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## Replacement of the Transfer Act: The Impact of Connecticut's Effort to Expedite Contaminated Site Remediation

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Replacement of the Transfer Act

The Impact of Connecticut's Effort to Expedite Contaminated Site Remediation

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**Abstract:**

The scope of this thesis is to analyze the legal framework established by House Bill 7001 and Public Act 20-9, which revise provisions of the CT Transfer Act, and establish a release-based reporting program which will be administered upon the sunset of the original act. While any release that occurred prior to the Release Based Remediation Program adoption (regardless of discovery date) is still regulated by the original Transfer Act, any release that occurs subsequent to the adoption of the new program will be regulated by the Release Based Remediation Program. This study investigates the scope of the new release-reporting program and its remediation requirements, and the impact of the new policy adoption. A systematic approach of analyzing inputs and outputs can be used to assess the degree of effectiveness. The ‘sunset provisions’ of the Transfer Act program are aimed at expediting the current review and regulation procedures, which allow for increased administrative efficiency. The same approach will be taken to assess the other legislative components of the Public Act; the Remediation Standard Regulations (RSRs) and Release Recording Regulations. On February 16, 2021, ‘wave two’ Remediation Standard Regulations (RSRs) were adopted by the state, updating the original 1996 standards. Additionally, new Release Recording Regulations have been proposed and subject to review by DEEP.

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## **I. Introduction**

### ***A) Federal legislation on contaminated properties***

There are two main pieces of federal legislation which regulate contaminated properties, and environmental risks from generation or use of hazardous substances. Each are focused on protecting human health and the environment from exposure to harmful contaminants, such as petroleum byproducts or PCBs. The Resource Conservation and Recovery Act (RCRA) was passed by Congress on October 21, 1976, addressing active facilities and the growing problems with industrial and municipal waste management nationwide.<sup>1</sup> The objective also extended to conserving natural resources and energy and reducing overall quantities of waste generated. The RCRA amended the Solid Waste Disposal Act of 1965, and addressed proper treatment of solid and hazardous waste, with the main objective of protecting human health and the environment from exposure to hazardous waste (HW) or substances (HS). Subtitle C of the act establishes a ‘cradle to grave’ system of management and tracking, which creates requirements for transportation, handling, disposal, storage, and recycling of hazardous materials.<sup>2</sup> RCRA requires compliance of any facility that generates more than 100kg (half drum) of HW in a month. The Environmental Protection Agency (EPA) is given authority over this management system and performs oversight and overhead monitoring of the program as a whole.<sup>3</sup> A significant amount of the compliance and monitoring associated with the regulations are delegated to state and municipal governments, of which the EPA is tasked with regulating.

The second fundamental piece of federal legislation concerning contaminated properties is the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or Superfund, which was passed in December 1980. While RCRA focuses on active, regulated facilities, CERCLA acts on inactive or uncontrolled sites where hazardous substances have or could have been released into the

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<sup>1</sup> EPA, “EPA History: Resource Conservation and Recovery Act”

<sup>2</sup> EPA, “RCRA Overview, Subtitle C – Hazardous Waste”

<sup>3</sup> EPA, “Hazardous Waste Compliance Monitoring- Small Quantity Generators”

environment. The primary objective of the act is to identify sites where hazardous or toxic substances are present, determine the liability associated with the contamination, and oversee environmental clean-up and remediation.<sup>4</sup> This act enforces strict liability with both civil and criminal penalties, retroactively, and without regard to fault. The strict liability required by CERCLA for cleanup is regardless of intention or fault, and current or previous owners and operators could face liability and high costs of remediation.<sup>5</sup>

Incorporated in the same year as RCRA, the Toxic Substances Control Act of 1976 aimed to regulate chemical substances in a similar method to its solid-waste counterpart. This act focuses particularly on the production, importation, use, and disposal of PCBs, asbestos, and radon and lead-based paint.<sup>6</sup> Other than RCRA, CERCLA, TSCA, there are federal and state emergency response precautions in the event of a significant hazard. In response to community concern about HS and chemical releases, the Superfund Amendments and Reauthorization Act (SARA) was enacted in 1986. The SARA Title III – The Emergency Planning and Community Right-to-Know Act (EPCRA), established State Emergency Response Commission (SERC), such as the one within Connecticut.<sup>7</sup> This response act provides a measure for large releases of hazardous substances and emergency situations.

Potentially contaminated sites that are abandoned, with no responsible party that can assume the liability and financial impacts of the investigation and cleanup, are termed “brownfields”. According to 42 U.S. Code 9601 paragraph 39, “The term “brownfield site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”. Several federal laws address the redevelopment of such properties, in addition to CERCLA.

The US EPA National Brownfields began in January of 1995, when the EPA launched its original Brownfields Action Agenda aimed at revitalizing environmentally contaminated or abandoned

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<sup>4</sup> FEMA, “CERCLA and RCRA”

<sup>5</sup> EPA, “Addressing Liability Concerns to Support Cleanup and Reuse of Contaminated Lands”

<sup>6</sup> EPA, “Summary of the Toxic Substances Control Act”

<sup>7</sup> Michigan, “SARA Title III: (EPCRA)”

properties.<sup>8</sup> This expanded on the precedent of the Community Reinvestment Act (CRA) of 1977, which required capital lenders to make capital loans accessible to both low- and moderate-income urban communities.<sup>9</sup> The CRA had addressed one of the key deterrents to urban redevelopment, which was most commonly a result of unknown environmental contamination and financial liability (EPA). In 2002, the Small Business Liability and Brownfields Revitalization Act amended CERCLA, providing the necessary funds to enhance state response programs for brownfields.<sup>10</sup> In accordance with the federal law, states develop their own programs for administrative functions and to facilitate identification, financing, and remediation of contaminated properties.

## **B) State legislation - Connecticut**

In addition to the federal laws, every state implements regulatory programs for the investigation and cleanup of potentially contaminated sites, including brownfields. The Connecticut Department of Energy and Environmental Protection (DEEP) derives their authority to regulate environmental contamination due to their power over pollution to ‘waters of the state’.<sup>11</sup> It is given authority to regulate all releases, issuing permits for regulations, and prohibiting any other discharges or maintained releases with legal penalties for polluters or landowners. When a person is found to be in violation, the department can issue notices of violation, as well as consent orders or unilateral order, of which both may include monetary penalties.<sup>12</sup> There are additionally laws requiring spill reporting, as per Connecticut General Statutes section 22a-450 which address immediate threats to the environment, but do not require remediation to state remediation standard requirements.<sup>13</sup> DEEP’s response programs receive funding under Section

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<sup>8</sup> EPA, “Brownfields in Connecticut”

<sup>9</sup> EPA, “Brownfields Laws and Regulations”

<sup>10</sup> EPA, “Summary of the Small Business Liability Relief and Brownfields Redevelopment Act”

<sup>11</sup> DEEP, “Connecticut Brownfields Conference”

<sup>12</sup> CGS section 22a-430

<sup>13</sup> DEEP, “Reporting Requirements for Spill Incidents”

128(a) of CERCLA.<sup>14</sup> The state first adopted hazardous waste management regulations in July 17, 1990, expanding upon and incorporating the federal regulations.<sup>15</sup> The state regulations would be effective as of July 1, 1989, and aimed to be more stringent and have a broader scope than required by RCRA or CERCLA. These regulations have been updated numerous times since their adoption in accord with federal legislation.

The Connecticut Department of Economic and Community Development (DECD) is another state agency focused committed to community development and strengthening the economy, with a specific goal of assisting to eliminate brownfields. It aims to promoting smart growth principles, strengthen both public and private partnerships, all to provide a one-stop resource for expertise and professional support.<sup>16</sup> In 2006, An Act Concerning Brownfields, Public Act 06-184, substitute House Bill No. 5685, or the Brownfields Act, established administrative infrastructure and policies to facilitate the process of brownfield remediation.<sup>17</sup> The act established the Office of Brownfield Remediation and Development (OBRD) within the DECD for administrative purposes. The OBRD provides both technical and financial assistance to support community development projects, involving brownfield owners, municipalities, economic development agencies, and potential developers for sites. This pilot program identified brownfields of which were considered good candidates for remediation within four municipalities and recruited volunteers from the private sector.<sup>18</sup> On July 1, 2007, “An act implementing the recommendations of the brownfields task force”, substitute House Bill 7369 became effective Public Act 07-233.<sup>19</sup> It reestablished the Brownfields Task Force and expanded the duties of the OBRD, making it an official component of the DECD. It also establishes new program to finance activities, allowing CDA to

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<sup>14</sup> EPA, “State Response Programs”

<sup>15</sup> 40 CFR 260-270 and 40 CFR 124 (RCRA and the CFR)

<sup>16</sup> DECD, “About DECD”

<sup>17</sup> Connecticut General Assembly (CGA), “Public Act No. 06-184”

<sup>18</sup> Trilling, Siegel, “Brownfield Development in Connecticut”

<sup>19</sup> CGA, “2007 Public Acts”

guarantee bank loans on behalf of towns.<sup>20</sup> There are several liability relief programs in place for brownfield sites as well as loan programs to assist in the funding of clean-up projects.

In Connecticut, Brownfields are defined by CT General Statute 32-76021, and there are several regulatory programs in place within the state, as follows.<sup>22</sup>

- Abandoned Brownfields Cleanup Program CGS section 32-768
- Brownfields Remediation & Revitalization Program CGS section 32-769
- Property Transfer Program CGS section 22a-134
- Voluntary Remediation Programs CGS section 22a-133x and 22a-133y
- Urban Sites Remedial Action Program CGS section 22a-133m
- Municipal Brownfield Liability Relief Program CGS section 22a-133ii

There are generally three types of remediation programs for contaminated properties in the state, two of which are Voluntary Remediation Programs, defined by CGS section 22a-133x and 22a-133y, and the third is the Property Transfer Program.<sup>23</sup> These are elective programs which a site may be entered into by the property owner in order to remediate environmental contamination.

Entry into the voluntary remediation program 22a-133y must be for GB or GC groundwater.<sup>24</sup> While it does not impose a fee for filing, however the actual cost of remediation can be very high. Once entered into a voluntary remediation program, a remedial action plan (RAP) must be prepared by an LEP and submitted to the DEEP for review. The voluntary remediation program 22a-133x allows the filing of an Environmental Condition Assessment Form (ECAAF) and a \$3,250 review fee to expedite any investigation and remediation.<sup>25</sup> The EPA and DEEP also have programs specifically targeting abandoned

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<sup>20</sup> DECD, "OBRD"

<sup>21</sup> DEEP, "Brownfields in CT"

<sup>22</sup> DEEP, "Connecticut Brownfields Conference", pg. 7 ; DECD, "Municipal Brownfield Liability Relief Program"

<sup>23</sup> DECD, "Remediation Options"

<sup>24</sup> DEEP, "CGS Section 22a-133y Fact Sheet"

<sup>25</sup> DEEP, "CGS Section 22a-133x Fact Sheet"

and tax-delinquent properties, for which there are methods of grant applications and community fundraising. State programs are aimed at incentivizing economic redevelopment and addressing particular sites for revitalization. There is one piece of legislation, however, which enforces liability to environmental contamination through property transfers, and ensures proper investigation and remediation takes place.

## **II. History of the Connecticut Transfer Act**

The Property Transfer Program is Connecticut's relatively unique approach of ensuring compliance to environmental remediation. The Connecticut Property Transfer Act of 1985 first established the legislative infrastructure for the transaction-based remediation requirements, and New Jersey has been the only other state to adopt a similar program.<sup>26</sup> The act establishes liability for contamination via the real estate transaction for the owner of the property to ensure compliance to statutes through proper investigation and remediation. Compliance with the act is triggered by a 'transfer of an establishment', or a change in ownership of real property. This requires the disclosure of environmental conditions, of which an investigation and remediation may follow.<sup>27</sup> In order to determine the applicability of the act to a given property, one must first understand if the property meets the qualifications for an 'establishment', and then whether it constitutes a 'transfer'.

An 'establishment' is defined to be any real property on which hazardous waste of 100kg or (~220lbs) was generated or processed, such as via business operations, in any one month following November 19, 1980. The act also includes dry cleaners, furniture stripping and vehicle shops that operated after May 1, 1967 as establishments regardless of the amount of HW generated, due to the chemicals utilized in their operations posing potential environmental hazards.<sup>28</sup> This criterion roughly aligns with the requirements

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<sup>26</sup> Trilling, Siegel, "Brownfield Development in Connecticut", 20.

<sup>27</sup> DEEP, "Property Transfer Program Factsheet"

<sup>28</sup> CGA, "Connecticut Transfer Act"

established by RCRA and CERCLA and establishes a standard for compliance of properties. A notable exception is made to any property or business operation that has generated more than 100kg of HW only once in their operations, or for the first time since a Form I-IV was required for submission. The transfer act, therefore, applies to business or real property which have significant generation of HS in their use or have a significant potential for contamination.

For an establishment to be considered a ‘transfer’, it must undergo a change in ownership. Since its initial adoption, there have been 29 modifications to the definition as of 2019, either clarifying, exempting, or distinguishing properties from this definition.<sup>29</sup>

1. conveyance or extinguishment of an easement;
2. conveyance of an establishment through a foreclosure, including municipal tax liens or a tax warrant sale, exercise of eminent domain or condemnation, purchase by a municipality under eminent domain as a brownfield, and certain transfers by involving a municipality, municipal economic development agency or certain municipally-created nonprofits or corporations;
3. conveyance of a deed in lieu of foreclosure to certain lenders;
4. conveyance of a security interest;
5. termination of a lease and conveyance, assignment, or execution of a lease for a term of less than 99 years;
6. changes in ownership approved by the Probate Court;
7. devolution of title to a surviving joint tenant, a trustee, executor, or administrator, under the terms of a testamentary trust or will, or by intestate succession;
8. corporate reorganization not substantially affecting ownership;
9. issuance of stock or securities of an entity that owns or operates an establishment;

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<sup>29</sup> CGA, “Connecticut Transfer Act – Exemptions”

10. transfer of stock, securities, or ownership interests of less than 40 percent of the ownership of an entity that owns or operates the establishment;
11. conveyance of an interest in an establishment where the transferor is a certain relative of the transferee;
12. conveyance of an interest in an establishment to the trustee of an inter vivos trust created by the transferor to benefit certain relatives;
13. conveyance of a portion of a parcel that has no establishment located upon the portion and (a) there has been no discharge, spillage, uncontrolled loss, seepage, or filtration of hazardous waste and (b) the portion is 50% or less than the parcel area or DEEP receives notice and an environmental assessment form of the conveyance;
14. conveyance of a service station;
15. conveyance of an establishment developed before July 1, 1997 for residential use and the use has not changed;
16. conveyance of an establishment to certain developers of projects under urban renewal or redevelopment statutes, an urban rehabilitation agency, a municipality for certain projects, or the Connecticut Development Authority or its subsidiary;
17. conveyance of a parcel necessary to develop Adriaen's Landing in Hartford and the football stadium in East Hartford;
18. conversion of a general or limited partnership to a limited liability company (LLC);
19. transfer of general partnership property held in the names of all general partners to a general partnership that includes all general partners as new partners;
20. transfer of general partnership property held in the names of all general partners to a LLC that includes all general partners as new members;
21. acquisition of an establishment by a governmental or quasi-governmental condemning authority;

22. conveyance of real property or a business operation that would qualify as an establishment because of (a) generating more than 100 kilograms of universal waste (certain batteries, pesticides, thermostats, lamps, and used electronics) in a month; (b) storing, handling, or transporting universal waste generated off-site; or (c) universal waste transfer facility activities, under certain conditions;
23. conveyance of a unit in a residential common interest community under certain circumstances;
24. acquisition of an establishment in the abandoned brownfield cleanup program and subsequent transfers of the establishment, if the property is undergoing remediation or is remediated;
25. transfer of title from a bankruptcy court or a municipality to a nonprofit organization;
26. acquisition of an establishment in the brownfield remediation and revitalization program and subsequent transfers of the establishment, if certain conditions are met;
27. conveyance of an establishment acquired to undertake or complete a certified redevelopment project if it was investigated and remediated under DEEP's Voluntary Site Remediation Program; and
28. conveyance of certain airport properties from the Department of Transportation to the Connecticut Airport Authority (CGS § 22a-134(1), PA 12-196, PA 12-183).

Even if an exemption applies to a property transfer, reconveyance of a property or business operation may be subject to the act's provisions, if an exemption is not applicable to the reconveyance.<sup>30</sup>

These exemptions allow for the law to effectively place liability on an owner, without excessively applying to bureaucratic operations such as a company reorganization or stock issuance. There are four transfer act filing forms, which designate the status of remediation and environmental condition of the site. Each of these forms are filed with the DEEP as a system of oversight and regulatory monitoring.

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<sup>30</sup> CGA, "Connecticut Transfer Act – Exemptions"

There are three designations for clean sites under this framework, beginning with the Form I, which is filed when a site is determined to be clean. A designated ‘certifying party’ to the transaction is required to be present to certify investigation and remediation of any potential releases. This system of classification allows for rigorous oversight of known contamination at such properties.

A Form I, or DEEP-PTP-FORM-1, is filed when an establishment has been investigated according to standards, and it is found that no release of contamination occurred. In order to receive a Form I filing status, the process requires a Phase I and Phase II environmental site assessments (ESAs) and verification by an LEP that the site is compliant with state Remediation Standard Regulations (RSRs), or it has been previously remediated to such a standard. Additionally, an Environmental Condition Assessment Form (ECAAF) is required to be submitted, which includes an overview of all documentation, characterization of areas of concern, environmental setting, site history, and environmental assessments.<sup>31</sup> This document must be prepared under supervision of a LEP and executed by the certifying party.<sup>32</sup> There is a \$375 filing fee associated with submission, and the DEEP will give notification of its status within 90 days of administrative review.<sup>33</sup>

The Form II is filed to classify a hazardous release that has been remediated to RSRs and requires verification of an LEP or documentation of the Commissioner’s approval.<sup>34</sup> Similar to a Form I, it requires a Phase I and Phase II environmental site assessments to be performed. In order to be filed, there is a \$1,300 associated filing fee, and the DEEP is also required to provide notification of completion 90 days after the filing date.

A Form III is submitted for a site that has been contaminated, or of which the environmental conditions are unknown, and requiring further remediation or monitoring to mitigate the release. The DEEP has also required a Environmental Condition Assessment Form (ECAAF) to be prepared under supervision of a LEP

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<sup>31</sup> DEEP, “Instructions for Completing Forms I, II, III, and IV”

<sup>32</sup> CGS Statute 22a-134(6)

<sup>33</sup> DEEP, “Property Transfer Program Flowchart”

<sup>34</sup> DEEP-PTP-FORM-2, verification according to CGS 22a-133x, 133y, or 134a

and submitted for review. The DEP is required to perform administrative review and notify the certifying party of its completion within 30 days of the forms receipt. In filing, the owner of the establishment must agree to investigate and remediate the site to appropriate RSRs.<sup>35</sup> The initial filing fee is \$3,000, of which is all that would be required if a LEP verifies the clean-up. If the commissioner approves the clean-up, there is a scale of additional fees based upon the cost of clean-up, ranging from a minimum of \$250 for remediation up to \$25,000, and up to a \$31,750 fee for remediation above one million dollars.<sup>36</sup>

Finally, a Form IV designated a cleaned-up site at which monitoring is required. An ECAF is required to be prepared under supervision of a LEP and contain all of the necessary documentation of the site conditions for review. The initial filing fee is \$3,000, of which is all that would be required if a LEP verifies the clean-up. If the commissioner approves the clean-up, there is a scale of additional fees based upon the cost of clean-up, ranging from a minimum of \$250 for remediation up to \$25,000, and up to a \$14,550 fee for remediation above one million dollars. The DEP is required to perform administrative review and notify the certifying party of its completion within 30 days of the forms receipt.

Other forms exist for groundwater monitoring, and environmental land use restrictions (ELURs). These forms are essential to the administrative process of regulation and recording contamination at sites.

Currently, the Commissioner is required to notify a transferor of the status of their Form I and Form II within 90 days of filing. The timeframe associated with remediation is not the only shortcoming of the process, however, as the cost of filing these forms can be quite high. The cost of a Form I filing fee is \$375, and a Form II is \$1,300, however, the costs of the Form III and IV are much higher. The voluntary remediation programs do not impose the same fees as the property transfer program; however, the cost of remediation is often very high, regardless.

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<sup>35</sup> CGA, "Connecticut Transfer Act"

<sup>36</sup> DEEP, "Property Transfer Program Factsheet"

In order to provide guidance to LEPs and landowners during the remediation process, the DEEP issued a Site Characterization Guidance Document (SCGD) in September 2007, as part of Public Act 07-81, *An Act Concerning Licensed Environmental Professionals*.<sup>37</sup> This new guidance document was aimed at detailing the processes in coordination with goals to increase the accountability of LEPs in 2007. The guide replaced the original Transfer Act Site Assessment (TASA) Guidance Document issued June 1989 and revised November 1991.<sup>38</sup>

The Phase I Environmental Site Assessment (ESA) is performed by licensed environmental professionals (LEPs), where they identify ‘areas of concern’ (AOC), or where contamination may exist. The site investigation analyzes both the current and historical uses and site conditions, by means of a file review of federal, state, and local documentation.<sup>39</sup> All of this is used to accumulate a site history and description for which may be used to identify AOCs and potential contaminants. Next, the Phase II ESA, involves noninvasive sample collections and geophysical analysis to confirm the AOCs that will be focused upon in the scope of the remediation.<sup>40</sup> If a Phase I ESA or preliminary CSM has already occurred, these will be used to characterize the release.

In order to classify contaminants, the act uses the term “constituent of concern”, which is defined to be “*a component, breakdown product, or derivative of a substance that may be found in the environment as a result of a release or a reaction caused by such a release.*” A release is defined to have occurred if constituents of concern (COCs) are detected unless appropriate sampling and analysis can show that the COCs are present exclusively due to naturally occurring conditions or background concentrations.<sup>41</sup> There are three pathways by which a contaminant may pass into the environment: dissolution into water, volatilization into air, or sorption on to a solid. Accumulated evidence is used to develop a conceptual site model (CSM), which contains detailed pictures and maps of the site, as well as a narrative and outline of

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<sup>37</sup> DEEP, “Site Characterization Guidance Document”

<sup>38</sup> CGA, “Connecticut Transfer Act - Guidance”

<sup>39</sup> DEEP, “SCGD”, 15

<sup>40</sup> DEEP, “SCGD”, 25

<sup>41</sup> DEEP, “SCGD”, 8

potential options for remediation. A CSM becomes the basis for further remediation planning and informs both the environmental professionals working on the site and the regulatory agency involved. A completed site model would contain the location of potential releases, contaminants of concern (COCs) likely to be found in the areas of concern (AOCs), possible pathways of mitigation for the release, and any receptions that would be impacted. The AOCs may include any PCB fluids, HW, releases from underground storage tanks (USTs), or solid waste and debris polluting nature or wetlands.<sup>42</sup>

The Phase III ESA involves a full site characterization, including a three-dimensional analysis of the contamination and its ability to spread. This part of the investigation requires understanding the underlying hydrogeologic conditions and the distribution of contaminants found at the site. The final stage of remediation describing the transportation of contamination to its end destination. A final remedial action plan (RAP) can be developed only after Phase III investigation completed, but interim remediation can take place to abate contamination.<sup>43</sup>

The Transfer Act required properties to be remediated to Remediation Standard Regulations (RSRs) as defined by Sections 22a-133k of the Regulations of Connecticut State Agencies (RCSA)<sup>44</sup>. These standards were first adopted on January 1, 1996 and were based upon the EPA's remediation criteria outlined in their publication 'Risk Assessment Guidance for Superfunds'. This 'first wave' of RSRs established both soil and groundwater remediation criteria, and establish baseline concentrations of contamination of which all sites should be remediated to.

To ensure remediation occurs, the property transfer program requires inspection and clean-up of an establishment when a change of ownership occurred. Liability under the Transfer act is strict and requires full complicity to its regulations, and is enforced by the DEEP. The fundamental issue, however, is that the process of undergoing environmental assessment and cleanup can be a costly undertaking, which

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<sup>42</sup> DEEP, "SCGD", 27

<sup>43</sup> DEEP, "SCGD", 36

<sup>44</sup> DEEP, "Property Transfer Program Factsheet"

often dissuades potential buyers. The Transfer Act is viewed to be ineffective and increasingly obsolete by Connecticut lawmakers as it requires property owners to undertake a large responsibility for environmental remediation at the same time as a real estate transaction.<sup>45</sup> As the act applies to any establishment of which ownership is being transferred, it obligates the owner to transparent environmental investigation and clean-up prior to sale. While the act has the effect of protecting potential buyers from the liability of remediation, it also presents a major obstacle to general real estate transactions.

### **III. DEEP 20BY20 Initiative**

The Connecticut DEEP began its 20BY20 initiative to increase efficiency of their resources, as well increasing transparency of regulations by the end of the 2020 fiscal year. The initiative was launched in June 2019 and is being achieved through the integration of twenty specific goals in the effort of enhancing the transparency, efficiency, and predictability of regulatory processes.<sup>46</sup> The overall goal of the department is to enhance administrative efficiency and reduce extraneous workloads. Some of these goals directly pertain to the regulation of contaminated sites in the state, while others focus upon permitting processes, data transparency, enhancement of e-governance, and increasing ease of use of financial assurance mechanisms.

Goal number four of the initiative aimed to reduce the time required for Transfer Act Audits below 90 days, of which they have successfully reduced its timeframe by 190 days on average (conducted over six quarters). This is being achieved through the streamlining of reporting, redirecting administrative capacity, and generating a more efficient program.<sup>47</sup> The consolidation and clarification of the definition of an establishment in sections 1-14 of the Public Act 20-9 additionally aim to achieve this goal prior to its sunset.

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<sup>45</sup> Stuart, "Connecticut Looks to Revise Property Transfer Act"

<sup>46</sup> DEEP, "Final 20BY20"

<sup>47</sup> DEEP, "About 20-BY-20"

This initiative aims to streamline their system of regulation and oversight, as well as to create regulation for an active release-reporting system. By making clarifications and adding quantitative definitions to the Wave 2 RSRs and EURs, the department effectively condenses details that would otherwise require administrative attention.<sup>48</sup> The passing of House Bill 7001 and Public Act 20-9 effectively establishes a day-forward active system of regulation for applicable releases on contaminated sites, for which all future discovered releases will be complicit.

*“This legislation is a win for all of Connecticut, and it could not come at a better time as it will revitalize our towns and cities and help power our economic recovery from the COVID-19 emergency,” said Connecticut Economic and Community Development Commissioner David Lehman.*<sup>49</sup>

This act aims to expedite remediation of brownfield sites in Connecticut by increasing administrative attention to existing brownfields and streamlining the review process. Rather than require the investigation and remediation of contaminated sites when a real estate transaction occurs, the new program will affect all newly discovered releases. As the new system of regulation will not require the remediation of historic release that had not yet been discovered or entered into a remediation program prior to the adoption of new regulations, it will reduce the amount of emphasis placed upon the remediation of historic contamination. The new legislation aims to increase the administrative efficiency of the DEEP when addressing audits of Transfer Act sites and the regulation of new releases.

#### **IV. House Bill 7001 – Public Act 20-9**

Brownfields are often seen as underutilized and undervalued pieces of property due to their industrial history and potential presence of environmental contamination, and the potential for financial liability associated with its clean-up. A new piece of legislation was enacted on October 8, 2020, as House Bill

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<sup>48</sup> DEEP, “CT RSRs Wave 2 Revision Concepts and History”

<sup>49</sup> Office of Governor Ned Lamont, “Gov. Lamont Signs Bill Promoting the Clean-Up of Unused, Contaminated Properties”

7001 was signed into law by Governor Ned Lamont, with the goal of expedite brownfields in Connecticut and modernizing the state's remediation framework. "By reforming the Transfer Act we're going to be in a much better position to make sure that this is a major manufacturing hub yet again," said Governor Lamont.<sup>50</sup> The bill had been approved with unanimous, bipartisan support in the Connecticut General Assembly, and established Public Act 20-9, which will phase out the Transfer Act, and replace it with a new release-based remediation program which will be regulated by the Connecticut DEEP.

The act aims to incite new economic development in the state from investors by creating a 'a uniform, predictable set of standards to guide cleanups of low-risk spills without a lot of red tape'.<sup>51</sup> The DEEP has been tasked to establish working-groups that will determine the details of regulation and oversight. The new release-based reporting program will also replace the current spill reporting law CGS section 22a-450, streamlining the programs.<sup>52</sup> The new release-based program will become effective upon the adoption of regulations by the DEEP and will be applicable to all releases that occur after that date. Any properties that were already initiated into a Brownfields or voluntary remediation program will remain untouched by the new act. Rather than depend on the transfer of real property to trigger compliance, the new program will rely on the 'discovery' of a release. This analysis is bifurcated between the revisions to the definition of an 'establishment' for the purpose of sunseting the old Transfer Act in Sections 1-15, and the new regulations moving forward in Sections 16-23.<sup>53</sup>

***A) Sections 1-14 - Changes to definition of 'establishment':***

There are a number of exclusions to the definition of an establishment in the original Transfer Act which were consolidated, clarified, or eliminated. By writing more clear and detailed language guiding

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<sup>50</sup> Stuart, "Connecticut Looks to Revise Property Transfer Act"

<sup>51</sup> Office of Governor Ned Lamont, "Gov. Lamont Signs Bill Promoting the Clean-Up of Unused, Contaminated Properties"

<sup>52</sup> DEEP, "Release Reporting"

<sup>53</sup> CGA, "Public Act 20-9"

regulation, the DEEP aims to reduce the number of extraneous audits performed by their department and following the goal to decrease auditing time for Transfer Act audits in the 20BY20 initiative. These modifications are aimed at enhancing the efficiency of municipal resources and clarifying site characterizations. There are also several exclusions made within the act regarding types of transfers which are deemed inapplicable or inconsequential.

Section 1.3. – revisions to the definition of ‘establishment’<sup>54</sup>

- 1) “Hazardous waste” does not include universal waste.
- 2) if a property or business operation is an establishment, such establishment includes the entire parcel or parcels on which any such establishment is located, except as otherwise provided in this subdivision. If a property is or has been leased to two or more tenants or is or was simultaneously occupied by the owner of such property and a tenant, "establishment" means the areas on which the business operation is or was located, including the entire portion of the property leased to such business operation and any other area of such property used or occupied by such business operation. If a property is a commercial or industrial unit in a common interest community, "establishment" means the unit, the limited common elements under exclusive use of the unit owner on which the establishment is or was operated and any portion of the common area used or occupied by such unit owner. If a business operation is an establishment, such establishment includes the real property on which such business operation is or was located and the entire portion of such property used or occupied by such business operation.
- 3) "Establishment" does not include any real property or business operation that qualifies as an establishment solely as a result of the generation of more than one hundred kilograms of universal waste in a calendar month, the storage, handling or transportation of universal waste generated at a different location, or activities undertaken at a universal waste transfer facility, provided any

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<sup>54</sup> Public Act 20-9 Section 1(3)

such real property or business operation does not otherwise qualify as an establishment; there has been no discharge, spillage, uncontrolled loss, seepage or filtration of a universal waste or a constituent of universal waste that is a hazardous substance at or from such real property or business operation; and universal waste is not also recycled, treated, except for treatment of a universal waste pursuant to

Section 1.1 – exclusions from the definition of ‘transfer’<sup>55</sup>

- 1) A transfer of title to a municipality by deed in lieu of foreclosure
- 2) Acquisition and all subsequent transfers of an establishment (i) that is in the abandoned brownfield cleanup program pursuant to section 32-768 or the brownfield remediation and revitalization program established pursuant to sections 32-769, provided such establishment is in compliance with any applicable provisions of the general statutes, or (ii) by a Connecticut brownfield land bank, provided such establishment was entered into remediation or liability relief program under sections 22-133x, 22a-133y, 32-768, 32-769, and the transferor of such establishment is in compliance with such program at the time of transfer of such establishment or has completed the requirements of such program;
- 3) The transfer of stock, securities or other ownership interests representing [less than forty] fifty per cent or less of the ownership of
- 4) Any transfer of title from [a bankruptcy court or] a municipality to a nonprofit organization or from any entity to a nonprofit organization, as ordered or approved by a bankruptcy court;
- 5) The change in name of a limited liability company as an amendment to such company’s certificate of organization pursuant to sections 32-247a.

Several important clarifications are made regarding the corporate reorganization and municipal transfers. The distinctions regarding the increase of stock issuances or ownership interests less than fifty percent are

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<sup>55</sup> Public Act 20-9 Section 1(1)

an important increase. The legislation also elaborates on the distinction between single property ownership and common interest communities. Establishments are highlighted to include the entire portion of the property leased or utilized in the business operation, if owned by a single property owner. In the case of a common interest community, however, the establishment is defined to include the unit and elements of the community property which are exclusively utilized by the unit owner. It outlines further obligations for common-interest communities, of which there was need for clarification. Each of these modifications are aimed to increase the administrative efficiency of reviewing Brownfield audits and transfers until the sunset of the Transfer Act occurs.

***B) Sections 15-23 - Scope of Release-Based Remediation Program:***

The second aspect of the legislation is the establishment of a new Release-Based Remediation Program. The release-based remediation program is subject to adoption by the DEEP and will set new grounds for the maintenance of releases and actions to take after a spill being reported. The new program will effectively streamline the process of the DEEP's spill reporting guidelines and the Transfer Act program, and

The program is triggered upon the 'discovery' of a spill and obligates the property owner to subsequent investigation and remediation. In order to establish liability, Section 16 states that no person is to create or maintain a 'release' to land or waters of the state in violation of the act. There are several key definitions which are outlined, including 'release' and 'discovery', which are key terminology to the applicability of the program's regulations. The act has statutes which outline the enforcement penalties associated with liability, however, it makes a special exemption to land owners of release which occurred prior to their ownership of the land.<sup>56</sup> In this particular case, the owner is exempt from liability or damages as long as they are not in any way affiliated with the previous owner or polluter, and as long as public notice is

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<sup>56</sup> CGA, Public Act 20-9 Section 18

provided and the property is been remediated to regulations pursuant to the act, and as demonstrated by a LEP's verification.<sup>57</sup>

The following new definitions are provided for the new release-based remediation program,<sup>58</sup>

'Person' – "means any individual, partnership, association, firm, limited liability company, corporation or other entity, the federal government, the state or any instrumentality or subdivision of the state, including any municipality, and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company, provided (A) any such officer, body, member or manager is in a position of responsibility that allows the person to influence corporate policies or activities; (B) there is a nexus between the officer, body, member or manager's actions or inactions in such position and the violation of sections 16 to 22, inclusive, of this act such that such officer, body, member or manager influenced the corporate actions that constituted the violation; and (C) the actions or inactions of the officer, body, member or manager facilitated such violation;"

'Release' – "means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, scaping, leaching, dumping, or disposing into or onto the land and waters of the state, not authorized under title 22a of the general statutes ... 'release' does not include automotive exhaust or the application of fertilizer or pesticides inconsistent with their labeling."

'Remediation' – "means determining the nature and extent of a release, in accordance with prevailing standards and guidelines, and the containment, removal and mitigation of such release, and includes, but is not limited to, the reduction of pollution by monitored natural attenuation."

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<sup>57</sup> CGA, Public Act 20-9 Section 21(b),

<sup>58</sup> CGA, Public Act 20-9 Section 15

‘Verification’ – “means the written opinion of an LEP on a form prescribed by the commissioner that the remediation of a release satisfies the standards established in regulations adopted pursuant to this act”

These definitions add more clear and explicit terminology to the scope of the program and allow for more determinations to be made more clearly. There are several key differentiations in the new definitions given, such as the explicit exclusion of automotive exhaust or mis utilized fertilizer or pesticides. The new program is triggered by the “discovery” of a release, and therefore this word is a key piece of terminology for understanding applicability of sites. It explicitly *states that a release cannot be deemed ‘discovered’ if the evidence of the release is solely based upon data generated or available before the time that the DEEP adopts new regulations.*<sup>59</sup> This terminology is used to delineate applicability of the two programs and reinforce the temporal transition between regulatory frameworks. The release-based program will not be retroactive or affect any historical releases (release occurring prior to the adoption of new regulations) and will rely exclusively upon new evidence for discovery. The requirements of the release-based remediation program will not affect any sites already entered an applicable brownfield program and will not exempt them from any liability. Thus, only release occurring after the date of regulation adoptions will be affected by the new program, with some exceptions.

In the case of a historic release being discovered after the date of which new regulations are adopted, the release would only enter the new program if it was required to be adhere to remediation standards or remediated voluntarily by the owner. The next section outlines the transition between the two programs when in the stages of filing a form or entering into a Phase II investigation.<sup>60</sup> All release occurring after the filing of a Form I – IV are applicable to the requirements of the new program, unless a Phase II investigation has already been completed after filing a Form III or IV. Should a remediation verification

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<sup>59</sup> CGA, Public Act 20-9 Section 17(b)

<sup>60</sup> CGA, Public Act 20-9 Section 17(c)

have already been received, or a Form I or II have already been filed prior to ‘discovery’, that release will be subject to the new act regardless of whether the release occurred prior to its filing.<sup>61</sup>

This approach to distinguishing releases differs greatly from the Form I-IV filings that were required of the original Transfer Act, and result in a widening of the gap between discovered and cleaned-up releases. Historical releases will not be subject to remediation under the new program, if not otherwise in the process of entering a remediation program.

In order to develop and characterize the details of regulation, Section 19 of the Public Act 20-9 permits the Commissioner to adopt, amend or repeal any regulations in accordance with chapter 54 of the general statutes which are considered both necessary and proper means to implement the release-based remediation program. It outlines the scope of authority to establish regulations concerning remediation standards, reporting, verifications, audits, and fees.<sup>62</sup> It also establishes a working group co-convened by the commissioners of the DECD and DEEP, as a feedback system of advice and communication between stakeholders takes place at monthly meetings.<sup>63</sup> Remediation and reporting requirements will be based upon a tiered system of risk-based factors, as defined in Section 19(d), and certain releases may be remediated solely under the supervision of a LEP without verification. These risk-based factors depend upon the 1) Nature of release and the extent of danger to public health, safety, welfare to the environment, the 2) magnitude and complexity to actions necessary to assess, the 3) extent to which proposed remediation will not remove release to its entirety, thus using a risk mitigation approach to land and waters, and 4) the extent of oversight necessary by commissioner to ensure compliance.

The current phrasing of the act requests the commissioner to give preference to permanent methods of environmental remediation when possible.<sup>64</sup> The act also provides new flexibility for a LEP to establish and implement risk-based alternative cleanup standards developed in consideration of site use, exposure

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<sup>61</sup> CGA, Public Act 20-9 Section 17(c)(2) ; CGA, Public Act 20-9 Section 17(c)(1)

<sup>62</sup> DEEP, “Remediation Roundtable”

<sup>63</sup> CGA, Public Act 20-9 Section 19(d)

<sup>64</sup> CGA, Public Act 20-9 Section 19(f)

assumptions, geologic and hydrogeologic conditions and physical and chemical properties of the release. Additionally, aspects of environmental remediation and oversight may be delegated to LEPs and the property owner under certain provisions of the new act, which further limits the DEEP's administrative expenditure.

In the DEEP Release-Based Working Group meeting held on March 13, 2021, lead presenter Graham Stevens made several clarifying comments about the scope of regulation for the new program.<sup>65</sup> One notable point is that the Public Act 20-9 does not require any investigation into the site or require historical characterization of its use. Intrinsicly, the new program aims to simplify administrative processes regarding contaminated properties and streamline a release-based regulation system that operates on a risk-based system. Stevens also referenced the hierarchy of releases, stating "*we understand that ... some historical releases will never be discovered, I mean that's the hunting and pecking for releases ... hopefully it will be a thing of the past ... some discovered releases will not be cleaned up and not all historical releases must be reported.*" These comments were mentioned, as to be kept in mind for the evaluations made by each of the subcommittees in the working group. By narrowing the scope of regulation, the DEEP aims to increase efficiency of administrative capabilities on high-risk releases.

The first phase of discussions involves six subcommittees working on characterizing and quantifying details of regulation. The first subcommittee on discovery of historical releases is tasked with determining what constitutes a 'discovery', and how much information will be required to characterize it as a release. Further, the role of LEPs and necessary investigation requirements will be determined. The framework is said to be fundamentally based on Massachusetts' definition of a 'discovery', providing a reasonable comparison for legislative evaluation.<sup>66</sup> The second subcommittee on reporting newly discovered historical releases must determine the thresholds for reporting requirements, criteria for reporting, as well as accessibility and transparency of data with the public. The third subcommittee aims to develop a

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<sup>65</sup> DEEP, "Release-Based Clean Up Program Regulation Development"

<sup>66</sup> DEEP, "Release-Based Cleanup Program Topical Subcommittees"

characterization of a discovered release, including the prescribed methods to be utilized in defining a site, as well as the risks and exemptions, background, conceptual site model requirements, qualifications for characterizations, LEP and other credentials and their rights, as well as environmental justice issues.<sup>67</sup> Currently the subcommittee is focused on what characterizations will be required, ranging from specific sampling patterns to more adaptive measures. While the specific regulations are still in the process of review by working groups and subcommittees to determine the exact requirements, new “Wave 2” Remediation Standards and Requirements were adopted on February 16, 2021. Effectively these regulations that are characterized by the working group will constitute the exits for remediation and reporting.

## **V. Wave 2 RSRs and EURs**

The fifth goal of the DEEP 20BY20 initiative was to finalize Remediation Standard Regulations (RSRs) and new Environmental Use Restriction (EUR) regulations, which were adopted into legislation on February 16, 2021. The Regulations of Connecticut State Agencies (RCSA) sections 22a-133k-1 through 22a-133k-3 were amended, characterizing a “Wave 2” of standards, updating the original RSRs.<sup>68</sup> The new RSRs and EURs aim to increase efficiency of property transfer and development while ensuring environmentally sound standards. The remediation standards had previously been updated by the Risk-Based Standards adopted on July 1, 2013 by Public Act 13-308, substitute House Bill No. 6651.<sup>69</sup> These factors aim to fully protecting health and the environment while giving preference to permanent cleanup methods and align itself with surrounding states with the same infrastructure requirements.<sup>70</sup>

One of the most critical differences between the two sets of standards in terms of their applicability, is that the new RSRs will be applicable to all future releases discovered under the release-based remediation

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<sup>67</sup> DEEP, “DEEP Adopts Amended Regulations to Speed Pollution Cleanup”

<sup>68</sup> DEEP, “Remediation Standard Regulations”

<sup>69</sup> CGA, “Public Act No. 13-308”

<sup>70</sup> DEEP, “Risk-Based Decision-Making Recommendation Report”

program. The original risk-based standards were only applied as required by the actions of an LEP via property transfer program or voluntary remediation program, or as required to by a regulation, statute, or order of the Commissioner.<sup>71</sup> The new RSRs are described to apply to any remedial action taken on polluted soil, surface water or ground water, or emanating from an existing release, pursuant to Chapter 445, Chapter 446k, or CGS section 22a-208(c)(2).<sup>72</sup> It specifies that any action taken by a LEP is also required to comply with these standards, which has the effect of requiring compliance from any property with a release. Rather than applying to “all clean-ups” such as the Wave 1 RSRs had done, the Wave 2 RSRs appear to be applicable to “all releases”, which relies on different terminology. It is unclear what particular sites will be required to comply with the new Wave 2 RSRs versus the originals, or under what particular timeframe. There is also a lack of specification about applicability of the regulations to properties currently undergoing to process of remediation to Wave 1 standards, and if they would be required to comply further with the Wave 2 RSRs.

Despite public comments requesting clarification on the applicability of the Wave 2 RSRs, the DEEP ultimately decided to leave the language unchanged and will interpret the RSRs as pertaining to any remediation action taken on polluted soil or groundwater in Connecticut.<sup>73</sup> This currently means that the RSRs are applicable to all property in the state, and all events of contamination must be addressed through the release-based remediation system. Rather than be required to comply with the RSRs upon entry into a remediation program, such as the Property Transfer Act, or the Voluntary Remediation Programs, the requirement extends to all types of releases. For small releases of which are subject to remediation, this could ultimately result in a greater amount of paperwork and financial obligation to environmental professionals. In order to become fully complicit with the RSRs, a release requires a public notice to be made, and for remediation to be done with a EUR or comparable exit strategy. Finally, these would require verification report to be signed by an LEP. Considering that LEPs strive to ascertain

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<sup>71</sup> DEEP, “The Remediation Standard Regulations”

<sup>72</sup> CT eRegulations, “R.C.S.A. Statute Section 22a-133k-1 – 22a-133k-3”

<sup>73</sup> DEEP, “RSRs- Response to Key Comments”

compliance with regulations for their profession, these requirements may require a significant increase in usage. As the Property Transfer Program and Voluntary Remediation Programs were only applicable to significant sources of hazardous waste or contamination, the extension of these remediation standards toward all releases will increase LEP involvement in the process of remediation for properties that would not have otherwise qualified.

According to the DEEP, the new remediation standards are aimed at mitigating faster cleanup and increasing the predictability of remediation results. In CGS 22a-450 Appendix A, the Wave 2 RSRs compile a list of the most hazardous chemicals known which may present an immediate threat to welfare. It conjoins the EPA Extremely Hazardous Substance List, FBI-ITF 40 Priority Chemicals List, CT DPH legislatively mandated toxic chemicals list, as well as banned and restricted pesticides.<sup>74</sup> By creating a list of the contaminants which present the highest risk to the environment or human health, it allows better determinations to be made when classifying a site, and aims to increase administrative focus on high risk sites.

The new RSRs also make a significant number of updates to remediation criteria and standards, as well as expand the scope of authorizations an LEP may perform. There are updated classifications made regarding remediation criteria, including the expansion of current Volatilization Criteria for Groundwater from 15 to 30 feet for VOCs other than “volatile petroleum substances”. The fifteen-foot regulation will still apply to volatile petroleum substances, however. There is also the added implementation of immobilization as an engineered control when VOCs exceed PMC, requiring specific actions and deadlines for compliance.<sup>75</sup> A notable exception is made for the “application of pesticides” which are used in a standard but frequent amount, affecting the quality of soil or groundwater. There are additional clarifications made regarding the background concentration of contaminants, which sets a baseline and create more explicit qualifications and language for legislators and regulators to utilize.

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<sup>74</sup> DEEP, “RSR Amendments ‘Wave 2’ Summary Document”

<sup>75</sup> CT eRegulations, “R.C.S.A. Statute Section 22a-133k-1 – 22a-133k-3”

Another method by which remediation aims to be expedited is the increased allowance of LEP approval and self-sufficiency in implementing environmental regulations. The new RSRs allow for LEPs to perform a broader spectrum of approvals, adhering to formulas prescribed by the DEEP and bypassing this need for further administrative oversight. Among these new permissions, an LEP may now calculate alternative Pollutant Mobility Criteria on a release-specific basis, as long as they follow the given formulas. The use of and implementations of Engineered Controls for certain exceedances of Direct Exposure Criteria are also delegated to LEPs, along with the ability to calculate alternative Ground Water Protection Criteria in particular regions without approval from the DEEP, following a map of applicable areas.<sup>76</sup> This pertains to areas which are classified as GA drinking water but may in fact have another source of water due to urban population density or a present municipal water source. It also allows for an LEP to approve Widespread Polluted Fill variances in particular conditions, as well as for calculating alternative Surface Water Protection Criteria using aquifer dilution in certain cases. These created more cohesive definitions of clean-up standards and implemented a new form of environmental land use restriction. The Connecticut RSRs determine degree to which sites must be remediated, and methods of risk analysis to be employed.

Several improvements are made to the EUR process, amending 22a-133q (and regulations 133o) to enhance the frontloading of subordination agreements, establish a process for more efficient information relay, and a create timeframe for recording. There are also specifications made to the requirements of surveys, of which compile a significant amount of field data for the requirements of a EUR, depending on its size or type. The most interesting amendment to the Wave 2 RSRs is the implementation of Notice of Activity and Use Limitations (“NAULs”), which may be implemented in as an alternative to ELURs, creating a notice on the deed.<sup>77</sup> This legislation creates new ‘exits’ and compliance tools, of which many can be implemented by an LEP or the Commissioner, equally. While ELURs require DEEP approval,

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<sup>76</sup> DEEP, “RSR Amendments ‘Wave 2’”

<sup>77</sup> DEEP, “Remediation Roundtable Presentation”

NAULs may be implemented in their place in specific cases, allowing for new exit points from the program which can be implemented by an LEP without the DEEP's approval. The legislation establishes a process for commissioner and LEP approval of NAULs, through which the LEP approval process requires a title attorney to ensure statutory requirements are all satisfied.<sup>78</sup>

This also creates the opportunity for "allowable disturbances", where an LEP may implement a mechanism allowing an activity that would normally violate provisions of EURs.<sup>79</sup> One example could be the allowance of excavation in regions or depths that were not previously allowed, which would require notice to the commissioner, but not approval. There are opportunities for the commissioner to provide comment on the implementations, and detailed instructions are provided for the management of polluted soil. The DEEP only requires a completion report to be prepared after all activity has ceased at the property, and this will undergo review. LEP's are required to perform five-year routine inspections, and annual inspections are required to be performed by the property owner, to ensure that the site has been property been maintained.

Furthermore, the fees required for approval by the commission are \$5,000 for both ELUR and NAULs, whereas implementation of NAULs by an LEP may only cost \$1,500.<sup>80</sup> This significant variation in cost may ultimately lead to the increased facilitation of LEPs in the remediation process for the transition of NAULs. A fundamental aspect of NAULs that distinguishes them from ELURs is the fact that the state does not obtain a lasting interest in the property, such as the framework is followed properly. The DEEP maintains enforcement tools in the event of non-compliance, and also establishes processes for the release of an ELUR or termination of a NAUI, as long as all remediation has been performed to standards, and no other work has been required.

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<sup>78</sup> CT eRegulations, "Title 22a Subtitle 22a 133q"

<sup>79</sup> DEEP, "Remediation Roundtable Presentation", 32

<sup>80</sup> DEEP, "Remediation Roundtable Presentation", 39

## VI. Release Recording Regulations

The twentieth goal of the initiative was to adopt new Spill Reporting Regulations, which were established by the second part of the Public Act. The requirements for reporting a spill are legislated by Release Recording Regulations to be enforced by the DEEP. The Release Recording Regulations update the current Spill Reporting law by amending sections 22a-450-1 to 22a-450-6.<sup>81</sup> These regulations were available for public comment at monthly meetings with stakeholders, and it is currently under internal review for development of a new draft.

The Public Act 20-9 authorizes the commissioner to specify the types of releases that should be reported as well as the timeframe for reporting.<sup>82</sup> The timeframe may fluctuate based upon the level of risk that the release poses to human health or the environment, placing an emphasis on ‘imminent or substantial threat(s)’ such as those occurring near drinking water or residential areas. There are certain categories which always require reporting, such as releases into waterways, or any release of hazardous industrial materials listed in CGS 22a-450 Appendix A.<sup>83</sup> These requirements are aimed at maximizing department resources towards the most hazardous spills and implementing a minimum concentration.

The legislation outlines three quantity classifications made for reporting, including spills of petroleum less than five gallons, and non-petroleum less than 1.5 gallons or 10 pounds. Reporting is required for any spill quantity above this criterion that is not remediated within one hour, or unless the larger releases are already within containment. These characterizations allow for simple interpretation by landowners or businesses to follow in the case of a release occurring and ensuring that only appropriate releases are reported. There are nine additional exemptions to reporting requirements, which include any release on a site that was issued a permit, license, or approval by legal judgement, even if its limitations are exceeded.<sup>84</sup> Additionally, exemptions are made to any consumer or industrial products used in the

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<sup>81</sup> DEEP, “Release Recording”

<sup>82</sup> CGA, Public Act 20-9 Section 19(e)(1)

<sup>83</sup> DEEP, “Release Recording”

<sup>84</sup> DEEP, “Release Recording”

intended legal manner, domestic sewage less than 100 gallons, radioactive waste not mixed with reportable materials, food products, sheen on pavement from vehicle use, approved agricultural activity, inconsequential releases under a lab hood. Finally, an exemption is made to any release in impervious containment that is cleaned-up within one hour or less, and does not exceed 100 pounds or 15 gallons, or constitute an emergency. Given that there is a timeframe associated with the clean-up of a release in order to be complicit to file a report, it exempts quickly remediated or contained sites. This exemption is similar to the approach taken with NAULs in the new RSRs issued, where containment or immobilization is often sufficient for the DEEP's qualifications of remediation as long it may be verified, and all appropriate protocols are followed.

*“Such release may exempt the requirement for a report if remediation can be accomplished through containment, removal or mitigation of a release upon discovery and in a manner and by a timeframe specified in the regulations adopted pursuant to subsection (a) of this section, provided such regulations shall specify that certain records be maintained by a person performing a cleanup and a schedule for the retention of such records”<sup>85</sup>*

Additionally, the exemption of reporting contained releases allows for owners and LEPs to perform a majority of remediation without necessitating involvement by the DEEP. To support this approach, the DEEP published a presentation stating only 47% of total reported releases were less than five gallons in quantity, and only 27% of petroleum spills were above five gallons.<sup>86</sup> The new program aims to be less stringent than the requirements of the 2009 proposal, but more stringent than the Massachusetts remediation program. The proposal in 2009 had required the reporting of minimum one gallon of petroleum, compared to five gallons in the current plan. Additionally, the old plan had addressed historic contamination as opposed to the current plan addressing day-forward releases. Considering that the department processes approximately 6,000 spill reports per year, they aim to significantly reduce this with

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<sup>85</sup> CGA, Public Act 20-9 Section 19(e)(2)

<sup>86</sup> DEEP, “Release Recording”, 8-10

the updated reporting requirements. The current proposed regulations require verifications to be made for releases, however, the initiative only sets a goal of achieving 20% auditing of verifications for at least one risk-tier of releases.<sup>87</sup> It also aims to achieve auditing for each of the other risk tiers in a frequency correlated to the number of reports they receive, but prioritizing audits of higher risk release.<sup>88</sup> They ensure that review and reports of their audits will be made two years after the adoption of the acts new regulations, and annually following that date. This strategy of risk-based reporting and auditing aims to reduce the workload of the DEEP administration while maintaining a safe and efficient method of remediation upon release.

## **VII. Conclusion**

The DEEP 20-BY-20 Initiative aims to increase administrative efficiency by focusing their resources on the most consequential releases and expanding aspects of regulation and verification to LEPs. The motivations behind the Public Act 20-9 aimed to expedite remediation of contaminated properties by streamlining the systems by which environmentally contaminated properties were assessed. Shortcomings of the original Transfer Act are cited to be responsible for a slow remediation process of brownfields and a lack of market incentives for economic redevelopment. The primary issue was a lack of funding for remediation on behalf of the owner, which often would result in a property sitting abandoned. Several amendments were made to the definition of ‘establishment’, which triggered the original Transfer Act, thus exempting any sites under such definitions from entering the program in the future, should they discover an old release. As the liability to contamination remains in the hands of the current owner and operator rather than being an obstacle that a potential real estate investor must face increases the feasibility of transactions and future redevelopment. Additionally, rather than the sale of property compelling an owner to remediate their property, the new release reporting program will require

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<sup>87</sup> CGA, Public Act 20-9 Section 19(g)(2)

<sup>88</sup> CGA, Public Act 20-9 Section 19(g)(3)

immediate action. Consequently, this act aims to increase the willingness of an individual to invest in redevelopment of a Brownfield property and eliminates any convoluted barriers to entry in the market that previously existed. The revisions, exclusions, and clarifications made to the original Transfer Act aim to expedite the current review process until new regulations are formally adopted by the DEEP. The meetings held by DEEP working groups give light to types of regulations that will be utilized, and the standards of the risk-based tiers they aim to implement. The new legislation which updated the ‘Wave 2’ EURs give new exits to the remediation programs through use of NAULs, and increased LEP approval. This overall lessens the oversight required by the DEEP administration and allows them to increase efficiency of current audits and approvals. The new release-based system will only require certain risk-based tiers of release to be reported or receive verification if they exist on a low enough tier. Additionally, it allows owners who mitigate releases and their potential spreading of contamination from the source as soon as it occurs, or within a short timeframe, can be exempt from reporting, if records are maintained by a LEP or remediation company. The culmination of this legislation aims to expediate the remediation of brownfields in the short term, in order to economically revitalize them, and add them back into the tax base. The new remediation system will allow sites to be classified upon their clean-up status and entered back onto the market with less holdbacks in transfer.

## VII. References

“20 by 20.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021.

<https://portal.ct.gov/DEEP/About/20-by-20/20-by-20>.

“42 U.S. Code § 6901 - Congressional Findings.” n.d. LII / Legal Information Institute. Accessed May 23,

2021. <https://www.law.cornell.edu/uscode/text/42/6901>.

“1996 Derivation of Pollutant Mobility Criteria.” n.d., 2.

“1996 RSR Criteria Derivation.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021.

<https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations/1996-RSR-Criteria-Derivation>.

“1996DerivationVOLdocpdf.Pdf.” n.d. Accessed May 22, 2021. <https://portal.ct.gov/->

[/media/DEEP/site\\_clean\\_up/remediation\\_regulations/1996DerivationVOLdocpdf.pdf](/media/DEEP/site_clean_up/remediation_regulations/1996DerivationVOLdocpdf.pdf).

“2019 Connecticut Transfer Act Amendments–The Legislature’s Work Is Never Done | Publications | Insights | Day Pitney LLP.” n.d. Accessed May 22, 2021.

<https://www.daypitney.com/insights/publications/2019/07/22-2019-connecticut-transfer-act-amendments>.

“Agency About.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 29, 2021.

[https://portal.ct.gov/DECD/Content/About\\_DECD/About-DECD-Office/About-DECD](https://portal.ct.gov/DECD/Content/About_DECD/About-DECD-Office/About-DECD).

“AN ACT CONCERNING BROWNFIELDS.” n.d. Accessed May 29, 2021a.

<https://www.cga.ct.gov/2006/ACT/PA/2006PA-00184-R00HB-05685-PA.htm>.

Bellach, Andreana, Gary Brochu, Brian Clemow, Leander Dolphin, Brenda Eckert, Julie Fay, Vaughan Finn, Robin Frederick, and Susan Freedman. 2014. “Connecticut Transfer Act Update,” 13.

“Brownfield Regulation and Development.” 2019. In *Wikipedia*.

[https://en.wikipedia.org/w/index.php?title=Brownfield\\_regulation\\_and\\_development&oldid=927709322](https://en.wikipedia.org/w/index.php?title=Brownfield_regulation_and_development&oldid=927709322).

“Brownfield Remediation and Revitalization Program.” n.d. CT.Gov - Connecticut’s Official State Website.

Accessed May 22, 2021. <https://portal.ct.gov/DECD/Content/Community->

[Development/04\\_Incentives\\_LiabilityRelief/Liability-Relief-Programs/Brownfield-Remediation-and-Revitalization-Program](Development/04_Incentives_LiabilityRelief/Liability-Relief-Programs/Brownfield-Remediation-and-Revitalization-Program).

“Brownfields in Connecticut.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021.

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

“Brownfields in Connecticut, April 2018.” n.d., 10.

“Brownfields Redevelopment.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021a.

[https://portal.ct.gov/DECD/Content/Community-Development/01\\_Project\\_Type/Connecticut-Office-of-Brownfield-Remediation-and-Development](https://portal.ct.gov/DECD/Content/Community-Development/01_Project_Type/Connecticut-Office-of-Brownfield-Remediation-and-Development).

- “Changes to the Connecticut Transfer Act.” 2020. *ChamberECT* (blog). October 12, 2020.  
<https://chamberect.com/2020/10/12/changes-to-the-connecticut-transfer-act/>.
- “Chapt3.Pdf.” n.d. Accessed May 22, 2021. <https://www.epa.gov/sites/production/files/2015-09/documents/chapt3.pdf>.
- “Chapter 446d - Solid Waste Management.” n.d. Accessed May 22, 2021.  
[https://www.cga.ct.gov/current/pub/chap\\_446d.htm#sec\\_22a-208a](https://www.cga.ct.gov/current/pub/chap_446d.htm#sec_22a-208a).
- “Chapter 588gg - Brownfield Remediation and Development.” n.d. Accessed May 22, 2021a.  
[https://www.cga.ct.gov/current/pub/chap\\_588gg.htm](https://www.cga.ct.gov/current/pub/chap_588gg.htm).
- “———.” n.d. Accessed May 22, 2021b. [https://www.cga.ct.gov/current/pub/chap\\_588gg.htm#sec\\_32-760](https://www.cga.ct.gov/current/pub/chap_588gg.htm#sec_32-760).
- “Code of Federal Regulations (Annual Edition).” n.d. Accessed May 23, 2021.  
<https://www.govinfo.gov/app/collection/cfr/>.
- “Community Reinvestment Act (CRA) | OCC.” n.d. Accessed May 22, 2021.  
<https://www.occ.gov/topics/consumers-and-communities/cra/index-cra.html>.
- “Comprehensive Evaluation and Transformation Main Page.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Comprehensive-Evaluation-and-Transformation-Main-Page>.
- “Connecticut Department of Energy & Environmental Protection: Risk-Based Decision-Making Recommendation Report.” 2015. *Environmental Protection*, 108.
- “Connecticut General Assembly.” n.d. Connecticut General Assembly. Accessed May 22, 2021a.  
<https://www.cga.ct.gov>.
- “Connecticut RSRs and EUR Regulations, Effective as of February 16 | Publications | Insights | Day Pitney LLP.” n.d. Accessed May 22, 2021. <https://www.daypitney.com/insights/publications/2021/03/2-ct-rsrs-eur-regulations-effective-as-of-feb-16>.
- “CONNECTICUT TRANSFER ACT.” n.d. Accessed May 22, 2021. <https://www.cga.ct.gov/2012/rpt/2012-R-0383.htm>.

“ConnecticutBrownfieldsConferenceCleanup101pdf.Pdf.” n.d. Accessed May 22, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/brownfields/ConnecticutBrownfieldsConferenceCleanup101pdf.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/brownfields/ConnecticutBrownfieldsConferenceCleanup101pdf.pdf).

“Contaminated Properties: The Connecticut Department of Energy & Environmental Protection Is Transforming the Way We Clean up Contaminated Properties. - New Haven, CT Real Estate Attorney | Winnick, Ruben, Chambers, Hoffnung & Peabody, LLC.” n.d. Accessed May 22, 2021. <http://www.winnicklaw.com/blog/10656/>.

“DEEP Adopts Amended Regulations to Speed Pollution Cleanup.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 29, 2021. <https://portal.ct.gov/DEEP/News-Releases/News-Releases---2021/DEEP-Adopts-Amended-Regulations-to-Speed-Pollution-Cleanup>.

Echevarria, Orlando. 2018. “Course Information | Connecticut Brownfields Initiative.” February 22, 2018. <https://cbi.engr.uconn.edu/course-information/>.

“EGLE - SARA Title III: The Emergency Planning and Community Right-to-Know Act (EPCRA).” n.d. Accessed May 29, 2021. [https://www.michigan.gov/egle/0,9429,7-135-3307\\_29815\\_4137-11426--00.html](https://www.michigan.gov/egle/0,9429,7-135-3307_29815_4137-11426--00.html).

“Environmental Use Restrictions.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021a. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Environmental-Use-Restrictions/Environmental-Use-Restrictions>.

“EPA Brownfields Grants.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Brownfields/EPA-Brownfields-Grants>.

“ERegulations - Browse Regulations of Connecticut State Agencies.” n.d. Accessed May 23, 2021a. [https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title\\_22aSubtitle\\_22a-133qSection\\_22a-133q-3/](https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-133qSection_22a-133q-3/).

“EUR-FAQs.Pdf.” n.d. Accessed May 29, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/EUR/EUR-FAQs.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/EUR/EUR-FAQs.pdf).

“Executive Order.” n.d. Accessed May 22, 2021. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/06/20030620.html>.

Fenster, Jordan. 2018. "DEEP: 'Tens of Thousands' of Contaminated Sites in Conn." Connecticut Post.

December 5, 2018. <https://www.ctpost.com/local/article/DEEP-Tens-of-thousands-of-contaminated-13444289.php>.

"Final\_20by20\_Report\_Jan2021.Pdf." n.d. Accessed May 22, 2021. [https://portal.ct.gov/-/media/DEEP/20\\_by\\_20/Final\\_20by20\\_Report\\_Jan2021.pdf](https://portal.ct.gov/-/media/DEEP/20_by_20/Final_20by20_Report_Jan2021.pdf).

"FinalSCGDpdf.Pdf." n.d. Accessed May 29, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/guidance/Site\\_Characterization/FinalSCGDpdf.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/guidance/Site_Characterization/FinalSCGDpdf.pdf).

Fontanella, Camille. n.d. "Instructions for Completing Forms I, II, III and IV for the Transfer of Establishments," 9.

"GetDocument.Pdf." n.d. Accessed May 22, 2021.

<https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid={301F1878-0100-CA41-8BBB-0A5DD38DE6FC}>.

"Governor Lamont Signs Bill Promoting the Clean-Up of Unused, Contaminated Properties and Redeveloping Them To Benefit Both the Environment and Economy." n.d. CT.Gov - Connecticut's Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2020/10-2020/Governor-Lamont-Signs-Bill-Promoting-the-Clean-up-of-Unused-Contaminated-Properties>.

"Guiding Principles." n.d. CT.Gov - Connecticut's Official State Website. Accessed May 22, 2021.

<https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Guiding-Principles>.

"Hazardous Waste Regulations." n.d. CT.Gov - Connecticut's Official State Website. Accessed May 29, 2021.

<https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Hazardous-Waste-Regs/Hazardous-Waste-Regulations>.

"List of Contaminated or Potentially Contaminated Sites in Connecticut." n.d. CT.Gov - Connecticut's Official

State Website. Accessed May 29, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/List-of-Contaminated-or-Potentially-Contaminated-Sites-in-Connecticut>.

“Newsflash: Connecticut Remediation Regulations Published and Effective as of February 16, 2021.” n.d. JD Supra. Accessed May 22, 2021. <https://www.jdsupra.com/legalnews/newsflash-connecticut-remediation-4127105/>.

Olson-Teodoro, Lynn. n.d. “Municipal Brownfield Liability Relief Program,” 2. [https://portal.ct.gov/-/media/DECD/Community-Development/Documents/Brownfields/municipal\\_blr\\_factsheet.pdf](https://portal.ct.gov/-/media/DECD/Community-Development/Documents/Brownfields/municipal_blr_factsheet.pdf)

“Property Transfer Program Fact Sheet.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Property-Transfer-Program/Property-Transfer-Program-Fact-Sheet>.

“PTPflowchartpdf.Pdf.” n.d. Accessed May 28, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/property\\_transfer\\_program/PTPflowchartpdf.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/property_transfer_program/PTPflowchartpdf.pdf).

“Rags3adt\_complete.Pdf.” n.d. Accessed May 22, 2021. [https://www.epa.gov/sites/production/files/2015-09/documents/rags3adt\\_complete.pdf](https://www.epa.gov/sites/production/files/2015-09/documents/rags3adt_complete.pdf).

“Release Based Working Group Meetings.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Working-Group-Meetings>.

“Release-Based Clean Up Program Regulation Development.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Clean-Up-Program-Regulation-Development>.

“Release-Based Cleanup Program Topical Subcommittees.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Comprehensive-Evaluation-and-Transformation/Release-Based-Cleanup-Program-Topical-Subcommittees>.

“ReleaseReportingBriefing.Pdf.” n.d. Accessed May 22, 2021a. [https://portal.ct.gov/-/media/DEEP/emergency\\_response\\_spill\\_prevention/ReleaseReportingBriefing.pdf](https://portal.ct.gov/-/media/DEEP/emergency_response_spill_prevention/ReleaseReportingBriefing.pdf).

- “\_\_\_\_\_.” n.d. Accessed May 22, 2021b. [https://portal.ct.gov/-/media/DEEP/emergency\\_response\\_spill\\_prevention/ReleaseReportingBriefing.pdf](https://portal.ct.gov/-/media/DEEP/emergency_response_spill_prevention/ReleaseReportingBriefing.pdf).
- “Remediation Programs.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 29, 2021. [https://portal.ct.gov/DECD/Content/Community-Development/04\\_Incentives\\_LiabilityRelief/Remediation-Options](https://portal.ct.gov/DECD/Content/Community-Development/04_Incentives_LiabilityRelief/Remediation-Options).
- “Remediation Site Cleanup.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Site-Clean-Up>.
- “Remediation Standard Regulations.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations>.
- “Remediation Standard Regulations Fact Sheet.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations/Remediation-Standard-Regulations-Fact-Sheet>.
- “Remediation Standard Regulations Main Page.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations/Remediation-Standard-Regulations-Main-Page>.
- “Reporting Requirements for Spill Incidents.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021a. <https://portal.ct.gov/DEEP/Emergency-Response-and-Spill-Prevention/Spill-Reporting/Reporting-Requirements-for-Spill-Incidents>.
- “Risk-Based Cleanups at Brownfield Sites.” n.d., EPA. 2. [https://www.epa.gov/sites/production/files/2018-08/documents/formatted\\_risk\\_based\\_factsheet\\_6-23-16.pdf](https://www.epa.gov/sites/production/files/2018-08/documents/formatted_risk_based_factsheet_6-23-16.pdf)
- RiskReportpresentation42815Finalforpostingpdf.Pdf.” n.d. Accessed May 29, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/comprehensive\\_evaluation/RiskReportpresentation42815Finalforpostingpdf.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/comprehensive_evaluation/RiskReportpresentation42815Finalforpostingpdf.pdf)
- “Roundtablepresent-03-23-2021.Pdf.” n.d. Accessed May 22, 2021. [https://portal.ct.gov/-/media/DEEP/site\\_clean\\_up/remediation\\_roundtable/Roundtablepresent-03-23-2021.pdf](https://portal.ct.gov/-/media/DEEP/site_clean_up/remediation_roundtable/Roundtablepresent-03-23-2021.pdf).



Trilling, Barry J, and Sharon R Siegel. n.d. “BROWNFIELD DEVELOPMENT IN CONNECTICUT:

OVERCOMING THE LEGAL AND FINANCIAL OBSTACLES” 26: 95. <https://www.wiggin.com/wp-content/uploads/2019/09/brownfield-development-in-connecticut-trilling-and-siegel.pdf>.

US EPA, OA. 2013a. “EPA History: Resource Conservation and Recovery Act.” Collections and Lists. US EPA. January 29, 2013. <https://www.epa.gov/history/epa-history-resource-conservation-and-recovery-act>.

US EPA, OECA. 2013a. “State Response Programs.” Overviews and Factsheets. US EPA. May 3, 2013. <https://www.epa.gov/enforcement/state-response-programs>.

———. 2013b. “Waste, Chemical, and Cleanup Enforcement.” Overviews and Factsheets. US EPA. June 4, 2013. <https://www.epa.gov/enforcement/waste-chemical-and-cleanup-enforcement>.

———. 2013c. “Hazardous Waste Compliance Monitoring.” Overviews and Factsheets. US EPA. July 30, 2013. <https://www.epa.gov/compliance/hazardous-waste-compliance-monitoring>.

US EPA, 2013b. “EPA History: Superfund.” Collections and Lists. US EPA. January 29, 2013. <https://www.epa.gov/history/epa-history-superfund>.

US EPA, OECA. 2013a. “Resource Conservation and Recovery Act (RCRA) Compliance Monitoring.” Overviews and Factsheets. US EPA. July 17, 2013. <https://www.epa.gov/compliance/resource-conservation-and-recovery-act-rcra-compliance-monitoring>.

US EPA, 2019. “Addressing Liability Concerns to Support Cleanup and Reuse of Contaminated Lands.” Overviews and Factsheets. US EPA. July 2, 2019. <https://www.epa.gov/enforcement/addressing-liability-concerns-support-cleanup-and-reuse-contaminated-lands>.

US EPA, OLEM. 2014a. “Overview of EPA’s Brownfields Program.” Overviews and Factsheets. US EPA. January 8, 2014. <https://www.epa.gov/brownfields/overview-epas-brownfields-program>.

———. 2014b. “Brownfields Laws and Regulations.” Data and Tools. US EPA. January 15, 2014. <https://www.epa.gov/brownfields/brownfields-laws-and-regulations>.

———. 2014d. “Summary of the Small Business Liability Relief and Brownfields Revitalization Act.” Data and Tools. US EPA. July 24, 2014. <https://www.epa.gov/brownfields/summary-small-business-liability-relief-and-brownfields-revitalization-act>.

- . 2015. “Anatomy of Brownfields Redevelopment.” Overviews and Factsheets. US EPA. September 24, 2015. <https://www.epa.gov/brownfields/anatomy-brownfields-redevelopment-0>.
- . 2019. “Understanding Brownfields.” Overviews and Factsheets. US EPA. October 4, 2019. <https://www.epa.gov/brownfields/understanding-brownfields>.
- . 2015. “Resource Conservation and Recovery Act (RCRA) Overview.” Other Policies and Guidance. US EPA. August 18, 2015. <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview>.
- US EPA, OP. 2013b. “Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).” Overviews and Factsheets. US EPA. February 22, 2013. <https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>.
- . 2013c. “Summary of the Resource Conservation and Recovery Act.” Overviews and Factsheets. US EPA. February 22, 2013. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.
- “Voluntary Remediation Program CGS 22a-133x Fact Sheet.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 29, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Voluntary-Remediation-Program/Voluntary-Remediation-Program-CGS-22a-133x-Fact-Sheet>.
- “Voluntary Remediation Program CGS 22a-133y Fact Sheet.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 29, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Voluntary-Remediation-Program/Voluntary-Remediation-Program-CGS-22a-133y-Fact-Sheet>.
- “Wave 2 Revision Concepts and History.” n.d. CT.Gov - Connecticut’s Official State Website. Accessed May 22, 2021. <https://portal.ct.gov/DEEP/Remediation--Site-Clean-Up/Remediation-Standard-Regulations/Wave-2-Revision-Concepts-and-History>.