

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

Form RC-050 (Revised 08/2014)



STATE OF CONNECTICUT  
Connecticut State Library  
Office of the Public Records Administrator  
231 Capitol Avenue, Hartford, CT 06106  
<http://www.ctstatelibrary.org/>

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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:** In certain circumstances, records custodians may request permission to dispose of original records that have been imaged or microfilmed provided the public agency is in compliance with the State Library's *Digital Imaging Policy* or *Microfilming Policy*.
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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<b>AGENCY:</b> Department of Energy and Environmental Protection		<b>AGENCY ADDRESS:</b> 79 Elm Street, Hartford, CT 06106		This schedule is: <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> REVISED  Superseded schedule number(s): 05-1-1; 01-1-1 #5c, 8, 15, 16
<b>DIVISION, UNIT, OR FUNCTION:</b> Bureau of Air Management – Enforcement Division				
<b>RELEVANT STATUTES &amp; REGULATIONS AND ACRONYMS USED ON THIS SCHEDULE:</b> 40 CFR Part 70; CGS Sec. 22a-170 through Sec. 22a-201c; RCSA Sec. 22a-174-1 through Sec. 22a-174-200; Federal Clean Air Act, 42 U.S.C. sections 7401 to 7671q.				
<b>RMLO (type or print):</b> Mary Lou Kramer	<b>JOB TITLE OF RMLO (type or print):</b> Paralegal Specialist	<b>APPROVED (Signature of State Archivist):</b> <i>Dyanne Stebbins</i>		<b>DATE SIGNED:</b> 10/15/15
<b>APPROVED (Signature of RMLO):</b> <i>Mary Lou Kramer</i>	<b>DATE SIGNED:</b> 10/14/2015	<b>APPROVED (Signature of Public Records Administrator):</b> <i>William V. Power</i>		<b>EFFECTIVE DATE OF SCHEDULE:</b> 10/15/15

Series #	Records Series Title	Description	Retention	Disposition	Notes
01.	<b>Notice of Violation (NOV) / Enforcement Orders Issued</b>	This series documents violations issued to owners or operators of sources of air emissions. Including but not limited to: letter to source; field notes; and notices of violation (NOV) including noise violations and classification of violation form.	Permanent	Retain in agency or transfer to State Archives	Pursuant to CGS Sec. 22a-6, Sec. 22a-7, and Sec. 22a-174.  This is the first enforcement step taken by DEEP. Files are organized numerically by NOV number.
02.	<b>Notices of Violation (NOV) – Supporting Documentation</b>	This series documents the development of violations issued in #1. Including but not limited to: certified information from the post office to the respondent; correspondence; memoranda; and notes.	10 years from date of closure	Destroy after receipt of signed Form RC-108	Pursuant to CGS Sec. 22a-6, Sec. 22a-7, and Sec. 22a-174.

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03.	<b>Administrative Orders and Referrals</b>	This series documents air emission violations resulting in administrative orders and referrals to the Attorney General, State's Attorney, or EPA. Including but not limited to: state orders, consent, unilateral, or trading agreements and orders; land records; enforcement action summaries; penalty calculations worksheets; consent order data sheets; and closure memorandum.	Permanent	Retain in agency or transfer to State Archives	Administrative orders are filed after a notice of violation is issued and the respondent fails to remedy the violation.
04.	<b>Administrative Orders and Referrals – Supporting Documentation</b>	This series documents the development of enforcement cases in #3. Including but not limited to: technical support documents; classification of violation forms; state implementation plans; credit creation approval proposals; correspondence, memorandum, and notes; certified card addressed to the respondent.	5 years from date of full compliance or closure of order	Destroy after receipt of signed Form RC-108	
05.	<b>Municipal Waste Combustor (MWC) Trading Protocol Records</b>	<i>[OBSOLETE]</i> This series documents trading protocols for the Municipal Waste Combustors (MWC) Program. Including but not limited to: MWC trading protocol with baseline information.	Permanent	Retain in agency or transfer to State Archives	Municipal waste combustor defined pursuant to RCSA Sec. 22a-174-38(a)(19).  NOx Emissions Trading Program pursuant to RCSA Sec. 22a-174-38(d)(1).  MWC program establishes Nitrogen Oxides (NOx) limits and provides for trading to comply with NOx limits by way of MWC trading protocols.

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06.	<b>Municipal Waste Combustor (MWC) Emissions Reduction Credit (ERC) Calculation Records</b>	[ <i>OBSOLETE</i> ] This series documents calculation of emission reduction credits (ERC) for Municipal Waste Combustors (MWC) pursuant to RCSA Sec. 22a-174-38. Including but not limited to: formulas for calculating emission reduction credits (ERC); drafts; memoranda; correspondence; and notes.	5 years from date protocol approved	Transfer to State Archives	Emission reduction credit (ERC) defined pursuant to RCSA Sec. 22a-174-1(41).  ERCs created pursuant to RCSA Sec. 22a-174-38(d)(12) shall expire prior to May 1, 2013. On and after May 1, 2013, the use or trading of ERCs is prohibited.
07.	<b>Municipal Waste Combustor (MWC) Emissions Reduction Credit (ERC) Approval Records</b>	[ <i>OBSOLETE</i> ] This series documents approval of emission reduction credits (ERC) for Municipal Waste Combustors (MWC) pursuant to RCSA Sec. 22a-174-38. Including but not limited to: approval letters.	Permanent	Retain in agency or transfer to State Archives	
08.	<b>Municipal Waste Combustor (MWC) Emissions Reduction Credit (ERC) Approval Records – Supporting Documentation</b>	[ <i>OBSOLETE</i> ] This series documents the development of Emissions Reduction Credits (ERC) approval letters for Municipal Waste Combustors (MWC) in #7. Including but not limited to: drafts; correspondence, memoranda; and notes.	5 years from date protocol approved	Destroy after receipt of signed Form RC-108	

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09.	<b>Nitrogen Oxide (NOx) Trading Records</b>	This series documents sources of air pollution compliance with nitrogen oxide (NOx) limits and the creation, sale, and use of Emission Reduction Credits (ERC) pursuant to RCSA Sec. 22a-174-22. Including but not limited to: annual trading emission statements from sources participating in the ERC trading program; Trading Program Reporting forms; proposed credits; proposed credit creations pending approval; New Jersey credits purchased and used; Discrete Emission Reduction Credit (DERC) Sales Reports; correspondence, memorandum; and notes.	10 years from date of submission	Transfer to State Archives	Pursuant to RCSA Sec. 22a-174-22(j) sources are required to submit reports of DERC use, averaging, creation and sales for the previous calendar year or as required by permit or order, whichever is more stringent.  Files are organized by town/premise.
10.	<b>Regional Greenhouse Gas Initiative (RGGI) Compliance Records</b>	This series documents Regional Greenhouse Gas Initiative (RGGI) compliance records submitted to DEEP pursuant to RCSA Sec. 22a-174-31. Including but not limited to: certifications; applications; output monitoring reports; and emissions reports.	10 years from date of submission	Destroy after receipt of signed Form RC-108	Archival review required.
11.	<b>Emissions Trading Program Audit Records</b>	This series documents Emissions Trading Program self audits submitted to the U.S. Environmental Protection Agency (EPA) and New Jersey. Including but not limited to: audit reports.	Permanent	Retain in agency or transfer to State Archives	
12.	<b>Emissions Trading Program Audit Records – Supporting Documentation</b>	This series consists of supporting documentation used to create Emissions Trading Program audit reports in #11. Including but not limited to: drafts; correspondence; memoranda; and notes.	5 years from completion of audit	Destroy after receipt of signed Form RC-108	

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13.	<b>Nitrogen Oxide Emission / Reasonable Available Control Technology (NOx/RACT) Compliance Records</b>	This series documents compliance records submitted by NOx RACT sources to DEEP demonstrating intended methods of compliance with NOx emissions limits pursuant to RCSA Sec. 22a-147-22. Including but not limited to: Major NOx compliance plans; Minor NOx compliance plans; correspondence; memoranda; and notes.	Permanent	Retain in agency or transfer to State Archives	RACT is the lowest emission limitation that a source is capable of meeting by the application of reasonably available control technology considering technological and economic feasibility.
14.	<b>Offset Credit Transfer Request Records</b>	This series documents emission sources use of emissions credits in lieu of offsets as permitted pursuant to RCSA Sec. 22a-174-3a(l) to meet with lowest achievable emission rate (LAER). Including but not limited to: offset credit transfer requests; New Source Review (NSR) offsets; correspondence; memoranda; and notes.	15 years from date of submission	Destroy after receipt of signed Form RC-108	Files are organized by trade number in the Emissions Trading Unit files.
15.	<b>Volatile Organic Compounds/Reasonable Available Control Technology (VOC/RACT) Compliance Records</b>	This series documents records submitted by VOC RACT sources to DEEP demonstrating intended methods of compliance with VOC limits pursuant to RCSA Sec. 22a-174-32. Including but not limited to: compliance plans (non-synthetic or synthetic); correspondence; memoranda; and notes.	Permanent	Retain in agency or transfer to State Archives	RACT is the lowest emission limitation that a source is capable of meeting by the application of reasonably available control technology considering technological and economic feasibility.
16.	<b>General Permit to Limit Potential to Emit (GPLPE) Compliance Records</b>	This series documents premises-wide emissions in tons per year for larger sources registered under the GPLPE pursuant to CGS Sec. 22a-174(k). Including but not limited to: GPLPE compliance certifications and supporting documentation.	5 years from date of submission	Destroy after receipt of signed Form RC-108	Files are organized alphabetically by company.

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17.	<b>Title V Monitoring Records</b>	This series documents Title V compliance monitoring for major sources of air pollution and other sources subject to RCSA Sec. 22a-174-33 and 40 CFR Part 70 requirements. Including but not limited to: notifications; monitoring reports; progress reports; compliance certifications; and supporting documentation.	10 years from date of submission	Destroy after receipt of signed Form RC-108	DEEP established the Title V operating permit program pursuant to RCSA Sec. 22a-174-33 to meet federal requirements, 40 CFR Part 70.  Files are organized alphabetically.
18.	<b>Non-Title V Monitoring Records</b>	This series documents non-Title V compliance monitoring . Including but not limited to: summaries of results; information on monitoring system performance; monitoring reports; quarterly reports such as quality assurance/ quarterly control (QA/QC) and emissions exceedances; correspondence and memoranda; and supporting documentation.	5 years from date of submission	Destroy after receipt of signed Form RC-108	RCSA Sec. 22a-174-4(d)(1)
19.	<b>Equipment Audit Reports</b>	This series documents audits of air monitoring equipment. Including but not limited to: reports.	5 years from date of submission	Destroy after receipt of signed Form RC-108	
20.	<b>Stack Testing Records</b>	This series documents stack testing of emission sources. Including but not limited to: stack test reports; emission result summaries; final process results; report result acceptance and rejection letters; Intent to Test Application forms; intent to test protocols; stack testing analytical and field data; correspondence; memorandum; and notes.	20 years from date of testing	Destroy after receipt of signed Form RC-108	Files are organized by intent to test number.

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21.	<b>Complaint Records</b>	This series documents routine citizen complaints and inspections regarding potential violations of air pollutant regulations or noise nuisances. Including but not limited to: complaints; inspection requests; inspection reports; and supporting documentation.	5 years after resolution of complaint	Destroy after receipt of signed Form RC-108	Files are organized alphabetically by town and company name.  Complaints leading to an investigation or enforcement action are maintained as part of series # 1.
22.	<b>Compliance Inspection Records</b>	This series documents compliance inspections of air pollutant sources after issuance of a State Order or Notice of Violation. Including but not limited to: reports; notes; sampling data; photographs; and supporting documentation obtained as part of the inspection.	10 years from date of inspection	Transfer to State Archives	
23.	<b>Pre-Inspection Compliance Records</b>	This series documents processes, emissions, and air pollution control equipment information from regulated air pollution sources scheduled for inspection by a field engineer from the Bureau of Air Management. Including but not limited to: inspection reports; pre-inspection questionnaires (PIQ); air pollution equipment lists; photographs; and supporting documentation obtained as part of the inspection.	Upon completion of 2 inspections	Destroy after receipt of signed Form RC-108	Administration of PIQ pursuant to RCSA Sec. 22a-174-4(c)(1).  PIQs up to 1990 are retained by the DEEP Remediation Division. Enforcement Division retains questionnaires from 1991 to present.
24.	<b>Open Burning Permit Records</b>	This series documents municipal and state requests to DEEP for the open burning of materials such as brush and vegetation pursuant to CGS Sec. 22a-174(f). Including but not limited to: applications; permits; photos; forms; and supporting documentation obtained as part of the inspection or permit request.	10 years from date permit expires, denied or revoked	Destroy after receipt of signed Form RC-108	Pursuant to CGS Sec. 22a-174a(f) towns may burn clean brush at its DEEP permitted transfer station, landfill, or recycling center.  Open burn permits for residential properties are issued by municipal Open Burning Officials.



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25.	<b>Open Burning Official Certification Records</b>	This series documents DEEP certification of municipal Open Burning Officials. Including but not limited to: applications; examination results; affidavits; certificates; and correspondence.	10 years from date certificate issued, expired, denied, or revoked	Destroy after receipt of signed Form RC-108	Pursuant to CGS Sec. 22a-174(f) the Chief Executive Officer of each municipality is responsible for nominating all local Open Burning Officials.  Public requests are handled at the local level; Open Burning Officials submit requests to DEEP.
26.	<b>Gasoline Vapor Recovery Equipment Records</b>	This series documents installation, testing, and inspection of gasoline vapor recovery equipment at gas stations. Including but not limited to: questionnaires; notifications; test reports/results; gas station diagrams; photos; inspection reports; testing company submittals; and supporting documentation.	10 years from date of inspection	Destroy after receipt of signed Form RC-108	
27.	<b>Maximum Available Control Technology (MACT) Compliance Records</b>	This series documents facility compliance with Maximum Available Control Technology (MACT) Standards adopted by EPA pursuant to Title III of the Federal Clean Air Act. Including but not limited to: notification forms and supporting documentation.	5 years from date of receipt	Destroy after receipt of signed Form RC-108	Facilities are required to submit notification forms to EPA and DEEP to show compliance with the requirements of 40 CFR Part 63.
28.	<b>Municipal Noise Ordinance Approval Records</b>	This series documents DEEP review and approval of municipal noise ordinances pursuant to CGS Sec. 22a-73. Including but not limited to: noise ordinances and letters of approval.	Permanent	Retain in agency or transfer to State Archives	
29.	<b>Landfill Design Capacity Records</b>	This series documents DEEP guidelines for non-methane organic compounds emitted from large municipal solid waste landfills. Including but not limited to: Municipal Solid Waste Landfill Emissions Guidelines and supporting documentation.	Permanent	Retain in agency or transfer to State Archives	