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**Via eRegulations System**

The Honorable William Tong  
Attorney General  
165 Capitol Avenue  
Hartford, Connecticut 06106

**Re: Legal Sufficiency Review of Proposal to Adopt Environmental Use Restriction Regulations**

Dear Attorney General Tong:

Pursuant to Section 4-169 of the Connecticut General Statutes (CGS), I submit for your consideration and approval a proposal to adopt amendments to regulations regarding Environmental Use Restrictions (“EURs”).

These regulations, along with the accompanying regulations regarding Remediation Standard Regulations transmitted under separate cover, represent significant progress toward delivering on DEEP’s 20 By 20 initiative (Goal #5). This initiative was presented to the public last year and aims to increase predictability, efficiency, and transparency of DEEP’s environmental permitting and regulatory processes by the end of 2020.

The EUR Regulations set out the process for obtaining and managing an Environmental Use Restriction (“EUR”). EURs are a statutorily created mechanism to permanently restrict use of, or activity on, a remediated parcel of land and in some cases, can require that affirmative actions be taken to maintain remedial measures on a parcel. An EUR is required to implement certain remedies or exemptions identified in the Remediation Standards Regulations, R.C.S.A. § 22a-133k-1 et seq. (the “RSRs”) and in accordance with Conn.Gen.Stat. § 22a-133n, can take the form of an Environmental Land Use Restriction which involves the transfer of a property interest to the Commissioner, or a Notice of Activity and Use Limitation, which is a notice in the chain of title made effective by recording it on the land records. Overall, the purpose of the proposed rules is to replace existing regulations that are limited to use of the ELUR and allow, for the first time, use of NAULs. The proposed EUR Regulations also make needed process improvements to streamline the process when approval of an EUR by the Commissioner is sought and spell out requirements for application and implementation of EURs clearly to provide an overall “playbook” to the regulated community.

As evidenced by the documents associated with the tracking number PR2017-071, this proposal has been processed in accordance with the notice and hearing provisions of CGS Section 4-168.

If you have any questions regarding this submittal, please contact Jade Barber of the Remediation Division via email at [Jade.Barber@ct.gov](mailto:Jade.Barber@ct.gov) or Brendan Schain as the legal contact at [Brendan.Schain@ct.gov](mailto:Brendan.Schain@ct.gov). Thank you for your assistance with this matter.

Sincerely,

*Katherine S. Dykes*

Katherine S. Dykes  
Commissioner