAS LAB METHODS & SAMPLING GUIDANCE

- **EPA Methods 3512 and 8327** finalized July 2021
 - SW-846 Method, preparation and direct injection, external standard
 - 24 PFAS compounds in non-potable water
- ❖ **Draft EPA Method 1633**, announced 9/2/2021
 - Clean Water Act Method, developed by EPA and DoD, broadly conforms to DoD Quality Systems Manual ver. 5.3, Table B-15, isotope dilution
 - **40 PFAS** compounds in **wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue**
 - Single-laboratory validation completed; Multi-lab validation ongoing into 2022.
 - Though not required until officially promulgated through rulemaking, EPA recommends using now for NPDES permits.

DEEP Remediation Division recommends use of isotope dilution and DoD QSM Table B-15 until EPA Method 1633 is finalized.

NEXT STEPS FOR DEEP

✓ AMBIENT WATER QUALITY & SURFACE WATER PROTECTION CRITERIA

Remediation Standard	APS Criterion*
Residential Direct Exposure Criterion	1.35 mg/kg
Industrial/Commercial Direct Exposure Criterion	41 mg/kg
GA Pollutant Mobility Criterion	1.4 µg/kg
GB Pollutant Mobility Criterion	14 µg/kg
Groundwater Protection Criterion (Adopts DPH Drinking Water Action Level)	70 ng/L
Surface Water Protection Criterion	In Development

*Applies to Σ [PFOA, PFOS, PFHxS, PFNA, PFHpA]

✓ DISCHARGE PERMIT MONITORING AND LIMITS

✓ LANDFILL MONITORING

✓ SUPPLEMENTAL BID FOR PFAS LAB ANALYSIS

- To include additional matrices and methods

QUESTIONS?

[DEEP PFAS Webpage](#)
[PFAS Task Force Webpage](#)
[CT PFAS Action Plan](#)

Contact Information:

Raymond.Frigon@ct.gov
Shannon.Pociu@ct.gov





RSRs Announcements/Q&A

Kevin Neary
Supervising EA
Eastern District
Remediation Division

Carl Gruszczak
Environmental Analyst
Northwest District
Remediation Division



Questions

Please submit RSR chat questions starting now

We plan to answer questions submitted thru
the Zoom Chat at the end



Statement on Cleaning Up to the RSRs

- ➔ Affirmative Responsibility to Clean up Pollution in Connecticut
- ➔ Focused on liability vs. applicability
- ➔ Clarifies the Department's legal position
- ➔ No new approach to "allocating enforcement resources or exercising enforcement discretion"



EPOC/Wave 2 Q&A Document

- ➔ October 1, 2021
- ➔ Currently 17 questions
- ➔ Living Document (will notify of updates)
- ➔ Intend to expand Q&A – Alt. PMC, Alt. GWPC, Alt. SWPC, etc...
- ➔ Broken out in the order of the RSRs (with EURs & miscellaneous at the end), so easy to add new entries in the future (while limiting searching)



Other Stuff?

- Web based Training
- Anticipated Mid-January (will work w/ EPOC)
- Planning on 4 sessions 3 – 4 hours (topic order subject to change)
 - Applicability, DEC, PMC
 - EC, WSPF, NAPL, Soil Reuse
 - GWPC, SWPC, VOC
 - GW Compliance, TI, EURs



Some Recent/Common Questions

- Next slides will cover some typical questions that have been received
- Plan to add to many of these to the Q&A Document





Question #1

How do I determine the Q99 for the Alt. SWPC calculation

- ➔ Step 1 - Go to [USGS Streamstats](#)
- ➔ Step 2 – Set plume discharge location (**delineate**)
- ➔ Step 3 – Continue to **Flow Duration Stats**
- ➔ Step 4 – Build a report
- ➔ Step 5 – Q99 equals 99% duration flow



Question #2

What is needed to calculate the Alt. GWPC for an Additional Polluting Substance (APS)

- ▶ For inorganic, semi-volatile, and pesticides for which Direct Exposure Criteria (DEC) is not promulgated in the RSRs, an APS request for DEC is needed
- ▶ For any volatile organic substance (including APS) you will need to obtain a TAC for the calculation
- ▶ For any APS, a GWPC request is needed to since the Alt. GWPC is capped at 100x the GWPC



Question #3

What are the key considerations before requesting a Commissioner Alt. GWPC

- Is the area served by public water and are there wells (updated receptor survey)
- Is the plume degree and extent understood
- Is there a soil release causing an ongoing source
- Is the aquifer where the plume exists less than 20ft thick (or does it have a low yield)



Question #4

What should a Commissioner approval request look like

- Page 1 - Needs to be eDocument transmittal form
- Subsequent pages – List out requirements of request with detailed explanation on compliance
- Examples:
 - No drinking water wells – updated receptor survey
 - Extent and degree of plume – detailed map



Question #5

What option is there to handle the EUR submittal due date following an Engineered Control (EC) when the EUR will have other restrictions and can't be recorded within the allowed timeframe



Question #5

- Within 120 days following construction of the EC a Final EC Completion Statement is required
- Within 180 days of the completion statement an ELUR needs to be submitted or NAUL needs to be certified by an LEP
- Request an extension - 22a-133-k(1)(e)(5)
 - *"When a remedy is selected under the RSRs for which an EUR is required to be in effect for different subject areas on a parcel, a request shall be submitted to the commissioner to extend any deadline specified in the RSRs to prepare the materials required to obtain and request such EUR..."*



Question #6

LEP-calculated Alt. PMC gives units of mg/kg. Does this mean that a mass analysis is used for compliance for inorganics

- ➔ Mass analysis is used for compliance with this new Alt. PMC option (all substances)
- ➔ Also added an option for using mass analysis compared to 20x GWPC for inorganics



Question #7

Can the LEP-calculated Alt. PMC provision be used for Additional Polluting Substances

- Will require Commissioner Approval
- Will need substance-specific parameters for the calculation (to be included in the request):
 - K_d (Distribution Coefficient - for inorganic substances)
 - K_{oc} (Organic Carbon Partition Coefficient - for organic substances)
 - H' (Henry's Law Constant – for volatile substances)



Chat Questions

Please continue to type your Wave 2
RSR Questions into CHAT

If we need further clarification, we
may take you off mute to speak

www.ct.gov/deep/remediationroundtable

Environmental Use Restriction Regulations

Tuesday October 5, 2021

Presented by Amanda Killeen and Jade Barber



Connecticut Department of Energy and Environmental Protection

EUR Statutes and Regulations

Regulations of Connecticut State Agencies

(RCSA) sections 22a-133q-1 through 22a-133q-9

- Describes the process for the preparation, approval, and recording of EURs
- Describes the process for the preparation, approval, and recording of allowable disturbances, releases, and terminations
- Describes post-recording requirements



EUR Statutes and Regulations

Connecticut General Statutes

(CGS) section 22a-133n through 22a-133s

- Authorizes the Commissioner to approve ELURs and NAULs
- Authorizes an LEP to approve NAULs and ELURs pursuant to section 22a-133y
- Specifies the circumstances in which EURs are applicable



EUR Statutes and Regulations

Remediation Standard Regulations

(RSRs) RCSA sections 22a-133k-1 through 22a-133k-3

- Specifies the circumstances in which EURs are required
- Summarizes the types of EURs available



Environmental Use Restriction

Environmental Use Restriction (EUR)

Environmental Land
Use Restriction
(ELUR)

Notice of Activity
and Use Limitation
(NAUL)



What is an EUR?



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Environmental Land Use Restriction (ELUR)

Approved by Commissioner

Approved by LEP (pursuant to 22a-133y)

Recorded on municipal land records

Easement granted to the Commissioner by the property owner



Notice of Activity and Use Limitation (NAUL)

Approved by LEP

Approved by Commissioner

Recorded on municipal land records

NOT an easement granted to the Commissioner



ELUR ONLY

- Residential Activity – Soil (PCBs)
- Inaccessible Soil and Residential Activity (PCBs)
- Non-Aqueous Phase Liquids (NAPL) Variance
- Indoor Air Monitoring
- Technical Impracticability Variance



EUR Fees

Commissioner Approved:

ELUR or NAUL \$5,000

Temp Release \$1,000

LEP Approved:

ELUR 133y Waiver \$2,500

NAUL \$1,500

Fees

Some Exemptions Apply

RCSA Section 22a-133q-9(f)(2)

**ALL FEES 50% OFF UNTIL
2/15/2023**

**SPECIAL
PRICE**



EUR Webpage

[CT.gov Home](#) / [Department of Energy and Environmental Protection](#) / [Remediation Site Clean Up](#) / [Environmental Use Restrictions](#)

- [Remediation / Site Clean-Up Main Page](#)
- [FAQs](#)
- [General Information](#)
- [Forms](#)
- [Guidance Documents](#)
- [Permits](#)
- [Site Characterization](#)
- [Remediation Roundtable](#)
- [Main Menu](#)

Search Department of Energy and Environmental Protection

Environmental Use Restrictions

The purpose of an [Environmental Use Restriction \(EUR\)](#) is to minimize the risk of human exposure to pollutants and hazards to the environment by preventing specific uses or activities at a property or a portion of a property. There are two types of EUR, the Environmental Land Use restriction (ELUR) and Notice of Activity and Use Limitation (NAUL), both are recorded on the municipal land records.

[Environmental Land Use Restrictions \(ELUR\)](#) – forms, fees, and instructions

[Notices of Activity and Use Limitation \(NAUL\)](#) – forms, fees, and instructions

[Emergency and Non-Emergency EUR Releases](#) – allow for activities that are prohibited by EURs, such as excavation and utility work

[EUR Map](#)

[EUR FAQs](#)

[March 2021 Remediation Roundtable Presentation](#) (EUR presentation begins on slide 20)

Inspections

Inspection reports shall be completed in compliance with [Section 22a-133q-8 of the RCSA](#), shall be maintained by the parcel owner, and shall be provided to the Commissioner upon request.

Annual Inspection. Between April 1st and July 31st of each year, an annual inspection shall be conducted and within 30 days a report of such inspection shall be completed and signed by the owner of the parcel.

Five-Year Comprehensive Inspections. Between April 1st and September 30th *beginning in the year 2025*, the owner of the parcel shall retain an LEP to conduct a comprehensive inspection. Within 30 days, a report of such inspection shall be completed, signed and sealed by the LEP and signed by the owner of the parcel. An annual inspection is not required the year a five-year comprehensive inspection is conducted.



ELURs and NAULs Webpages

CT.gov Home / Department of Energy and Environmental Protection / Remediation Site Clean Up / Environmental Land Use Restrictions

Environmental Land Use Restrictions

An [Environmental Land Use Restriction](#) (ELUR) is a type of Environmental Use Restriction (EUR) that complies with the requirements of section 22a-133o of the Connecticut General Statutes, section 22a-133q of the Regulations of Connecticut State Agencies, and the RSRs. An ELUR is an easement granted to the Commissioner by the property owner and is recorded on the municipal land records. The purpose of an ELUR is to minimize the risk of human exposure to pollutants and hazards to the environment by (1) preventing the use of specified real property for certain purposes, or (2) prohibiting or requiring certain activities on such property.

[EUR Fee Transmittal Form](#) - Complete this form and submit to DEEP CPPU with the required fee.

- **Commissioner Approved ELUR** - \$5,000 (\$2,500 until February 15, 2023)
- **LEP Approved ELUR 133y Commissioner approval of subordination waiver(s)** - \$2,500 (\$1,250 until February 15, 2023)

The [Electronic Transmittal Form](#) must be completed and attached as the cover page of the ELUR package. The ELUR **must** be submitted in Word. Upload to the [Connecticut Secure File Transfer](#) website per the instructions on [Transmittal-of-Documents](#).

[EUR Submittal Form](#) - documents the construction of an EUR from draft to recordation on the land records. The [EUR Submittal Form](#) houses the documents listed below, as applicable (see [Instructions to Embed Documents](#)).

[Affirmative LEP Statement for 133y](#)

[Declaration of Environmental Land Use Restriction and Grant of Easement and Exhibit A: Parcel Description \(Metes and Bounds\)](#)

[Exhibit B: EUR Opinion Overview](#)

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Notices of Activity and Use Limitation

A Notice of Activity and Use Limitation (NAUL) is a type of Environmental Use Restriction (EUR) that complies with the requirements of section 22a-133o of the Connecticut General Statutes, section 22a-133q of the Regulations of Connecticut State Agencies, and the RSRs. Unlike an ELUR, a NAUL is a notice recorded on the municipal land records that does not create an easement on the parcel granted to the Commissioner. The purpose of a NAUL is to minimize the risk of human exposure to pollutants and hazards to the environment by (1) preventing the use of specified real property for certain purposes, or (2) prohibiting or requiring certain activities on such property.

[EUR Fee Transmittal Form](#) - Complete this form and submit to DEEP CPPU with the required fee.

- **Commissioner Approved NAUL** - \$5,000 (\$2,500 until February 15, 2023)
- **LEP Approved NAUL** - \$1,500 (\$750 until February 15, 2023)

The [Electronic Transmittal Form](#) must be completed and attached as the cover page of the NAUL package. The NAUL **must** be submitted in Word. Upload to the [Connecticut Secure File Transfer](#) website per the instructions on [Transmittal of Documents](#).

NAUL forms prescribed by the Commissioner

[EUR Submittal Form](#) - documents the construction of an EUR from draft to recordation on the land records. The [EUR Submittal Form](#) houses the documents listed below, as applicable (see [Instructions to Embed Documents](#)).

[Affirmative LEP Statement for NAUL](#)

[Declaration of Notice of Activity and Use Limitation and Exhibit A: Parcel Description \(Metes and Bounds\)](#)

[Exhibit B: EUR Opinion Overview](#)

by Keyword



EUR Helpful Hints

EUR Form

- Documents the process from proposal to recordation

EUR Opinion Overview

- Pair down to the applicable EUR Opinions
 - EUR Opinions (fka Decision Documents) – a la carte
 - Supplemental Information – a la carte
 - Each EUR Opinion has a corresponding SI



Tables 1 and 2

- Table 1 Page 1 includes the certification
- Table 1 and Table 2 - add subsequent pages as needed to evaluate interests



EUR Helpful Hints

- Deadlines are built in!
 - Please keep track of timeframes
 - An extension may be available
 - Must be requested prior to deadline using the Extension Request form



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EUR Helpful Hints



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EUR Form Submittal:

Initial submittal:
Connecticut
Secure File
Transfer (SFT)
website

- Do not embed SFT Transmittal Form in EUR Form

Subsequent
submittals:
Directly to EUR
staff

Final recorded
version: SFT and
DEEP.EUR@ct.gov

LEP Approved
NAUL and 133y
ELURs

- EUR Form must be completed in its entirety (e.g, SI, affidavits, title search, etc.) and submitted to DEEP with recorded documents



Emergency and Non-Emergency EUR Releases

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Emergency and Non-Emergency EUR Releases

Reporting Environmental Emergencies and Spills

An **environmental emergency** is a situation that poses an immediate threat to public health or the environment resulting from the release or potential release of oil, hazardous chemicals or radioactive materials into the air, land, or water.

Environmental emergencies and spills must be reported to DEEP Emergency Dispatch Center at 860-424-3338 or Toll Free at 1-866-377-4475.


Emergency Suspension of EURs

In the event of an emergency that presents a significant risk to human health or the environment, an EUR may be suspended, provided such risk cannot be abated without suspending the EUR. The owner must immediately notify DEEP of the emergency and follow the other requirements of paragraph 4 of the Declaration of EUR presented in [Section 22a-133q, Appendix 1 and 2](#). An EUR emergency typically involves the disturbance of contaminated soil to repair utilities when the EUR prohibits disturbance of soil.


Report the emergency suspension of the EUR to the Remediation Division at [860-424-3705](tel:860-424-3705) and via email at deep.eur@ct.gov.

Allowable Disturbance, Release or Termination of EUR for Non-Emergency Activities

Releases from EURs allow for activities that are prohibited by EURs, such as excavation and utility work.

[EUR Fee Transmittal Form](#)  - Submit to DEEP CPPU with required fee.

- **Commissioner Approved EUR Release** - \$1,000 (\$500 until February 15, 2023)
- **Commissioner Approved Initial TRRA** - \$1,000 (\$500 until February 15, 2023)

The [Electronic Transmittal Form](#)  must be completed and attached as the cover page of the Form



EUR Allowable Disturbance and Releases Helpful Hints

Form for Allowable Disturbance, Release, or Termination from Environmental Use Restriction (The Release Form)

- One form to document any type of disturbance, release, or termination from start to finish
- Includes the standardized Soil Management Plan
 - A site-specific soil management plan may be included if needed

No change to the emergency release procedure (see Declaration Document – paragraph 4)

- Subsequent abatement approval and reporting for an emergency release should be submitted on the Release Form



EUR Allowable Disturbance and Releases Helpful Hints

Allowable Disturbance section of the Regulations is organized like a checklist

- Requires notification to the Commissioner and submittal of a Completion Report
- Ensure all requirements are met prior to notification and commencement of activities
- Not recorded on the land records

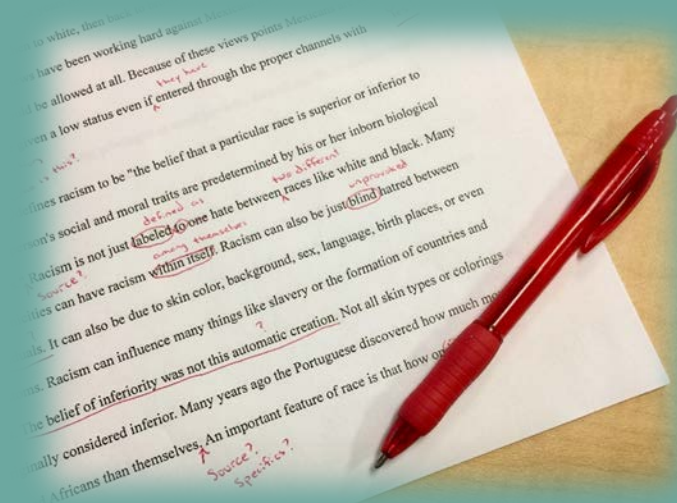
All releases and terminations are recorded on the land records

- An LEP NAUL Release Approval template is provided in the Release Form Appendix



What you can do for us:

- Suggestions to improve the form and identification of typos/grammatical errors are welcome



- Inspection Forms! Do not submit to DEEP
- Factsheets! Submit to DEEP for pre-Wave 2 ELURs

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Connecticut Department of Energy and Environmental Protection

We are here to help

New Regs

New Forms

New Process

LEARNING CURVE FOR ALL!

Feel free to contact us:

Jade Barber Jade.Barber@ct.gov

Amanda Killeen Amanda.Killeen@ct.gov

EUR Program DEEP.EUR@ct.gov



Connecticut Department of Energy and Environmental Protection

Questions?

Please type your questions into Chat



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Connecticut Department of Energy and Environmental Protection



Remediation Roundtable



E-mail: DEEP.remediationroundtable@ct.gov

Web: www.ct.gov/deep/remediationroundtable



Remediation Roundtable

Next meeting: March 22nd, 2022