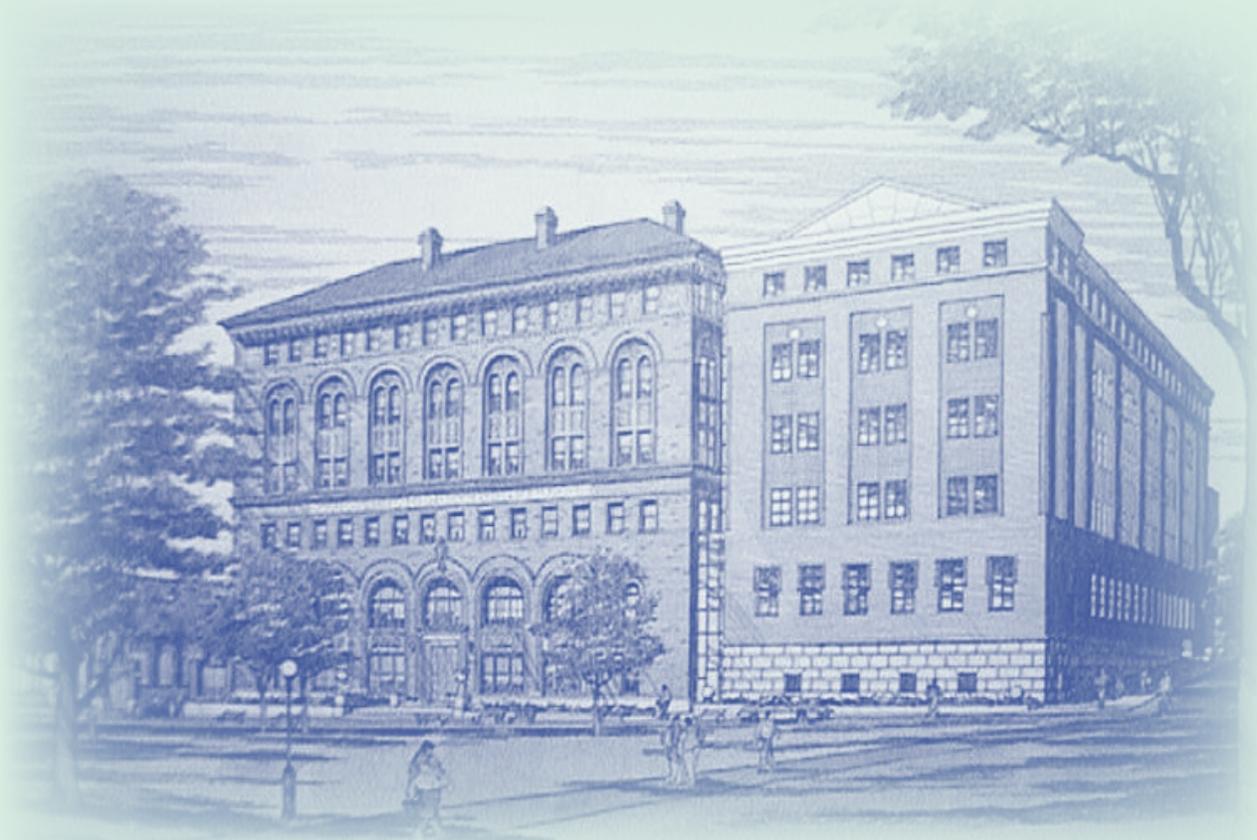


# Site Cleanup in Connecticut

*Taking the Mystery Out of Dealing with Contaminated Property in Connecticut:  
Information for Property Owners, Buyers, Sellers, Attorneys, Bankers,  
Insurance Representatives and Environmental Consultants*

## THE REMEDIATION DIVISION

**T**he Remediation Division of the Bureau of Water Protection and Land Reuse at the Connecticut Department of Environmental Protection (DEP) oversees the investigation and cleanup (also known as remediation) of contaminated properties. Our mission is to protect human health and the environment by improving the quality of Connecticut's soil, groundwater, surface water, and air through the remediation of contaminated sites. Connecticut's Remediation Standard Regulations establish the goals for remediation. The staff of the Remediation Division, along with the assistance of Licensed Environmental Professionals (LEPs), is involved in the cleanup of thousands of contaminated sites across Connecticut.

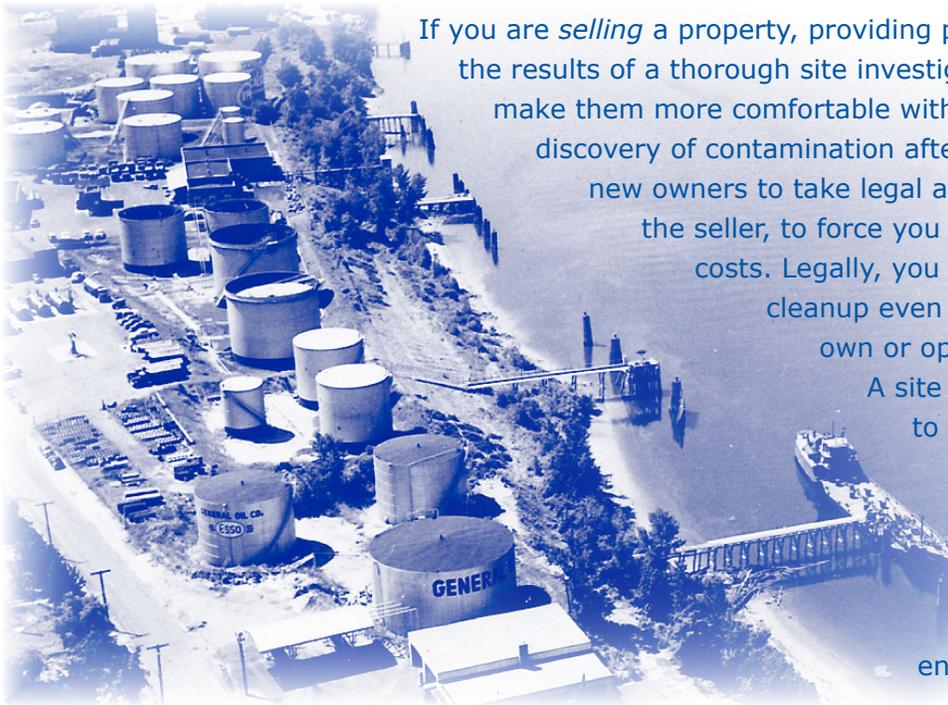


Connecticut Department of Environmental Protection ~ Remediation Division  
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## PLAYING IT SMART

Property with a commercial or industrial past can be a great investment, as long as you are an informed owner. Both buyers and sellers need to know that state and federal laws hold property owners responsible for cleaning up contamination, regardless of whether the owner created or contributed to the problem. Whether you buy, sell, or own a piece of property, it is in your best financial interest to know the environmental condition of the property and what you may be required to do about possible contamination.

If you are *buying* a property that is potentially polluted, such as an industrial or commercial property, it is in your best interest to conduct a thorough environmental site investigation as part of your "due diligence." In fact, lending institutions often require environmental investigation of the property before they will consider financing its purchase or redevelopment. In addition, contamination of the property can trigger requirements on the part of the property owner to notify the DEP and to investigate and clean up the contamination to specific standards within specific timeframes. If contamination is found after you take ownership of the property, you will be among the parties liable for the cleanup. Even if not obligated by law to do so, a property owner may find it prudent to clean up a property to improve marketability and reduce civil liability.



If you are *selling* a property, providing potential buyers with the results of a thorough site investigation can actually make them more comfortable with their purchase. The discovery of contamination after a sale may lead the new owners to take legal action against you, as the seller, to force you to pay the cleanup costs. Legally, you may still be liable for cleanup even after you no longer own or operate at the site.

A site investigation prior to a property transfer is the best way to ensure a successful transaction and to avoid legal issues related to environmental conditions.

Photos: East Hartford - before remediation (above) and after remediation (right)

***Ignorance of the environmental condition of a property at the time of sale cannot be used as an excuse by either the buyer or seller.***

## THE CLEANUP PROCESS

The best way to determine if a property has been polluted by chemical contamination and if the contamination requires cleanup is to have a qualified environmental professional conduct a site investigation. A complete site investigation will provide answers to key questions:

- What was the past use of the property?
- Is there contamination at the property?
- What types of contaminants are present and at what concentrations?
- What is the source of contamination?
- What areas and environmental media at the property are affected?
- Has contamination migrated off-site?
- Do the contaminant types and concentrations require notification of the DEP?
- Do the contaminant concentrations require cleanup?
- What are the cleanup options and how much time and money will be needed for cleanup?

An environmental professional can be hired by a site owner or other interested party, such as a potential buyer or developer, to conduct a site investigation and perform cleanup activities. Site investigations involve field work at the property to collect samples of soil, groundwater, and sometimes other environmental media, such as soil gas, surface water, sediment and/or air. Sample locations and chemical analyses are selected based on the property's use and history. Cleanup, or remediation, of environmental media may involve the removal, treatment in place, or natural attenuation of contamination.

For certain properties, state law may require



that the property is cleaned up to meet the standards described in the Connecticut Remediation Standard Regulations (RSRs), Section 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies.

In some cases, DEP maintains oversight of the investigation and remediation and will review and approve work plans and reports. Generally, oversight is delegated to an environmental professional who is hired by the responsible party and is licensed in the state of Connecticut, also known as a Licensed Environmental Professional (LEP). In such cases, the LEP is responsible for rendering formal, written opinions about the investigation and remediation activities at specific points in the cleanup process. The LEP also ensures that the work complies with the RSRs. Only a LEP can sign and stamp the verification of completion that must be submitted to DEP.

These verifications may be subject to a technical audit by DEP to check that the investigation and remediation comply with regulatory requirements. If DEP finds that the work does not meet the RSRs, the property owner may be required to do additional investigation and/or remediation to achieve the required level of cleanup or to demonstrate that the work is adequate. Therefore, the property owner should take care in selecting a LEP and monitoring his/her work to reduce the likelihood of a DEP audit and unanticipated additional costs.

Knowing the facts about the environmental conditions at your property and the extent to which investigation or remediation is required is key in facilitating property transactions, estimating redevelopment costs, identifying legal responsibilities, determining fair market value, and conducting cleanup actions in the most cost-effective way.

***Not knowing the facts can result in unforeseen costs and months, or even years, of delays.***

# FIND THE EXPERTISE YOU NEED: CHOOSING AN ENVIRONMENTAL CONSULTANT

**1. Do I need to hire an environmental consultant?** The place to start is by understanding the reasons why you are undertaking a site investigation and your legal obligations. You should have an idea of the scope of work you need the consultant to perform. If you are unsure whether or not contamination is present, you may want to limit the scope of work to a preliminary (Phase I) investigation of the property. If you already know that remediation is required, you might look for a consultant who can assist you in the entire process from investigation through remediation.

**2. Selecting an environmental firm.** Ask for referrals from your trade organization or professional association, other companies in your industry, your legal counsel, insurance firm, or mortgage lender. Once you have identified several recommended companies, request a written proposal from at least three. If environmental work at your property needs to be conducted under a DEP Remediation Program, be sure the firm you hire has a LEP.

Every consultant who submits a proposal should provide you with the following information:

- Recent experience with similar projects in Connecticut, including references from clients
- Qualifications of personnel and subcontractors, including professional licensing and résumés describing training and experience
- Organizational chart showing the responsibilities and lines of authority for project staff and subcontractors
- Description of the work to be performed (including objectives, methods to be used, standard operating procedures, and description of the deliverable report)
- Project schedule indicating the timeframe for each phase of work and any applicable DEP regulatory deadline or review needed
- Clear explanation of what cost estimates cover and how additional expenses would be billed, including the firm's fee schedule, costs for subcontractors and subcontractor management, and applicable DEP fees

**3. Interview at least two companies.** The skills and experience of the individuals assigned to your project directly affect its success.

**Consider very carefully an estimate that is much lower than the others you receive. Consultants who underestimate project costs may ultimately cost more and create delays in project completion.**

Interview firms who have submitted clearly written, competitively-priced proposals that indicate a good understanding of your project and of your needs. Require that the site manager who would work on your project be at the interview. During your meeting, you can further discuss project details of the bulleted items mentioned above and ask questions, such as:

- What does the company propose to do and why?
- How does the company ensure the work and written reports are thorough, technically correct, and compliant with state and federal regulatory requirements and guidance?
- What services do they offer that make them different or better than other consultants?
- Are key people available to complete your project in a timely manner?

**4. Review past performances and ALWAYS check references.** Contact at least two former clients and ask about the scope and nature of the services provided and their satisfaction with the work performed. Keep in mind, however, that even the best consultant cannot predict all of the site circumstances and project outcomes.

Good questions to ask the former client:

- Was work completed in a timely manner?
- Did the scope of work change significantly during the project? If so, why?
- Were the final project costs in line with the original estimate?
- Did the consultant work effectively with the client?
- Did the work comply with regulatory requirements?
- Was additional work required by DEP (e.g., as the result of an audit)?

Before hiring a LEP, you may wish to contact the State Board of Examiners of Environmental Professionals (LEP Board) to find out whether any disciplinary actions or complaints have been filed against a particular LEP. The LEP Board's web page can be found at [www.ct.gov/dep/remediation](http://www.ct.gov/dep/remediation).

## REMEDIATION DIVISION PROGRAMS

**Property Transfer** Applies to the transfer of certain real estate and/or businesses (“establishments” as defined by CGS §22a-134), where the disclosure of environmental conditions and an agreement by the certifying party to investigate and remediate pollution caused by any release of hazardous waste or hazardous substance from the establishment is required by State law.

**Voluntary Remediation** An elective process for those who wish to expedite the remediation of polluted property, thus providing themselves with the advantage of a remediated site prior to the sale of the property.

### **Brownfields / Urban Sites**

The Connecticut Office of Brownfield Remediation and Development (OBRD) works in conjunction with DEP and other organizations to provide funding for site investigation and remediation that promotes the cleanup and redevelopment of Brownfields and other contaminated sites that are significant to the economy of the State.



**RCRA Closure and Corrective Action** The federal Resource Conservation and Recovery Act requires facility owners and operators to clean up facilities that have treated, stored, or disposed of hazardous waste. This state-run cleanup program is implemented through a permit, enforcement order, or regulation and may be coordinated with work performed pursuant to other programs.

**Underground Storage Tank Cleanup Fund** Provides a mechanism for reimbursement to responsible parties and third parties for investigation and cleanup of releases or suspected releases from federally-regulated petroleum USTs (motor fuel, used oil, or heating oil for resale).



**Significant Environmental Hazard** Requires the owner of property that is the source of pollution causing an environmental hazard to notify DEP when such a hazard is identified. An environmental professional, who determines during the course of investigating or remediating pollution that pollution is causing an environmental hazard, must notify the owner of the property that is the source of the pollution. DEP may require a property owner to take action to abate the hazard condition to limit the short-term risk to people or the environment.

### **Potable Water**

Ensures that safe drinking water is available to residents whose well water is found to be polluted as a



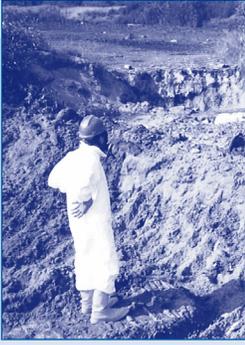
result of improper disposal, handling, or storage of chemicals, but does not address well water affected by naturally occurring substances or caused by homeowner activities.

### **Federal and State Superfund**

Designed to clean up major, uncontrolled hazardous waste sites, where abandoned, accidentally spilled, or illegally dumped hazardous waste poses a current or future threat to human health or the environment.



**Licensed Environmental Professionals** Environmental professionals wishing to engage in the business of verifying site cleanups under the Property Transfer or Voluntary Remediation Programs are required to obtain a license through the examination program offered by the LEP Board.



**Remediation of contaminated sites has social and economic benefits. Remediation returns under-utilized properties to productive use, creates the potential for new tax revenue, creates jobs, and positively impacts our communities by reversing urban decay and revitalizing our cities.**



## ONLINE RESOURCES

### US ENVIRONMENTAL PROTECTION AGENCY

- *Assessing Contractor Capabilities for Streamlined Site Investigations* ([www.clu-in.org/download/misc/contractorcap.pdf](http://www.clu-in.org/download/misc/contractorcap.pdf))
- *Brownfields Technology Primer: Requesting and Evaluating Proposals that Encourage Innovative Technologies for Investigation and Cleanup* ([www.clu-in.org/download/misc/rfpfinal.pdf](http://www.clu-in.org/download/misc/rfpfinal.pdf))

### CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

- Remediation Division main page ([www.ct.gov/dep/remediation](http://www.ct.gov/dep/remediation)) links to all Remediation Division Program pages, Fact Sheets and Frequently Asked Questions
- LEP Roster ([www.ct.gov/dep/lib/dep/site\\_clean\\_up/lep/LEProster.pdf](http://www.ct.gov/dep/lib/dep/site_clean_up/lep/LEProster.pdf))

### CONNECTICUT DEPARTMENT OF PUBLIC HEALTH

- Publications addressing health concerns about hazardous waste sites ([www.ct.gov/dph/wastesites](http://www.ct.gov/dph/wastesites))
- Information about building materials ([www.ct.gov/dph/lead](http://www.ct.gov/dph/lead)) and [www.ct.gov/dph/asbestos](http://www.ct.gov/dph/asbestos))

## ACKNOWLEDGEMENTS

This brochure was adapted from a brochure developed in 2005 by the Northeast Waste Management Officials' Association (NEWMOA at [www.newmoa.org](http://www.newmoa.org)) under a project sponsored by the US EPA Technology Innovation Program.



## CONTACT US

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This brochure is designed to provide basic information. It is your responsibility to comply with all applicable laws. Refer to the appropriate statutes and regulations for specific language. The information contained in this brochure is only intended to acquaint you with Remediation Division programs and does not constitute the Department's interpretation of the applicable laws.

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