



A Robinson+Cole Legal Update

April 16, 2021

New Compliance Obligations for Connecticut EURs

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Earlier this year, the Connecticut Department of Energy and Environmental Protection (DEEP) promulgated revised regulations on Environmental Use Restrictions (EURs). These revised regulations impose **new obligations** on owners of property subject to an EUR, even EURs recorded before the effective date of the revisions. Last week, DEEP released new documents that enable such property owners to begin taking the prescribed steps, including some taking effect **this week**.

The revised regulations now require development of an EUR “factsheet” summarizing the requirements contained in the EUR. While this factsheet will be developed during the application process for new EURs, owners of property with an existing EUR are directed to develop the factsheet **now**. For property subject to an EUR that is “occupied by persons, even temporarily” the EUR regulations direct that the factsheet be in the possession of the person responsible for maintenance or operation of the parcel or posted in a conspicuous place by **April 17, 2021**.

DEEP has just made the [factsheet template form](#) available on its website. The form includes stock text for a variety of possible EUR requirements, with spaces where owners will need to provide site-specific details. While the form is not long or complex, it should be completed carefully by someone with knowledge of the property and access to the relevant EUR documents.

The revised regulations also impose new inspection requirements, applicable to all EURs regardless of when they were recorded. The owners of properties subject to EURs now will be required to perform annual inspection between April and July of each year. Every five years (beginning in 2025), property owners will be required to retain a licensed environmental professional (LEP) to perform a comprehensive inspection.

DEEP released the [annual inspection form](#) last week. It requires the owner to either certify that the property is in compliance with the obligations imposed by the EUR, or note areas of noncompliance and describe how such noncompliance will be corrected. DEEP requires the investigation to include a review of the EUR factsheet and confirmation that it accurately captures the relevant requirements.

The revisions to the regulations also will significantly change the application process for EURs, both the familiar Environmental Land Use Restriction (ELUR) and the new Notice of Activity and Use Limitation (NAUL). The application forms are not yet available, and new EUR applications are on hold until the new forms are circulated. A further update on the revised application procedures will be provided shortly after the new forms are released.

FOR MORE INFORMATION

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