

### Program Overview

**Program Name:** Connecticut Department of Energy and Environmental Protection (DEEP)

**Summary:** Connecticut provides a variety of voluntary remediation and brownfields programs and incentives to expedite the cleanup and reuse of contaminated properties.

**Website:** <http://www.ct.gov/deep/brownfields>

**Funding Source(s) for the Program:** State funds (approximately 65%) and federal grants (approximately 35%).

**Cost to enter program or fees for service:** Varies: Voluntary Remediation Program - \$3,250. Brownfields Remediation and Revitalization Program - 5% of the assessed value of the land (without improvements) based on most recent municipal grand list. Property Transfer Program: \$3000 initial fee.

**Sites Enrolled in VCP:** DEEP conducted oversight or audit activities at 4643 sites from 10/1/2003 when DEEP began receiving Section 128a grant funding to 9/30/2022. This includes 153 new LEP lead sites from 10/1/2021 to 9/30/2022.

**Sites Completed under VCP:** DEEP received verifications for 572 sites for which response actions were completed from 10/1/2003 to 9/30/2022. This includes 134 new verifications received from 10/1/2021 to 9/30/2022.

### Contacts

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**Website:** <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Brownfields/Brownfields-in-Connecticut>

### Assessment and Cleanup Funding

The Office of Brownfield Remediation and Development in the [Department of Economic & Community Development](#) provides financial and technical assistance to municipalities and economic development agencies throughout Connecticut as well as to brownfield owners and potential developers. Additional information about the grant and loan programs follows.

- ▶ [Brownfield Municipal Grant Program \(C.G.S. Section 32-763\)](#)- Provides grants to municipalities and associated entities and Connecticut Brownfield Land Banks, for assessment and cleanup of brownfields. Grant amounts: Up to \$200,000 for assessment, up to \$2 million for cleanup.
- ▶ [Targeted Brownfield Development Loan Program \(C.G.S. Section 32-765\)](#)- Provides loans to current owners and potential purchasers of brownfields for assessment and cleanup. Loan recipients can't be legally responsible for the contamination. Loan amounts: Up to \$2 million.

### Brownfields Liability Relief Programs

Connecticut offers the following brownfield liability relief programs which can help prospective purchasers and some current owners who are not responsible parties to limit the state legal liability associated with owning and redeveloping brownfield properties:

[Covenants Not to Sue](#) - A Covenant Not to Sue is an agreement between DEEP and a prospective purchaser or property owner of a polluted site that DEEP will not institute a claim against a party who has or will clean up

such property. Two types are available, one pursuant to [C.G.S. Section 22a-133aa](#) and one pursuant to [C.G.S. Section 22a-133bb](#). The Remediation Division of the Department of Energy & Environmental Protection operates this program.

[Brownfield Remediation & Revitalization Program \(C.G.S. Section 32-769\)](#)

### [Program Highlights](#)

- For bona fide prospective purchaser, innocent property owner, or contiguous landowner, who is not responsible for the pollution associated with the brownfield property and is not affiliated with a person or entity responsible for any such pollution
- Must apply and be accepted **prior** to property acquisition
- No obligation to investigate and remediate off-site, but must eliminate off-site migration of pollution
- Must investigate and remediate pollution within site boundaries
- Provides liability relief from State and third parties
- Program includes incentives to reduce fee by remediating quickly
- No fee for municipality, but new owner must pay when acquiring from municipality
- Exempt from Property Transfer Act
- Portion verifications allowed if site investigation complete and remediation started
- [The Office of Brownfield Remediation & Development](#) in the [Department of Economic & Community Development](#) operates this program.

[Abandoned Brownfield Cleanup Program \(C.G.S. Section 32-768\)](#)

### [Program Highlights](#)

- For bona fide prospective purchaser who is not responsible for the pollution associated with the brownfield property and is not affiliated, directly or indirectly, with a person or entity responsible for any such pollution

- Must apply and be accepted **prior** to property acquisition
- Property must be unused or significantly underutilized 5 years prior to enrollment, as determined by DECD
- Redevelopment must provide regional or municipal benefit
- No obligation to investigate and remediate off-site, but must eliminate off-site migration of pollution
- Provides liability relief from State and third parties
- Exempt from Property Transfer Act
- Eligible for free **Covenant Not to Sue** (CGS Section 22a-133aa)
- The Office of Brownfield Remediation & Development in the Department of Economic & Community Development operates this program.

Municipal Brownfield Liability Relief Program (C.G.S. Section 22a-133ii)

### Program Highlights

- Open to municipalities or development corporations and Connecticut Brownfield Land Banks that are not responsible parties
- Must apply and be accepted prior to property acquisition - **Municipal Brownfield Liability Relief Application** (**Electronic Document Transmittal Form** must be the cover page)
- Provides State and third- party liability relief
- Exempt from the Property Transfer Act
- Not required to fully investigate or cleanup Brownfield but must be good stewards of land by complying with the requirements of the **Significant Environmental Hazard Program** (C.G.S. Section 22a-6u); making good faith efforts to minimize the risk to public health and the environment; and submitting a plan and schedule that outlines what steps are being proposed to facilitate investigation, remediation & redevelopment.

- The [Remediation Division](#) of the [Department of Energy & Environmental Protection](#) operates this program.

## Connecticut Remediation Standard Regulations

[Connecticut Remediation Standard Regulations \(Regulations of CT State Agencies Section 22a-133k\)](#)

Connecticut's Remediation Standard Regulations (RSRs) specify the standards for the remediation of environmental pollution in soil and groundwater. The RSRs were originally adopted in 1996 and were amended in 2013 (Wave 1) and 2021 ([Wave 2](#)). The RSRs include numerical standards for a wide variety of contaminants in soil and groundwater.

## Contaminants Managed

Connecticut requires assessment of all contaminants that have been released to soil, groundwater, surface water or sediment. The State's Remediation Standard Regulations (RSRs) include numerical cleanup criteria for numerous contaminants in soil and groundwater. When contaminants for which the regulations do not include promulgated standards are detected, cleanup criteria must be calculated and submitted for DEEP approval. Soil or groundwater contaminants that are present at concentrations exceeding the cleanup criteria must be remediated in accordance with the RSRs.

**Asbestos:** With Conditions - The RSRs include cleanup criteria for asbestos in soil. Asbestos in building materials is regulated by the Department of Public Health.

**Lead:** With Conditions - The RSRs include cleanup criteria for lead in soil and groundwater. Lead in building materials is regulated by the Department of Public Health.

**PCBs:** Yes

**Petroleum and Fuels:** Yes

**Other Contaminants:** Yes - Connecticut requires assessment of all contaminants that have been released to soil, groundwater, surface water or sediment. The State's Remediation Standard Regulations (RSRs) include numerical cleanup criteria for numerous contaminants in soil and groundwater. When contaminants for which the regulations do not include promulgated standards are detected, cleanup criteria must be calculated and submitted for DEEP approval. Soil or groundwater contaminants that are present at concentrations exceeding the cleanup criteria must be remediated in accordance with the RSRs.

## Institutional Controls

Connecticut's Remediation Standard Regulations require the use of institutional controls to prevent human or environmental exposure to contaminants that are left in place as part of a remedial action when contamination will be left in place. Institutional Controls include Environmental Use Restrictions and Engineered Controls Variances.

Additional information about both is provided below. 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. EURs are used when contamination in soil, groundwater or soil vapor will be left in place on a site. There are two types of EURs, Environmental Land Use Restrictions (ELURs) and Notices of Activity and Use Limitation (NAULs). Both are recorded on the municipal land records. EURs are authorized by Section 22a-133o of the Connecticut General Statutes, and Section 22a-133q of the Regulations of Connecticut State Agencies regulates the use of EURs. An Environmental Land Use Restriction (ELUR) is a is an easement granted to the Commissioner of Energy & Environmental Protection by the property owner. 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. A Notice of Activity and Use Limitation (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. Engineered Control Variances An Engineered Control is a permanent physical structure designed to safely isolate pollutants which would otherwise not comply with the self-implementing remedial options allowed in the Remediation Standard Regulations (RSRs). Persons wishing to use an engineered control variance from the requirements of the RSRs must submit a two part application to DEEP and receive DEEP approval before installing the engineered control. Persons using an engineered control must post financial surety for the cost of maintenance and monitoring and must record an environmental use restriction on the land records to prevent disturbance of the engineered control.

**IC Tracking:** DEEP maintains internal databases of Environmental Use Restrictions (EURs) and Engineered Controls. These data bases are not currently accessible to the public through DEEP's web site. Copies of the EUR database may be obtained by emailing the EUR Coordinator at [deep.eur@ct.gov](mailto:deep.eur@ct.gov). Copies of the engineered control database can be obtained by emailing Claire Quinn of the Remediation Division at [Claire.quinn@ct.gov](mailto:Claire.quinn@ct.gov). A map showing environmental use restrictions is available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?idd37eccb2a5c3491d8f0d389a96d9a912>.

**IC Oversight:** DEEP requires property owners to conduct regular inspections of EURs every year and to conduct comprehensive inspections every five years. Property owners must submit copies of all inspection reports to DEEP. DEEP also has the authority to conduct inspections of Environmental Use Restrictions and Engineered Controls.

**IC Monitoring:** Property owners must conduct groundwater monitoring to ensure that engineered controls remain effective in preventing contaminated soil from becoming a source of groundwater contamination. Groundwater monitoring is not required for engineered controls that are used solely to prevent human exposure to contaminated soil.

## Related Programs

### State Superfund Programs

[http://www.ct.gov/deep/cwp/view.asp?a2715&q325022&deepNav\\_GID1626](http://www.ct.gov/deep/cwp/view.asp?a2715&q325022&deepNav_GID1626)

### Significant Environmental Hazard Program

[http://www.ct.gov/deep/cwp/view.asp?a2715&q324976&deepNav\\_GID1626](http://www.ct.gov/deep/cwp/view.asp?a2715&q324976&deepNav_GID1626)