



**Connecticut Department of
Energy & Environmental Protection**
Bureau of Water Protection & Land Reuse
Remediation Division

TARGETED BROWNFIELD REMEDY ELIGIBILITY CHECKLIST AND NOTICE OF USE

Rev. 2/9/12

The Targeted Brownfield Remedy (TBR) approach provides incentive to restore productive land use at Brownfields. The remedial process is pre-determined at the outset of the project, and the investigation is designed to support the remedy. This approach provides flexibility in the data quality objectives, and will reduce the costs and timeframe of characterization by limiting the scope of investigation on factors that will influence to what extent the remedy will be fully protective of human health and the environment.

The TBR is for polluted soils only and consists of placing polluted soil beneath new or existing buildings, and/or beneath an engineered cap in a manner consistent with Remediation Standard Regulations, Sections 22a-133k-1 through -3 of the Regulations of Connecticut State Agencies, including monitoring, maintenance, and financial assurance.

Although the Commissioner must approve the specifications and implementation of the actual remedy¹, Department approval or authorization to use the TBR approach is not required. However, certain eligibility requirements, listed below, must be met.

In addition, the party performing the remedy should notify and/or involve the municipality regarding the restoration of the site and advise the municipality of the intent to utilize the Targeted Brownfield Remedy.

The following checklist is provided to ascertain and document whether a specific Brownfield location is eligible to take advantage of the TBR approach. Please complete the checklist and submit it to the Remediation Division to identify the location and intent to use a TBR.

Site Identification

<p>1. Name of Site:</p> <p>AKA:</p> <p>Street Address:</p> <p>City/Town:</p>
<p>2. Type of Establishment/land use:</p>

¹ The applicant must obtain the Commissioner's approval for any engineered control, per the Remediation Standard Regulations, Section 22a-133k-1 through 3 (RSRs) of the Regulations of Connecticut State Agencies (RCSA) and approval of a complete ELUR, per Section 22a-133q-1 of the RCSA..

The following are basic eligibility requirements for the site and commitments of the applicant. Each eligibility requirement must apply and be checked to qualify for the TBR.

BASIC ELIGIBILITY REQUIREMENTS	
<input type="checkbox"/>	The party undertaking the remediation is not subject to an active enforcement action under Sections 22a-432, 22a-433 or 22a-134 of the Connecticut General Statutes or under a stipulated judgment for the environmental clean-up at the site.
<input type="checkbox"/>	The site is not in a GA or GAA groundwater classification area or an aquifer protection area.
<input type="checkbox"/>	Any drinking water receptors which may potentially be affected by releases at the site are (or will be) connected to an alternative water supply ² or be otherwise evaluated and addressed to the satisfaction of the Commissioner.
<input type="checkbox"/>	All polluted soils that will be addressed by the TBR will be rendered inaccessible and environmentally isolated beneath new or existing buildings, and/or covered by an appropriate engineered control.
<input type="checkbox"/>	Based on comprehensive Phase I assessment information (which is the minimum level of information needed to determine eligibility) and any other information that is available at the time the TBR approach is being implemented, it can be shown that the cost of remediating the polluted soil at the subject area for the TBR is significantly greater than the cost of installing, maintaining and monitoring an engineered control for such soil. ³
<input type="checkbox"/>	Sub-slab vapor controls (active or passive) will be installed beneath every building in the area of the TBR to prevent vapor intrusion and to ensure that no volatile compounds migrate into the overlying buildings, unless the TBR Investigation adequately demonstrates that there are no existing or potential volatilization issues at the site.
<input type="checkbox"/>	The current or ultimate property owner is willing to record an environmental land use restriction (ELUR) on the land records to prohibit any disturbance of the Engineered Control, and to maintain vapor controls, if applicable.
<input type="checkbox"/>	If future development of the site eliminates the buildings, structures or controls utilized in the TBR, supplemental characterization of those areas to determine the need for alternative remedial measures will be completed and a Departmental release from the ELUR will be obtained.

² Although the TBR approach is not available for use in areas with a GA Groundwater Classification, the potential still exists for groundwater users to be present. A potable well receptor survey, consistent with DEEP guidelines, is expected to be performed as part of the site characterization.

³ See Guidance for Characterization and Process Documentation for a Targeted Brownfield Remedy Site.