

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Energy and Environmental Protection

Subject

Underground Storage Tank System Management

Inclusive Sections

§§ 22a-449(d)-1—22a-449(d)-114

CONTENTS

Sec. 22a-449(d)-1.	Control of the nonresidential underground storage and handling of oil and petroleum liquids
Sec. 22a-449(d)-2—22a-449(d)-100.	Reserved
Sec. 22a-449(d)-101.	Technical standards and corrective action requirements for owners and operators of underground storage tank systems applicability, prohibitions and definitions
Sec. 22a-449(d)-102.	UST systems: performance standards, installation and testing
Sec. 22a-449(d)-103.	General operating requirements
Sec. 22a-449(d)-104.	Release detection
Sec. 22a-449(d)-105.	Suspected releases and investigation of suspected releases
Sec. 22a-449(d)-106.	Release response and corrective action for UST systems containing petroleum or hazardous substances
Sec. 22a-449(d)-107.	Closure of an UST system
Sec. 22a-449(d)-108.	Class A, B, and C operator requirements
Sec. 22a-449(d)-109.	Financial responsibility
Sec. 22a-449(d)-110.	UST systems temporarily taken out of service
Sec. 22a-449(d)-111.	UST life expectancy
Sec. 22a-449(d)-112.	UST system location transfer
Sec. 22a-449(d)-113.	Transfer of UST system ownership, possession or control
Sec. 22a-449(d)-114.	Notification and recordkeeping

Underground Storage Tank System Management

Sec. 22a-449(d)-1. Control of the nonresidential underground storage and handling of oil and petroleum liquids

(a) Applicability and partial exemptions

(1) Applicability

Owners and operators of the following types of UST systems shall comply with the requirements of this section:

(A) UST systems used solely for storing heating oil for heating on the premises where stored; and

(B) Farm UST systems or former farm UST systems of 1,100 gallons or less capacity used for storing motor fuel that is not re-sale.

(2) Partial Exemptions.

(A) An UST system which satisfies all of the following criteria is exempt from subsections (d) and (h) of this section:

(i) The capacity of the UST associated with such system is less than 2,100 gallons;

(ii) The sole intended use of the oil or petroleum liquid is for heating on the premises where stored; and

(iii) The UST is double walled and installed on or after October 1, 2003.

(B) An UST system which satisfies both of the following criteria is exempt from subsection (g)(9) of this section:

(i) The sole intended use of the oil or petroleum liquid is for heating on the premises where stored; and

(ii) The UST associated with such system is single-walled and installed prior to October 1, 2003.

(b) Definitions

When used in this section, the following terms shall have the following meanings:

(1) “Abnormal loss or gain” means an apparent loss or gain in liquid exceeding 0.5 percent of (A) the volume of product used or sold by the owner or operator during any 7 consecutive day period, or (B) the volumetric capacity of the tank; whichever is greater, as determined by reconciliation of inventory measurements made in accordance with subsection (g) of this section;

(2) “Closure” means removing an UST from the ground or rendering an UST permanently unusable (with or without any connected piping) or removing or rendering permanently unusable more than 50 percent of the piping associated with an UST, and for either tank or piping, as applicable, performing the assessment required by subsection (j) of this section;

(3) “Commissioner” means the Commissioner of Energy and Environmental Protection or the commissioner’s designee;

(4) “Department” means the Connecticut Department of Energy and Environmental Protection;

(5) “Dispenser” means equipment located above ground that delivers oil or petroleum

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

liquid transferred to a point of use outside the UST system;

(6) “Failure” means a condition which can or does allow the uncontrolled passage of liquid into or out of any portion of an UST system, including, but not limited to, the primary or secondary containment system;

(7) “Failure determination” means an evaluation to determine whether a failure has occurred using any test that takes into consideration the temperature coefficient of expansion of the product being tested as related to any temperature change during the test, is capable of detecting a loss of 0.05 gallons per hour, and is conducted in accordance with a code of practice or other standard developed by a nationally recognized association or independent testing laboratory;

(8) “Farm” means a tract of land devoted solely to the commercial production of crops or raising of animals, including, but not limited to, fish, and associated residences and improvements, including fish hatcheries, rangeland and nurseries with growing operations;

(9) “Flammable liquid” means a flammable liquid as determined in accordance with NFPA 30 and having a flash point below 100 degrees Fahrenheit (37.8 degrees centigrade) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) (2,068 millimeters mercury) at 100 degrees Fahrenheit (37.8 degrees centigrade);

(10) “Life expectancy” means the time frames specified in subsection (h) of this section;

(11) “Liquid” means any fluid, including, but not limited to, oil and petroleum fluids;

(12) “NFPA” means National Fire Protection Association;

(13) “Nonresidential” means, when referring to an UST system, an UST system which serves any commercial, industrial, institutional, public or other building, including, but not limited to, hotels and motels, boarding houses, hospitals, nursing homes and correctional institutions, and residential buildings with greater than four living units;

(14) “Oil or petroleum liquid” means oil or petroleum of any kind in liquid form including, but not limited to, used oil, waste oils, bio-fuel blends, and distillation products such as fuel oil, kerosene, naphtha, and gasoline;

(15) “Operator” means the person or municipality in control of or having responsibility for the daily operation of an UST system;

(16) “Owner” means the person or municipality in possession of or having legal ownership of an UST system;

(17) “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of oil or petroleum liquids from any UST system, including but not limited to, into secondary containment, or into or onto anything, anywhere, except from the dispenser into a tank, container or similar device used to hold or contain oil or petroleum liquid, or as otherwise authorized by the commissioner;

(18) “Residential building” means any house, apartment, trailer, mobile home, or other structure, composed of four living units or fewer, occupied by individuals solely as a dwelling;

(19) “Tank” means a stationary object designed to contain, or that contains, an

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

accumulation of oil or petroleum liquid and constructed of non-earthen materials including, but not limited to, concrete, steel, fiberglass, and plastic, that provide structural support;

(20) “Underground storage facility” means a parcel of real property on which an UST or UST system is located;

(21) “Underground storage tank” or “UST” means any one or combination of tanks (including underground pipes connected thereto) that is used or designed to contain, or that contains, an accumulation of substances referenced in subsections (a)(1)(A) and (a)(1)(B) of this section, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more either beneath the surface of the ground or covered with earthen material;

(22) “UST system” means a system of interconnected tanks, pipes, pumps, vaults, fixed containers and appurtenant structures, singly or in any combination, which is used or has been used for the storage, transmission or dispensing of oil or petroleum liquids, including any monitoring devices, and for which 10 percent or more of the volumetric capacity of the UST system is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection. “UST system” does not include residential underground heating oil storage tank systems;

(23) “UST system component” means any of the following items associated with the use of an UST: an underground storage tank, connected piping, dispensers, spill buckets, containment sumps or release detection and release prevention equipment. “UST system component” does not include piping that does not routinely contain regulated substances or items associated with routine maintenance such as filters or o-rings;

(24) “Under-dispenser containment sump” means containment underneath a dispenser system designed to prevent a release from the dispenser and piping within or above the under-dispenser containment sump from leaving the UST system.

(c) Releases prohibited

An owner and operator shall ensure that there is no release of any water, substance or material, including, but not limited to, oil or petroleum liquids from an UST system.

(d) Notification requirements

(1) The owner or operator of an UST system shall submit to the commissioner and the local fire marshal:

(A) The annual notification required under section 22a-449(e) of the Connecticut General Statutes. Such notification shall be submitted within the time period specified by the commissioner on the department’s internet website. The time period shall be a minimum of 30 days and shall conclude not later than October 10 of each year; and

(B) As applicable, notification of each of the following events within 30 days of such event:

(i) The installation of an UST system

(ii) The permanent closure of an UST system

(iii) Any change in information provided in any prior notification submitted to the commissioner and the local fire marshal in accordance with this subsection, including

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

temporarily taking an UST system out of service.

(2) Each notification required by this subsection shall be submitted by the owner or operator on forms furnished by and in a manner prescribed by the commissioner on the department's internet website, including an electronic submission and shall contain all information prescribed by the commissioner. Each notification shall be accompanied by any fee as required by sections 22a-449(e) and 22a-449(h) of the Connecticut General Statutes and shall be deemed incomplete if not accompanied by the required fee.

(e) Design and construction

The owner or operator of each UST system shall ensure compliance with the following requirements:

(1) **Tanks.** Each tank that is part of an UST system shall:

(A) Be properly designed and constructed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. In addition, the commissioner may post codes of practice deemed acceptable on the department's internet website;

(B) Be constructed of one of the following:

(i) Fiberglass-reinforced plastic;

(ii) Steel coated with a factory applied suitable dielectric material approved by the manufacturer of such tank for the proposed use and is equipped with corrosion protection through the use of either:

(I) Galvanic cathodic protection attached to the tank; or

(II) An impressed current cathodic protection system that allows the owner or operator to determine whether such impressed current system is properly operating;

(iii) Steel and clad or jacketed with a non-corrodible material; or

(iv) A material or materials posted on the department's internet website;

(C) Be equipped with contact plates under all fill and gauge openings;

(D) If installed on or after October 1, 2003, be a double-walled UST and have secondary containment that can fully contain oil or petroleum liquid leaked from the primary containment until the leak is detected and removed and the secondary containment shall prevent the release of oil or petroleum liquid from the tank at any time during the operational life of such tank; and

(E) (i) If installed on or after October 1, 2003, but on or before August 5, 2025 shall continuously monitor the interstitial space of the tank using inert gas, liquid, a vacuum, electronic monitoring, or mechanical monitoring; and

(ii) If installed after August 5, 2025, shall have continuous interstitial monitoring that monitors both primary containment and secondary containment such that the inner and outer walls are continuously monitored using technology such as inert gas, liquid, or a vacuum.

(2) **Piping.** Piping that routinely contains oil or petroleum liquid and is part of an UST system shall:

(A) Be properly designed and constructed in accordance with a code of practice

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

developed by a nationally recognized association or independent testing laboratory, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. In addition, the commissioner may post codes of practice deemed acceptable on the department's internet website;

(B) (i) If installed before May 7, 2025, be constructed of corrodible or non-corrodible material. If the piping is constructed of corrodible material, such piping shall not come in contact with the ground or any water unless such piping is:

(I) Coated with a suitable factory applied dielectric material approved by the manufacturer of such piping for the proposed use; and

(II) Equipped with galvanic cathodic protection attached to the piping, or an impressed current cathodic protection system that allows the owner or operator to perform a structure to soil voltage test of such system to determine whether such system is properly operating; and

(ii) If installed on or after May 7, 2025, be constructed of a non-corrodible material, provided this requirement shall not apply to piping that does not come into contact with the ground or any water; and

(C) If installed on or after October 1, 2003:

(i) Be double-walled with secondary containment that is capable of containing oil or petroleum liquid released from primary containment and prevent the release of oil or petroleum liquid from the piping at any time during the operational life of the UST system; and

(ii) Be equipped with interstitial monitoring, that, at a minimum, has sensors at both ends of the piping run or a vacuum that provides continuous interstitial monitoring; and

(D) For piping that conveys oil or petroleum liquid under pressure, be equipped with an automatic line leak detector capable of detecting the presence of a release of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour by restricting or shutting off the flow of oil or petroleum liquid through piping. The requirements of this subparagraph shall be applicable as follows:

(i) On May 7, 2025, for all piping that conveys oil or petroleum liquid under pressure installed on or after such date; and

(ii) On August 5, 2025, for all piping that conveys oil or petroleum liquid under pressure installed before May 7, 2025.

(3) **Cathodic protection systems.** All cathodic protection systems required by this subsection shall meet the specifications of the manufacturer of any component being protected and shall provide continuous corrosion protection.

(4) **Spill and overfill prevention equipment.** Each UST system shall be equipped with the following:

(A) Spill prevention equipment, such as a spill bucket, capable of containing the amount of oil or petroleum liquid in a transfer hose used to deliver oil or petroleum liquid to an UST when such hose is detached from the fill pipe. Spill buckets that are part of an UST system shall be liquid tight. No spill bucket shall be less than 5 gallons; and

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

(B) Overfill prevention equipment that will alert the transfer operator when an UST is reaching its maximum capacity to prevent overfilling.

(5) Containment sumps.

(A) Under Dispenser Containment Sump. Except for UST systems that do not have a dispenser, each UST system shall comply with the following requirements:

(i) On or after May 7, 2027:

(I) Each UST system installed shall be equipped with under-dispenser containment sumps that comply with the requirements specified in subparagraph (C) of this subdivision;

(II) Each under-dispenser sump installed, replaced or repaired shall comply with the requirements specified in subparagraph (C) of this subdivision; and

(ii) On or after May 7, 2027 no owner or operator shall use an UST system with a dispenser, unless such dispenser is equipped with an under-dispenser containment sump that complies with the requirements specified in subparagraph (C) of this subdivision.

(B) Piping Containment Sump.

(i) Each UST system installed shall be equipped with piping containment sumps that comply with the requirements specified in subparagraph (C) of this subdivision;

(ii) Each piping containment sump installed after May 7, 2025 shall comply with the requirements specified in subparagraph (C) of this subdivision; and

(iii) On or after May 7, 2027, no UST system shall be used, unless such UST system is equipped with piping containment sumps that comply with the requirements specified in subparagraph (C) of this subdivision.

(C) Each under-dispenser containment sump or piping containment sump, as applicable, shall:

(i) Prevent any liquid that may accumulate in such containment sump, including liquid from the piping or pump, and liquid from the dispenser from leaving the containment sump;

(ii) Be capable of immediate visual inspection and provide immediate access to the components of such sump and the components contained therein;

(iii) Be equipped with an alarm or other device such as a sensor that is capable of immediately alerting the owner or operator whenever any liquid, including precipitation, is present in any such sump. The alarm or other device shall:

(I) Operate as intended;

(II) Not be removed, disabled, or otherwise rendered inoperable; and

(III) Be located at the lowest point within the containment sump so that any liquid present in such sump can be detected.

(6) Dispensers. On or after May 7, 2027, all dispensers shall be equipped with the following:

(A) A breakaway device compatible with the oil or petroleum liquid being dispensed that is installed in a vehicle fueling hose that separates when excessive pulling force is applied to the hose, including when a vehicle leaves the dispenser area with the nozzle from the fueling hose still in the vehicle fill pipe. When excessive pulling force is applied to such hose, a breakaway device shall prevent the flow of liquids from either section of the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

parted hose as well as protect the dispenser from damage; and

(B) A shear valve or crash valve that, when fueling occurs under pressure, automatically shuts off the flow of fuel to the dispenser in the event of a fire inside the dispenser or a severe impact to the dispenser; and

(C) A mechanism or a design for ensuring that a fuel dispensing hose is not on the ground when such hose is not in use.

(f) Installation

(1) Installation Requirements. The owner or operator of each UST system shall ensure compliance with the following requirements:

(A) All components of an UST system shall be installed, maintained, and repaired in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory and in accordance with the manufacturer's specifications and instructions, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. If the provisions of a code of practice or manufacturer instruction are inconsistent, the most stringent and protective requirement shall be applied.

(B) All work listed in the manufacturer's checklist for the installation of a tank or piping or a similar document from the manufacturer regarding installation of a tank or piping shall be completed and one of the following conditions shall be satisfied:

- (i) The manufacturer has certified the installer, in writing, to install such equipment; or
- (ii) The installation has been inspected and approved, in writing, by a registered professional engineer licensed in the state of Connecticut and who has education and experience in UST and piping installation.

(C) Within 30 days after completion of installation of an UST, the owner or operator shall submit to the commissioner, in a manner and on a form prescribed by the commissioner, a statement signed by the installation contractor certifying that the installation has been carried out in accordance with this subsection.

(2) Installation Testing. The owner or operator of each UST system shall ensure compliance with the following requirements:

(A) No UST system installed on or after May 7, 2025, shall contain any oil or petroleum liquid until testing has been conducted that demonstrates that there is no release or loss of any liquids from any component of such system. The person who performs the testing shall have the required qualifications to perform such testing and the owner or operator shall retain the results of such testing.

(B) Any test conducted to satisfy the requirements of subparagraph (A) of this subdivision shall be performed in accordance with the manufacturer's guidelines and standards. If there are no manufacturer's guidelines or standards, the owner or operator shall perform such tests in accordance with an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturer's guidelines or standards, industry codes, or engineering standards, the owner or operator shall perform such tests using a test method that, before use, is approved in writing, by a registered

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

professional engineer licensed in the state of Connecticut.

(C) Notwithstanding subparagraph (B) of this subdivision, an owner or operator shall not use a test method to comply with subparagraph (A) of this subdivision if the commissioner has posted on the department's internet website that use of such test method is unacceptable. In addition, the commissioner may post on the department's internet website test methods deemed acceptable.

(g) Operation and maintenance requirements

The owner or operator of each UST system shall comply with the following requirements:

(1) Each UST system shall be made of materials that are compatible with any oil or petroleum liquid stored in such system. This requirement shall apply to the entirety of an UST system.

(2) (A) The owner or operator of an UST system storing greater than 10 percent ethanol or greater than 20 percent biodiesel shall demonstrate to the commissioner upon request that such oil or petroleum liquid are compatible with the tank, piping, containment sumps, under-dispenser containment sumps, pumping equipment, release detection equipment, and spill and overfill equipment parts of an UST system using one of the following options:

(i) Certification or listing of UST system equipment or components by a nationally recognized independent testing laboratory for use with such oil or petroleum liquid; or

(ii) An affirmative statement of compatibility in writing from the equipment or component manufacturer that specifies the range of ethanol or biofuel blends with which the equipment or component is compatible.

(B) Documentation demonstrating compliance with the requirements of subparagraph (A) of this subdivision shall be obtained by November 3, 2025 and maintained in accordance with subsection (g) of this section.

(3) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain oil or petroleum liquid and are in contact with the ground or water. Such corrosion protections shall, at a minimum, be maintained continuously at least minus 0.85 volts, measured between the structure and a copper-copper sulfate electrode.

(4) All cathodic protection systems which protect UST system components shall be tested annually using a structure to soil test voltage test. In order to pass the test, a reading of at least minus 0.85 volts measured between the structure and a copper-copper sulfate electrode shall be maintained.

(5) Impressed current cathodic protection systems, in addition to subdivision (4) of this subsection, shall also be checked monthly to ensure that the system rectifier providing the source of current is operating properly. A monthly record of rectifier current and voltage output shall be maintained.

(6) If any cathodic protection system malfunctions or fails to meet the structure to soil test voltage requirement specified in subdivision (4) of this subsection, the following requirements shall apply:

(A) If such system achieved a passing test within the previous 5 years, the system shall

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

be repaired as quickly as possible, but not later than 30 days from the date of discovery of the malfunction or failed test. If the repair cannot be done within this 30-day period, the owner or operator shall empty the tank of liquid to less than 1 inch not later than the end of this 30-day period and ensure that the system is repaired not later than 60 days from the date of discovery of the malfunction or failed test. If the system is not repaired within this 60-day period, the system shall be closed in accordance with subsection (j) of this section unless otherwise provided by the commissioner in writing.

(B) If such system did not achieve a passing test within the previous 5 years, the UST system shall immediately be emptied to less than 1 inch and shall be closed in accordance with subsection (j) of this section.

(7) (A) Except for a dispenser, no other component of an UST system shall be moved or relocated for use at another location, including another location at the same underground storage facility, without the prior written approval of the commissioner. An approval under this section may include any conditions the commissioner deems appropriate;

(B) No tank or piping shall be moved or relocated from one location to another unless such tank or piping is in compliance with section 22a-449o of the Connecticut General Statutes. For purposes of this subdivision, the life expectancy of a tank or piping that routinely contains product relocated under this section shall be based on the date such tank or piping was originally installed, not the date such UST or piping was relocated; and

(C) An owner or operator of an UST system shall not install or reinstall a dispenser from another location, including another location at the same underground storage facility, unless such dispenser is equipped with a containment sump that meets the requirements of an under-dispenser containment sump in accordance with subsection (e)(5) of this section.

(8) Methods of Release Detection for Double-Walled Petroleum USTs. A double-walled UST shall use interstitial monitoring that complies with the requirements of this subdivision:

(A) The owner or operator of a double-walled tank installed before October 1, 2003, shall perform release detection using any method that complies with the requirements of this subsection, provided that on or after May 7, 2027, such owner or operator shall use monitoring that complies with subparagraphs (B) or (C) of this subdivision.

(B) For a double-walled UST installed on or after October 1, 2003, but before August 5, 2025, the release detection shall continuously monitor the interstitial space between the walls of the UST or conduct interstitial monitoring that complies with subparagraph (C) of this subdivision.

(C) For a double-walled UST installed on or after August 5, 2025, the release detection shall continuously monitor the integrity of the walls of the tank for a potential failure of the primary and the secondary containment, including both the inner and outer walls of such tank, using technology such as systems that are hydrostatically monitored or under constant vacuum.

(9) Methods of Release Detection for Single-Walled Petroleum USTs.

(A) (i) For a single-walled UST system, the following information shall be recorded on a daily basis, the amount of oil or petroleum liquids used and received, and the level of

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

water and product in the tank; and on a weekly basis, a reconciliation comparing these figures to determine whether an abnormal loss or gain has occurred;

(ii) Separate records shall be maintained for each system of interconnected tanks and serving pumps or dispensers; and

(iii) The owner or operator for each UST system shall review such records and attest to their accuracy by signing them, including by electronic signature, not later than 7 days after the recordation of such data.

(B) Daily inventory measurements shall be made by gauge or gauge stick or by readout from a listed automatic monitoring device. Such measuring devices shall be calibrated in accordance with the manufacturer's specifications and recommendations and be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch. The oil or petroleum liquid inputs shall be reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery. The measurement of any water level in the bottom of the tank shall be made to the nearest one-eighth of an inch at least once a day.

(C) Daily inventory measurements do not need to be recorded on those days when an UST system is not in operation, except that if such period exceeds 15 consecutive days inventory measurements shall be recorded on every 15th day. A day on which product is delivered to the UST system shall be considered a day of operation.

(D) The commissioner may require an owner or operator to perform a failure determination of any UST system for which daily inventory records are not maintained in accordance with this subsection.

(E) When inventory reconciliation indicates an abnormal loss or gain which is not due to spillage, temperature variations or other known causes, the owner or operator shall immediately investigate and correct the source of the abnormal loss or gain. At a minimum, the owner or operator shall take as many of the following steps as necessary to confirm an abnormal loss or gain:

(i) When an inventory record error is not apparent, conduct a recalculation to determine abnormal loss or gain starting from a point where the records indicate no abnormal loss or gain;

(ii) Perform a detailed visual inspection of those components of the UST system which are readily accessible for evidence of failure;

(iii) Check the dispensers of the particular oil or petroleum liquid in question for proper calibration;

(iv) Perform a failure determination on the piping system between the tank and dispensers in accordance with subsection (i) of this section; and

(v) Perform a failure determination on the tank in accordance with subsection (i) of this section.

(F) When an abnormal loss or gain is confirmed, the owner or operator shall immediately report the abnormal loss or gain to the commissioner in accordance with section 22a-450 of the Connecticut General Statutes and sections 22a-450-1 to 22a-450-6, inclusive, of the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

Regulations of Connecticut State Agencies, as soon as possible, but in no event later than 1 hour after the discovery of the release. The report shall be made using a telephone number specified by the commissioner or some other method for reporting UST releases specified by the commissioner on the department's internet website.

(G) Beginning November 3, 2025 and notwithstanding subparagraph (E) of this subdivision, a failure determination shall be conducted on all UST systems every 5 years until such systems reach their applicable life expectancy in accordance with subsection (h) of this section.

(h) Life Expectancy

(1) No owner or operator of an UST system shall use or operate any tank or piping that routinely contains product beyond its life expectancy as determined in accordance with this subsection. Prior to the last day of the life expectancy of any such tank or piping, the owner or operator shall close such tank or piping in accordance with the closure requirements specified in subsection (j) of this section.

(2) Life expectancy shall be 30 years from the date of installation of each tank or piping. No owner or operator of an UST system shall operate any tank or underground piping that routinely contains product beyond its life expectancy. If the installation date of an UST system component cannot be determined, such component(s) shall be permanently closed in accordance with subsection (j) of this section.

(3) Life expectancy shall be 45 years for a double-walled tank or piping made of fiberglass-reinforced plastic, or any other non-metallic material and using continuous interstitial monitoring that monitors both the primary containment and secondary containment such that the inner and outer wall are continuously monitored using technology such as inert gas, or liquid, or under constant vacuum.

(4) Any tank or piping whose date of installation is unknown shall be deemed beyond the life expectancy upon May 7, 2025 and shall be closed in accordance with subsection (j) of this section.

(5) Notwithstanding the provisions of subdivisions (2) and (3) of this subsection, the period of life expectancy for either tanks or piping that routinely contains product, may upon request to the commissioner, or upon the commissioner's own initiative, be modified by the commissioner. The commissioner may request any information the commissioner deems necessary in responding to such request. Any modification by the commissioner under this subsection may include any conditions the commissioner deems appropriate.

(i) Failures

(1) An owner or operator of an UST system shall report any failure immediately, in accordance with section 22a-450 of the Connecticut General Statutes and sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies.

(2) The owner or operator of an UST system at which a failure of any UST system component occurs shall immediately empty and discontinue the use of the failed UST system component and:

(A) Remove or abandon such component within 90 days in accordance with procedures

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-1

Department of Energy and Environmental Protection

specified in subsection (j) of this section;

(B) Repair such component within 60 days; or

(C) Replace all damaged components in accordance with the design and construction requirements in subdivision (e) of this section.

(3) The owner or operator of an UST system which releases oil or petroleum liquids without a permit issued pursuant to section 22a-430 of the Connecticut General Statutes shall immediately cease such release and reclaim, recover and properly dispose of the discharged liquid and any other substance contaminated by the release, restore the environment to a condition and quality acceptable to the commissioner, and shall otherwise repair all damage caused by the release, all to the satisfaction of the commissioner.

(4) When a failure occurs at an UST system, the owner or operator shall ensure all of the system's components are evaluated within 30 days to determine whether there are conditions similar to those that caused the failure. Within 10 days following such evaluation, the owner or operator shall notify the commissioner in writing of the methods and results of each such evaluation. If an additional failure is detected, the owner or operator shall act in accordance with this subsection.

(j) Closure of UST systems

(1) An UST system or UST system component shall be closed in accordance with all applicable laws, regulations, codes, and standards, except for any code or standard identified by the commissioner on the department's internet website as unacceptable for the closure of an UST system or UST system component.

(2) At a minimum, the closure of an UST system shall comply with the following requirements:

(A) The entire UST system is emptied and cleaned by removing all liquids and accumulated sludges.

(B) After removal of such liquids and sludges:

(i) For each tank or UST not being closed in place, remove from the ground; or

(ii) For each tank or UST being closed in place, prior to filling the UST with a solid inert material, conduct the requirements prescribed in subparagraphs (C) and (D) of this subdivision; and

(iii) All piping shall be removed from the ground or capped.

(C) An assessment shall be performed at the time of closure and shall include an evaluation of the presence of a release or potential release at all locations where contamination is most likely to be present at the underground storage facility. The selection of sample types, sample locations, and analytical methods, shall take into account the nature of the stored substance, the type of backfill, the depth to groundwater, the presence of rainwater or groundwater, and other factors appropriate for identifying the presence, or potential presence, of a release. Sample locations shall include, at a minimum:

(i) all sides and the bottom of the area where a tank has been removed or closed in-place;

(ii) areas of staining, areas where holes or perforation in the removed tank are visible;

(iii) areas where spill buckets, containment sumps, or dispensers were used; and

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-1

(iv) in the case of piping undergoing closure, at least one sample is taken at every 10-foot interval of piping, but for intervals of less than 10 feet, at least one sample.

(D) All sampling and analysis conducted in accordance with subparagraph (C) of this subdivision shall meet the following requirements:

(i) Sample collection and analysis shall comply with appropriate chain-of-custody procedures to ensure sample integrity and all samples shall be analyzed by a laboratory that is either certified by the Connecticut Department of Public Health or approved in writing by the commissioner; and

(ii) All analytical data used shall be scientifically valid and defensible, with a level of precision, accuracy, and sensitivity commensurate with its intended use. All analytical data shall include an analytical data quality assessment and data usability evaluation prepared by individuals qualified to make such assessment or evaluation in accordance with the requirements in the remediation standard regulations adopted pursuant to section 22a-133k of the Connecticut General Statutes. If the commissioner determines that analytical data is not scientifically valid and defensible, or not of a sufficient level of precision, accuracy, and sensitivity to support the intended use of the data, the commissioner shall identify in writing the reasons for such conclusions and such data shall not be relied upon to demonstrate compliance with this section.

(iii) All results of sampling performed under subdivisions (C) and (D) of this subsection shall be retained in accordance with subsection (I) of this section.

(3) If at any time during closure a release is suspected or confirmed, the owner or operator shall:

(A) Report the release in accordance with subsection (i)(1) of this section.

(B) Investigate, remediate, and repair any damage caused by the release in accordance with subsection (i)(3) of this section.

(C) Prepare and submit a closure report that, at a minimum, summarizes the assessment completed in accordance with subdivision (2)(C) of this subsection, provides the complete sample results and analytical data compiled as a result of such assessment, and provides a map showing the extent and concentration of all releases, including locations of samples.

(4) If the activities undertaken pursuant to this subsection, or the report prepared pursuant to subdivision (3)(C) of this subsection regarding closure are not completed to the satisfaction of the commissioner, the commissioner shall notify the owner or operator in writing, identifying what the commissioner deems unsatisfactory, the reasons why and what additional actions are necessary. The owner or operator shall undertake any actions requested by the commissioner within 60 days after receipt of request or within such other time as the commissioner specifies.

(k) Transfer of UST system ownership, possession or control

No owner or operator shall transfer ownership, possession or control of any UST system without full disclosure to the transferee of the status of the UST system's compliance with this section at least 15 days prior to the transfer. Such disclosure shall include an up-to-date copy of the information submitted to the commissioner pursuant to subsection (d) of this

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-2—22a-449(d)-

Department of Energy and Environmental Protection

section.

(l) Records

(1) Recordkeeping. The owner or operator of an UST system shall maintain all records regarding each component of the UST system, including installation, operation, maintenance, compatibility, inspection, testing, calibration, release detection, repair, release or suspected release, closure, and any record or report required to demonstrate compliance with any requirement of this section, other than records relating to routine maintenance of such system which includes changing filters or lubricating parts.

(2) The owner or operator of an UST system shall maintain the records described in subdivision (1) of this subsection:

(A) At the underground storage facility during the operational life of an UST system component, except as may be provided for in section 22a-449q of the Connecticut General Statutes; and

(B) At any location after the operational life of an UST system component. Such records shall be maintained and made available for inspection for one year beyond the operational life of such component.

(Effective July 28, 1994; Amended May 31, 2012; Amended May 7, 2025)

Sec. 22a-449(d)-2—22a-449(d)-100. Reserved

Sec. 22a-449(d)-101. Technical standards and corrective action requirements for owners and operators of underground storage tank systems applicability, prohibitions and definitions

(a) Applicability.

Except as provided in subdivision (1) of this subsection, sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies shall apply to all owners and operators of an underground storage tank system. If the owner and operator of an underground storage tank system are separate persons, only one such person is required to demonstrate compliance with the sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies, however, both the owner and operator are liable in event of noncompliance of any such regulations.

(1) Exemptions. Owners and operators of the following UST systems are exempt from the requirements of sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies:

(A) Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, 42 USC, Chapter 82, Subchapter III, or a mixture of such hazardous waste and other regulated substances;

(B) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under section 22a-430 of the Connecticut General Statutes;

(C) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;

(D) Any UST system whose capacity is 110 gallons or less;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-101

(E) Any UST system that contains a de minimis concentration of petroleum; and
(F) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(2) Partial Exemptions. Owners and operators of the following UST systems shall comply with subparagraph (B) of this subdivision:

(A) (i) Wastewater treatment tank systems that are not part of a wastewater treatment facility regulated under section 22a-430 of the Connecticut General Statutes;

(ii) Any UST system containing radioactive material that is regulated under the Atomic Energy Act of 1954, 42 USC, Chapter 23; and

(iii) Any UST system that is part of an emergency generator system at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including, but not limited to, those facilities licensed pursuant to 10 CFR 50.

(B) The owner or operator of an UST system specified in subparagraph (A) of this subdivision shall comply with sections 22a-449(d)-106 and 22a-449(d)-109 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies and section 22a-449o of the Connecticut General Statutes and shall:

(i) Prevent releases from such UST system or UST system components for the operational life of such UST system or UST system components;

(ii) Ensure that the UST system is constructed of material that is compatible with the stored regulated substance and that such system satisfies at least one of the following requirements:

(I) Is cathodically protected against corrosion;

(II) Is constructed of non-corrodible material; or

(III) Is constructed of steel clad with a non-corrodible material; and

(iii) Ensure that the UST system is designed in a manner to prevent the release or threatened release of any stored regulated substance.

(b) **Prohibitions.** No person may own or operate an airport hydrant fuel distribution system or an UST system with a field-constructed tank. The owner or operator of any airport hydrant fuel distribution system or an UST system with a field-constructed tank shall permanently close such system in accordance with section 22a-449(d)-107 of the Regulations of Connecticut State Agencies.

(c) **General.** Nothing in sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies shall affect the commissioner's authority to enforce statutes, regulations, permits or orders administered, adopted or issued by the commissioner, including, but not limited to, the commissioner's authority to issue an order to prevent or abate pollution and any potential source of pollution.

(d) **Definitions.**

When used in sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies, the following terms shall have the meanings given below:

(1) "Abnormal loss or gain" means an apparent loss or gain in liquid exceeding 0.5

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-101

Department of Energy and Environmental Protection

percent of (A) the volume of product used or sold by the owner or operator during any 7 consecutive day period, or (B) the volumetric capacity of the tank; whichever is greater, as determined by reconciliation of inventory measurements made in accordance with section 22a-449(d)-104 of the UST regulations;

(2) “Airport hydrant distribution system” or “Airport hydrant system” means an UST system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants or fill stands. The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier;

(3) “Ancillary equipment” means any devices including, but not limited to, piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST;

(4) “Approved training program” means a Class A, B, or C Operator training program approved by the commissioner pursuant to section 22a-449(d)-108 of the UST regulations;

(5) “Cathodic protection” means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current;

(6) “CFR” means the Code of Federal Regulations revised as of May 7, 2025, unless otherwise specified;

(7) “Class A operator” means a person who has successfully completed the training and certification requirements in section 22a-449(d)-108 of the UST regulations for a Class A operator and who has been designated by an owner or operator to serve as a Class A operator;

(8) “Class B operator” means a person who has successfully completed the training and certification requirements in section 22a-449(d)-108 of the UST regulations for a Class B operator and who has been designated by an owner or operator to serve as a Class B operator;

(9) “Class C operator” means a person who has successfully completed the training and certification requirements of section 22a-449(d)-108 of the UST regulations for a Class C operator and who has been designated by an owner or operator to serve as a Class C operator;

(10) “Closure” means removing an UST from the ground or rendering an UST permanently unusable (with or without any connected piping) or removing or rendering permanently unusable more than 50 percent of the piping associated with an UST and for either tank or piping, as applicable, performing the requirements in accordance with section 22a-449(d)-107(a)(4) of the UST regulations;

(11) “Commissioner” means the Commissioner of Energy and Environmental Protection, or the commissioner’s designee;

(12) “Compatible” means the ability of 2 or more substances to maintain their respective physical and chemical properties upon contact with one another for the life expectancy of

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-101

the UST system under conditions likely to be encountered in the UST;

(13) “Connected piping” means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to an UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins 2 UST systems should be allocated equally between them;

(14) “Containment sump” means a piping containment sump and an under-dispenser containment sump;

(15) “Contact plate” means a device, usually a flat piece of metal or other material, intended to absorb the impact of repeated insertions of gauge sticks and to help dissipate the impact of product being delivered into an UST;

(16) “Day” means calendar day;

(17) “Department” or “DEEP” means the Connecticut Department of Energy and Environmental Protection;

(18) “Dielectric material” means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system including, but not limited to, tank from piping;

(19) “Dispenser” means equipment located above ground that meters the amount of regulated substances transferred to a point of use outside the UST system, such as a motor vehicle;

(20) “Double-walled underground storage tank” means an underground storage tank that is listed by Underwriters Laboratories, Incorporated and that is constructed using 2 complete shells to provide both primary and secondary containment, and having a continuous 360 degree interstitial space between the 2 shells which interstitial space shall be continuously monitored using inert gas or liquid, vacuum monitoring, electronic monitoring, mechanical monitoring or any other monitoring method approved in writing by the commissioner before being installed or used;

(21) “Double-walled underground storage tank system” means one or more double-walled underground storage tanks connected by double-walled piping and utilizing double-walled piping to connect the underground storage tank to any associated equipment;

(22) “Electrical equipment” means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable;

(23) “Environmental professional” or “EP” means a LEP or a PEP, as applicable;

(24) “Excavation zone” means the area or location bounded by the ground surface, walls, and floor into which an UST system is placed at the time of installation;

(25) “Failure” means a condition which can or does allow the uncontrolled passage of liquid into or out of any portion of an UST system, including, but not limited to, the primary or secondary containment system;

(26) “Farm tank” is a tank located on a tract of land, including associated residences and

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-101

Department of Energy and Environmental Protection

improvements on such parcel, predominantly devoted to the production of crops or raising animals including fish hatcheries, rangeland and nurseries with growing operations;

(27) “Field constructed tank” means a tank that is constructed at an underground storage facility that is not pre-fabricated, and includes, but is not limited to, a tank constructed of concrete that is poured at such facility, or a steel or fiberglass tank fabricated at such facility, including, but not limited to, fabrication by placing fiberglass or plastic inside of a tank;

(28) “Flow-through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process;

(29) “Free product” refers to a regulated substance that is present as a non-aqueous phase liquid such as liquid not dissolved in water;

(30) “Gathering lines” means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations;

(31) “Hazardous substance” means a substance defined in 42 USC 9601(14) or any mixture of such substances and petroleum, but does not include (A) a mixture of petroleum with de minimis quantities of motor fuel additives or (B) any substance regulated as a hazardous waste under subsection (c) of Section 22a-449 of the Connecticut General Statutes;

(32) “Hazardous substance UST system” means an underground storage tank system that contains a hazardous substance;

(33) “Heating oil” means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces;

(34) “Hydraulic lift tank” means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices;

(35) “Imminent hazard” means any release that creates, or can reasonably be expected to create, an emergency, a fire, an explosion hazard, a vapor hazard, or a similar hazard to human health, public safety, or the environment;

(36) “Licensed environmental professional” or “LEP” means an environmental professional who has a current valid license issued by the commissioner pursuant to section 22a-133v of the Connecticut General Statutes;

(37) “Liquid trap” means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-101

(38) “Maintenance” means the operational upkeep necessary to prevent an underground storage tank system from releasing a regulated substance. This includes ensuring that all UST system components are functioning properly;

(39) “Motor fuel” means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances, including: motor gasoline blended with alcohol;

(40) “Non-aqueous phase liquid” or “NAPL” means a liquid that is not dissolved in water;

(41) “Operational life” means the period beginning when installation of the UST system component commences until such component has been permanently closed and for any component not subject to permanent closure, when the component has been permanently removed from the UST system or rendered unusable;

(42) “Operator” means any person in control of, or having responsibility for, the daily operation of the UST system;

(43) “Owner” means the person or municipality in possession of or having legal ownership of an UST system;

(44) “Permitted environmental professional” or “PEP” means an environmental professional who has an appropriate permit issued by the commissioner pursuant to section 22a-454 of the Connecticut General Statutes;

(45) “Person” means an individual, trust, firm, association, partnership, company, corporation, nonstock corporation, limited liability company, the federal government, the state, including any agency or political or administrative subdivision of the state, municipality, commission, interstate body, any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company or other legal entity of any kind;

(46) “Petroleum” means crude or synthetic oil or any fraction thereof, refined petroleum fraction, that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). “Petroleum” includes petroleum-based substances comprised of a complex blend of hydrocarbons, such as gasoline, kerosene, heating oils, motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, used oils and any bio-fuel blends;

(47) “Petroleum UST system” means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other substances but does not include a mixture of petroleum and hazardous substances;

(48) “Pipe or piping” means a hollow conduit that is constructed of non-earthen materials;

(49) “Pipeline facilities” means pipe rights-of-way and any associated equipment, facilities, or buildings and includes gathering lines;

(50) “Piping containment sump” means containment housing a turbine pump or piping that distributes regulated substances and prevents releases from leaving the UST system;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-101

Department of Energy and Environmental Protection

(51) “Regulated substance” means any hazardous substance or petroleum;

(52) “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of regulated substances from any UST system, including but not limited to, into secondary containment, or into or onto anything, anywhere, except from the dispenser into a tank, container or similar device designed and used to hold or contain regulated substances, or as otherwise authorized by the commissioner;

(53) “Release detection” means determining whether a release of a regulated substance has occurred from an UST system component or whether water is entering an UST system;

(54) “Repair” means to restore a UST system component to proper operating condition and does not constitute replacement of an UST system component;

(55) “Residential tank” is a tank located on property used primarily for dwelling purposes;

(56) “RSRs” means the state remediation standard regulations adopted pursuant to section 22a-133k of the Connecticut General Statutes;

(57) “Secondary containment” means a release prevention and release detection system for a tank or piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping;

(58) “Septic tank” is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage released from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility;

(59) “Stormwater” or “wastewater collection system” means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance;

(60) “Surface impoundment” means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well;

(61) “Tank” means a stationary object designed to contain, or that contains, an accumulation of regulated substances and constructed of non-earthen materials including, but not limited to, concrete, steel, fiberglass, and plastic that provide structural support;

(62) “Under-dispenser containment sump” means containment underneath a dispenser system designed to prevent releases from the dispenser and piping within or above the under dispenser containment sump from leaving the UST system;

(63) “Underground area” means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection that allows a person to visually determine if there has been a release from a tank situated in such room;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-101

(64) “Underground storage facility” means a parcel of real property on which an UST or an UST system is located or was previously located;

(65) “Underground storage tank” or “UST” means any one or combination of tanks, including underground pipes connected thereto, that is used or designed to contain, or that contains, an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more either beneath the surface of the ground or covered with earthen materials. The term does not include any of the following USTs or piping connected to any such UST:

(A) Farm or residential UST of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes, meaning not intended for resale;

(B) An UST used solely for storing heating oil for consumptive use on the premises where stored;

(C) Septic tank;

(D) Pipeline facility (including gathering lines):

(i) Which is regulated under 49 USC, Chapter 601, or

(ii) Which is an intrastate pipeline facility regulated under state laws as provided in 49 USC, Chapter 601, and which is determined by the federal Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

(E) Surface impoundment, pit, pond, or lagoon;

(F) Stormwater or wastewater collection system;

(G) Flow-through process tank;

(H) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

(I) Storage tank situated in an underground area;

(66) “Underground storage tank system” or “UST system” means one or more USTs, connected piping, ancillary equipment, and containment system, if any;

(67) “Underground storage tank regulations” or “UST regulations” means sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies and when identified by a specific reference, “UST regulations” also means any individual section or specific provision of sections 22a-449(d)-101 to 22a-449(d)-114, inclusive, of the Regulations of Connecticut State Agencies;

(68) “UST system component” means any of the following items associated with the use of an UST: an underground storage tank, connected piping, dispensers, spill buckets, containment sumps or release detection or release prevention equipment. “UST system component” does not include piping that does not routinely contain regulated substances or items associated with routine maintenance such as filters or o-rings;

(69) “Wastewater treatment tank” means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

(Effective July 28, 1994; Amended May 31, 2012; Amended December 1, 2021; Amended May 7, 2025)

Sec. 22a-449(d)-102. UST systems: performance standards, installation and testing

(a) Performance standards for UST systems.

The owner or operator of an UST system shall ensure that such system complies with the following requirements.

(1) Tanks. Each tank that is part of an UST system shall:

(A) Be properly designed and constructed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. In addition, the commissioner may post codes of practice deemed acceptable on the department's internet website; and

(B) Be constructed of:

(i) Fiberglass-reinforced plastic;

(ii) Steel coated with a factory applied suitable dielectric material approved by the manufacturer of such tank for the proposed use and is equipped with corrosion protection through the use of either:

(I) Galvanic cathodic protection attached to the tank; or

(II) An impressed current cathodic protection system that allows the owner or operator to determine whether such impressed current system is properly operating; or

(iii) Steel and clad or jacketed with a non-corrodible material;

(C) Be equipped with contact plates under all fill and gauge openings; and

(D) In addition to compliance with subdivision (1)(A) to (1)(C), inclusive, of this subsection, for tanks installed on or after October 1, 2003, be a double-walled underground storage tank with secondary containment that can fully contain regulated substances leaked from the primary containment until the regulated substances are detected and removed and that can prevent the release of regulated substances from the tank at any time during the operational life of such tank; and

(i) For tanks installed on or after October 1, 2003, but on or before August 5, 2025, continuously monitor the interstitial space of the tank of such UST system using inert gas, liquid, a vacuum, electronic monitoring, or mechanical monitoring; and

(ii) For tanks installed after August 5, 2025, have continuous interstitial monitoring that monitors both primary containment and secondary containment, such that the inner and outer walls are continuously monitored using technology such as inert gas, liquid, or a vacuum, except that tanks installed after May 7, 2025 may have an electronic or mechanical system that does not continuously monitor both the inner and outer wall, such as a system utilizing a dry space with a sensor, provided that the tank and piping, whichever is applicable, shall meet the following conditions;

(I) Be used for the storage of petroleum only;

(II) Be constructed of double walled fiberglass-reinforced plastic or composite steel;

(III) Have striker plates beneath each access point present since time of installation;

(IV) Utilize non-metallic piping;

(V) Have piping containment sumps and under dispenser containment sumps that are

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-102

liquid tight and monitored;

(VI) Pass an interstitial test that meets the requirements of the Petroleum Equipment Institute, Recommended Practice 1200-12 every 6 months until permanently closed;

(VII) Not be located within an aquifer protection area or within 1,000 feet of a potable well, not including potable wells on the site where the tank is located; and

(VIII) Conduct line leak testing, when required by section 22a-449(d)-104 of the UST regulations, every 6 months; and

(E) For a hazardous substance UST:

(i) Comply with subparagraphs (A) to (D), inclusive, of this subdivision;

(ii) Be equipped with external liners, including vaults, designed, constructed, and installed to:

(I) Contain 100 percent of the capacity of the largest tank within its boundary;

(II) Prevent the interference of precipitation or ground-water intrusion with the ability to fully contain or detect a release of regulated substances; and

(III) Surround the tank completely so that it is capable of preventing lateral and vertical migration of regulated substances; and

(iii) If installed before October 1, 2003, be double-walled, be designed, constructed, and installed to detect and fully contain a release from any portion of the primary containment system, including the inner wall of a tank, and have a secondary containment designed, constructed and installed to:

(I) Continuously monitor for any liquid in the secondary containment;

(II) Fully contain any liquid that is in such secondary containment until such liquid is detected and removed, except for brine being used for the purposes of interstitial monitoring; and

(III) Prevent the release of any liquid outside of such secondary containment.

(2) Piping. The owner or operator of an UST system shall ensure that all piping that routinely contains regulated substances and is part of such UST system is:

(A) Properly designed and constructed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. In addition, the commissioner may post codes of practice deemed acceptable on the department's internet website; and

(B) Constructed of a non-corrodible material; or

(C) Constructed of steel. If such piping is constructed of steel, such piping shall not come in contact with the ground or any water unless such piping is:

(i) Coated with a suitable factory applied dielectric material approved by the manufacturer of such piping for the proposed use; and

(ii) Equipped with:

(I) Galvanic cathodic protection attached to the piping; or

(II) An impressed current cathodic protection system that allows the owner or operator to perform a structure to soil voltage test of such system to determine whether such system

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-102

Department of Energy and Environmental Protection

is properly operating; and

(D) In addition to compliance with subparagraphs (A) and (B) or (C) of this subdivision:

(i) Except for repairs to piping pursuant to section 22a-449(d)-103(m)(2)(C) of the UST regulations, piping installed on or after October 1, 2003, shall:

(I) Be double-walled with secondary containment that is capable of fully containing regulated substances released from primary containment and preventing the release of regulated substances from the piping at any time during the operational life of the UST system; and

(II) Be equipped with interstitial monitoring, that, at a minimum, has sensors at both ends of the piping run or a vacuum that provides continuous interstitial monitoring; and

(ii) All piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector capable of detecting the presence of a release of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour by restricting or shutting off the flow of regulated substances through piping.

(E) The owner or operator shall ensure that all underground piping associated with a hazardous substance UST:

(i) Complies with the requirements of subparagraphs (A) to (D), inclusive, of this subdivision; and

(ii) If such piping is installed before October 1, 2003, that such piping is equipped with secondary containment that is designed, constructed and installed to:

(I) Allow proper monitoring for a release from such piping;

(II) Fully contain any liquid that is in such secondary containment until such liquid is detected and removed, except for brine being used for the purposes of interstitial monitoring; and

(III) Prevent the release of any liquid outside of such secondary containment.

(3) Cathodic protection systems. All cathodic protection systems required by this subsection shall meet the specifications of the manufacturer of the component being protected and shall be capable of continuously providing corrosion protection.

(4) Spill and overfill prevention equipment. The owner or operator of an UST system which receives transfers of 25 gallons or more of a regulated substance at one time shall ensure that such UST system complies with the following requirements:

(A) Spill prevention equipment, such as a spill bucket, shall be capable of containing the amount of regulated substances in a transfer hose used to deliver regulated substances to an UST when such hose is detached from the fill pipe. Spill buckets that are part of an UST system shall be liquid tight. In no event shall such spill bucket be less than 5 gallons; and

(B) Overfill prevention equipment shall:

(i) Automatically shut off flow into an UST when such tank is no more than 95 percent full; or

(ii) Alert the transfer operator when an UST is no more than 90 percent full by triggering a high-level alarm that is both audible and visual.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-102

(5) Containment Sumps. The owner or operator of an UST system shall ensure that such UST system complies with the following requirements:

(A) For an UST system installed on or after August 8, 2012:

(i) If the UST system includes a dispenser, it shall be equipped with under-dispenser containment sumps that comply with the requirements specified in subparagraph (C) of this subdivision; and

(ii) No owner or operator shall install piping containment sumps unless such sump complies with the requirements specified in subparagraph (C) of this subdivision; and

(B) For an UST system installed on or after May 7, 2025, no owner or operator shall use or operate such UST system, unless such UST system is equipped with piping containment sumps, and as applicable, under-dispenser containment sumps, that comply with the requirements specified in subparagraph (C) of this subdivision.

(C) The owner or operator shall ensure that each under-dispenser containment sump or piping containment sump, as applicable:

(i) Prevents any liquids that may accumulate in such containment sump, including, but not limited to, liquid from the piping or pump, or from the dispenser, as applicable, from leaving the containment sump;

(ii) Be capable of immediate visual inspection and provides immediate access to the components of such sump and the components contained therein; and

(iii) Be equipped with an alarm or other device such as a sensor capable of immediately alerting the owner or operator whenever any liquid, including precipitation, is present in any such sump. The owner or operator shall ensure that any such alarm or other device:

(I) operates as intended;

(II) is not removed, disabled, or otherwise rendered inoperable; and

(III) is located so that any liquid present in such sump can be detected.

(6) Dispensers. An owner or operator shall ensure that all dispensers used with an UST system have the following:

(A) A breakaway device that is compatible with the regulated substance being dispensed and that is installed in a vehicle fueling hose and separates when excessive pulling force is applied to the hose, including when a vehicle leaves the dispenser area with the nozzle from the fueling hose still in the vehicle fill pipe. When excessive pulling force is applied to such hose, a breakaway device shall prevent the flow of liquids from either section of the parted hose as well as protect the dispenser from damage;

(B) A shear valve or crash valve that, when fueling occurs under pressure, automatically shuts off the flow of fuel to the dispenser in the event of a fire inside the dispenser or a severe impact to the dispenser; and

(C) Except for dispensers located at a marina, a mechanism or a design for ensuring that a fuel dispensing hose is not on the ground when such hose is not in use.

(b) **Installation and Testing Requirements.**

(1) Installation

(A) The owner or operator shall ensure that every component of an UST system is

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-102

Department of Energy and Environmental Protection

installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instruction, unless the commissioner has posted on the department's internet website that use of such code of practice is unacceptable. In addition, the commissioner may post codes of practice deemed acceptable on the department's internet website.

(B) The owner or operator shall ensure that for the installation of a tank or piping, all work listed in the manufacturer's checklist or similar document from the manufacturer regarding installation has been completed and one of the following conditions is satisfied:

(i) The manufacturer of the tank or piping, as applicable, has certified the installer, in writing, to install such equipment; or

(ii) The installation of such tank or piping has been inspected and approved, in writing, by a registered professional engineer licensed in the state of Connecticut and who has education and experience in UST tank and piping installation.

(C) Within 30 days after completion of installation of a tank or piping as part of an UST system, the owner or operator shall submit to the commissioner a certification, on a form and in a manner prescribed by the commissioner, signed by the installation contractor, certifying that the installation has been carried out in accordance with clause (i) or (ii) of subparagraph (B) of this subdivision.

(2) Installation Testing

(A) (i) No owner or operator installing an UST system on or after August 8, 2012, shall place any regulated substances into such system until the owner or operator has conducted testing that demonstrates that there is no release or loss of any liquids from any component of such system.

(ii) With the exception of a spill bucket, no owner or operator installing an UST system component on or after May 7, 2025 shall place any regulated substances or accept a delivery of regulated substances, as applicable, into such system until the owner or operator has conducted testing that demonstrates that there is no release or loss of any liquids from any component of such system.

(iii) No owner or operator installing a spill bucket on or after May 7, 2025 shall accept a delivery of regulated substances into such system until the owner or operator has conducted testing that demonstrates that there is no release or loss of any liquids from the newly installed spill bucket.

(B) The owner or operator of an UST system shall ensure that any test conducted to satisfy the requirements of subparagraph (A) of this subdivision shall be performed in accordance with the manufacturer's guidelines and standards. If there are no manufacturer's guidelines or standards, the owner or operator shall perform such tests in accordance with an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturer's guidelines or standards, industry codes, or engineering standards, the owner or operator shall perform all such tests using a test method that, before use, is approved in writing by a registered professional engineer licensed in the state of Connecticut. The owner or operator shall ensure that the person who performs the testing

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-103

required by subparagraph (A) of this subdivision has the qualifications and experience to perform such testing, and the owner or operator shall maintain the results of such testing, which shall be made available for inspection by the commissioner.

(C) Notwithstanding subparagraph (B) of this subdivision, an owner or operator shall not use a test method to comply with subparagraph (A) of this subdivision if the commissioner has posted on the department's internet website that use of such test method is unacceptable. In addition, the commissioner may post test methods deemed acceptable on the department's internet website.

(3) Recordkeeping

The owner or operator of an UST system shall maintain records demonstrating compliance with the requirements of this subsection in accordance with the requirements of section 22a-449(d)-114 of the UST regulations.

(c) **Use of most stringent provision.**

If use of any manufacturer's specifications and recommendations are required under this section and such specifications or recommendations are inconsistent with any provision of this section, the provision which imposes the most stringent and protective requirement shall be required.

(Effective July 28, 1994; Amended May 31, 2012; Amended December 1, 2021; Amended May 7, 2025)

Sec. 22a-449(d)-103. General operating requirements

The owner or operator of an UST system shall ensure compliance with the following requirements:

(a) **Operator response guidelines.** The owner or operator shall post operator response guidelines in written form at each underground storage facility in accordance with subdivisions (1) and (2) of this subsection. The operator response guidelines shall include reporting procedures for releases and suspected releases, emergency contact phone numbers, malfunctioning equipment lock-out/tag-out and notification procedures, and initial mitigation protocol for releases, suspected releases and any other emergency. Such operator response guidelines shall be:

(1) Visibly posted at each unmanned underground storage facility:

(A) Where regulated substances are dispensed; and

(B) If there is no dispensing, where regulated substances are stored; and

(2) Posted for each manned underground storage facility, visually accessible in close proximity to the person manning the facility.

(b) **Monthly inspections.**

(1) Monthly inspections shall be conducted at all underground storage facilities. A monthly inspection shall not occur within 7 days of any previous monthly inspection.

(2) Monthly inspections shall be conducted by a Class B Operator, provided such Class B Operator has a working familiarity with specifics of the UST systems being inspected at the underground storage facility.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-103

Department of Energy and Environmental Protection

(3) The monthly inspection shall, at a minimum, include an evaluation of all items specified in the “UST Monthly Inspection Checklist” posted on the department’s internet website. Any such inspection shall be performed in a manner that is in conformance with the 2021 version of the Petroleum Equipment Institute RP-900, “Recommended Practices for the Inspection and Maintenance of UST Systems” unless the commissioner has posted on the department’s internet website that use of such practice, or a portion thereof, is unacceptable and has posted an alternative.

(4) The findings of each monthly inspection shall be recorded on the “UST Monthly Inspection Checklist” and when signed by the Class B operator shall become the inspection report. For each item, the inspector shall inspect the item and record on the inspection report either “pass” or “fail” to reflect the status of the item inspected. For any item that is not in compliance with applicable requirements or for which a “fail” status has been recorded, the owner or operator shall take all actions necessary to correct such failure or non-compliance and the inspection report shall note the actions that have been or will be taken. Any action taken in response to an inspection shall be performed as soon as possible, but if such action will take longer than 30 days after discovery of the need for such action, an explanation of why such action will take longer than 30 days shall be noted in the inspection report.

(5) The results of each monthly inspection shall be maintained at the underground storage facility for a period of no less than 3 years from the date of such inspection.

(c) Annual inspections.

(1) Annual inspections shall be conducted at all underground storage facilities. An annual inspection shall occur within 90 days of the one-year anniversary date of the previous annual inspection.

(2) Annual inspections shall be conducted by an independent third-party qualified and with experience performing such inspections. Such individual shall meet the qualification requirements set forth in the 2021 version of the Petroleum Equipment Institute RP-900, “Recommended Practices for the Inspection and Maintenance of UST Systems”.

(3) Annual inspections shall, at a minimum, include an evaluation of the items specified in the “UST Annual Inspection Checklist” posted on the department’s internet website. Any such inspection shall be performed in accordance with the 2021 version of the Petroleum Equipment Institute RP-900, “Recommended Practices for the Inspection and Maintenance of UST Systems” and any applicable manufacturer’s instructions, unless the commissioner has posted on the department’s internet website that use of such practice or instructions, or a portion thereof, is unacceptable and has posted an alternative.

(4) The findings of each annual inspection shall be recorded on the “UST Annual Inspection Checklist” and when signed by the individual who conducted the inspection, shall become the inspection report. For each item, the inspector shall inspect the item and record on the inspection report either “pass” or “fail” to reflect the status of the item inspected. For any item that is not in compliance with applicable requirements or for which a “fail” status has been recorded, the owner or operator shall take all actions necessary to correct such failure or non-compliance and the inspection report shall note the actions that

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-103

have been or will be taken. Any action taken in response to an inspection shall be performed as soon as possible, but if such action will take longer than 30 days after discovery of the need for such action, an explanation of why such action will take longer than 30 days shall be noted in the inspection report.

(5) The results of each annual inspection shall be maintained at the underground storage facility for a period of not less than 3 years from the date of such inspection.

(d) **Tanks and piping.** The owner or operator of an UST system shall ensure compliance with the following requirements:

(1) Prevent the release or loss of liquid from any part of a tank and connected piping and maintain all such tanks and connected piping in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions. If use of any manufacturer's specifications and recommendations are required under this section and such specifications or recommendations are inconsistent with any provision of this section, the provision which imposes the most stringent and protective requirement shall be required.

(2) Except as provided for in subsection (f) of this section, each double-walled UST and double-walled connected piping shall be tested to determine if there is a release or any loss of liquids from any part of such tank or piping, as applicable. The test required by this subdivision shall:

(A) Be performed in accordance with the manufacturer's specifications. If there are no manufacturer's specifications, the owner or operator shall perform such test in accordance with an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturer's specifications, industry codes, or engineering standards, the owner or operator shall perform such tests using a test method that, before use, is approved by a registered professional engineer licensed in the state of Connecticut;

(B) Be performed by a qualified individual or company who has the training and experience to perform and document the results of such testing; and

(C) Beginning May 7, 2025, such testing shall be performed not later than 3 years after the date of the previous test or the date of installation of the tank and piping, as applicable, whichever date is later, and once every 3 years thereafter, provided that for any testing performed to comply with this subdivision, there is at least one year between tests.

(e) **Spill buckets and containment sumps.** The owner or operator of an UST system shall ensure compliance with the following requirements:

(1) Any liquid that accumulates in any part of a spill bucket or containment sump remains in such spill bucket or containment system, such that there is no release or loss of liquids.

(2) Except as provided for in subsection (f) of this section, all spill buckets and containment sumps shall be tested to determine whether any liquid that may accumulate in such sump or spill bucket is prevented from leaving such sump or spill bucket. The test shall:

(A) Be performed in accordance with the manufacturer's specifications. If there are no manufacturer's specifications, the owner or operator shall perform such test in accordance

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-103

Department of Energy and Environmental Protection

with an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturer's specifications, industry codes, or engineering standards, the owner or operator shall perform such tests using a test method that, before use, is approved by a registered professional engineer licensed in the state of Connecticut;

(B) Be performed by a qualified individual or company who has the training and experience to perform and document the results of such testing; and

(C) Beginning May 7, 2025, be performed not later than 3 years after the date of the previous test or the date of installation, whichever date is later, and once every 3 years thereafter, provided that for any testing performed to comply with this subdivision there is at least one year between tests.

(f) **Provisions applicable to testing.** The following shall apply to testing required by subsections (d) and (e) of this section:

(1) The testing shall not be required for a double-walled UST system component using continuous monitoring that automatically monitors both the primary and secondary containment of such tank system, such as systems that are hydrostatically monitored or under constant vacuum; and

(2) Notwithstanding subsections (d)(2) and (e)(2) of this section, an owner or operator shall not use a test method to comply with this subsection if the commissioner has posted on the department's internet website that use of such test method is unacceptable. In addition, the commissioner may post test methods deemed acceptable on the department's internet website.

(g) **Overfill prevention equipment.** The owner or operator of an UST system shall ensure compliance with the following requirements:

(1) An UST system's overfill prevention equipment shall:

(A) Automatically shut off flow into an UST when such UST is no more than 95 percent full; or

(B) Alert the transfer operator when an UST is no more than 90 percent full by triggering a high-level alarm that is both audible and visual.

(2) Overfill prevention equipment shall be tested to determine if such equipment will activate as specified in subdivision (1) of this subsection.

(A) The test required by this subdivision shall:

(i) Be performed in accordance with the testing specified in the 2021 version of the Recommended Practices of the Petroleum Equipment Institute RP-900, "Recommended Practices for the Inspection and Maintenance of UST Systems";

(ii) Be performed by a qualified individual or company who has the training and experience to perform and document the results of such testing; and

(iii) Be conducted annually, provided that for the testing to comply with this subdivision, there is at least 9 months between tests.

(B) An owner or operator shall not use a test method to comply with this subdivision if the commissioner has posted on the department's internet website that use of such test method is unacceptable. In addition, the commissioner may post test methods deemed

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-103

acceptable on the department's internet website.

(h) **Operation and maintenance of corrosion protection.** The owner or operator of an UST system shall ensure compliance with the following requirements:

(1) All corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the UST that routinely contain regulated substances and are in contact with the ground or water. Such corrosion protections shall, at a minimum, be maintained continuously at least minus 0.85 volts, measured between the structure and a copper-copper sulfate electrode.

(2) Cathodic protection systems shall be tested by measuring the voltage between the structure and a copper-copper sulfate electrode. A passing test shall be at least minus 0.85 volts measured between the structure and a copper-copper sulfate electrode. Voltage drops other than those across the structure electrolyte boundary shall be considered for valid interpretation of the voltage measurements. Such test shall be performed:

(A) In accordance with a code of practice developed by a nationally recognized association;

(B) By a qualified cathodic protection tester who can document the results of such testing. A qualified cathodic protection tester means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to metal piping and UST systems in contact with soil or water. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems; and

(C) Within 6 months of installation and once a year thereafter, provided that there is at least 9 months between tests.

(i) **Metallic piping.** The owner or operator of an UST system with metallic piping that is not cathodically protected shall prevent such piping from coming into direct contact with the ground or any water for the operational life of such piping. This requirement does not apply to metallic piping that is not designed to routinely contain regulated substances.

(j) **Maintaining proper operability.** The owner or operator of an UST system shall ensure that the UST system components specified in sections 22a-449(d)-102, 22a-449(d)-103 and 22a-449(d)-104 of the UST regulations:

(1) Remain in good working order and operate properly and if a repair is needed, such repair shall be promptly made in compliance with subsection (m) of this section; and

(2) Are not disabled or rendered inoperable. This includes ensuring water does not accumulate in the spill buckets and such buckets remain clean and dry, and that automatic shut-off equipment is not disabled during the filling of an UST;

(k) **Transfer of liquids.** The owner or operator of an UST system shall ensure that the transfer of regulated substances into a tank is constantly monitored and that releases, such as spills or overfills, do not occur during any such transfer. The owner or operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-103

Department of Energy and Environmental Protection

constantly to prevent overfilling and spilling.

(l) Compatibility.

(1) The owner or operator of an UST system shall only use an UST system that is made of materials that are compatible with the regulated substance which is stored in such system. This requirement shall apply to the entirety of an UST system.

(2) (A) The owner or operator of an UST system storing greater than 10 percent ethanol or greater than 20 percent biodiesel shall demonstrate that such substances are compatible with the UST system by:

(i) Certification or listing of the UST system components by a nationally recognized independent testing laboratory for use with such regulated substances; or

(ii) An affirmative statement of compatibility in writing from the equipment or component manufacturer that specifies the range of biofuel blends with which the UST system component is compatible; and

(iii) Documentation from the manufacturer indicating that the regulated substances stored in such UST system are compatible with the UST system.

(B) Documentation demonstrating compliance with the requirements of subparagraph (A) of this subdivision shall be maintained in accordance with section 22a-449(d)-114 of the UST regulations.

(m) Repairs.

(1) General Requirement. Except for the UST system components specified in this subsection, the owner or operator shall immediately repair any UST system component in need of repair. All such repairs shall comply with the requirements of this subsection, as applicable.

(2) Specific Equipment That Can Only Be Repaired Under Certain Conditions. An owner or operator of an UST system shall only make repairs to the following equipment if the requirements of this subdivision are satisfied:

(A) For cathodic protection equipment, only if such equipment passed the cathodic protection test required by subsection (h)(2) of this section within the previous 5 years;

(B) For a containment sump, only if such repairs performed after May 7, 2025 result in the sump meeting the requirements of section 22a-449(d)-102(a)(5)(C) of the UST regulations;

(C) For single-walled fittings or pipe sections, only if such fitting or pipe section is 3 feet or less. The replacement of fittings or pipe sections of greater than 3 feet is permitted if the replacement piping or fitting is in compliance with section 22a-449(d)-102 of the UST regulations; and

(D) For a fiberglass-reinforced plastic tank, only if such repair is made by the manufacturer's authorized representative.

(3) Equipment That Cannot Be Repaired. An owner or operator of an UST system shall not repair, but shall immediately discontinue use and permanently close the following UST system components in accordance with section 22a-449(d)-107 of the UST regulations:

(A) A tank that is comprised of steel or of a composite that includes steel; or

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-103

(B) A tank or piping that does not pass the annual cathodic protection test required by subsection (h)(2) of this section and the owner or operator of such tank or piping cannot demonstrate that such tank or piping has passed such test within the 5 years prior to such failed test.

(4) Requirements for Conducting Repairs.

(A) (i) Once it is determined that an UST system or UST system component needs repair, and such repair is permitted to be made in accordance with this section, the owner or operator of such UST system or UST system component shall ensure that:

(I) No regulated substances are delivered to such UST system if there is a release from such system or if the delivery of a regulated substance to such system could result in a release;

(II) No regulated substances are dispensed from such UST system if dispensing such substances could result in a release; and

(III) If the repair is to a tank associated with such UST system or piping that routinely contains regulated substances, any regulated substances are immediately emptied from such UST system prior to the repair.

(ii) The requirements of this subparagraph shall remain in effect until the UST system or UST system component is successfully repaired and passes the applicable test, in accordance with the requirements of subparagraphs (B) and (C) of this subdivision.

(B) The owner or operator shall ensure that all repairs allowed by this section are conducted in accordance with the manufacturer's specifications, a code of practice developed by a nationally recognized association or an independent testing laboratory.

(C) (i) Immediately after a repair, the owner or operator shall ensure that the repaired UST system or UST system component passes a test specified in this subparagraph prior to being put back into service:

(I) For a repair to a single-walled non-metallic tank associated with an UST system, a tank tightness test capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table;

(II) For a repair to single-walled piping, a tightness test capable of detecting a 0.1 gallon per hour leak rate at one and one-half times the operating pressure of such piping;

(III) For a repair to a double-walled tank associated with an UST system or double-walled piping, a test of the interstitial space in such tank or piping demonstrating that there is no release or loss of liquid from either the primary or the secondary containment of such tank or piping, as applicable;

(IV) For a repair to a cathodic protection system, a test conducted in accordance with subsection (h)(2) of this section;

(V) For a repair to spill prevention equipment, a test to determine if the equipment is liquid tight by using vacuum, pressure, or hydrostatic testing. Before use of such test, if requested, the commissioner may approve in writing, another test method;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-103

Department of Energy and Environmental Protection

(VI) For any repair to overfill prevention equipment, release detection equipment or the shear valve or crash valve on a dispenser, a test of functionality to ensure that the equipment is functioning properly; and

(VII) For a repair to a piping containment sump or under-dispenser containment sump, a test to determine that the repaired sump meets the requirements of section 22a-449(d)-102(a)(5)(C) of the UST regulations.

(ii) The owner or operator of an UST system shall ensure that any test conducted to satisfy the requirements of subparagraph (B) of this subdivision shall be performed in accordance with the manufacturer's specifications. If there are no manufacturer specifications, the owner or operator shall perform such tests in accordance with an applicable method specified in an industry code or engineering standard. If there are no applicable manufacturer specifications, industry codes, or engineering standards, the owner or operator shall perform such tests using a test method that, before use, is approved in writing, by a registered professional engineer licensed in the state of Connecticut. The owner or operator shall ensure that the person who performs the testing required by subparagraph (B) of this subdivision has the qualifications and expertise to perform such testing and the owner or operator shall maintain the results of such testing in accordance with section 22a-449(d)-114 of the UST regulations.

(iii) Notwithstanding subparagraph (B) of this subdivision, an owner or operator of an UST system shall not use a test method to comply with subparagraph (A) of this subdivision if the commissioner has posted on the department's internet website that the use of a test method is unacceptable. In addition, the commissioner may post test methods deemed acceptable on the department's internet website.

(5) Requirements Regarding Removal or Replacement of Containment Sumps and Spill Buckets

(A) Whenever a containment sump or spill bucket is removed or replaced, for any reason, the owner or operator shall ensure that:

(i) A person, with the training specified in this subparagraph, is present at the underground storage facility to oversee such removal or replacement. Such person, before such removal or replacement, shall have:

(I) Received certification of successful completion of training in accordance with 29 CFR 1910.120(e) and as applicable, annual refresher training required in accordance with 29 CFR 1910.120(e)(8); and

(II) Successfully passed an examination listed on the department's internet website, such as the International Code Council Decommissioning Exam U2.

(ii) The containment sump or spill bucket, as applicable, is emptied and cleaned by removing all liquids and accumulated sludges in accordance with a code of practice developed by a nationally recognized association. After removal of such liquids and sludges, the containment sump, or spill bucket, as applicable, shall be removed from the ground.

(iii) (I) An assessment is performed in accordance with this subparagraph not later than

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-103

5 days after the containment sump, or spill bucket, as applicable, has been removed from the ground in accordance with section 22a-449(d)-107 of the UST regulations. The assessment shall include an evaluation of the presence of a release or potential release at all locations where contamination is most likely to be present. At a minimum, this assessment shall be adequate to determine if there is a release or potential release in the area where the containment sump or spill bucket, as applicable, has been removed. The selection of sample types, sample locations, and analytical methods, shall take into account: the nature of the stored substance, the type of backfill, the depth to ground water, the presence of rainwater or groundwater, and other factors appropriate for identifying the presence, or potential presence, of a release;

(II) Only a person with a minimum of 3 years of experience and training in selecting and taking samples shall undertake the assessment required by this subparagraph. Sample collection and analysis shall comply with appropriate chain-of-custody procedures to ensure sample integrity and all samples shall be analyzed by a laboratory that is either certified by the Connecticut Department of Public Health or approved in writing by the commissioner; and

(III) All analytical data used to comply with this section shall be scientifically valid and defensible, with a level of precision, accuracy, and sensitivity commensurate with its intended use. All analytical data shall include an analytical data quality assessment and data usability evaluation prepared by an individual qualified to make such assessment or evaluation. If the commissioner determines that analytical data is not scientifically valid and defensible, or is not of a sufficient level of precision, accuracy, and sensitivity to support the intended use of the data, the commissioner shall identify in writing the reasons for such conclusions and such data shall not be relied upon to demonstrate compliance with this section.

(B) If any time during the replacement of a containment sump or spill bucket, as applicable, a release is:

(i) Suspected, the owner or operator of the UST system shall comply with section 22a-449(d)-105 of the UST regulations; or

(ii) Confirmed, the owner or operator of the UST system shall comply with section 22a-449(d)-106 of the UST regulations.

(C) Sump or Spill Bucket Removal or Replacement Report. Not later than 30 days after completing the sampling necessary for the assessment required by subdivision (5)(A)(iii) of this subsection, the owner or operator of the UST system shall ensure that a detailed report is prepared regarding the removal or replacement of a containment sump or spill bucket, as applicable. Such report shall include at a minimum:

(i) A description of the underground storage facility, including any UST systems in use and general characteristics of the area in which the facility is located;

(ii) A detailed description of the replacement or removal activities undertaken;

(iii) A detailed description and justification for the sample locations, sample depths, analytical methods used, and quality assurance/quality control measures taken;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-103

Department of Energy and Environmental Protection

(iv) A detailed analysis of the analytical results. This analysis shall include:

(I) All sampling results and a justification for disregarding or not using any sampling results;

(II) A description of the distribution and concentration of any substances in soil or groundwater that may have been released from the underground storage facility;

(III) A description of the general characteristics of soil in the vicinity of the underground storage facility;

(IV) A map to scale showing the extent and concentration of all releases;

(V) The tabulated analytical results of all laboratory analysis of soil and groundwater;

(VI) A description of the experience and training of the person undertaking the assessment required by subsection (m)(5) of this section; and

(VII) Any other information specified by the commissioner.

(D) The report required under subdivision (5)(C) of this subsection shall be submitted to the commissioner on a form and in a manner specified by the commissioner:

(i) If the results of the assessment undertaken pursuant to subdivision (5)(A) of this subsection indicate an exceedance of any applicable criterion of the RSRs or the release or potential release of a substance for which there is no criterion under the RSRs; or

(ii) Upon request by the commissioner within the time frame specified in any such request. If no time frame is specified in the request, the report shall be provided not later than 30 days after receipt of the commissioner's request.

(n) Additional activities.

If the activities undertaken pursuant to this section are not satisfactory to the commissioner, the commissioner shall notify the owner or operator in writing, identifying what the commissioner deems unsatisfactory, the reasons why and what additional actions are necessary. The owner or operator shall undertake any actions requested by the commissioner within the time frame specified by the commissioner. If no time frame is specified in any such request, the requested actions shall be undertaken not later than 60 days from the date of any such request.

(o) Cooperation.

The owner and operator of an UST system shall cooperate fully with any inspection, monitoring and testing conducted by the department, as well as any request for document submission, testing, and monitoring by the owner or operator pursuant to the UST regulations and any applicable Connecticut General Statute administered by the commissioner.

(p) Recordkeeping.

For purposes of section 22a-449q of the Connecticut General Statutes, the records required to be maintained pursuant to section 22a-449(d)-103 of the UST regulations shall be those specified in section 22a-449(d)-114(b) of the UST regulations.

(Effective July 28, 1994; Amended December 1, 2021; Amended May 7, 2025)

Sec. 22a-449(d)-104. Release detection

(a) Requirements for release detection equipment.

The owner or operator of an UST system shall ensure that equipment used for release detection complies with and is operated in accordance with the following requirements:

(1) The release detection equipment shall be:

(A) Able to detect a release from any portion of the UST system that routinely contains product;

(B) Installed and calibrated in accordance with the instructions from the manufacturer of the release detection equipment;

(C) Operated and maintained in accordance with the following, provided the requirements are no less stringent than the provisions of this section:

(i) The instructions from the manufacturer of the release detection equipment; or

(ii) A code of practice developed by a nationally recognized association or independent testing laboratory;

(D) Capable of detecting the leak rate or quantity with a probability of detection of 0.95 and a probability of false alarm of 0.05;

(2) The owner or operator shall test the electronic and mechanical components of such release detection equipment for proper operation at least once annually. The annual test shall:

(A) Be performed in accordance with:

(i) The instructions from the manufacturer of the release detection equipment; or

(ii) A code of practice developed by a nationally recognized association or independent testing laboratory; and

(B) Include the following UST system components and test criteria if utilized as part of the UST system:

(i) Automatic tank gauging and other controllers. The owner or operator shall test alarm(s); verify system configuration; and test battery backup;

(ii) Probes and sensors. The owner or operator shall inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks and breaks; and test alarm operability and its communication with controller;

(iii) Automatic line leak detector. The owner or operator shall test operation to meet criteria in subsection (b)(4) of this section by simulating a leak; and

(iv) Vacuum pumps and pressure gauges. The owner or operator shall ensure proper communication with sensors and controller.

(C) If an annual test reveals that any release detection equipment is not functioning properly, the owner or operator shall:

(i) Comply with the requirements of section 22a-449(d)-105 of the UST regulations; and

(ii) (I) Immediately repair or replace all malfunctioning equipment; or

(II) Remove all regulated substances from such UST system so that no more than 2.5 centimeters (one inch) of such substances, or residue from such substances, remain in the UST system and, not later than 90 days after the test revealing malfunctioning release

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-104

Department of Energy and Environmental Protection

detection equipment is performed, repair or replace all malfunctioning equipment or begin permanent closure of such UST system; and

(3) For a petroleum UST, daily measurements for any water level in the bottom of the tank to the nearest one-eighth of an inch shall be taken and recorded. Measurements that detect a loss or gain of water exceeding 0.5 percent of the volumetric capacity of the tank shall constitute a failure. This subdivision shall not apply to a double walled UST conducting interstitial monitoring in accordance with subsections (b)(1)(B) and (b)(1)(C) of this section.

(b) Release detection requirements for petroleum UST systems.

The owner or operator of a petroleum UST system shall provide release detection for tanks and piping as follows:

(1) Methods of Release Detection for Double-Walled Petroleum USTs. The owner or operator of a petroleum UST system with a double-walled UST shall use interstitial monitoring that complies with the requirements of this subdivision:

(A) For a double-walled UST installed before October 1, 2003, the owner or operator shall perform release detection using any method that complies with the requirements of this subsection, provided that on or after May 7, 2027, such owner or operator shall use monitoring that complies with subparagraphs (B) or (C) of this subdivision.

(B) For a double-walled UST installed on or after October 1, 2003, but before May 7, 2025, the release detection shall continuously monitor the interstitial space between the walls of the UST or comply with subparagraph (C) of this subdivision.

(C) For a double-walled UST installed on or after August 5, 2025, the release detection shall continuously monitor the integrity of the walls of the tank for a potential failure of the primary and the secondary containment such that both the inner and outer walls of such tank, are monitored using technology such as inert gas, liquid, or a vacuum.

(2) Methods of Release Detection for Single-Walled Petroleum USTs. Except as provided for in subdivision (3) of this subsection, the owner or operator of a petroleum UST system with a single-walled UST shall use automatic tank gauging with inventory control that complies with the following requirements.

(A) For automatic tank gauging with inventory control:

(i) Perform an automatic product level monitor test that can detect a 0.2 gallon per hour leak rate from any portion of each tank that routinely contains product. This test shall be conducted and passed at least once every 30 days; and

(ii) Have an inventory control method that:

(I) Accurately records, on a daily basis, the amount of regulated substances removed from and added to the tank or interconnected tanks, the level of water and petroleum in the UST, and ensures that the measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch;

(II) Reconciles the daily readings on a weekly basis per tank or interconnected tanks to determine whether an abnormal loss or gain has occurred in accordance with subparagraph (B) of this subdivision. Such reconciliation shall be recorded on a form prescribed by the commissioner or a form that contains the information on the form prescribed by the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-104

commissioner;

(III) Uses equipment capable of measuring the level of water and petroleum in the tank to the nearest one-eighth of an inch;

(IV) Ensures that deliveries of petroleum are made through a drop tube that extends to within one foot of the tank bottom and by May 7, 2026, such drop tube shall extend no more than six inches from the tank bottom; and

(V) Measures and verifies all amounts of petroleum delivered into the tank by comparing delivery receipts with measurements of the tank inventory volume immediately before and immediately after delivery.

(B) When a weekly reconciliation indicates an abnormal loss or gain, the owner or operator shall immediately investigate and correct the source of the abnormal loss or gain and take as many of the steps listed in this subparagraph as are necessary to determine the source of the abnormal loss or gain. If, after taking such steps, the source of such abnormal loss or gain has not been identified, then the owner or operator shall comply with the requirements of subparagraph (C) of this subdivision.

(i) When an inventory record error is not apparent, perform a recalculation to determine whether an abnormal loss or gain has occurred using existing inventory records starting from the point where such records do not indicate an abnormal loss or gain;

(ii) Conduct a detailed visual inspection of the components of the UST system which are readily accessible for evidence of failure; and

(iii) Check the dispensers associated with the UST for proper calibration.

(C) The owner or operator shall perform a tank tightness test and a line tightness test, and any other test designated by the commissioner in writing to identify a release from the UST system if:

(i) A weekly reconciliation indicates an abnormal loss or gain and there were 4 consecutive days of loss or 4 consecutive days of gain during the 10-day period prior to reconciliation;

(ii) An abnormal loss or abnormal gain is measured during 2 consecutive weekly reconciliations; or

(iii) The owner or operator cannot identify the source of the abnormal loss or gain using the methods identified in subparagraph (B) of this subdivision.

(3) Manual Tank Gauging for USTs Storing Used Oil.

(A) Manual tank gauging may only be used as the method of release detection for an UST that contains 550 gallons or less of used oil.

(B) The owner or operator using manual tank gauging shall ensure that:

(i) The water level in the bottom of the tank shall be measured daily. Such measurements shall be in increments of no more than one-eighth of an inch; and

(ii) UST liquid level measurements, of all liquids in the tank, shall be taken and recorded, including date and time of measurements, at the beginning and ending of a period of at least 36 hours during which no used oil is added to or removed from the tank. The liquid level measurements shall be based on an average of 2 consecutive stick readings taken at both

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-104

Department of Energy and Environmental Protection

the beginning and ending of the period. Such measurements shall be in increments of no more than one-eighth of an inch. If such measurements detect a variation of 10 gallons a week or 5 gallons a month based on the average of 4 weekly tests, such variation shall constitute a failure and the owner or operator shall comply with section 22a-449(d)-105 of the UST regulations.

(4) Pressurized Piping.

(A) Underground piping that conveys or contains petroleum under pressure shall utilize an automatic line leak detector capable of detecting the presence of a release of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour and restricting or shutting off the flow of regulated substances through piping.

(B) The owner or operator shall conduct an annual test of the automatic line leak detector in accordance with the manufacturer's requirements, provided that there are at least 9 months between such tests. If an annual test reveals that equipment is not functioning, the owner or operator shall:

(i) Immediately repair or replace all malfunctioning equipment; and

(ii) If the equipment malfunction could have prevented the UST system from detecting a release and if the piping associated with such UST system does not use interstitial monitoring, the owner or operator shall perform a line tightness test. If such UST system fails a line tightness test, the owner or operator shall comply with the requirements of section 22a-449(d)-105 of the UST regulations.

(C) Except for piping utilizing continuous interstitial monitoring, pressurized piping shall be tested annually using a line tightness test capable of detecting a 0.1 gallon per hour leak rate at one and one-half times the operating pressure of such piping, provided there is at least 9 months between such tests. A measurement that detects a leak rate equal to or greater than 0.1 gallons per hour at one and one-half times the operating pressure of piping being tested shall constitute a failure; and

(D) Pressurized piping installed on or after October 1, 2003 shall utilize interstitial monitoring that, at a minimum, has sensors at both ends of the piping run or a vacuum that provides continuous interstitial monitoring.

(5) Suction piping.

(A) The owner or operator shall ensure that underground piping that conveys or contains petroleum under suction shall be tested once every 3 years using a line tightness test capable of detecting a 0.1 gallon per hour leak rate at one and one-half times the operating pressure of such piping. A measurement that detects a leak rate equal to or greater than 0.1 gallons per hour at one and one-half times the operating pressure of piping being tested shall constitute a failure.

(B) A line tightness test shall not be required for suction piping that:

(i) Utilizes interstitial monitoring that has a sensor capable of detecting a release or has a vacuum that provides continuous interstitial monitoring; or

(ii) Is designed and constructed to meet the following standards and the owner or operator maintains documentation demonstrating that:

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-104

(I) The piping is sloped so that the contents of the pipe drain back into the tank if the suction is released;

(II) Only one check valve is included in each suction line; and

(III) The check valve is located directly below and as close as practical to the suction pump.

(C) Underground piping that conveys or contains petroleum under suction, installed on or after October 1, 2003, shall be double-walled and shall utilize interstitial monitoring that has a sensor capable of detecting a release or has a vacuum that provides continuous interstitial monitoring.

(c) Release detection requirements for hazardous substance UST systems.

The owner or operator of a hazardous substance UST system shall provide release detection for tanks and piping as follows:

(1) The interstitial space of the tank and piping used for secondary containment, depending upon date of installation, shall be:

(A) Checked for equipment malfunctions, such as whether liquid is present, at least once every 30 days if the UST system was installed before October 1, 2003 and does not have continuous interstitial monitoring;

(B) Continuously monitored using inert gas, liquid, a vacuum, electronic monitoring, or mechanical monitoring for a release from the primary containment, such as the inner wall, if the UST system was installed:

(i) On or after October 1, 2003, but before August 5, 2025; or

(ii) Before October 1, 2003, if such system has continuous interstitial monitoring; or

(C) Continuously monitored such that both the inner and outer walls of such tank are monitored using technology such as inert gas, liquid, or a vacuum if the UST system was installed on or after August 5, 2025.

(2) For a hazardous substance UST system that utilizes underground piping that conveys or contains hazardous substances under pressure, the owner or operator shall conduct an annual test of the operation of the automatic line leak detector in accordance with subsection (b)(4) of this section.

(d) Additional UST system testing.

(1) If the owner or operator fails to undertake release detection for an UST system in compliance with this section, the owner or operator shall perform a tank tightness test capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(2) If the owner or operator fails to undertake release detection for piping in compliance with this section, and during such non-compliance the owner or operator would have been prevented from detecting a release, in addition to any other requirements of this section, the owner or operator shall perform a line tightness test capable at one and one-half times the operating pressure of such piping.

(3) Any testing required by subdivision (1) or (2) of this subsection is in addition to any

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-105

Department of Energy and Environmental Protection

other testing required by the UST regulations and does not otherwise constitute compliance with any other testing requirement.

(e) Failures.

If any monitoring, test, or check required by this section detects a malfunction, release, or a suspected release, unless otherwise specified in this section, the owner or operator of the UST system shall comply with section 22a-449(d)-105 of the UST regulations.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-105. Suspected releases and investigation of suspected releases

(a) Suspected releases.

(1) The conditions identified in this subdivision shall constitute a suspected release.

(A) The discovery by an owner or operator or any other person of a release of regulated substances at an underground storage facility or in the surrounding area including the presence of NAPL or vapors in soils, basements, sewer and utility lines, and nearby surface water;

(B) Unusual operating conditions, including:

(i) Erratic behavior of product dispensing equipment;

(ii) The sudden loss of product from an UST system;

(iii) An unexplained presence of water in the tank;

(iv) Any condition or monitoring result, such as an alarm, indicative of the failure of an UST system;

(v) Any condition in the secondary containment system, such as liquid in sumps or interstitial space, indicative of a potential release; or

(vi) A visual inspection that indicates a release may be occurring.

(C) A failed test of any UST system component such as:

(i) a failed tank tightness test;

(ii) a failed line leak detector;

(iii) a failed cathodic protection test;

(iv) a failed test of a piping containment sump;

(v) a failed test of an under-dispenser containment sump;

(vi) a failed test of a spill bucket; or

(vii) a failed test of interstitial space on any component.

(D) Monitoring results from a release detection method pursuant to section 22a-449(d)-104 of the UST regulations that indicate that a release may have occurred, regardless of whether or not the method is being used as the primary method of release detection. Except that no further action shall be required under this section if:

(i) Such monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or

(ii) An alarm was investigated and the owner or operator determined that the alarm was not the result of a failure of the UST system.

(2) Any UST system equipment or component that is found to be defective, but not

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-105

leaking, and that is immediately repaired or replaced shall not be considered an unusual operating condition for purposes of subdivision (1)(B) of this subsection provided the owner or operator can demonstrate, through documentation, the basis upon which it was determined that the UST system equipment or component was not leaking.

(b) Investigation due to off-site impacts.

The Owner or operator of an UST system shall follow the procedures in subsection (c) of this section to determine if such UST system may be the source of off-site impacts when such impacts are discovered by the owner or operator or are reported to the owner or operator by any other person. These impacts include, but are not limited to, the presence of NAPL or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking water.

(c) Reporting and investigating suspected releases and confirmation steps.

Unless corrective action is initiated in accordance with section 22a-449(d)-106 of the UST regulations, the owner or operator shall immediately investigate any suspected release listed in this section. Such investigation shall include:

(1) Report. A suspected release shall be reported to the commissioner, not later than 24 hours after the discovery. Such report shall be on a form and in a manner prescribed by the commissioner on the department's internet website.

(2) (A) Tightness test. The owner or operator shall complete a tightness test of the UST system not later than 72 hours after the discovery of any suspected release; however, a tightness test need not be conducted if no further action is required under subsection (a)(1)(D) of this section. Unless requested by the commissioner, such test does not need to include spill buckets, or vent and vapor recovery piping that does not routinely contain product. Any such tightness testing shall comply with the following:

(i) For a tank, be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table;

(ii) For piping, be capable of detecting a 0.1 gallon per hour leak rate at one and one-half times the operating pressure of such piping; and

(iii) For a containment sump, be performed in accordance with section 22a-449(d)-103(e)(2) of the UST regulations.

(B) Under-dispenser containment sump, piping containment sump and spill buckets.

If the suspected release is due to an alarm, sensor or similar device in a containment sump or spill bucket indicating that liquid may be present in such sump or spill bucket, or if there is liquid observed in any such sump or spill bucket, the owner or operator of such sump or spill bucket shall:

(i) Immediately investigate and if applicable, determine if liquid is present. If liquid is present, identify the cause for the presence of such liquid;

(ii) Immediately remove all liquid and ensure that any liquid removed is managed and disposed of in accordance with all applicable federal, state, and local requirements;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-105

Department of Energy and Environmental Protection

(iii) Immediately take corrective measures to prevent liquid from accumulating in such sump or spill bucket, including preventing water from outside the UST system from accumulating in a sump or spill bucket; and

(iv) Unless such containment sump or spill bucket has passed a tightness test within the previous 30 days, not later than 48 hours after liquid in the sump or spill bucket has been removed, perform such test in accordance with section 22a-449(d)-103(e)(2) of the UST regulations. If the test results indicate that the containment sump or spill bucket is not liquid tight, as soon as practicable, but not later than 5 days after obtaining such test results, the owner or operator shall conduct a site check pursuant to subdivision (4) of this subsection.

(C) Visual inspection. If a visual inspection of any part of an UST system that is not included in a test performed pursuant to subparagraph (B)(iv) of this subdivision indicates a release is or may be occurring, the owner or operator shall immediately repair the component causing such condition to eliminate such suspected release or release.

(D) As soon as practicable, but not later than 5 days after a suspected release is discovered, the owner or operator shall conduct a site check pursuant to subdivision (4) of this subsection, if:

(i) Environmental contamination is the basis for suspecting a release; or

(ii) After taking the steps identified pursuant to subparagraphs (A) to (C), inclusive of this subdivision, the owner or operator cannot determine whether a release has occurred.

(E) If the commissioner determines that a suspected release has, or may have, occurred, in addition to the testing required by this section, the commissioner may require additional testing the commissioner deems necessary.

(F) For the purposes of this subdivision, any test deemed inconclusive shall constitute a failed test.

(3) Failures. If after taking the steps identified in subdivisions (2)(A) to (2)(C), inclusive, of this subsection, a failure is indicated, the owner or operator shall determine the source of such failure. If the source of such failure indicates that:

(A) A regulated substance is, or may be, emanating from an UST system, the owner or operator shall begin corrective action in accordance with section 22a-449(d)-106 of the UST regulations and;

(i) Repair the UST system pursuant to section 22a-449(d)-103(m) of the UST regulations, and if applicable temporarily close such tank in accordance with section 22a-449(d)-110 of the UST regulations; or

(ii) Permanently close such UST system in accordance with section 22a-449(d)-107 of the UST regulations;

(B) A regulated substance is not emanating from the UST system, the owner or operator shall repair or replace any part of the UST system determined to be in need of repair or replacement pursuant to section 22a-449(d)-103(m) of the UST regulations.

(4) Site check. The owner or operator shall measure for the presence of a release where contamination is most likely to be present. In selecting sample types, sample locations, and measurement methods, owners and operators shall consider the nature of the stored

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of ground water, and other factors appropriate for identifying the presence and source of the release. Unless otherwise approved by the commissioner in writing, sample collection and analysis shall comply with appropriate chain-of-custody procedures to ensure sample integrity and all samples shall be analyzed by a laboratory certified by the Connecticut Department of Public Health to perform such analyses.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-106. Release response and corrective action for UST systems containing petroleum or hazardous substances

(a) General.

For confirmed releases from an UST system or UST system component, including those in use, temporarily taken out of service, or permanently closed, owners and operators shall:

(1) For release response already underway as of May 7, 2025 and proceeding in compliance with the UST regulations effective July 28, 1994, either proceed in accordance with those regulatory requirements effective July 28, 1994, or proceed in accordance with the requirements of this section.

(2) For releases discovered on or after May 7, 2025 or releases discovered prior to May 7, 2025 but not currently proceeding in compliance with the UST regulations effective July 28, 1994, comply with the requirements of this section.

(b) Releases prohibited.

No owner or operator shall release any water, substance or material, including regulated substances, from any UST system without first obtaining any necessary permit or authorization, which may include a permit for such release issued pursuant to section 22a-430 of the Connecticut General Statutes.

(c) Corrective action and failures.

(1) The owner or operator of an UST system or underground storage facility from which there is or has been a release, including a release of regulated substances without a permit issued pursuant to section 22a-430 of the Connecticut General Statutes, shall:

(A) Immediately cease such release;

(B) Reclaim or recover all released liquid;

(C) Properly dispose of the released liquid and any other substance contaminated by such release;

(D) Restore any impacts from the release to a condition and quality acceptable to the commissioner, which for contamination covered by the RSRs shall require compliance with the RSRs, to the satisfaction of the commissioner;

(E) Repair and restore damage caused by the release to the satisfaction of the commissioner; and

(F) Comply with the requirements of this section.

(2) Initial response and abatement measures.

Upon confirmation of a release that has resulted in regulated substances no longer being

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-106

Department of Energy and Environmental Protection

contained in an UST system, the owner or operator of such UST system or underground storage facility shall:

(A) Immediately report the release to the commissioner in accordance with section 22a-450 of the Connecticut General Statutes and sections 22a-450-1 to 22a-450-6, inclusive, of the Regulations of Connecticut State Agencies, as soon as possible, but in no event later than one hour after the discovery of the release. The report shall be made using a telephone number specified by the commissioner or some other method for reporting releases from an UST posted by the commissioner on the department's internet website;

(B) Immediately discontinue the use of each failed UST system component and, if applicable, empty such UST system component in compliance with the UST regulations;

(C) Immediately identify and mitigate any imminent hazard;

(D) Take immediate action to prevent any further release, including the removal of the regulated substances from the UST system as is necessary to prevent any further release and discontinue the use of any UST system component, or the entirety of such UST system, as applicable, until repairs to the system as specified in subparagraph (E) of this subdivision are completed, and such system functions as designed;

(E) Repair or replace each failed UST system component within the timeframe specified in the UST regulations, or if no timeframe is specified in the UST regulations, within 60 days of discovery of such failure, whichever is shorter, provided that if each failed UST system component cannot be repaired or replaced, within 90 days of any such determination, the UST system shall be permanently closed in accordance with section 22a-449(d)-107 of the UST regulations;

(F) Beginning immediately and continuing until all imminent hazards are fully abated, the owner or operator of the UST system or underground storage facility shall engage a contractor who possesses a valid permit issued by the commissioner pursuant to section 22a-454 of the Connecticut General Statutes to perform the following measures:

(i) Determine if there are any observable or detectable releases in addition to the confirmed release;

(ii) Prevent migration of each substance released using methods that may include removal of any material impacted by a release;

(iii) Continue to monitor and mitigate each imminent hazard caused by a release that has migrated from the UST system or underground storage facility, including at a minimum, any imminent hazard caused by vapors or NAPL that may have entered into subsurface structures, sewers or basements until such imminent hazard is remedied pursuant to subparagraph (D) of this subdivision; and

(iv) Abate, to the satisfaction of the commissioner, each imminent hazard including, but not limited to, remedying conditions created by excavation or exposure of such soils or other materials; and

(G) Take any other action directed by the commissioner.

(d) **Use of forms prescribed by the commissioner.**

(1) Any submittal to the commissioner as required by this section shall be made in

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

writing on one of the following forms prescribed the commissioner:

- (A) Initial site characterization form, as required by subsection (f)(2) of this section;
- (B) NAPL action form, as required by subsection (g)(3) of this section;
- (C) Completion-of-investigation form, as required by subsection (h)(2)(B) of this section;
- (D) Remedial action plan form, as required by subsection (i)(1)(B) of this section;
- (E) Completion of remedial action form, as required by subsection (i)(3)(B) of this section;
- (F) Monitoring and progress status form, as required by subsections (i)(4)(B), (k)(4)(B) and (l) of this section; and
- (G) Non-compliance form, as required by subsection (h)(1) of this section.

(2) If an electronic system is available for any submission identified in this subsection, such submittal shall be made in accordance with the instructions prescribed by the commissioner for the use of such electronic system.

(e) Use of environmental professionals.

(1) The owner or operator of an UST system or underground storage facility from which there has been a confirmed release shall retain a PEP throughout the corrective action process and may also retain a LEP to complete forms and submittals required by subsections (f) to (i), inclusive, and subsections (k) and (l) of this section. The owner or operator shall ensure that the EP retained pursuant to this subdivision prepares and signs each document, form, or report required by subsections (f) to (i), inclusive, and subsections (k) and (l) of this section. Within 10 days of a request by the commissioner, or such longer time period that the commissioner specifies in writing, the owner or operator shall submit to the commissioner a description of the retained EP's education, experience and training which is relevant to the actions required by this section.

(2) At any time, the commissioner may notify the owner or operator that the EP retained by the owner or operator is not acceptable to the commissioner. Any such notification shall include the basis for the commissioner's determination. Upon receipt of any such notification, the owner or operator shall have 30 days, unless a different time is specified in the notice from the commissioner, to retain a new EP. Nothing in this subsection shall preclude the commissioner from finding a previously acceptable EP unacceptable.

(3) If the owner or operator changes the EP retained pursuant to subdivision (1) of this subsection, the owner or operator shall notify the commissioner of such change using a form prescribed by the commissioner, not more than 30 days after such change.

(f) Initial site characterization.

(1) Unless directed in writing to do otherwise by the commissioner, the owner or operator of an UST system or underground storage facility with a confirmed release shall ensure that, as soon as is practicable, but not later than the completion of the initial response and abatement measures required by subsection (c) of this section, the EP retained by such owner or operator:

- (A) Determines the nature, extent and degree of a release starting where contamination is most likely to be present. In selecting sample types, sample locations, and measurement

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-106

Department of Energy and Environmental Protection

methods, the following shall be considered: the nature of the stored substance, the type of backfill, depth to ground water, geologic and subsurface conditions, engineering infrastructure, and other factors as appropriate for determining the nature, extent and degree of contamination, including any factors specified in writing by the commissioner. All sample collection and analysis shall comply with appropriate chain-of-custody procedures to ensure sample integrity. The analysis of all samples shall comply with the general requirements for analytical data in the RSRs and be performed by a laboratory certified by the Connecticut Department of Public Health to perform such analyses.

(B) Investigates to determine the possible presence of NAPL, and begin NAPL removal as soon as practicable and in accordance with subsection (g) of this section;

(C) Assembles information about the site and the nature of the release, including information gained while confirming the release or completing the initial response and abatement measures in subsections (b) and (c) of this section. This information shall, at a minimum, include the following:

- (i) Data on the nature, estimated quantity and duration of each release;
- (ii) Whether reporting is required by other statutes or regulations and if so, whether any required report has been submitted;
- (iii) Data from available sources or site investigations concerning the following: surrounding populations, water quality, a receptor survey that includes, but is not limited to, public and private water supply wells, water supplies, sensitive environmental resources, hazards to human health or public safety, geologic and subsurface conditions, locations of subsurface sewers, climatological conditions, and land use;
- (iv) Results of the initial site check and abatement measures required under subsection (c) of this section;
- (v) Results of the NAPL investigations required under subsection (f)(1)(B) of this section; and
- (vi) A schedule for performing the actions required under subsections (g) to (i), inclusive, of this section.

(2) Not more than 30 days after a release is confirmed, unless otherwise specified by the commissioner in writing, the owner or operator shall submit to the commissioner a completed initial site characterization form which shall include a summary of the measures taken under this subsection and the information collected in compliance with subdivision (1)(C) of this subsection signed by the EP retained by the owner or operator to comply with this subsection, including a schedule for performing the actions required under subsections (g) to (i), inclusive, of this section. Within 10 days of a request by the commissioner, or such longer time period that the commissioner specifies in writing, the owner or operator shall submit to the commissioner a description of the retained EP's education, experience and training which is relevant to the actions required by this section.

(3) After submission of the initial site characterization form, for every release, and regardless of whether any changes to the schedule for performing the actions required under subsections (g) to (i), inclusive, of this section are deemed necessary, the owner or operator

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

shall proceed without commissioner review and approval until notified otherwise by the commissioner. The requirements of subsection (e) of this section regarding use of an EP shall apply regardless of whether the actions remaining under this section will require review and approval by the commissioner. The use of a LEP is required if NAPL or groundwater impacts remain after 24 hours with a minimum of 3 attempts at removal. In addition, regardless of whether commissioner approval had been previously required, at any time during the conduct of actions under subsections (g) to (i), inclusive, of this section, the commissioner may:

(A) Notify the owner or operator in writing that commissioner review and approval of such actions is required; or

(B) Notify the owner or operator in writing that commissioner approval is no longer required and that an EP shall be retained as soon as practicable by the owner or operator.

(g) NAPL removal.

(1) At any underground storage facility or site where investigations under subsection (c)(2)(F)(iii) or (f)(1)(B) of this section indicate the presence of NAPL, the owner or operator shall, as soon as is practicable, remove NAPL to the maximum extent practicable while continuing, as necessary, with any action initiated under subsections (b), (c) or (f) of this section or while preparing for any action required under subsections (h) or (i) of this section. To comply with the requirements of this subsection, the owner or operator shall:

(A) Conduct NAPL removal in a manner that maximizes removal of all forms of NAPL, while also minimizing the spread of contamination by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the underground storage facility or site, and that properly treats, releases or disposes of recovery byproducts in compliance with applicable local, state and federal requirements; and

(B) Handle any flammable products so as to prevent a fire or explosion.

(2) An owner or operator who is required to prepare a report pursuant to subsection (f)(1)(C)(v) of this section, unless the commissioner specifies another time period in writing, shall, not sooner than 45 days but not later than 60 days after confirmation of a release, prepare a report that, at a minimum, provides the following information:

(A) The name of the person(s) responsible for implementing the NAPL removal measures;

(B) The estimated quantity, type, and thickness of NAPL: (i) observed or measured in wells, boreholes, and excavations; and (ii) derived from other information;

(C) The type of NAPL recovery system used;

(D) Whether there will be any release during the recovery operation and if so, where this release will be located, whether any permit necessary to address such release has been obtained, and the type of treatment applied to, and the effluent quality expected from, any such release;

(E) The disposition of the recovered NAPL; and

(F) A description of additional actions to be taken, including removal of NAPL, sampling, and monitoring.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-106

Department of Energy and Environmental Protection

(3) The owner or operator shall retain the report required by subdivision (2) of this subsection and complete and submit to the commissioner not later than 60 days after confirmation of a release, a NAPL action form which shall include a certification that the report has been completed, and submit a summary of conclusions and recommendations contained in the report and any other information requested by the commissioner.

(4) If pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, the owner or operator shall submit the report required by subdivision (2) of this subsection to the commissioner.

(h) Investigation of release.

(1) In order to determine the nature, extent, and degree of contamination from a release, the owner or operator shall conduct an investigation of all areas potentially affected by the release, the underground storage facility where the release occurred, and the surrounding area potentially affected by the release. Such investigation shall identify receptors that are or could be affected by the release, including, but not be limited to, public and private drinking water supply wells, wetlands, residential basements, manholes, or surface water bodies. Unless otherwise directed by the commissioner, the investigation required by this subparagraph shall be completed as soon as technically practicable, but in no event later than the schedule approved by the commissioner provided in the initial site characterization form. For any investigation not completed in accordance with the schedule approved by the commissioner, the owner or operator shall submit a non-compliance form as soon as possible, but not later than 10 days from the applicable date in the schedule, which shall include a written explanation of why the schedule has not been met and a revised schedule for review and approval by the commissioner. The commissioner's receipt of any such explanation and schedule noting that additional work is necessary shall not excuse or waive any non-compliance with this section and shall not prevent the commissioner from taking any other action regarding such non-compliance.

(2) Not later than 30 days after completion of the investigation, the owner or operator shall:

(A) Ensure that a report is prepared regarding the investigation required by subdivision (1) of this subsection. All analytical results from the investigation shall comply with the general requirements for analytical data contained in the RSRs. At a minimum, the report shall include the depth and location of samples collected, the method of sample collection, the laboratory analytical data associated with such samples, a summary of analytical results and with respect to such results, a statement that a data quality assessment and data usability evaluation has been performed and a determination of whether the data can be used for its intended purpose, the estimated area of contamination, a conceptual site model based upon the analytical results, a comparison to applicable RSR criteria, a photographic or video graphic record of investigation activities and all receptors discovered, and recommendations for any further investigation and remediation;

(B) Retain the report required by subparagraph (A) of this subdivision and submit to the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

commissioner a completion-of-investigation form which shall include a certification that the investigation required by this subdivision has been completed and a report prepared, and shall provide a summary of the conclusions and recommendations contained in the report, including whether the investigation has confirmed compliance with the RSRs, and any other information requested by the commissioner; and

(C) If pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, submit the report required by subparagraph (A) of this subdivision to the commissioner.

(3) If at any time during the investigation, NAPL or groundwater impacts remain after 24 hours with a minimum of 3 attempts at removal, a LEP shall be retained.

(i) Remedial action.

(1) Unless the investigation required in subsection (h) of this section has confirmed compliance with the RSRs, not later than 30 days after submitting the completion-of-investigation form, the owner or operator shall:

(A) Prepare a remedial action plan. At a minimum, the remedial action plan shall include the following information:

(i) A detailed description of the investigation performed and any revisions to the conceptual site model based upon the investigation;

(ii) The nature and extent of contamination from the release, including:

(I) The estimated area of contamination and the potential for migration;

(II) Identification of receptors that are or could be affected by the release, such as public or private supply wells, wetlands, basements or crawl spaces, engineering infrastructure and subsurface utilities, or surface water bodies;

(III) A summary of the results of laboratory analysis of samples collected;

(IV) The geologic and hydrogeologic conditions underneath the UST facility and the surrounding area, including, but not limited to, preferential pathways such as underground utilities and other subsurface conditions; and

(V) The proximity, quality, and uses of nearby surface water and groundwater;

(iii) A detailed evaluation of the alternatives for remedial actions to abate contamination to achieve compliance with the RSRs, including any alternative specified by the commissioner in writing. For each remedial action alternative evaluated, the remedial action plan shall include:

(I) The most expeditious schedule for performing each alternative; and

(II) A list of all required permits and approvals.

(iv) A preferred remedial alternative or combination of alternatives that achieves compliance with the RSRs, with supporting justification, including a schedule to perform the preferred remedial action and a monitoring program to determine the degree to which the remedial action taken is effective.

(B) Not more than 30 days after submitting the completion-of-investigation form, submit to the commissioner a remedial action plan form which shall include the following information:

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-106

Department of Energy and Environmental Protection

(i) A certification that the remedial action plan required by subdivision (1) of this subsection has been completed;

(ii) A summary of the preferred remedial alternatives that achieves compliance with the RSRs with supporting justification;

(iii) A schedule to perform the preferred remedial alternatives;

(iv) A monitoring program to determine the degree to which the remedial actions taken are effective; and

(v) Any other information requested by the commissioner on the remedial action plan form; and

(C) Submit the remedial action plan required by subdivision (1) of this subsection to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(2) The owner or operator shall implement the preferred remedial alternatives identified in the remedial action plan prepared pursuant to subdivision (1) of this subsection in accordance with the schedule submitted to or approved by the commissioner.

(3) Not later than 90 days after the preferred remedial alternatives identified in the remedial action plan prepared pursuant to subdivision (1) of this subsection has achieved compliance with the following provisions of the RSRs: soil criteria, direct exposure criteria, pollutant mobility criteria, determining compliance with the soil criteria, and additional remediation of polluted soil, the owner or operator shall:

(A) Prepare a remedial action report. This report shall include the following information:

(i) A detailed description of the remediation undertaken and any revisions to the conceptual site model based upon the remediation;

(ii) The nature and extent of contamination from the release, including:

(I) Final limits of the release area and the extent and degree of the contamination;

(II) Identification of impacted receptors that are or were affected by the release, including public and private supply wells, wetlands, basements or crawl spaces, engineering infrastructure and subsurface utilities, and surface water bodies;

(III) A summary of analytical results documenting compliance with all applicable provisions of the RSRs;

(IV) A plan and schedule for conducting monitoring to confirm compliance with the RSRs and to determine the degree to which the remedial action taken is effective; and

(V) Any additional information specified by the commissioner.

(B) Retain the remedial action report required by subparagraph (A) of this subdivision and not later than the date that implementation of the preferred remedial alternative has achieved compliance with the following provisions of the RSRs: soil criteria, direct exposure criteria, pollutant mobility criteria, determining compliance with the soil criteria, additional remediation of polluted soil, and any criteria for other impacted material, the owner or operator shall submit to the commissioner a completion of remedial action form which shall

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

include a certification that the remedial action report required by subparagraph (A) of this subdivision has been completed and any other information requested by the commissioner; and

(C) Submit the remedial action report required by subparagraph (A) of this subdivision to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(4) Not later than 30 days after completing the monitoring specified in the remedial action report prepared pursuant to subparagraph (A)(3) of this subsection, the owner or operator shall:

(A) Prepare a monitoring report. This report shall include:

(i) The results of the monitoring conducted, including whether monitoring demonstrated compliance with the groundwater provisions of the RSRs;

(ii) A plan and schedule for conducting any further monitoring to confirm compliance with the groundwater provisions of the RSRs and to determine the degree to which the remedial action taken is effective; and

(iii) Any other information requested by the commissioner.

(B) Retain the remedial action report required by subparagraph (A) of this subdivision and submit to the commissioner a monitoring and progress status form which shall include a certification that the monitoring report required by subparagraph (A) of this subdivision has been completed, whether monitoring demonstrated compliance with the groundwater provisions of the RSRs, and provide any other information requested by the commissioner; and

(C) Submit the monitoring report required by subparagraph (A) of this subdivision to the commissioner if:

(i) Pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that review and approval of reports is required; or

(ii) The remedial action plan includes monitored natural attenuation.

(j) **Additional information.**

The commissioner may request, in writing, that an owner or operator submit information regarding a release at an underground storage facility, including information concerning any action taken pursuant to this section. The owner or operator shall provide the information requested by the commissioner within the timeframe specified by the commissioner in the notice to the owner or operator, or if no timeframe is specified, not more than 30 days after such request, unless the owner or operator requests additional time and such request is approved in writing by the commissioner.

(k) **Supplemental or additional remedial actions.**

(1) The commissioner may determine that supplemental actions in addition to those actions taken under this section may be needed in response to a release at an underground storage facility. If such a determination is made, the commissioner shall notify the owner

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-106

Department of Energy and Environmental Protection

or operator of the UST system or underground storage facility, in writing, and the owner or operator shall undertake the additional or supplemental actions identified by the commissioner in accordance with the requirements of this subsection.

(2) Unless the notice from the commissioner specifies otherwise, not more than 30 days after receipt of a written notice from the commissioner pursuant to subdivision (1) of this subsection, the owner or operator shall prepare a scope of study explaining in detail how the owner or operator will undertake such additional or supplemental actions. The owner or operator shall submit such scope of study to the commissioner if, pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required.

(3) The owner or operator shall implement the action specified by such scope of study required by subdivision (2) of this subsection, or if pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required, the owner or operator shall implement the action approved by the commissioner. The owner or operator shall undertake such additional or supplemental action within the timeframe specified by the commissioner in the notice sent pursuant to subdivision (1) of this subsection, or if no timeframe is specified not more than 30 days after receipt of such notice, unless the owner or operator requests additional time and such request is approved in writing by the commissioner.

(4) Not more than 30 days after completing any additional or supplemental action undertaken pursuant to this subsection, the owner or operator shall:

(A) Prepare a report that fully describes the additional or supplemental action taken. This report shall include the following information:

(i) A detailed description of all action undertaken and any revision to the conceptual site model based upon such additional or supplemental action;

(ii) The information specified in subsection (h)(2)(A) of this section, subsection (i)(3)(A) of this section or subsection (i)(4)(A) of this section, as applicable;

(iii) A plan and schedule for taking any further additional or supplemental action; and

(iv) Any other information specified by the commissioner on such form.

(B) Retain the report prepared pursuant to subparagraph (A) of this subdivision and submit to the commissioner a monitoring and progress status form which shall include a certification that the additional or supplemental action required by subdivision (1) of this subsection has been completed, specify any additional or supplemental action needed or recommended, and any other information requested by the commissioner on such form; and

(C) Submit the report required by subparagraph (A) of this subdivision to the commissioner if, pursuant to subsection (f)(3) of this section, the commissioner has notified the owner or operator that commissioner review and approval of reports is required.

(I) Progress reports.

Unless otherwise specified by the commissioner in writing, the owner or operator of an underground storage facility shall submit a quarterly monitoring and progress status form 90 days after the discovery of a confirmed release, and every 90 days thereafter, until all

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-106

actions required by this section have been completed.

(m) Public notice.

(1) For each confirmed release for which a remedial action plan is prepared, prior to the implementation of such plan, the owner or operator of the underground storage facility where the remedial action is being implemented shall provide notice to the public of the need for such remedial action by means designed to reach those members of the public directly affected by the release and the planned remedial action. This notice may include public notice in local newspapers, signage, public service announcements, publication in a state register, letters to individual households, or personal communication. The commissioner may, in writing, specify a particular type of notice that shall be provided. If such release is in an environmental justice community, as defined by section 22a-20a of the Connecticut General Statutes, the owner or operator shall provide such notice in writing in all languages spoken by not less than fifteen per cent of the population that resides within one-half-mile radius of the release.

(2) The owner or operator shall ensure that all documents required pursuant to this section are made available to any member of the public, in a reasonable manner, upon request. The owner or operator shall provide such information within 30 days of any such request, unless the owner or operator and requester agree upon a different time period.

(n) Fees.

(1) During Investigation and Implementation of Remedial Actions

Beginning 12 months after the date of discovery of a release, the owner or operator of an UST or underground storage facility shall pay an annual fee to the commissioner until completion of remedial action form has been submitted or approved by the commissioner, if required under subsection (i) of this section. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date of discovery of the release. The annual fee required by this subdivision shall increase by \$1,000 on each following anniversary date until a completion of remedial action form has been submitted or approved by the commissioner, if required under subsection (i) of this section provided, at the end of year 5 after the date of discovery of a release, such fee shall not exceed \$5,000.00 for each year thereafter. If such completion of remedial action form is rejected by the commissioner, payment of such fees shall resume. The fee schedule shall be as follows:

Fee payable on anniversary of discovery pursuant to (n)(1)				
1	2	3	4	5+
\$1,000.00	\$2,000.00	\$3,000.00	\$4,000.00	\$5,000.00

(2) During Post-Remedial Monitoring

(A) Two years after the date the completion of remedial action form has been submitted to the commissioner as required by subsection (i) of this section, if monitoring has failed to document compliance with the groundwater provisions of the RSRs, the owner or operator of the UST or underground storage facility shall pay an annual fee to the commissioner until monitoring demonstrates compliance as documented by submittal of a monitoring and

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-107

Department of Energy and Environmental Protection

progress status form, or as approved by the commissioner if required under subsection (i) of this section. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date 2 years after the remedial action form has been submitted to the commissioner. Such fee shall increase by \$1,000 on each following anniversary date until compliance has been achieved, provided, at the end of the 6th year after the remedial action form has been submitted, such fee shall not exceed \$5,000.00 for each year thereafter.

(B) If the UST is in post remedial monitoring as of May 7, 2025, the owner or operator of the UST or underground storage facility shall pay an annual fee to the commissioner until monitoring demonstrates compliance as documented by submittal of a monitoring and progress status form, or as approved by the commissioner, if required under subsection (i) of this section, beginning May 7, 2027. Such fee shall begin at \$1,000 and shall be due and payable on the anniversary of the date 2 years after the remedial action form has been submitted to the commissioner. Such fee shall increase by \$1,000 on each following anniversary date until compliance has been achieved, provided, at the end of the 6th year after the remedial action form has been submitted, such fee shall not exceed \$5,000.00 for each year thereafter.

(C) If such monitoring and progress status form is rejected by the commissioner, payment of such fees shall resume.

Fee payable on anniversary of remedial action form submission pursuant to (n)(2) beginning at year 2				
2	3	4	5	6+
\$1,000.00	\$2,000.00	\$3,000.00	\$4,000.00	\$5,000.00

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-107. Closure of an UST system

(a) Closure.

(1) The owner or operator of a tank or piping undergoing closure shall notify the commissioner at least 30 days before beginning such closure. Notice of such closure shall be provided on a form and manner prescribed by the commissioner in accordance with section 22a-449(d)-114 of the UST regulations.

(2) When closure is undertaken, the owner or operator of an UST system shall ensure that:

(A) A person with the training specified in this subparagraph who is responsible for conducting such closure is present at the underground storage facility. Such person responsible for conducting closure shall, before such closure, have received a certification of successful completion of 40-hour Hazardous Waste Operations and Emergency Response training under 29 CFR 1910.120, successfully passed the International Code Council Decommissioning Exam U2 or an examination listed on the department's internet website, and received at least 8 hours of annual Hazardous Waste Operations and Emergency Response refresher training required under 29 CFR 1910.120, as applicable;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-107

(B) The entire UST system is emptied and cleaned by removing all liquids and accumulated sludges in accordance with a code of practice developed by a nationally recognized association, provided the owner or operator shall not use a method to comply with this subsection if the commissioner has posted on the department's internet website that use of such method is unacceptable.

(C) After removal of such liquids and sludges:

(i) For each tank or UST not being closed in place, remove from the ground; or

(ii) For each tank or UST being closed in place, prior to filling the UST with a solid inert material, conduct the requirements prescribed in subdivisions (D), (E) and (F) of this subsection; and

(iii) All piping shall be removed from the ground or capped.

(D) Not later than 5 days after completing the events described in subparagraphs (B) and (C) of this subdivision, the owner or operator shall retain a person with a minimum of 3 years of experience and training in selecting and taking samples who shall have an understanding of the appropriate analytical methods for products stored in the UST system. Such person shall perform an assessment evaluating all locations where contamination is most likely to be present at the underground storage facility to determine whether no further action is required or whether additional action is required due to the presence of a confirmed release or suspected release at the underground storage facility. This evaluation shall include sampling from all sides and the bottom of the area where a tank has been removed or closed in-place, areas of staining, areas where holes or perforation in the removed tank are visible, and areas where spill buckets, containment sumps, or dispensers were used. The evaluation of piping undergoing closure shall include at least one sample taken at every 10-foot interval of piping where contamination is most likely to be present, but for any interval of less than 10 feet, at least one sample shall be taken. The selection of sample types, sample locations, and analytical methods shall take into account: the nature of any stored substance, the type of backfill, the depth to ground water, the presence of rainwater or groundwater, and other factors appropriate for identifying the presence of a suspected or confirmed release;

(E) Sample collection and analysis conducted for the assessment required by subparagraph (D) of this subdivision shall comply with appropriate chain-of-custody procedures to ensure sample integrity and all samples shall be analyzed by a laboratory that is either certified by the Connecticut Department of Public Health or approved in writing by the commissioner; and

(F) All analytical data used to comply with this section shall be scientifically valid and defensible, with a level of precision, accuracy, and sensitivity commensurate with its intended use. All analytical data shall include an analytical data quality assessment and data usability evaluation prepared by individuals qualified to make such assessment or evaluation in accordance with the requirements in the RSRs. If the commissioner determines that analytical data is not scientifically valid and defensible, or not of a sufficient level of precision, accuracy, and sensitivity to support the intended use of the data, the commissioner shall identify in writing the reasons for such conclusions and such data shall

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-107

Department of Energy and Environmental Protection

not be relied upon to demonstrate compliance with this section.

(3) If at any time during closure a release is:

(A) Suspected, then the owner or operator of the UST system shall comply with section 22a-449(d)-105 of the UST regulations; and

(B) Confirmed, then the owner or operator of the UST system shall comply with section 22a-449(d)-106 of the UST regulations.

(4) Closure is complete only after a determination in the assessment completed in accordance with subdivision (2)(D) of this subsection finds that:

(A) No further action is required;

(B) Additional actions are required under section 22a-449(d)-105 of the UST regulations;
or

(C) Additional actions are required under section 22a-449(d)-106 of the UST regulations.

(b) **Closure notification.**

The owner or operator of a tank or piping undergoing closure shall notify the commissioner not less than 30 days before beginning closure and not later than 30 days after completion of such closure. Notices of such closure shall be provided on a form and manner prescribed by the commissioner in accordance with section 22a-449(d)-114 of the UST regulations.

(c) **Closure report.**

(1) Not later than 60 days after the removal of or rendering an UST unusable or removal of piping, the owner or operator shall ensure that a detailed report is prepared regarding the closure. Such report shall include, at a minimum:

(A) A description of the underground storage facility, including UST systems in use or removed from the facility and general characteristics of the area in which the facility is located;

(B) A detailed description of the activities undertaken to close the tank or piping;

(C) A detailed description and justification for the sample locations, sample depths, analytical methods used, and quality assurance/quality control measures taken;

(D) A detailed analysis of the analytical results. This analysis shall include:

(i) All sampling results and a justification for disregarding or not using any sampling result;

(ii) A description of the distribution and concentration of any substance in soil or groundwater that is or may have been released from the underground storage facility;

(iii) A description of the general characteristics of soil in the vicinity of the underground storage facility;

(iv) A map showing the extent and concentration of all releases, including the location of samples;

(v) The tabulated analytical results of all laboratory analysis of soil and groundwater;

(vi) A description of the experience and training of the person undertaking the assessment required by subsection (a)(2)(D) of this section; and

(vii) Any other information specified by the commissioner.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-108

(2) The owner or operator shall retain the closure report and, within 30 days of completion of such report, notify the commissioner on a form prescribed by the commissioner that such report has been completed. In addition, the closure report shall be submitted to the commissioner, on a form and in a manner specified by the commissioner if:

(A) The results of the assessment undertaken pursuant to subsection (a)(2)(D) of this section indicate an exceedance of any applicable criterion of the RSRs or indicate the presence of substance for which there is no criterion under the RSRs; or

(B) The commissioner requests in writing that the closure report be submitted. The report shall be submitted within the time frame specified in any such request. If no time frame is specified in the request, the report shall be submitted to the commissioner not later than 30 days from the receipt of a request.

(d) Additional actions.

If the actions undertaken pursuant to subsection (a) of this section, or the closure report prepared pursuant to subsection (c) of this section are not satisfactory to the commissioner, the commissioner shall notify the owner or operator in writing identifying what the commissioner deems unsatisfactory, including the reasons why and what additional actions are necessary. The owner or operator shall undertake any action requested by the commissioner within a time frame specified by the commissioner. If no time frame is specified in any such request, the requested actions shall be undertaken not later than 60 days from the date of any such request.

(e) Applicability to previously closed systems.

If a release or potential release from an UST system closed before July 28, 1994 may, in the judgment of the commissioner, pose a current or potential threat to human health or the environment, when directed by the commissioner, the owner or operator shall comply with the closure procedures in this section and comply with section 22a-449(d)-105 of the UST regulations or section 22a-449(d)-106 of the UST regulations, as applicable.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-108. Class A, B, and C operator requirements

(a) General requirement.

No person shall own or operate an UST system without designating Class A, B, and C operators who meet the requirements of this section.

(b) Designation of class A, B, and C operators.

(1) The owner or operator of an underground storage facility shall designate and maintain such designation in writing, of at least one Class A operator, one Class B operator, and one Class C operator for each underground storage facility. The owner or operator shall only designate a Class A, B, and C operator who maintains a current and valid certificate demonstrating that such operator is in compliance with the requirements of this section. Each designation shall be signed and acknowledged by each Class A, Class B or Class C operator being designated. An individual holding multiple certifications may be designated

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-108

Department of Energy and Environmental Protection

by an owner or operator to satisfy the requirements of this subdivision.

(2) Not later than 30 days after each designation required by this subsection, including any subsequent change made thereto, the owner or operator shall provide the information specified by the commissioner regarding each Class A and B operator designated under subdivision (1) of this subsection. Such information shall be provided on a form and in a method prescribed by the commissioner.

(3) At each underground storage facility, the owner or operator shall post a list showing all Class C operators designated for that facility at a prominent location visible to the public. For a Class C operator such posting shall include:

- (A) The names of each designated Class C operator;
- (B) A certification signed by a Class B operator who trained the C operator; and
- (C) The dates that certification for each Class C operator began and will expire.

(c) Requirements for operators to be present at an underground storage facility.

The owner or operator of an underground storage facility shall ensure that a Class B or Class C operator is present at an underground storage facility at all times when any regulated substance is or may be dispensed at such facility, except the owner or operator of an underground storage facility where regulated substances are not available for sale to any person, such as a facility where access is limited to use by employees, is not required to ensure that there is either a Class B or Class C operator at an underground storage facility at all times.

(d) Requirements for class A, B, and C operators.

The owner or operator of an underground storage facility shall only retain Class A, B, and C operators designated to an underground storage facility who meet the following requirements:

(1) Requirements For a Class A or Class B Operator.

No person shall be considered a Class A or Class B operator or undertake the requirements of a Class A or Class B operator unless such person:

(A) Has a valid certificate, issued by a program approved by the commissioner pursuant to subsection (f) of this section, demonstrating that such person has passed the examination applicable to the classification on the certificate; and

(B) Has a working familiarity with the information specified in this subparagraph, as applicable.

(i) A Class A Operator shall have knowledge of all legal requirements in the State of Connecticut regarding the operation and maintenance of UST systems. At a minimum, this shall include the purpose, methods and functions of the following at each underground storage facility:

(I) Notification requirements, including the method used for notification such as electronic notification;

(II) Spill and overfill prevention;

(III) Release detection;

(IV) Corrosion protection;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-108

- (V) Emergency response including release and suspected release reporting;
- (VI) Product and equipment compatibility;
- (VII) Temporary and permanent closure;
- (VIII) Financial responsibility; and
- (IX) Related reporting, recordkeeping, testing and inspections.

(ii) A Class B operator shall have knowledge of the implementation of the applicable statutory and regulatory requirements at each particular underground storage facility at which such Class B operator is designated. At a minimum, this shall include the purpose, methods and functions of the following at each underground storage facility for which a person is designated as a Class B operator:

- (I) The components of each UST system;
- (II) The material each UST system component is composed of;
- (III) Release detection;
- (IV) UST system spill protection;
- (V) Spill and overfill prevention;
- (VI) Corrosion protection;
- (VII) Emergency response including release and suspected release reporting;
- (VIII) Product and equipment compatibility;
- (IX) Reporting, recordkeeping, testing, and inspections;
- (X) Training requirements for Class C operators; and
- (XI) Operation and maintenance of each UST system.

(2) Requirements For a Class C Operator.

No person shall be considered a Class C operator or undertake the requirements of a Class C operator unless such person:

(A) Has a valid certificate issued by a Class B operator who is designated as a Class B operator at the same underground storage facility where the Class C operator is designated. A Class C operator certificate shall be issued only upon the successful completion of the following training for each underground storage facility where the Class C operator has been designated:

- (i) A thorough familiarization with alarm and emergency indicators including automatic tank gauge or enunciation panels, and the ability to take the action necessary in response to an alarm or emergency indicator;
- (ii) A thorough familiarization with the operator response guidelines cited in section 22a-449(d)-103(a) of the UST regulations; and
- (iii) Knowledge of the location of any records required by the UST regulations; and

(B) Has the knowledge and ability to serve as the first line of response to an event indicating an emergency condition and has knowledge of the location of all records for each underground storage facility for which the Class C operator is designated. This shall include the ability to immediately shut off the flow of a regulated substance to a dispenser in response to any emergency or an UST system alarm caused by a release, and to immediately notify the owner or operator, the Class A or Class B operator, and any necessary emergency

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-108

Department of Energy and Environmental Protection

responders.

(3) **Persons Seeking Multiple Operator Classifications.** Except for a person designated as a Class B Operator for an underground storage facility which shall automatically qualify such person as a Class C operator for such facility without any further training, any individual designated as an operator for more than one classification shall successfully complete the requirements of each such classification.

(4) **Certificates.**

(A) **Certificates for Class A and Class B operators.** The certificate required for a Class A or Class B operator shall be:

(i) Effective only if issued by a program approved by the commissioner pursuant to subsection (f) of this section;

(ii) Issued when the person named on such certificate has passed the examination for the class of operator noted on the certificate;

(iii) Effective for not more than 2 years from the date of issuance; and

(iv) Nontransferable.

(B) **Certificates for Class C operators.** The certificate required for a Class C operator shall be:

(i) Effective only if issued by a Class B operator who is designated as a Class B operator at the same underground storage facility where the Class C operator has been designated;

(ii) Issued when the person named on such certificate has successfully completed the training as specified in subdivision (2)(A) of this subsection;

(iii) Effective for not more than 2 years from the date of issuance; and

(iv) Nontransferable.

(C) **Submission of certificate to the commissioner.**

Any certificate for a Class A, B, or C operator shall be provided to the commissioner upon request within the time frame specified in any such request. If no time frame is specified in the request, the requested certificate shall be submitted to the commissioner not later than 30 days after receipt of a request.

(5) **Maintaining Certification As a Class A, B, or C Operator.**

A Class A, B, or C operator certification shall expire 2 years from the date the most recent certificate was issued to such operator.

(A) **A person may maintain active status as a Class A or B operator only if such person:**

(i) Obtains a new certificate prior to the expiration of the most recent certificate by passing an examination for a Class A or Class B operator provided such certificate is issued by a program approved by the commissioner pursuant to subsection (f) of this section; and

(ii) Maintains a working familiarity, including any changes to the underground storage facility, with the information specified in subdivision (1)(B) of this subsection.

(B) **A person may maintain active status as a Class C operator only if such person:**

(i) Obtains a new certificate prior to the expiration of the most recent certificate by completing the training for a Class C Operator required by subdivision (2) of this subsection, provided such certificate is issued by a Class B operator who is designated as a Class B

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-108

operator at the same underground storage facility where the Class C operator has been designated; and

(ii) Maintains a working familiarity, including any changes to the underground storage facility, with the information specified in subdivision (2)(B) of this subsection.

(6) Additional Required Retraining.

(A) If the commissioner determines that an UST or an UST system is not in compliance with a requirement of the UST regulations and provides notice to the owner or operator of such non-compliance, the owner or operator of an UST system shall:

(i) Provide notice of such non-compliance to the Class A and Class B operator designated for the underground storage facility. Failure to provide such notice shall result in such Class A and Class B operators no longer being designated as the operators for the underground storage facility; and

(ii) Ensure that both the Class A and Class B operator designated for the underground storage facility at which the non-compliant UST or UST system is located are replaced or are retrained and obtain a new certificate demonstrating each such operator has passed an examination for a Class A or Class B operator, as applicable, provided such certificate is issued by a program approved by the commissioner pursuant to subsection (f) of this section. Any such retraining and recertification shall include the area of non-compliance and such replacement or retraining and recertification shall occur not later than 30 days after the owner or operator receives notification by the commissioner of such non-compliance;

(B) Retraining and recertification or replacement of a Class A or Class B operator pursuant to this subdivision shall not excuse non-compliance nor create a presumption that enforcement for non-compliance will not or should not be taken.

(7) Revocation or Suspension of Certification. The commissioner may suspend or revoke an operator certification pursuant to section 22a-3a-5 of the Regulations of Connecticut State Agencies. The commissioner shall notify the owner or operator, as applicable, of such suspension or revocation.

(8) Class A, B and C Operator Responsibilities.

(A) In addition to any other requirement specified in this section, the owner or operator of an UST system shall ensure that the designated Class A, B and C operator, at a minimum, perform the following:

(i) A Class A operator shall:

(I) Manage resources and personnel, including Class B operators and Class C operators, to achieve and maintain compliance with applicable requirements;

(II) Provide current financial responsibility documents to be maintained at the underground storage facility; and

(III) Update all UST notifications as required by section 22a-449(d)-114 of the UST regulations or ensure that such updates are performed.

(ii) A Class B operator shall:

(I) Monitor and maintain all release detection methods for proper operation;

(II) Maintain proper operation of all release prevention equipment;

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-108

Department of Energy and Environmental Protection

(III) Monitor and maintain all spill and overfill equipment for proper operation;
(IV) Maintain any record as required by section 22a-449(d)-114 of the UST regulations;
(V) Comply with all reporting requirements as required by the UST regulations;
(VI) Maintain UST system equipment in proper operation, including all testing required by the UST regulations; and

(VII) Train and issue certificates to Class C operators.

(iii) A Class C operator shall:

(I) Implement the operator response guidelines in the event of an alarm, spill, or release;
and

(II) Provide access to any UST and UST system record for inspection by the commissioner or notify the commissioner of the location of records kept at a centralized location.

(B) The designation of responsibilities under this subsection or the delegation of responsibilities specified in this subsection to designated Class A, B, and C operators shall not waive or relieve the owner and operator of an UST system from liability for non-compliance with any requirement of the UST regulations.

(e) Recordkeeping for operator training.

The owner or operator of an UST system or underground storage facility shall maintain all applicable records demonstrating compliance with the requirements of this section.

(f) Operator training programs.

(1) Approval or Disapproval.

(A) Upon request by any person, the commissioner may approve a proposed program to be used for training and retraining of Class A and Class B operators. Any program approved by the commissioner shall include an examination for each class of operator. Any program approval issued pursuant to this subsection shall expire on the date specified in the approval and may include any conditions deemed necessary by the commissioner. Any request for approval of a program under this subparagraph shall be on a form prescribed by the commissioner. The commissioner shall not approve any program unless the commissioner determines that the proposed program provides adequate instruction appropriate to the class of operator; the examination tests the level of knowledge necessary for the class of operator being tested; the proposed program ensures the integrity of the examination administration and grading process by including a demonstration that the person taking an examination and the person who is issued a certificate are the same person; if an instructor is used, that such instructor possesses adequate experience and qualifications; and provides any other information specified by the commissioner.

(B) A program approved by the commissioner for Class A or B operators under subparagraph (A) of this subdivision shall be posted on the department's internet website.

(C) Not later than August 5, 2025, any person with a program previously approved by the commissioner shall submit a new request for approval of such program in accordance with this subdivision.

(2) Revocation of Approved Training Program.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

(A) If the commissioner determines that a training program, including an examination, previously approved by the commissioner under subdivision (1)(A) of this subsection is no longer adequate or is otherwise deficient, the commissioner may revoke the approval of such program. The commissioner shall provide written notice of any such revocation including the basis for such revocation. A training program approval may be revoked due to inadequate or incorrect course content, inadequately trained operators, an inadequate examination, a failure to document completion of required training, or issues with the integrity of the program, examination or grading.

(B) A training program may be re-approved if it is demonstrated to the satisfaction of the commissioner that all program defects have been corrected and if a revised curriculum and instructor's qualification is submitted to the commissioner and approved pursuant to subdivision (1)(A) of this subsection.

(C) If the approval of a program is revoked by the commissioner pursuant to subparagraph (A) of this subdivision, the certificate issued to any Class A or B operator under such program shall remain valid until the expiration of such certificate or issuance of a written notification by the commissioner to seek re-training pursuant to subsection (d)(6) of this section, whichever occurs first.

(Effective May 31, 2012; Amended May 7, 2025)

Sec. 22a-449(d)-109. Financial responsibility

(a) Applicability.

(1) This section applies to the owner and operator of a petroleum UST system except as otherwise provided in this section. This section does not apply to the owner and operator of a hazardous substance UST system. State and Federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States are exempt from the requirements of this section.

(2) Owners and operators shall ensure at least one of the available financial responsibility instruments required by this section is established or amended by August 5, 2025, unless the financial responsibility instrument fully complies with this section.

(b) Definition of terms.

In addition to the terms defined in section 22a-449(d)-101 of the UST regulations, when used in this section, the following terms shall have the meanings given below:

(1) "Accidental release" means any sudden or nonsudden release of petroleum from an UST that results in a need for corrective action, compensation for bodily injury or property damage neither expected nor intended by the owner or operator;

(2) "Bodily injury" shall have the meaning given to this term by applicable state law; however, this term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury;

(3) "Chief financial officer" in the case of local government owners and operators, means the individual with the overall authority and responsibility for the collection, disbursement,

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

and use of funds by the local government;

(4) “Controlling interest” means direct ownership of at least 50 percent of the voting stock of another entity;

(5) “EPA” means the United States Environmental Protection Agency;

(6) “Financial reporting year” means the latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared:

(A) A 10-K report submitted to the SEC;

(B) An annual report of tangible net worth submitted to Dun and Bradstreet; or

(C) An annual report submitted to the Energy Information Administration or the Rural Utilities Service. “Financial reporting year” may thus comprise a fiscal or a calendar year period;

(7) “Legal defense cost” is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought,

(A) By EPA or a state to require corrective action or to recover the costs of corrective action;

(B) By or on behalf of a third party for bodily injury or property damage caused by an accidental release; or

(C) By any person to enforce the terms of a financial assurance mechanism;

(8) “Local government” means a municipality including any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes or make charges for its authorized function;

(9) “Occurrence” means an accident, including continuous or repeated exposure to conditions, which results in a release from an UST. This definition is not intended either to limit the meaning of “occurrence” in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of “occurrence”;

(10) “Owner or operator” when the owner or operator are separate parties, refers to the party that is obtaining or has obtained financial assurances;

(11) “Petroleum marketing facilities” include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public;

(12) “Property damage” shall have the meaning given this term by Connecticut state law. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy;

(13) “Provider of financial assurance” means an entity that provides financial assurance to an owner or operator of an UST through one of the mechanisms listed in subsections (e) to (n), inclusive, of this section, including a guarantor, insurer, risk retention group, surety, issuer of a letter of credit, issuer of a state-required mechanism, or a state;

(14) “Substantial business relationship” means the extent of a business relationship

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

necessary under Connecticut state law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator;

(15) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions; and

(16) "Termination" under subsection (g)(2) of this section means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

(c) Amount and scope of required financial responsibility.

(1) Owners or operators of petroleum USTs shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs in at least the following per-occurrence amounts:

(A) For owners or operators of petroleum USTs that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year; \$1 million.

(B) For all other owners or operators of petroleum USTs; \$500,000.

(2) Owners or operators of petroleum USTs shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs in at least the following annual aggregate amounts:

(A) For owners or operators of 1 to 100 petroleum USTs, \$1 million; and

(B) For owners or operators of 101 or more petroleum USTs, \$2 million.

(3) For the purposes of subdivisions (2), (5) and (6) of this subsection, "a petroleum UST" means a single containment unit and does not mean combinations of single containment units.

(4) Except as provided in subdivision (5) of this subsection, if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:

(A) Taking corrective action;

(B) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or

(C) Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms shall be in the full amount specified in subdivisions (1) and (2) of this subsection.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

(5) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum USTs, the annual aggregate required shall be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

(6) Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum USTs are acquired or installed. If the number of petroleum USTs for which assurance shall be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

(7) The amounts of assurance required under this subsection excludes legal defense costs.

(8) The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

(d) Allowable mechanisms and combinations of mechanisms.

(1) Subject to the limitation in subdivision (2) of this subsection:

(A) An owner or operator, that is not a local government, may use any one or combination of the mechanisms listed in subsections (e) to (j), inclusive, of this section, as applicable, to demonstrate financial responsibility under this section for one or more USTs.

(B) An owner or operator that is a local government may use any one or combination of the mechanisms listed in subsections (g) to (n), inclusive, of this section, as applicable, to demonstrate financial responsibility under this section for one or more USTs.

(2) An owner or operator may use self-insurance in combination with a guarantee only if, for the purpose of meeting the requirements of the financial test under this section, the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

(e) Financial test of self-insurance.

(1) An owner, operator or guarantor, may satisfy the requirements of subsection (c) of this section by passing a financial test as specified in this section. To pass the financial test of self-insurance, the owner, operator or guarantor shall meet the criteria of subdivisions (2) or (3) of this subsection based on year-end financial statements for the latest completed fiscal year.

(2) (A) The owner, operator or guarantor, shall have a tangible net worth of at least ten times:

(i) The total of the applicable aggregate amount required by subsection (c) of this section, based on the number of USTs for which a financial test is used to demonstrate financial responsibility to the commissioner;

(ii) The sum of the corrective action cost estimates, the current closure and post-closure

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

care cost estimates, and amount of liability coverage for which a financial test is used to demonstrate financial responsibility to EPA under 40 CFR 264.101, 264.143, 264.145, 265.143, 265.145, 264.147, and 265.147 or to any state implementing agency under a state program authorized by EPA under 40 CFR 271; and

(iii) The sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility to EPA under 40 CFR 144.63 or to any state implementing agency under a state program authorized by EPA under 40 CFR 145.

(B) The owner, operator or guarantor, shall have a tangible net worth of at least \$20 million.

(C) The owner, operator or guarantor shall have a letter signed by the chief financial officer worded as specified in subdivision (4) of this subsection.

(D) The owner, operator or guarantor, shall either:

(i) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Utilities Service; or

(ii) Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet shall have assigned the firm a financial strength rating of 4A1, 4A2, 5A1 or 5A2.

(E) The firm's year-end financial statements, if independently audited, shall not include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

(3) (A) The owner, operator or guarantor shall meet the financial test requirements of section 22a-449(c)-104 of the Regulations of Connecticut State Agencies incorporating 40 CFR 264.147(f)(1), substituting the appropriate amounts specified in subdivisions (2)(A) and (2)(B) of subsection (c) of this section for the "amount of liability coverage" each time specified in that section.

(B) The fiscal year-end financial statements of the owner, operator or guarantor, shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

(C) The firm's year-end financial statements shall not include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

(D) The owner, operator or guarantor, shall have a letter signed by the chief financial officer, worded as specified in subdivision (4) of this subsection.

(E) If the financial statements of the owner, operator or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Utilities Service, the owner, operator or guarantor, shall obtain a special report by an independent certified public accountant stating that:

(i) Such accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of the owner, operator or guarantor, with the amounts in such financial statements; and

(ii) In connection with that comparison, no matters came to the attention of such accountant which caused that accountant to believe that the specified data should be adjusted.

(4) To demonstrate that it meets the financial test under subdivisions (2) or (3) of this

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

subsection, the chief financial officer of the owner, operator or guarantor, shall sign, within 120 days of the close of each financial reporting year, as defined by the twelve-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of {insert: name and address of the owner or operator, or guarantor}. This letter is in support of the use of {insert: “the financial test of self-insurance,” and/or “guarantee”} to demonstrate financial responsibility for {insert: “taking corrective action” and/or “compensating third parties for bodily injury and property damage”} caused by {insert: “sudden accidental releases” or “nonsudden accidental releases” or “accidental releases”} in the amount of at least {insert: dollar amount} per occurrence and {insert: dollar amount} annual aggregate arising from operating (an) underground storage tank(s) (“UST(s)”).

USTs at the following facilities are assured by this financial test or a financial test under an authorized State program by this {insert: “owner or operator,” and/or “guarantor”}: {List for each facility: the name and address of the facility where tanks assured by this financial test are located, and whether tanks are assured by this financial test or a financial test under a State program approved under 40 CFR 281. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test or a financial test under a State program authorized under 40 CFR 281 by the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-114 of the Regulations of Connecticut State Agencies (“RCSA”) or the corresponding State requirements.}

A {insert: “financial test,” and/or “guarantee”} is also used by this {insert: “owner or operator,” or “guarantor”} to demonstrate evidence of financial responsibility in the following amounts under other EPA regulations or State programs authorized by EPA under 40 CFR 271 and 145:

EPA and State Regulations	Amount
Closure (40 CFR 264.143 and 265.143)	\$
Post-Closure Care (40 CFR 264.145 and 265.145)	\$
Liability Coverage (40 CFR 264.147 and 265.147)	\$
Corrective Action (40 CFR 264.101(b))	\$
Plugging and Abandonment (40 CFR 144.63)	\$
Closure (state requirement)	\$
Post-Closure Care (state requirement)	\$
Liability Coverage (state requirement)	\$

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

EPA and State Regulations	Amount
Corrective Action (state requirement)	\$
Plugging and Abandonment (state requirement)	\$
Total	\$

This {insert: “owner or operator,” or “guarantor”} has not received an adverse opinion, a disclaimer of opinion, or a “going concern” qualification from an independent auditor’s financial statements for the latest completed fiscal year.

{Fill in the information for Alternative I if the criteria of subdivision (2) of this subsection of the RCSA are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of subdivision (3) of this subsection of the RCSA are being used to demonstrate compliance with the financial test requirements.}

Alternative I

- | | | | |
|-----|---|------------|-----------|
| 1. | Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee | \$ | |
| 2. | Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee | \$ | |
| 3. | Sum of lines 1 and 2 | \$ | |
| 4. | Total tangible assets | \$ | |
| 5. | Total liabilities {if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6} | \$ | |
| 6. | Tangible net worth {subtract line 5 from line 4} | \$ | |
| | | Yes | No |
| 7. | Is line 6 at least \$20 million? | | |
| 8. | Is line 6 at least 10 times line 3? | | |
| 9. | Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission? | | |
| 10. | Have financial statements for the latest fiscal year been filed with the Energy Information Administration | | |
| 11. | Have financial statements for the latest fiscal year been filed with the Rural Utilities Service? | | |
| 12. | Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A1, 4A2, 5A1 or 5A2? {Answer “Yes” only if both criteria have been met.} | | |

Alternative II

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

- | | | | | |
|-----|--|----|------------|-----------|
| 1. | Amount of annual UST aggregate coverage being assured by a test, and/or guarantee | \$ | | |
| 2. | Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee | \$ | | |
| 3. | Sum of lines 1 and 2 | \$ | | |
| 4. | Total tangible assets | \$ | | |
| 5. | Total liabilities {if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6} | \$ | | |
| 6. | Tangible net worth {subtract line 5 from line 4} | \$ | | |
| 7. | Total assets in the U.S. {required only if less than 90 percent of assets are located in the U.S.} | \$ | | |
| | | | Yes | No |
| 8. | Is line 6 at least \$20 million? | | | |
| 9. | Is line 6 at least 6 times line 3? | | | |
| 10. | Are at least 90 percent of assets located in the U.S.? {If “No,” complete line 11} | | | |
| 11. | Is line 7 at least 6 times line 3? {Fill in either lines 12-15 or lines 16-18} | | | |
| 12. | Current assets | \$ | | |
| 13. | Current liabilities | \$ | | |
| 14. | Net working capital {subtract line 13 from line 12} | \$ | | |
| | | | Yes | No |
| 15. | Is line 14 at least 6 times line 3? | | | |
| 16. | Current bond rating of most recent bond issue | | | |
| 17. | Name of rating service | | | |
| 18. | Date of maturity of bond | | | |
| 19. | Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Utilities Service? | | | |

{If “No,” please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.}

{For both Alternative I and Alternative II complete the certification with this statement.}

I hereby certify that the wording of this letter is identical to the wording specified in subdivision (4) of this subsection as such regulations were constituted on the date shown immediately below.

{Signature}

{Name}

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

{Title}

{Date}

(5) If an owner or operator using the financial test to provide financial assurance finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

(6) The commissioner may require reports of financial condition at any time from the owner, operator or guarantor. If the commissioner finds, on the basis of such reports or other information, that the owner, operator or guarantor, no longer meets the financial test requirements of subdivisions (2) or (3) and (4) of this subsection, the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.

(7) If the owner, operator or guarantor fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the commissioner that he or she no longer meets the requirements of the financial test, the owner, operator or guarantor shall notify the commissioner of such failure within 10 days.

(8) An owner, operator or guarantor may only use Alternative II in the Letter from the Chief Financial Officer if such owner, operator or guarantor has a current investment grade bond rating for the most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A, or Baa as issued by Moody's.

(f) Guarantee.

(1) An owner or operator may satisfy the requirements of subsection (c) of this section by obtaining a guarantee that conforms to the requirements of this subsection. The guarantor shall be:

(A) A firm that:

(i) possesses a controlling interest in the owner or operator;

(ii) possesses a controlling interest in a firm described under clause (i) of this subparagraph; or,

(iii) is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator; or,

(B) A firm engaged in a substantial business relationship with the owner or operator and issuing the guarantee as an act incident to that business relationship.

(2) Within 120 days of the close of each financial reporting year the guarantor shall demonstrate that it meets the financial test criteria of subsection (e) of this section based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in subdivision (4) of subsection (e) of this section and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of the financial reporting year the guarantor shall send by certified mail or other trackable mail service approved by the commissioner, before cancellation or nonrenewal of the guarantee, notice to the owner or operator and the commissioner. If the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

commissioner notifies the guarantor that the guarantor no longer meets the requirements of the financial test of subdivisions (2) or (3) and (4) of subsection (e) of this section, the guarantor shall notify the owner or operator within 10 days of receiving such notification from the commissioner. In both cases, the guarantee shall terminate not less than 120 days after the date the owner or operator and the commissioner receives the notification, whichever is later, as evidenced by the return receipts. The owner or operator shall obtain alternative coverage as specified in subdivision (5) of subsection (u) of this section.

(3) The guarantee shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

GUARANTEE

Guarantee made this {date} by {name of guaranteeing entity}, a business entity organized under the laws of the state of {name of state}, herein referred to as guarantor, to {the State of Connecticut's Commissioner of Energy and Environmental Protection} and to any and all third parties, and obligees, on behalf of {owner or operator} of {business address}.

Recitals

(1) Guarantor meets or exceeds the financial test criteria of subsections (e) (2) or (3) and (4) of the Regulations of Connecticut State Agencies ("RCSA") and agrees to comply with the requirements for guarantors as specified in subsection (f)(2) of the RCSA.

(2) {Owner or operator} owns or operates the following underground storage tank(s) ("UST(s)") covered by this guarantee: {List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-102(b) of the RCSA or the corresponding state requirement, and the name and address of the facility.} This guarantee satisfies the requirements of section 22a-449(d)-109 of the RCSA for assuring funding for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location} arising from operating the above-identified UST(s) in the amount of {insert dollar amount} per occurrence and {insert dollar amount} annual aggregate.

(3) {Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the owner or operator); "On behalf of our affiliate" (if guarantor is a related firm of the owner or operator); or "Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator)} {owner or operator}, guarantor guarantees to {the State of Connecticut's Commissioner of Energy and Environmental Protection} and to any and all third parties that:

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

In the event that {owner or operator} fails to provide alternative coverage within 30 days after receipt of a notice of cancellation of this guarantee and the Commissioner has determined or suspects that a release has occurred at an UST covered by this guarantee, the guarantor, upon instructions from the Commissioner, shall fund a standby trust fund in accordance with the provisions of section 22a-449(d)-109(s) of the RCSA, in an amount not to exceed the coverage limits specified above.

In the event that the Commissioner determines that {owner or operator} has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with section 22a-449(d)-106 of the RCSA, the guarantor upon written instructions from the Commissioner shall fund a standby trust in accordance with the provisions of section 22a-449(d)-109(s) of the RCSA in an amount not to exceed the coverage limits specified above.

If {owner or operator} fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by {"sudden" and/or "nonsudden"} accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Commissioner, shall fund a standby trust in accordance with the provisions of section 22a-449(d)-109(s) of the RCSA to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of sections 22a-449(d)-109(f)(2) or (3) and (4) of the RCSA, guarantor shall send within 120 days of such failure, by certified mail or other trackable mail service approved by the Commissioner, notice to {owner or operator} and the Commissioner. The guarantee shall terminate 120 days from the date of receipt of the notice by {owner or operator} and the Commissioner, whichever is later, as evidenced by the return receipts.

(5) Guarantor agrees to notify {owner or operator} by certified mail or other trackable mail service approved by the Commissioner of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of {owner or operator} to sections 22a-449(d)-101 to 114, inclusive, of the RCSA.

(7) Guarantor agrees to remain bound under this guarantee for so long as {owner or operator} shall comply with the applicable financial responsibility requirements of this section for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail or other trackable mail service approved by the Commissioner to {owner or operator} and the Commissioner, such cancellation to become effective no earlier than 120 days after receipt of such notice by {owner or operator} and the Commissioner, whichever is later, as evidenced by the return receipts.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of {insert owner or operator} under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of {insert owner or operator} arising from, and in the course of, employment by {insert owner or operator};

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by {insert owner or operator} that is not the direct result of a release from a petroleum UST;

(e) Bodily damage or property damage for which {insert owner or operator} is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of section 22a-449(d)-109(c) of the RCSA.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Commissioner, by any or all third parties, or by {owner or operator}.

I hereby certify that the wording of this guarantee is identical to the wording specified in section 22a-449(d)-109(f)(3) of the RCSA as such regulations were constituted on {insert effective date} shown immediately below.

Effective date:

{Name of guarantor}

{Authorized signature for guarantor}

{Name of person signing}

{Title of person signing}

Signature of witness or notary:

(4) An owner or operator who uses a guarantee to satisfy the requirements of subsection (c) of this section shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee shall be deposited directly into the standby trust fund in accordance with instructions from the commissioner under subsection (s) of this section. This standby trust fund shall meet the requirements specified in subsection (k) of this section.

(g) Insurance and risk retention group coverage.

(1) An owner or operator may satisfy the requirements of subsection (c) of this section by obtaining liability insurance that conforms to the requirements of this section from a qualified insurer or risk retention group. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

(2) Each insurance policy shall be amended by an endorsement worded as specified in subdivision (2)(A) of this subsection, or evidenced by a certificate of insurance worded as specified in subdivision (2)(B) of this subsection, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted:

(A) Endorsement

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

Name: {name of each covered location}

Address: {address of each covered location}

Policy Number: _____

Period of Coverage: {current policy period}

Name of {Insurer or Risk Retention Group}:

Address of {Insurer or Risk Retention Group}:

Name of Insured: _____

Address of Insured: _____

ENDORSEMENT:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks ("USTs"):

{List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-114 of the Regulations of Connecticut State Agencies ("RCSA"), and the name and address of the facility} for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location} arising from operating the UST(s) identified above.

The limits of liability are {insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different USTs or locations, indicate the amount of coverage for each type of coverage and/or for each UST or location}, exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under {policy number}. The effective date of said policy is {date}.

2. The insurance afforded with respect to such occurrences is subject to all of the terms

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) to (e), inclusive, of this Paragraph 2 are hereby amended to conform with subsections (a) to (e), inclusive;

a. Bankruptcy or insolvency of the insured shall not relieve the {"Insurer" or "Group"} of its obligations under the policy to which this endorsement is attached.

b. The {"Insurer" or "Group"} is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the {"Insurer" or "Group"}. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in subsections 22a-449(d)-109(e) to (j), inclusive, of the RCSA, as applicable.

c. Whenever requested by the Commissioner of Energy and Environmental Protection, the {"Insurer" or "Group"} agrees to furnish to the Commissioner a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the {"Insurer" or "Group"}, except for non-payment of premium or misrepresentation by the insured, shall be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured and the Commissioner. Cancellation for non-payment of premium or misrepresentation by the insured shall be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such written notice is received by the insured and the Commissioner.

{Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the {"Insurer" or "Group"} within six months of the effective date of cancellation or non-renewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.}

I hereby certify that the wording of this instrument is identical to the wording in section 22a-449(d)-109(g)(2)(A) of the RCSA and that the {"Insurer" or "Group"} is {"licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states"}.

{Signature of authorized representative of Insurer or Risk Retention Group}

{Name of person signing}

{Title of person signing}, Authorized Representative of {name of Insurer or Risk Retention Group}

{Address of Representative}

(B) Certificate of Insurance

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

Name: {name of each covered location}

Address: {address of each covered location}

Policy Number: _____

Endorsement (if applicable): _____

Period of Coverage: {current policy period}

Name of {Insurer or Risk Retention Group}:

Address of {Insurer or Risk Retention Group}:

Name of Insured: _____

Address of Insured: _____

Certification:

1. {Name of Insurer or Risk Retention Group}, {the "Insurer" or "Group"}, as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s) ("UST(s)"):

{List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-114 of the Regulations of Connecticut State Agencies ("RCSA"), and the name and address of the facility} for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location} arising from operating the UST(s) identified above.

The limits of liability are {insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different USTs or locations, indicate the amount of coverage for each type of coverage and/or for each UST or location}, exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under {policy number}. The effective date of said policy is {date}.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

2. The {"Insurer" or "Group"} further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the {"Insurer" or "Group"} of its obligations under the policy to which this certificate applies.

b. The {"Insurer" or "Group"} is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the {"Insurer" or "Group"}. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in subsections 22a-449(d)-109(e) to (j), inclusive, of the RCSA.

c. Whenever requested by the Commissioner of Energy and Environmental Protection, the {"Insurer" or "Group"} agrees to furnish to the Commissioner a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the {"Insurer" or "Group"}, except for non-payment of premium or misrepresentation by the insured, shall be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured and the Commissioner. Cancellation for non-payment of premium or misrepresentation by the insured shall be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such written notice is received by the insured and the Commissioner.

{Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the {"Insurer" or "Group"} within six months of the effective date of cancellation or non-renewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.}

I hereby certify that the wording of this instrument is identical to the wording in section 22a-449(d)-109(g)(2)(B) of the RCSA and that the {"Insurer" or "Group"} is {"licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states"}. I further certify that the policy conforms in all respects with the requirements in section 22a-449(d)-109(g) of the RCSA, and any inconsistencies with such regulations are hereby amended to eliminate such inconsistencies.

{Signature of authorized representative of Insurer}

{Type name}

{Title}, Authorized Representative of {name of Insurer or Risk Retention Group}

{Address of Representative}

(3) Each insurance policy shall be issued by an insurer or a risk retention group that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

as an excess or surplus lines insurer in one or more states.

(h) Surety bond.

(1) An owner or operator may satisfy the requirements of subsection (c) of this section by obtaining a surety bond that conforms to the requirements of this section. The surety company issuing the bond shall be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

(2) The surety bond shall be worded as follows, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted:

PERFORMANCE BOND

Date bond executed: _____

Period of coverage: _____

Principal: {legal name and business address of owner or operator}

Type of organization: {insert "individual," "joint venture," "partnership," or "corporation"}

State of incorporation (if applicable): _____

Surety(ies): {name(s) and business address(es)}

Scope of Coverage: {List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-114 of the Regulations of Connecticut State Agencies ("RCSA"), or the corresponding state requirement, and the name and address of the facility. List the coverage guaranteed by the bond: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases" "arising from operating the UST"}.

Penal sums of bond:

Per occurrence \$ _____

Annual aggregate \$ _____

Surety's bond number: _____

Know All Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the Commissioner of Energy and Environmental Protection, in the above penal sums for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sums jointly and severally only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal,

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sums.

Whereas said Principal is required under section 22a-449(d)-109 of the RCSA, to provide financial assurance for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location} arising from operating the underground storage tanks identified above, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully "take corrective action, in accordance with section 22a-449(d)-106 of the RCSA and the Commissioner's instructions for," and/or "compensate injured third parties for bodily injury and property damage caused by" either "sudden" or "nonsudden" or "sudden and nonsudden" accidental releases arising from operating the tank(s) identified above, or if the Principal shall provide alternate financial assurance, as specified in section 22a-449(d)-109(p) of the RCSA, 120 days after the date the notice of cancellation is received by the Principal from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

Such obligation does not apply to any of the following:

(a) Any obligation of {insert owner or operator} under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of {insert owner or operator} arising from, and in the course of, employment by {insert owner or operator};

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by {insert owner or operator} that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily injury or property damage for which {insert owner or operator} is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of section 22a-449(d)-109(c) of the RCSA.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Commissioner that the Principal has failed to {"take corrective action, in accordance with section 22a-449(d)-106 of the RCSA and the Commissioner's instructions," and/or "compensate injured third parties"} as guaranteed by this bond, the Surety(ies) shall either perform {"corrective action in accordance with sections 22a-449(d)-101 to 114, inclusive, of the RCSA and the Commissioner's instructions," and/or "third-party

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

liability compensation"} or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the Commissioner under section 22a-449(d)-109(s) of the RCSA.

Upon notification by the Commissioner that the Principal has failed to provide alternate financial assurance within 60 days after the date the notice of cancellation is received by the Principal and the Commissioner, whichever is later, from the Surety(ies) and that the Commissioner has determined or suspects that a release has occurred, the Surety(ies) shall place funds in an amount not exceeding the annual aggregate penal sum into the standby trust fund as directed by the Commissioner under section 22a-449(d)-109(s) of the RCSA.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail or other trackable mail service approved by the Commissioner to the Principal and the Commissioner in accordance with section 22a-449(d)-109(p) of the RCSA, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal and the Commissioner, whichever is later, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies).

In Witness Whereof, the Principal and Surety(ies) have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in section 22a-449(d)-109(h)(2) of the RCSA as such regulations were constituted on the date this bond was executed.

Principal

{Signature(s)} _____

{Names(s)} _____

{Title(s)} _____

{Corporate seal}

Corporate Surety(ies)

{Name and address} _____

{State of Incorporation} _____

{Liability limit}: \$ _____

{Signature(s)} _____

{Names(s) and title(s)} _____

{Corporate seal}

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

{For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.}

Bond premium: \$ _____

(3) Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.

(4) The owner or operator who uses a surety bond to satisfy the requirements of subsection 22a-449(d)-109(c) of this section shall establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond shall be deposited directly into the standby trust fund in accordance with instructions from the commissioner under subsection (s) of this section. This standby trust fund shall meet the requirements specified in subsection (n) of this section.

(i) Letter of credit.

(1) An owner or operator may satisfy the requirements of subsection (c) of this section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this section. The issuing institution shall be an entity that has the authority to issue letters of credit in each state where used and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(2) The letter of credit shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE STANDBY LETTER OF CREDIT

{Name and address of issuing institution}

{Name and address of the Commissioner of Energy and Environmental Protection}

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. — in your favor, at the request and for the account of {owner or operator name} of {address} up to the aggregate amount of {in words} U.S. dollars (\$ {insert dollar amount}), available upon presentation "by any one of you" of

(1) your sight draft, bearing reference to this letter of credit, No. —, and

(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of section 22a-449(d) of the Connecticut General Statutes."

This letter of credit may be drawn on to cover {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"} arising from operating the underground storage tank(s) identified below in the amount of {in words} \${insert dollar amount} per occurrence and {in words} \${insert dollar amount} annual aggregate:

{List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

identification number provided in the notification submitted pursuant to subsection 22a-449(d)-114 of the Regulation of Connecticut State Agencies (“RCSA”), or the corresponding state requirement, and the name and address of the facility.}

The letter of credit may not be drawn on to cover any of the following:

- (a) Any obligation of {insert owner or operator} under workers compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of {insert owner or operator} arising from, and in the course of, employment by {insert owner or operator};
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by {insert owner or operator} that is not the direct result of a release from a petroleum underground storage tank;
- (e) Bodily injury or property damage for which {insert owner or operator} is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of subsection 22a-449(d)-109(d) of the RCSA.

This letter of credit is effective as of {date} and shall expire on {date}, but such expiration date shall be automatically extended for a period of {at least the length of the original term} on {expiration date} and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify {owner or operator} and the Commissioner by certified mail or other trackable mail service approved by the Commissioner that we have decided not to extend this letter of credit beyond the current expiration date. In the event that {owner or operator} and Commissioner are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by {owner or operator} and the Commissioner, whichever is later, as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of {owner or operator} in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in section 22a-449(d)-109(i)(2) of the RCSA as such regulations were constituted on the date shown immediately below.

{Signature(s) and title(s) of official(s) of issuing institution}

{Date}

This credit is subject to {insert “the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce,” or “the Uniform Commercial Code”}.

(3) An owner or operator who uses a letter of credit to satisfy the requirements of subsection (c) the this section shall also establish a standby trust fund when the letter of

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the commissioner shall be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the commissioner under subsection (s) of this section. This standby trust fund shall meet the requirements specified in subsection (k) of this section.

(4) The letter of credit shall be irrevocable with a term specified by the issuing institution. The letter of credit shall provide that credit be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the owner or operator and the commissioner by certified mail or other trackable mail service approved by the commissioner of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days shall begin on the date when the owner or operator and the commissioner receive the notice, whichever is later, as evidenced by the return receipts.

(j) Trust fund.

(1) An owner or operator may satisfy the requirements of subsection (c) of this section by establishing a trust fund that conforms to the requirements of this section. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or an agency of the state in which the fund is established.

(2) The wording of the trust agreement shall be identical to the wording specified in subdivision (2)(A) of subsection (k) of this section, and shall be accompanied by a formal certification of acknowledgement as specified in subdivision (2)(B) of subsection (k) of this section.

(3) The trust fund, when established, shall be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining required coverage.

(4) If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the commissioner for release of the excess.

(5) If other financial assurance as specified in this section is substituted for all or part of the trust fund, the owner or operator may submit a written request to the commissioner for release of the excess.

(6) Within 60 days after receiving a request satisfactory to the commissioner from the owner or operator for release of funds as specified in subdivisions (4) or (5) of this subsection, the commissioner shall instruct the trustee to release to the owner or operator such funds as the commissioner specifies in writing.

(k) Standby trust fund.

(1) An owner or operator using any one of the mechanisms authorized by subsections (f), (h) or (i) of this section shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal agency or

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

an agency of the state in which the fund is established.

(2) (A) The standby trust agreement, or trust agreement, shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

TRUST AGREEMENT

Trust agreement, the "Agreement," entered into as of {date} by and between {name of the owner or operator}, a {name of state} {insert "corporation," "partnership," "association," or "proprietorship"}, the "Grantor," and {name of corporate trustee}, {insert "Incorporated in the state of _____" or "a national bank"}, the "Trustee."

Whereas, the Connecticut Department of Energy and Environmental Protection, "DEEP", has established certain regulations applicable to the Grantor, requiring that an owner or operator of an underground storage tank ("UST") shall provide assurance that funds shall be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the UST. The attached Schedule A lists the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located that are covered by the {insert "standby" where trust agreement is standby trust agreement} trust agreement.

{Whereas, the Grantor has elected to establish {insert either "a guarantee," "surety bond," or "letter of credit"} to provide all or part of such financial assurance for the UST(s) identified herein and is required to establish a standby trust fund able to accept payments from the instrument (This paragraph is only applicable to the standby trust agreement.)};

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee;

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions

As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of the Financial Assurance Mechanism

This Agreement pertains to the {identify the financial assurance mechanism, either a guarantee, surety bond, or letter of credit, from which the standby trust fund is established to receive payments (This paragraph is only applicable to the standby trust agreement.)}.

Section 3. Establishment of Fund

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Commissioner of Energy and Environmental Protection. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. {The Fund is established initially as a standby to receive payments and shall not consist of any property.}

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

Payments made by the provider of financial assurance pursuant to Commissioner's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement.

The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the Commissioner.

Section 4. Payment for {"Corrective Action" and/or "Third-Party Liability Claims"}

The Trustee shall make payments from the Fund as the Commissioner shall direct, in writing, to provide for the payment of the costs of {insert: "taking corrective action" and/or compensating third parties for bodily injury and property damage caused by either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"} arising from operating the tanks covered by the financial assurance mechanism identified in this Agreement.

The Fund may not be drawn upon to cover any of the following:

- (a) Any obligation of {insert owner or operator} under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
- (b) Bodily injury to an employee of {insert owner or operator} arising from, and in the course of employment by {insert owner or operator};
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by {insert owner or operator} that is not the direct result of a release from a petroleum UST;
- (e) Bodily injury or property damage for which {insert owner or operator} is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of subsection 22a-449(d)-109(c) of the Regulations of Connecticut State Agencies ("RCSA").

The Trustee shall reimburse the Grantor, or other persons as specified by the Commissioner, from the Fund for corrective action expenditures and/or third-party liability claims in such amounts as the Commissioner shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the Commissioner specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund

Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.

Section 6. Trustee Management

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the tanks, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment

The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Advice of Counsel

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 11. Trustee Compensation

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 12. Successor Trustee

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor, the Commissioner and the present Trustee by certified mail or other trackable mail service approved by the Commissioner 10 days before such change becomes effective. The successor trustee shall certify in writing sent to the Grantor, the Commissioner and the present Trustee that the successor trustee is qualified to act as a trustee in accordance with section 22a-449(d)-109(k)(1) of the RCSA. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

Section shall be paid as provided in Section 9.

Section 13. Instructions to the Trustee

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Schedule B or such other designees as the Grantor may designate by amendment to Schedule B. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the Commissioner to the Trustee shall be in writing, signed by the Commissioner, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Commissioner hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the Commissioner, except as provided for herein.

Section 14. Amendment of Agreement

This Agreement may be amended by an instrument in writing executed by the Grantor and the Trustee, or by the Trustee and the Commissioner if the Grantor ceases to exist.

Section 15. Irrevocability and Termination

Subject to the right of the parties to amend this Agreement as provided in Section 14, this Trust shall be irrevocable and shall continue until terminated at the written direction of the Grantor and the Trustee, or by the Trustee and the Commissioner, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 16. Immunity and Indemnification

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Commissioner issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 17. Choice of Law

This Agreement shall be administered, construed, and enforced according to the laws of the state of Connecticut, or the Comptroller of the Currency in the case of National Association banks.

Section 18. Interpretation

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals (if applicable) to be hereunto

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in subsection 22a-449(d)-109(k)(2)(A) of the RCSA as such regulations were constituted on the date written above.

{Signature of Grantor}

{Name of the Grantor}

{Title} Attest:

{Signature of Trustee}

{Name of the Trustee}

{Title}

{Seal} {Signature of Witness}

{Name of the Witness}

{Title}

{Seal}

(B) The standby trust agreement, or trust agreement shall be accompanied by a formal certification of acknowledgement similar to the following. State requirements may differ on the proper content of this acknowledgment.

State of _____

County of _____

On this {date}, before me personally came {owner or operator} to me known, who, being by me duly sworn, did depose and say that she/he resides at {address}, that she/he is {title} of {corporation}, the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that she/he signed her/his name thereto by like order.

{Signature of Notary Public}

{Name of Notary Public}

(3) The commissioner shall instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the commissioner determines that no additional corrective action costs or third-party liability claims shall occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

(4) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this rule.

(I) Local Government Bond Rating Test

(1) A general purpose local government owner or operator or local government serving as a guarantor may satisfy the requirements of subsection (c) of this section by having a currently outstanding issue or issues of general obligation bonds of \$1 million or more, excluding refunded obligations, with an investment grade Moody's bond rating of Aaa, Aa, A, or Baa, or an investment grade Standard & Poor's bond rating of AAA, AA, A, or BBB. Where a local government has multiple outstanding issues, or where a local government's bonds are rated by both Moody's and Standard and Poor's, the lowest rating shall be used

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

to determine eligibility. Bonds that are backed by credit enhancement other than municipal bond insurance may not be considered in determining the amount of applicable bonds outstanding.

(2) A local government owner or operator or local government serving as a guarantor that is not a general-purpose local government and does not have the legal authority to issue general obligation bonds may satisfy the requirements of subsection (c) of this section by having a currently outstanding issue or issues of revenue bonds of \$1 million or more, excluding refunded issues and by also having an investment grade Moody's bond rating of Aaa, A, A, or Baa, or an investment grade Standard & Poor's bond rating of AAA, AA, A, or BBB as the lowest rating for any rated revenue bond issued by the local government. Where bonds are rated by both Moody's and Standard & Poor's, the lower rating for each bond shall be used to determine eligibility. Bonds that are backed by credit enhancement may not be considered in determining the amount of applicable bonds outstanding.

(3) The local government owner or operator, or guarantor shall maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

(4) To demonstrate that it meets the local government bond rating test, the chief financial officer of a general purpose local government owner or operator, or guarantor shall sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of {insert: name and address of local government owner or operator, or guarantor}. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"} caused by {insert: "sudden accidental releases", "nonsudden accidental releases" or "accidental releases"} in the amount of at least {insert: dollar amount} per occurrence and {insert: dollar amount} annual aggregate arising from operating (an) underground storage tank(s) ("UST(s)").

USTs at the following facilities are assured by this bond rating test: {List for each facility: the name and address of the facility where tanks are assured by the bond rating test}.

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding bond issues that are being used by {name of local government owner or operator, or guarantor} to demonstrate financial responsibility are as follows: {complete table}

Issue date	Maturity date	Outstanding amount	Bond rating	Rating agency
				{Moody's or Standard & Poor's}

The total outstanding obligation of {insert amount}, excluding refunded bond issues, exceeds the minimum amount of \$1 million. All outstanding general obligation bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

least investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent bond ratings published within the last twelve (12) months. Neither rating service has provided notification within the last twelve (12) months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in section 22a-449(d)-109(l) of the Regulations of Connecticut State Agencies as such regulations were constituted on the date shown immediately below.

(Date)

(Signature)

(Name)

(Title)

(5) To demonstrate compliance with the local government bond rating test, the chief financial officer of local government owner or operator, or guarantor other than a general purpose government shall sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of {insert: name and address of local government owner or operator, or guarantor}. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for {insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"} caused by {insert: "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"} in the amount of at least {insert: dollar amount} per occurrence and {insert: dollar amount} annual aggregate arising from operating (an) underground storage tank(s) ("UST(s)"). This local government is not organized to provide general governmental services and does not have the legal authority under state law or constitutional provisions to issue general obligation debt.

USTs at the following facilities are assured by this bond rating test: {List for each facility: the name and address of the facility where tanks are assured by the bond rating test}.

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding revenue bond issues that are being used by {name of local government owner or operator, or guarantor} to demonstrate financial responsibility are as follows: {complete table}

Issue date	Maturity date	Outstanding amount	Bond rating	Rating agency
				{Moody's or Standard & Poor's}

The total outstanding obligation of {insert amount}, excluding refunded bond issues, exceeds the minimum amount of \$1 million. All outstanding revenue bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at least

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent bond ratings published within the last twelve (12) months. The revenue bonds listed are not backed by third-party credit enhancement or are insured by a municipal bond insurance company. Neither rating service has provided notification within the last twelve (12) months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in section 22a-449(d)-109(l) of the Regulations of Connecticut State Agencies as such regulations were constituted on the date shown immediately below.

(Date) _____

(Signature) _____

(Name) _____

(Title) _____

(6) The commissioner may require reports of financial condition at any time from the local government owner, operator or local government guarantor. If the commissioner finds, on the basis of such reports or other information, that the local government owner or operator, or guarantor no longer meets the local government bond rating test requirements of this subsection, the local government owner or operator shall obtain alternative coverage within 30 days after notification of such a finding.

(7) If a local government owner or operator, or guarantor using the bond rating test to provide financial assurance finds that it no longer meets the bond rating test requirements, the local government owner or operator shall obtain alternative coverage within 150 days of the change in status.

(8) If the local government owner or operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the bond rating test or within 30 days of notification by the commissioner that it no longer meets the requirements of the bond rating test, the owner or operator shall notify the commissioner of such failure within 10 days.

(m) Local government financial test.

(1) A local government owner or operator may satisfy the requirements of subsection (c) of this section by passing the financial test specified in this section. To be eligible to use the financial test, the local government owner or operator shall have the ability and authority to assess and levy taxes or to freely establish fees and charges. To pass the local government financial test, the owner or operator shall meet the criteria of subdivisions (2)(B) and (C) of this section based on year-end financial statements for the latest completed fiscal year.

(2) (A) The local government owner or operator shall have the following information available, as shown in the year-end financial statements for the latest completed fiscal year:

(i) Total revenues: Consists of the sum of general fund operating and non-operating revenues including net local taxes, licenses and permits, fines and forfeitures, revenues from use of money and property, charges for services, investment earnings, sales (property, publications, etc.), intergovernmental revenues (restricted and unrestricted), and total

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity. For purposes of this test, the calculation of total revenues shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers), liquidation of investments, and issuance of debt;

(ii) Total expenditures: Consists of the sum of general fund operating and non-operating expenditures including public safety, public utilities, transportation, public works, environmental protection, cultural and recreational, community development, revenue sharing, employee benefits and compensation, office management, planning and zoning, capital projects, interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues. For purposes of this test, the calculation of total expenditures shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers);

(iii) Local revenues: Consists of total revenues (as defined in paragraph (2)(A)(i) of this section) minus the sum of all transfers from other governmental entities, including all monies received from Federal, state, or local government sources;

(iv) Debt service: Consists of the sum of all interest and principal payments on all long-term credit obligations and all interest-bearing short-term credit obligations. Includes interest and principal payments on general obligation bonds, revenue bonds, notes, mortgages, judgments, and interest bearing warrants. Excludes payments on non-interest-bearing short-term obligations, interfund obligations, amounts owed in a trust or agency capacity, and advances and contingent loans from other governments;

(v) Total funds: Consists of the sum of cash and investment securities from all funds, including general, enterprise, debt service, capital projects, and special revenue funds, but excluding employee retirement funds, at the end of the local government's financial reporting year. Includes Federal securities, Federal agency securities, state and local government securities, and other securities such as bonds, notes and mortgages. For purposes of this test, the calculation of total funds shall exclude agency funds, private trust funds, accounts receivable, value of real property, and other non-security assets; and

(vi) Population consists of the number of people in the area served by the local government.

(B) The local government's year-end financial statements, if independently audited, shall not include an adverse auditor's opinion or a disclaimer of opinion. The local government shall not have outstanding issues of general obligation or revenue bonds that are rated as less than investment grade.

(C) The local government owner or operator shall have a letter signed by the chief financial officer worded as specified in subdivision (3) of this subsection.

(3) To demonstrate that it meets the financial test under subdivision (2) of this subsection, the chief financial officer of the local government owner or operator shall sign, within 120 days of the close of each financial reporting year, as defined by the twelve-month period

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter From Chief Financial Officer

I am the chief financial officer of {insert: name and address of the owner or operator}. This letter is in support of the use of the local government financial test to demonstrate financial responsibility for {insert: “taking corrective action” and/or “compensating third parties for bodily injury and property damage”} caused by {insert: “sudden accidental releases”, “nonsudden accidental releases” or “accidental releases”} in the amount of at least {insert: dollar amount} per occurrence and {insert: dollar amount} annual aggregate arising from operating (an) underground storage tank(s) (“UST(s)”).

USTs at the following facilities are assured by this financial test {List for each facility: the name and address of the facility where tanks assured by this financial test are located. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the notification submitted pursuant to section 22a-449(d)-114 of the Regulations of Connecticut State Agencies (“RCSA”).}

This owner or operator has not received an adverse opinion, or a disclaimer of opinion from an independent auditor on its financial statements for the latest completed fiscal year. Any outstanding issues of general obligation or revenue bonds, if rated, have a Moody’s rating of Aaa, Aa, A, or Baa or a Standard and Poor’s rating of AAA, AA, A, or BBB; if rated by both firms, the bonds have a Moody’s rating of Aaa, Aa, A, or Baa and a Standard and Poor’s rating of AAA, AA, A, or BBB.

Worksheet for Local Government Financial Test

Part I: Basic Information

1. Total Revenues

a. Revenues (dollars) _____

Value of revenues excludes liquidation of investments and issuance of debt. Value includes all general fund operating and non-operating revenues, as well as all revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity.

b. Subtract interfund transfers (dollars) _____

c. Total Revenues (dollars) _____

2. Total Expenditures

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

a. Expenditures (dollars) _____

Value consists of the sum of general fund operating and non-operating expenditures including interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues.

b. Subtract interfund transfers (dollars) _____

c. Total Expenditures (dollars) _____

3. Local Revenues

a. Total Revenues (from 1c) (dollars) _____

b. Subtract total intergovernmental transfers (dollars) _____

c. Local Revenues (dollars) _____

4. Debt Service

a. Interest and fiscal charges (dollars) _____

b. Add debt retirement (dollars) _____

c. Total Debt Service (dollars) _____

5. Total Funds (Dollars) _____

(Sum of amounts held as cash and investment securities from all funds, excluding amounts held for employee retirement funds, agency funds, and trust funds)

6. Population (Persons) _____

Part II: Application of Test

7. Total Revenues to Population

a. Total Revenues (from 1c) _____

b. Population (from 6) _____

c. Divide 7a by 7b _____

d. Subtract 417 _____

e. Divide by 5,212 _____

f. Multiply by 4.095 _____

8. Total Expenses to Population

a. Total Expenses (from 2c) _____

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

- b. Population (from 6) _____
- c. Divide 8a by 8b _____
- d. Subtract 524 _____
- e. Divide by 5,401 _____
- f. Multiply by 4.095 _____

9. Local Revenues to Total Revenues

- a. Local Revenues (from 3c) _____
- b. Total Revenues (from 1c) _____
- c. Divide 9a by 9b _____
- d. Subtract .695 _____
- e. Divide by .205 _____
- f. Multiply by 2.840 _____

10. Debt Service to Population

- a. Debt Service (from 4c) _____
- b. Population (from 6) _____
- c. Divide 10a by 10b _____
- d. Subtract 51 _____
- e. Divide by 1,038 _____
- f. Multiply by -1.866 _____

11. Debt Service to Total Revenues

- a. Debt Service (from 4c) _____
- b. Total Revenues (from 1c) _____
- c. Divide 11a by 11b _____
- d. Subtract .068 _____
- e. Divide by .259 _____
- f. Multiply by -3.533 _____

12. Total Revenues to Total Expenses

- a. Total Revenues (from 1c) _____
- b. Total Expenses (from 2c) _____
- c. Divide 12a by 12b _____
- d. Subtract .910 _____
- e. Divide by .899 _____
- f. Multiply by 3.458 _____

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

13. Funds Balance to Total Revenues

- a. Total Funds (from 5) _____
- b. Total Revenues (from 1c) _____
- c. Divide 13a by 13b _____
- d. Subtract .891 _____
- e. Divide by 9.156 _____
- f. Multiply by 3.270 _____

14. Funds Balance to Total Expenses

- a. Total Funds (from 5) _____
- b. Total Expenses (from 2c) _____
- c. Divide 14a by 14b _____
- d. Subtract .866 _____
- e. Divide by 6.409 _____
- f. Multiply by 3.270 _____

15. Total Funds to Population _____

- a. Total Funds (from 5) _____
- b. Population (from 6) _____
- c. Divide 15a by 15b _____
- d. Subtract 270 _____
- e. Divide by 4,548 _____
- f. Multiply by 1.866 _____

16. Add 7f + 8f + 9f + 10f + 11f + 12f + 13f + 14f + 15f + 4.937 _____

I hereby certify that the financial index shown on line 16 of the worksheet is greater than zero and that the wording of this letter is identical to the wording specified in section 22a-449(d)-109(m) of the RCSA, as such regulations were constituted on the date shown immediately below.

(Date)

(Signature)

(Name)

(Title)

(4) If a local government owner or operator using the test to provide financial assurance finds that it no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator shall obtain alternative coverage within 150

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

days of the end of the year for which financial statements have been prepared.

(5) The commissioner may require reports of financial condition at any time from the local government owner or operator. If the commissioner finds, on the basis of such reports or other information, that the local government owner or operator no longer meets the financial test requirements of this subsection, the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.

(6) If the local government owner or operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the financial test based on the year-end financial statements or within 30 days of notification by the commissioner that it no longer meets the requirements of the financial test, the owner or operator shall notify the commissioner of such failure within 10 days.

(n) Local government fund.

A local government owner or operator may satisfy the requirements of subsection (c) of this section by establishing a dedicated fund account that conforms to the requirements of this section. Except as specified in subdivision (2) of this subsection, a dedicated fund may not be commingled with other funds or otherwise used in normal operations. A dedicated fund will be considered eligible if it meets one of the following requirements:

(1) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs and is funded for the full amount of coverage required under subsection (c) of this section, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage; or

(2) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order as a contingency fund for general emergencies, including taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, and is funded for 5 times the full amount of coverage required under subsection (c) of this section, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage. If the fund is funded for less than 5 times the amount of coverage required under subsection (c) of this section, the amount of financial responsibility demonstrated by the fund may not exceed one-fifth the amount in the fund; or

(3) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. A payment is made to the fund once every year for 7 years until the fund is fully-funded. This 7 year period is hereafter referred to as the “pay-in-period.” The amount of each payment shall be determined by this formula:

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

$$\frac{TF - CF}{Y}$$

Where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period, and;

(A) The local government owner or operator has available bonding authority, approved through voter referendum (if such approval is necessary prior to the issuance of bonds), for an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund. This bonding authority shall be available for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks, or

(B) The local government owner or operator has a letter signed by the appropriate state attorney general stating that the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws. The letter shall also state that prior voter approval is not necessary before use of the bonding authority.

(4) To demonstrate that it meets the requirements of the local government fund, the chief financial officer of the local government owner or operator, or guarantor shall sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of (insert: name and address of local government owner or operator, or guarantor). This letter is in support of the use of the local government fund mechanism to demonstrate financial responsibility for (insert: "taking corrective action", "compensating third parties for bodily injury and property damage") caused by (insert: "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases") in the amount of at least (insert: dollar amount) per occurrence and (insert: dollar amount) annual aggregate arising from operating (an) underground storage tank(s) ("UST(s)").

USTs at the following facilities are assured by this local government fund mechanism: (List for each facility: the name and address of the facility where tanks are assured by the local government fund).

(Insert: "The local government fund is funded for the full amount of coverage required under subsection 22a-449(d)-109(c) of the Regulations of Connecticut State Agencies ("RCSA"), or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage." or "The local government fund is funded for 5 times the full amount of coverage required under subsection 22a-449(d)-109(c) of the RCSA , or funded for part of the required amount of coverage and used in combination with other mechanisms(s) that provide the remaining coverage," or "A payment is made to the fund once every year for 7 years until the fund is fully-funded and (name of

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

local government owner or operator) has available bonding authority, approved through voter referendum, of an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund” or “A payment is made to the fund once every year for 7 years until the fund is fully-funded and I have attached a letter signed by the State Attorney General stating that (1) the use of the bonding authority will not increase the local government’s debt beyond the legal debt ceilings established by the relevant state laws and (2) that prior voter approval is not necessary before use of the bonding authority”).

The details of the local government fund are as follows:

Amount in Fund (market value of fund at close of last fiscal year):

(If fund balance is incrementally funded as specified in subdivision (3) of this subsection, insert:

Amount added to fund in the most recently completed fiscal year:

Number of years remaining in the pay-in period: ____)

A copy of the state constitutional provision, or local government statute, charter, ordinance or order dedicating the fund is attached.

I hereby certify that the wording of this letter is identical to the wording specified in section 22a-449(d)-109(n) of the RCSA, as such regulations were constituted on the date shown immediately below.

(Date)

(Signature)

(Name)

(Title)

(o) Substitution of financial assurance mechanisms by owner or operator.

(1) An owner or operator may substitute any alternate financial assurance mechanisms as specified in this section, provided that at all times that such owner or operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of subsection (c) of this section.

(2) After obtaining alternate financial assurance as specified in this section, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.

(p) Cancellation or nonrenewal by a provider of financial assurance.

(1) A provider of financial assurance may only cancel or fail to renew a financial assurance mechanism by sending a notice of termination by certified mail or other trackable mail service approved by the commissioner to the owner or operator and the commissioner in accordance with the language of each instrument, as applicable.

(2) If a provider of financial assurance cancels or fails to renew for reasons other than incapacity of the provider as specified in subsection (q) of this section, the owner or operator shall obtain alternate coverage as specified in this section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

commissioner of such failure and submit electronically as specified on the department's internet website:

- (A) The name and address of the provider of financial assurance;
- (B) The effective date of termination; and
- (C) The evidence of the financial assurance mechanism subject to the termination maintained in accordance with subsection (r) of this section.

(q) Reporting by owner or operator.

(1) An owner or operator shall submit evidence of financial responsibility listed in subsection (r) of this section to the commissioner within 30 days:

(A) After the owner or operator identifies a release from an UST required to be reported under sections 22a-449(d)-105 or 22a-449(d)-106 of the UST regulations;

(B) If the owner or operator fails to obtain alternate coverage as required by this section, after the owner or operator receives notice of:

(i) Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor,

(ii) Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,

(iii) Failure of a guarantor to meet the requirements of the financial test,

(iv) Other incapacity of a provider of financial assurance; or

(C) As required by subsection (e)(7) of this section and subsection (p)(2) of this section.

(2) An owner or operator shall certify compliance with the financial responsibility requirements of the UST regulations on the notification as specified by the commissioner in accordance with section 22a-449(d)-114 of the UST regulations.

(3) At any time, the commissioner may require an owner or operator to submit evidence of financial assurance as described in subsection (r) of this section or other information relevant to compliance with this section.

(r) Recordkeeping.

Owners or operators shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this section for an UST until released from such requirements under subsection (t) of this section. An owner or operator shall maintain such evidence at the underground storage facility or, if permitted, at the owner's or operator's place of business in accordance with section 22a-449(d)-114 of the UST regulations.

(1) An owner or operator using a financial assurance mechanism specified in subsections (e) to (j), inclusive, of this section shall maintain a copy of the instrument worded as specified.

(2) An owner or operator using a financial test or guarantee, or a local government financial test shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence shall be on file no later than 120 days after the close of the financial reporting year.

(3) An owner or operator using a guarantee, surety bond, or letter of credit shall maintain

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

(4) A local government owner or operator using the local government bond rating test under subsection (l) of this section shall maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

(5) An owner or operator using an insurance policy or risk retention group coverage shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.

(6) An owner or operator using a local government fund under subsection (n) of this section shall maintain the documentation described in subparagraphs (A) and (B) of this subdivision, and if applicable, the documentation described in subparagraph (C) of this subdivision:

(A) A copy of the state constitutional provision or local government statute, charter, ordinance, or order dedicating the fund.

(B) Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established under subsection (n)(3) of this section using incremental funding backed by bonding authority, the financial statements shall show the previous year's balance, the amount of funding during the year, and the closing balance in the fund.

(C) If the fund is established under subsection (n)(3) of this section using incremental funding backed by bonding authority, the owner or operator shall maintain documentation of the required bonding authority, including either the results of a voter referendum under subsection (n)(3)(A) of this section, or attestation by the State Attorney General as specified under subsection (n)(3)(B) of this section.

(s) Drawing on financial assurance mechanisms.

(1) The commissioner shall require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the commissioner, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

(A) (i) The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit, or, as applicable, other financial assurance mechanism; and

(ii) The commissioner determines or suspects that a release from an UST covered by the mechanism has occurred and so notifies the owner or operator or the owner or operator has notified the commissioner pursuant to sections 22a-449(d)-105 or 22a-449(d)-106 of the UST regulations of a release from an UST covered by the mechanism; or

(B) The conditions of subdivisions (2)(A) or (2)(B)(i) or (2)(B)(ii) of this subsection are satisfied.

(2) The commissioner may draw on a standby trust fund when:

(A) The commissioner makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-109

Department of Energy and Environmental Protection

action as required under section 22a-449(d)-106 of the UST regulations; or

(B) The commissioner has received either:

(i) Certification from the owner or operator and the third-party liability claimant(s) or from attorneys representing the owner or operator and the third-party liability claimant(s) that a third-party liability claim should be paid. The certification shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

CERTIFICATION OF VALID CLAIM

The undersigned, as principals and as legal representatives of {insert owner or operator} and {insert name and address of third-party claimant}, hereby certify that the claim of bodily injury {and/or} property damage caused by an accidental release arising from operating {owner's or operator's} underground storage tank should be paid in the amount of \${_____}.

{Signatures}

Owner or Operator

Attorney for Owner or Operator

(Notary)

Date

{Signature(s)}

Claimant(s)

Attorney(s) for Claimant(s)

(Notary)

Date

or

(ii) A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this section and the commissioner determines that the owner or operator has not satisfied the judgment.

(3) If the commissioner determines that the amount of corrective action costs and third-party liability claims eligible for payment under subdivision (2) of this subsection may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The commissioner shall pay third-party liability claims in the order in which the commissioner receives certifications under subdivision (2)(B)(i) of this subsection, and valid court orders under subdivision (2)(B)(ii) of this subsection.

(t) **Release from the requirements.**

An owner or operator is no longer required to maintain financial responsibility under this section for an UST after the tank or piping has been permanently closed in accordance with section 22a-449(d)-107 of the UST regulations or, if corrective action is required, after corrective action has been completed and the tank or piping has been permanently closed in accordance with section 22a-449(d)-107 of the UST regulations.

(u) **Bankruptcy or other incapacity of owner or operator or provider of financial**

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-109

assurance.

(1) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator shall notify the commissioner by certified mail or other trackable mail service approved by the commissioner of such commencement and submit the appropriate forms listed in subsection (r) of this section documenting current financial responsibility.

(2) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator and the commissioner by certified mail or other trackable mail service approved by the commissioner of such commencement as required under the terms of the guarantee specified in subsection (f) of this section.

(3) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a local government owner or operator as debtor, the local government owner or operator shall notify the commissioner by certified mail or other trackable mail service approved by the commissioner of such commencement and submit the appropriate forms listed in subsection (r) of this section documenting current financial responsibility.

(4) An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance shall be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, letter of credit, or state-required mechanism. The owner or operator shall obtain alternate financial assurance as specified in this section within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, the owner or operator shall notify the commissioner in writing.

(5) Within 30 days after receipt of notification that a provider of financial assurance has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator shall obtain alternate financial assurance.

(v) Replenishment of guarantees, letters of credit, or surety bonds.

(1) If at any time after a standby trust is funded upon the instruction of the commissioner with funds drawn from a guarantee, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial assurance mechanism from which the funds were drawn:

(A) Replenish the value of financial assurance to equal the full amount of coverage required, or

(B) Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

(2) For purposes of this subsection, the full amount of coverage required is the amount of coverage to be provided by subsection (c) of this section. If a combination of mechanisms

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-110

Department of Energy and Environmental Protection

was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-110. UST systems temporarily taken out of service

(a) The owner or operator of an UST system may temporarily take an UST system out of service. For purposes of this section, an UST system shall be considered temporarily out of service only when all regulated substances have been removed from an UST system, including from the piping, so that no more than 2.5 centimeters (i.e., one inch) of such substances, or residue from such substances, remain in the UST.

(b) The owner or operator of an UST system temporarily taken out of service shall comply with the UST regulations, except that:

(1) Release detection shall not be required other than monthly measurement, recording, and recordkeeping of any regulated substance, residue and water level in the UST system; and

(2) Monthly and annual inspections shall not be required other than the monthly inspection of all of the items specified in the “UST Monthly Inspection Report For USTs Temporarily Out-of-Service” posted on the department’s internet website.

(c) In addition to any other requirements of this section, beginning 90 days after an UST is taken temporarily out of service, the owner or operator shall leave vent lines open and functioning and shall cap and secure all other lines, pumps, manways, and ancillary equipment.

(d) The owner or operator of an UST system temporarily taken out of service may maintain any records required under the UST regulations in a location in the state of Connecticut, other than where the UST system is located, provided such records shall be made available to the commissioner upon request within the time frame specified in any such request. If no time frame is specified in the request, the requested records shall be submitted to the commissioner not later than 30 days after receipt of a request.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-111. UST life expectancy

(a) No owner or operator of an UST system shall use or operate any tank or piping that routinely contains product beyond its life expectancy as determined in accordance with this section. Prior to the last day of the life expectancy of any such tank or piping, the owner or operator shall close such tank or piping in accordance with the closure requirements specified in section 22a-449(d)-107 of the UST regulations.

(b) From the date of installation, the life expectancy for a tank or piping that routinely contains product shall be as follows:

(1) For a tank or piping constructed of cathodically protected steel, or a flex connector made of steel, life expectancy is 30 years;

(2) For a tank or piping that does not meet the requirements of subdivision (3) of this

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-111

subsection and is made of fiberglass-reinforced plastic, any other non-metallic material, or a tank constructed of steel and clad or jacketed with a non-corrodible material, life expectancy is 30 years, except that for a tank or piping that meets the following criteria, life expectancy is 40 years:

- (A) The tank and piping is used for the storage of petroleum only;
 - (B) The tank is constructed of:
 - (i) single-walled fiberglass-reinforced plastic or composite steel, or
 - (ii) double-walled fiberglass-reinforced plastic or composite steel;
 - (C) The tank has a striker plate beneath each access point present since time of installation;
 - (D) Piping is non-metallic;
 - (E) The tank or piping has piping containment sumps and under dispenser containment sumps that are liquid tight and monitored;
 - (F) For a single-walled tank, the tank has passed a tightness test within 12 months, before or after, May 7, 2025, and passes a tightness test annually thereafter until permanently closed;
 - (G) Except for a double-walled tank using brine and vacuum, the double walled tank has passed an interstitial test within 12 months, before or after May 7, 2025, and passes an interstitial test annually thereafter until permanently closed. Such interstitial test shall meet the requirements of the Petroleum Equipment Institute, Recommended Practice 1200-12;
 - (H) The tank or piping is not located within an aquifer protection area or within 1,000 feet of a potable well, not including potable wells on the site where the tank is located; and
 - (I) Line leak testing, when required by section 22a-449(d)-104 of the UST regulations, is conducted every 6 months.
- (3) For a double-walled tank or double-walled piping made of fiberglass- reinforced plastic, any other non-metallic material, or a tank constructed of steel and clad or jacketed with a non-corrodible material:
- (A) Using interstitial monitoring that does not monitor both the primary containment and secondary containment such as a sensor in a dry space, life expectancy is 40 years; or
 - (B) Using continuous interstitial monitoring that monitors both the primary containment and secondary containment such that the inner and outer walls are continuously monitored using technology such as inert gas, or liquid, or under constant vacuum, life expectancy is 45 years; and
- (4) For a tank or piping constructed of any substance not identified in subdivisions (1) to (3), inclusive, of this subsection, life expectancy is 15 years.
- (c) If the month and year of the installation of either a tank or piping that routinely contains product cannot be reasonably determined, the owner or operator shall immediately:
- (1) Discontinue use of such tank or piping; and
 - (2) Permanently close such tank or piping in accordance with section 22a-449(d)-107 of the UST regulations.
- (d) Notwithstanding the provisions of subsection (b) of this section, the period of life

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-112

Department of Energy and Environmental Protection

expectancy for either tanks or piping that routinely contains product, may upon request, or upon the commissioner's own initiative, be modified by the commissioner. The commissioner may request any information the commissioner deems necessary in responding to a request. Any modification by the commissioner under this subsection may include any conditions the commissioner deems appropriate.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-112. UST system location transfer

(a) Except for a dispenser, no owner or operator of an UST system shall move a component of an UST system for use at another location, including another location at the same underground storage facility, without the prior written approval of the commissioner. Any approval under this section may include any conditions the commissioner deems appropriate. For purposes of section 22a-449(d)-111 of the UST regulations, the life expectancy of a tank or piping that routinely contains product relocated under this section shall be based on the date such tank or piping was originally installed, not the date such tank or piping was relocated.

(b) An owner or operator of an UST system shall not install or reinstall a dispenser from another location, including from another location at the same underground storage facility, unless such dispenser is equipped with a containment sump that meets the requirements of an under-dispenser containment sump.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-113. Transfer of UST system ownership, possession or control

(a) No owner or operator shall transfer ownership, possession or control of any UST system without providing full disclosure to the transferee of all information regarding any outstanding warning letters, notices of violation, orders or judgments, and the current notification submitted pursuant to section 22a-449(d)-114(a) of the UST regulations. Such disclosure shall be made at least 15 days prior to any such transfer.

(b) In connection with the transfer of ownership, possession or control of any UST system, the transferor shall require that the transferee submit an updated notification under section 22a-449(d)-114(a)(3)(B) of the UST regulations not later than 30 days after such transfer of ownership, possession or control. Any such notification shall include at a minimum updated information regarding the transfer of ownership, possession or control and any other changes to such UST system. The transferor of an UST system shall continue to be liable for compliance with the UST regulations until an updated notification of an ownership transfer, or change in possession or control of any UST system is provided to the department in accordance with this section.

(Effective July 28, 1994; Amended May 7, 2025)

Sec. 22a-449(d)-114. Notification and recordkeeping

(a) Notification requirements.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Energy and Environmental Protection

§22a-449(d)-114

(1) Each notification required by the UST regulations or by chapter 446k of the Connecticut General Statutes shall be submitted by the owner or operator of an UST system or an underground storage facility on forms furnished by and in a manner prescribed by the commissioner on the department's internet website and shall contain all information prescribed by the commissioner. Each notification shall be accompanied by any required fee and shall be deemed incomplete if not accompanied by the required fee. In the event that no form is prescribed by the commissioner, the notification shall be submitted in a manner prescribed by the commissioner on the department's internet website.

(2) The annual notification required under section 22a-449(e) of the Connecticut General Statutes shall be submitted within the time period specified by the commissioner on the department's internet website, which time period shall be a minimum of 30 days and shall end no later than October 10 of each year.

(3) The owner or operator shall submit notification of the following to the commissioner:

(A) Installation - Within 30 days following the completion of the installation of a UST system. A copy of the notification submitted to the commissioner shall also be submitted to the local fire marshal for the municipality in which such UST system is installed.

(B) Changes to Notification - Within 30 days of any changes in the information in the most recent notification submitted to the commissioner under this subdivision;

(C) Temporarily Out-of-Service - Within 30 days of rendering an UST temporarily out-of-service in accordance with section 22a-449(d)-110 of the UST regulations;

(D) Closure

(i) Not less than 30 days before the date beginning closure in accordance with section 22a-449(d)-107 of the UST regulations;

(ii) Not later than 30 days after removing an UST from the ground or rendering the tank unusable or permanently removing piping in accordance with section 22a-449(d)-107 of the UST regulations; and

(E) Other Notifications - Any other notification required by the UST regulations.

(4) Any person who sells a tank intended to be used as an UST shall notify the purchaser of the obligation to provide notification to the commissioner within 30 days of completion of the installation of such tank. Any such notice shall be in writing on a document provided to the purchaser including, but not limited to, a bill of sale, shipping paper, or invoice for such tank.

(b) Recordkeeping.

(1) General Recordkeeping and Retention Requirement

(A) Except as may be otherwise specified in the UST regulations, including subdivisions (2) and (3) of this subsection, the owner or operator of an UST system shall maintain all records regarding each component of the UST system, including, but not limited to, installation, operation, compatibility, inspection, testing, calibration, release detection, repair, release or suspected release, and any record or report required to demonstrate compliance with any requirement of the UST regulations, other than records relating to routine maintenance of such system such as changing filters and lubricating parts.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-449(d)-114

Department of Energy and Environmental Protection

(B) The owner or operator of an UST system shall maintain the records specified in subdivision (1) of this subsection:

(i) During the operational life of an UST system component, at the underground storage facility, except as may otherwise be provided for in section 22a-449q of the Connecticut General Statutes; and

(ii) After the operational life of an UST system component, at any location. Such records shall be maintained and shall be made available for inspection for one year beyond the operational life of such component.

(2) Records of Closure

The owner or operator of an UST system shall maintain all records regarding closure, including the report prepared pursuant to section 22a-449(d)-107(c) of the UST regulations in accordance with the following requirements:

(A) All such records shall be maintained for 3 years after completion of all actions required pursuant to section 22a-449-107 of the UST regulations for assessing a site at closure;

(B) Such records shall be maintained by the current owner of the property at the location where an UST system was closed; and

(C) Such records shall be maintained by the owner or operator of the UST system at the time that closure of an UST system was completed at any location.

(3) Records of Repairs or Replacement Involving a Confirmed Release

When, in the course of conducting a repair or replacement, a release is discovered from the part of the UST being repaired or replaced, all records of such repair shall be maintained for 3 years after assessing the site at closure as required pursuant to section 22a-449(d)-107 of the UST regulations. Such records shall be maintained by the current owner of the property at the location where an UST system was closed and at any location by the owner or operator of the UST system at the time that closure of an UST system was completed.

(c) Availability of Records.

(1) Except as otherwise provided for in section 22a-449q of the Connecticut General Statutes:

(A) All records that shall be maintained at the underground storage facility where the UST is located, shall immediately be made available for inspection upon request by the commissioner.

(B) All records that shall be maintained but are not required to be maintained at the underground storage facility where the UST is located, shall be made available to the commissioner, at a location specified by the commissioner, not later than 15 days after a request by the commissioner.

(2) Unless the commissioner specifies otherwise, all records required to be maintained pursuant to subsection (b) of this section may be maintained in an electronic format and, if requested by the commissioner, provided in an electronic format.

(Effective May 7, 2025)