

**RECORDS RETENTION SCHEDULE
[DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION]**

Form RC-050 (Revised 02/2012)



STATE OF CONNECTICUT
Connecticut State Library
Office of the Public Records Administrator
231 Capitol Avenue, Hartford, CT 06106
www.cslib.org/publicrecords

**RECORDS RETENTION
SCHEDULE #**

14-2-1

1. **SCOPE:** This schedule lists records unique to Department of Energy and Environmental Protection and is used in conjunction with the General Records Retention Schedules and other relevant Records Retention Schedules.
2. **AUTHORITY:** The Office of the Public Records Administrator issues this Records Retention Schedule under the authority granted by §11-8 and §11-8a of the *General Statutes of Connecticut* (CGS).
3. **RETENTION PERIODS:** Retention periods listed on this schedule are based on the records' administrative, fiscal, legal, and historical values, as well as statutory or regulatory requirements. In most instances the established period sets the minimum retention requirement. However, some records have maximum retention periods set by Federal or State statutes or regulations. Please note that any statute or regulation listed in brackets in the "Retention" column indicates the legal citation for that retention requirement. If a records series states, "Permanent/Archival," the agency should request approval to transfer the records to the State Archives or an approved archival repository once the records are inactive. If a records series states, "May contain historical value," the agency should contact the State Archives for archival appraisal before requesting disposition of the records. Not all such records will be determined to be archival; conversely, some records without this statement might have archival value. See General Letter #2009-1 for guidelines on transferring records to the State Archives.
4. **FORMAT:** Retention periods listed on this schedule apply to the official record copy, whether in paper, electronic, or other format. If records are maintained only in an electronic system, the records custodian must be able to retrieve and interpret the content for the retention period.
5. **DISPOSITION AUTHORIZATION:** This schedule is used concurrently with the *Records Disposition Authorization* (Form RC-108), which is used to request permission to destroy or transfer records that have met their retention period. The agency Records Management Liaison Officer (RMLO), the State Archivist, and the Public Records Administrator must sign the authorization form *prior* to destruction or transfer of public records. The Office of the Public Records Administrator cannot grant continuing approval to destroy records on an ongoing basis. No records may be destroyed if there are pending or active Freedom of Information Act (FOIA) requests; litigations; investigations; audits; or other cases, claims, or actions. Note that if there is a destruction hold placed on records, the retention period does not change and once the hold is lifted, the records may be destroyed after receipt of the signed Form RC-108.
6. **DISPOSITION DUE TO REFORMATTING:** Records custodians may request permission to dispose of original records that have been scanned provided the retention period is 10 years or less and the agency has submitted a *Certificate of Compliance* in accordance with the State Library's *Standards for the Use of Imaging Technology for Storage, Retrieval, and Disposition of Public Records*. With certain exceptions, custodians may request permission to dispose of original records that have been microfilmed provided the agency has submitted a *Certificate of Compliance* in accordance with the State Library's *Required Minimum Microfilming Standards for Public Records*.
7. **AUDIT REQUIREMENTS:** Under the Single Audit Act (31 USC 7501) audit requirements apply to Federal, State, and Local programs. The retention requirement, "___ years, or until audited, whichever is later," requires further explanation. In most instances "audit" refers to the general agency audit conducted by the State Auditors of Public Accounts or the general town or municipal audit conducted by an outside auditing agency, unless otherwise noted. The specific record itself may or may not have been examined as part of the audit process. The requirement of "until audited" is fulfilled when the official audit report is issued. The auditors may recommend that certain records be corrected. Such records, even when they meet retention requirements, must be retained during the period that any review is pending.
8. **FOIA DISCLOSURE:** This retention schedule governs the retention of public records – not the disclosure of public records. Refer to CGS §1-200 et seq. or contact the Office of Governmental Accountability, Freedom of Information Commission (FOIC), regarding the disclosure of public records.
9. **ESSENTIAL RECORDS:** Records designated as "Essential" are those records necessary to respond to an emergency; to reestablish normal operations after any such emergency; to protect the rights and interests of the agency; and to protect the rights and interests of individuals for whom it has responsibility.
10. **OBSOLETE RECORDS:** Records designated as "OBSOLETE" or "SERIES CLOSED" are no longer created or received in the normal course of business. Records custodians should request approval for the appropriate disposition of any records so designated as soon as the retention period has passed.
11. **RECORDS CREATION REQUIREMENT:** Nothing on this schedule mandates the creation of a record or records series if the agency does not already create or receive it in the normal course of business. However, agencies should be aware of any additional recordkeeping requirements established by state or federal statute or regulation.

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AGENCY: Department of Energy and Environmental Protection (DEEP)	AGENCY ADDRESS: 79 Elm Street, Hartford, CT 06106	This schedule is: <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED Superseded schedule number(s): 93-1-9
DIVISION, UNIT, OR FUNCTION: Office of Adjudications		
RELEVANT STATUTES & REGULATIONS AND ACRONYMS USED ON THIS SCHEDULE: CGS Title 4 Chapter 54 Uniform Administrative Procedure Act; CGS Title 22a Environmental Protection; RCSA Sections 22a-3a-2 through 6.		

RMLO (type or print): Mary Lou Kramer	JOB TITLE OF RMLO (type or print): Paralegal Specialist 1	APPROVED (Signature of State Archivist): <i>Kenneth P. ...</i>	DATE SIGNED: MAY 08 2014
APPROVED (Signature of RMLO): <i>Mary Lou Kramer</i>	DATE SIGNED: 5/2/2014	APPROVED (Signature of Public Records Administrator): <i>John R. Power</i>	EFFECTIVE DATE OF SCHEDULE: 5/9/2014

Series #	Records Series Title	Description	Retention	Disposition	Notes
1.	Decision Records - Proposed and Final	This series documents proposed and final decisions issued by the DEEP Commissioner, or his designee and/or the Office of Adjudications regarding environmental permitting, licensing, and enforcement matters. Including but not limited to: service lists, draft permits, and final decisions including adopted consent orders.	Permanent	Retain in agency	
2.	Hearing Records - No Appeal	This series documents hearings for cases not appealed to the Superior Court. Including but not limited to: exhibits, motions, rulings, correspondence, memoranda, and transcripts/recordings.	2 years from date of final decision	Destroy after receipt of signed Form RC-108	Hearings are conducted according to the Uniform Administrative Procedure Act, CGS Sec. 4-166 through 4-189 and RCSA Sec. 22a-3-2 through 6.
3.	Hearing Records – Appeals	This series documents hearings for cases appealed to the Superior Court. Including but not limited to: exhibits, motions, rulings, opinions, correspondence, memoranda, and transcripts/recordings.	Permanent	Retain in agency	Hearings are conducted according to the Uniform Administrative Procedure Act, CGS Sec. 4-166 through 4-189 and RCSA Sec. 22a-3-2 through 6.

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Series #	Records Series Title	Description	Retention	Disposition	Notes
4.	Hearing Records - Non-Adjudicated Cases	This series documents hearings for cases in which no decision is rendered or a motion is filed to withdraw the application from the docket. Including but not limited to: petition or letter asking for hearing, notices, and requests.	1 year from date case removed from docket	Destroy after receipt of signed Form RC-108	
5.	Mediation Records	This series documents mediation conducted by the Office of Adjudications. Including but not limited to: notes, summaries, and correspondence.	2 years from date of final decision	Destroy after receipt of signed Form RC-108	
6.	Mediation Records - Agreements	This series documents the outcome of mediations conducted by the Office of Adjudications. Including but not limited to: agreements, contracts and consent orders.	Permanent	Retain in agency	
7.	Final Decision Index	This series documents all written orders and final decisions rendered by the Office of Adjudications. Including but not limited to: indexes.	Permanent	Retain in agency	Pursuant to CGS Sec. 4-180a, each agency shall index, by name and subject, all written orders and final decisions rendered on or after October 1, 1989.
8.	Final Decision List	This series consists of a chronological list of cases in which a final decision was rendered or terminated.	Permanent	Retain in agency	
9.	Card File Summaries	[OBSOLETE] This series consists of handwritten summaries related to adjudicated cases.	No requirement	Destroy after receipt of signed Form RC-108	