Property Transfer Applies to the transfer of certain real estate and/or businesses ("establishments") as defined by C.G.S. §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 (ORM) 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 unexpected 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 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 the source of the pollution. DEP may require a property owner to take action to abate the 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 maps, 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.

Onsite Resources

**US ENVIRONMENTAL PROTECTION AGENCY**

- Assessing Contractor Capabilities for Streamlined Site Investigations
  - www.epa.gov/ocem/isc/contractorcap.pdf

- Brownfields Technology Primer: Requesting and Evaluating Proposals that Encourage Innovative Technologies for Investigation and Cleanup
  - www.epa.gov/rib/pdf/innovative_echnoloies.pdf

**CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION**

- Remediation Division main page: www.epd.state.ct.us/divisions/remediation
- LEP Roster: www.ct.gov/dep/lib/lpcsite廉洁 clean_up/lep-lpc-rot.png

**PUBLIC HEALTH**

- Publications addressing health concerns about hazardous waste sites (www.epd.state.ct.us/library)
- Information about building materials (www.epd.state.ct.us/library) and www.ct.gov/health

ACKNOWLEDGEMENTS

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PLAYING IT SMART

Property or a commercial or industrial past can be a great investment, as long as you are an informed buyer. Both buyers and sellers need to know that state and federal laws hold property owners responsible for cleaning up contamination, regardless of whether the waste was 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 actions are needed to avoid 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 assessments of the properties they will finance as a condition of the loan agreement. In addition, contamination of the property can trigger requirements on the part of the property owner to notify the DEP and to investigate and remediate the contamination to meet 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 or contract, you 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 increase the property’s value, whether or not contamination is discovered. If the discovery of contamination after a sale may lead the new owner to suspect contamination, do not sell or assign you, to the seller, to force you to pay the cleanup costs. Legally, you may still be liable for the cleanup even if 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 and environmental conditions. 

The CLEANUP PROCESS

The best way to determine if a property has been polluted by chemical contamination and if the contamination requires a cleanup is to hire 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 remediation?

If the property is contaminated, you will need to decide whether to perform a cleanup. The cleanup process and the decisions made during the process are guided by the results of the site investigation. The site investigation will provide you with the following information: 

• Qualifications of the lead consultant and the professionals involved in the project.
• The approximate cost of the site investigation and remediation.
• The potential liabilities you may incur:

The next step is to decide whether to move forward with a cleanup. If you decide to move forward with a cleanup, you will need to hire an environmental professional to develop a remediation plan. The plan will include a detailed description of the cleanup activities, the processes to be used, and the cost of the cleanup. The plan will also include a project timeline and a budget for the cleanup.

If you are conducting a site investigation for a property that is already for sale, you should provide a copy of the site investigation report to the buyer. This will allow the buyer to make an informed decision about whether to purchase the property.

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In general, the type of cleanup that is required depends on the type of contamination and the extent of the contamination. For example, if the contamination is limited to a small area, a limited cleanup may be sufficient. If the contamination is widespread, a more extensive cleanup may be required.

A site investigation provides you with information about the site and the potential for contamination. This information will help you make informed decisions about whether to proceed with a cleanup.

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