



Instructions for Completing Forms I, II, III and IV for the Transfer of Establishments

Use these instructions to complete Forms I through IV (DEEP-PTP-Form-I through Form-IV). These instructions are not a substitute for the requirements of the relevant statutes and any regulations thereunder. All applicable laws should be reviewed prior to completing these forms. **It is your responsibility to comply with all applicable laws.**

General Information

[Sections 22a-134 to 22a-134e of the Connecticut General Statutes](#) (CGS) – The Property Transfer Law - require an assessment of any discharge, spillage, uncontrolled loss, seepage, or filtration (hereafter referred to as a release) of hazardous waste and hazardous substances at an Establishment prior to the transfer of the Establishment.

- **The ESTABLISHMENT is the real estate or business operation as defined in CGS Section 22a-134(3).**
- **The TRANSFEROR is the entity transferring the Establishment.**
- **The TRANSFEREE is the entity to whom the Establishment is being transferred.**
- **Property Transfer forms are designated for Business Only or Real Estate.**
 - ◆ **BUSINESS ONLY** forms can only be used when the business establishment being transferred **leases the property** and has no ownership interest in the real estate.
 - ◆ **REAL ESTATE** forms are used for **real estate establishment transfers** and may also be used when **transferring both real estate and business operations** simultaneously from "Party A" to "Party B".

Property Transfer filing forms are prescribed and provided by the Commissioner of the Department of Energy and Environmental Protection (DEEP). The filing forms are located on DEEP's website www.ct.gov/deep/remediation and select Property Transfer Program.

- There are two versions for each form, one for Real Estate and one for Business Only. Use the correct form that is applicable to the type of transfer and the environmental condition of the establishment at the time of the transfer.
- An Environmental Condition Assessment Form (ECAAF) **must** be submitted simultaneously with the filing of a Form I, Form III, and Form IV.
- The Property Transfer Fee Payment Form and appropriate fee payment, as defined in CGS Section 22a-134e, **must** be submitted simultaneously with each filing. **FEES ARE NONREFUNDABLE.**
- Do not delete any portion of the forms. Forms may not be altered. Complete all sections on the applicable form. If a particular item is not applicable, enter "N/A." If the answer is "none," enter "none." Do not leave items blank. All forms must be notarized in all places provided.
- Submit **one original and one copy** of each applicable Form for **each** transfer and for **each** Establishment being transferred.

If there are multiple Transferors /Transferees, photocopy appropriate sections, fill out completely, and have notarized.

Refer to [CGS Sections 22a-134 to 22a-134e](#), inclusive, for definitions of the terms used in these forms. Please refer to these instructions and, if necessary, the Connecticut General Statutes before completing these forms.

All forms with attached supporting documents and appropriate fee payments (with the fee payment form) must be mailed or hand-delivered to the Central Permit Processing Unit, 1st Floor for fee processing.

CENTRAL PERMIT PROCESSING UNIT, 1st FLOOR
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Any **subsequent** correspondence or **subsequent** reports should be mailed directly to the Property Transfer Program at the address listed below:

REMEDATION DIVISION, 2nd FLOOR
BUREAU OF WATER PROTECTION AND LAND REUSE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127
(860) 424-3705

If you have any questions regarding these forms or the fee payment schedule, contact Kim Maiorano at (860) 424-3788 or at kim.maiorano@ct.gov.

General Instructions for Forms I - IV

Section A: General Establishment Information

Section A is to be completed on Forms I - IV using the following instructions. This section requires information necessary to identify the Establishment and its owner and operator. This pertains to the Establishment that generated hazardous waste and meets/met the definition of Establishment.

1. **EPA (RCRA) ID No.**

If applicable, enter the twelve-digit federal EPA Identification Number assigned to the facility under the Resource Conservation and Recovery Act (RCRA). (Large Quantity Generators, Small Quantity Generators, Transporters, and Treatment, Storage and Disposal Facilities are required to notify and obtain an EPA ID number.)

2. **Type of Transfer**

When listing the type of transfer, be specific, i.e., transfer of business, real property, assets, etc.

When completing items #3 - #5 below, please use the following standards:

Name:	Provide the full, legal <i>company/firm</i> name. (If identifying a <i>corporation</i> or <i>limited partnership</i> registered with the Secretary of the State, fill in the name exactly as it is shown on the registration.) If identifying an <i>individual</i> , provide the full legal name (include title and suffix) in the following format: Title (Ms., Dr., etc.); First Name; Middle Initial; Last Name; Suffix (Jr., PE, Ph.D., etc.).
Mailing Address:	Provide the full and exact mailing address.
Phone:	Unless otherwise indicated, the phone number provided should be the number where the individual can be contacted during daytime business hours.
Contact Person:	Provide the name of the specific individual within the company whom DEEP may contact.

3. **Identification of Establishment**

List the name of the **business** that generates/generated hazardous waste on-site, which meets/met the definition of an Establishment. This applies even if it is no longer in business. If out of business, indicate such (i.e. OOB).

- **Date of Transfer** - Fill in the date of the transfer.
- **From Transferor** - Complete the name of the entity selling the Establishment
- **To Transferee** - Complete the name of the entity purchasing the Establishment.

4. **Transferor**

Please list the complete name and legal mailing address of the entity selling the Establishment. Provide a contact name, title, email, and phone number at which they can be reached during the day.

5. **Property Owner**

Please list the property owner as recorded in the town or city land records. If the property owner is the same as the owner or operator of the Establishment state this fact.

For Real Estate transfers, **list the property owner as it appears in land records directly prior to the transfer.**

6. **Map**

Attach a copy of the Assessor's map depicting the exact location and boundaries of the property.

Signatories to Forms I- IV

When signing Forms I-IV, please use the following instructions:

For a corporation:

These forms must be signed by a responsible corporate officer. For the purposes of these forms, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

For a partnership or sole proprietorship:

These forms must be signed by the partner or the proprietor, respectively.

For an LLC:

These forms must be signed by a member of such LLC.

For an individual:

These forms must be signed by the individual owner/operator buyer or seller as applicable to the transfer.

Provide name, title and signature for the party signing the certification or information page.

As applicable, fill in the date on which the form was provided to the transferee along with the title, signature and entity who is the transferee.

Specific Instructions:

Form I - Transfer of Establishment

A Form I may only be filed when written documentation demonstrates that there has NEVER been any release of hazardous waste at the Establishment. Written documentation requires a minimum of a Phase I and a Phase II Environmental Site Assessment completed in accordance with prevailing standards and guidelines.

Choose the appropriate form for the type of transfer:

- ♦ **BUSINESS ONLY** forms can **only** be used when the business establishment being transferred **leases the property** and has **no ownership interest in the real estate**.
- ♦ **REAL ESTATE** forms are used for **real estate establishment transfers** and may also be used when **transferring both real estate and business operations** simultaneously from "Party A" to "Party B".

A completed ECAF for the Establishment, must be submitted simultaneously with Form I, *regardless of whether an ECAF is already on file with DEEP.*

The following must be submitted to DEEP no later than 10 calendar days after the transfer:

Original and one copy of the Form I,

Original and one copy of the ECAF

Property Transfer Fee Payment Form and the appropriate filing fee

Only one hard copy of each report listed as provided on the ECAF (CDs or thumb drives may also be submitted in addition to a hard copy, but **not** in lieu of it).

Section A: General Establishment Information

Follow the standard instructions given on pages 3 & 4 of these instructions for completion of Section A.

Section B: Transferor Certification

Description in Property Deed - List the description of the property exactly as listed in the property deed recorded in the town or city land records.

The transferor must complete, sign and have notarized this certification.

Section C: Supporting Documentation

The Form I can only be filed with written documentation attached to the Form I demonstrating that an investigation has been performed in accordance with prevailing standards and guidelines and either no release of hazardous waste or a hazardous substance has occurred at the Establishment OR that no release of hazardous waste has ever occurred at the establishment and the Commissioner has approved or an LEP has verified that any release of a hazardous substance at the establishment has been remediated in accordance with the remediation standards.

Without appropriate documentation the Form I will be rejected as inappropriate or deemed incomplete and the parties will be required to refile a Form III with fee payment of \$3,000.⁰⁰.

Check the one scenario that applies.

- No release of hazardous waste or a hazardous substance has occurred at the Establishment

Identify the Environmental Site Assessment reports that were used to document that no releases of hazardous waste or substance occurred on the establishment and the dates of such reports. Hard copies of these reports must be submitted simultaneously with the Form I if they are not already on file.

OR

- The Commissioner has approved in writing that no release of hazardous waste has ever occurred at the Establishment and that any release of hazardous substance has been remediated in accordance with the remediation standards. Commissioner's written approval must be attached to the form.

OR

- A Licensed Environmental Professional (LEP) has verified that no release of hazardous waste has occurred at the Establishment and any release of a hazardous substance has been remediated in accordance with the remediation standards.

This declaration must be supported with an LEP Verification and a hard copy of a verification report, which is to be submitted simultaneously with the Form I.

- If a previously issued Commissioner's Approval or a previously submitted verification rendered by an LEP is used to support the filing of the Form I:

Check the box to indicate there has NEVER been a release of hazardous waste at the establishment and that there has been no release of hazardous substance at the establishment subsequent to a Commissioner Approval or LEP Verification. All information required about the Commissioner's Approval or the LEP's Verification is to be included.

Provide the dates of the Phase I and Phase II Environmental Site Assessment's that were completed subsequent to the date of the Commissioner's approval or LEP Verification that document no releases of hazardous waste or hazardous substance has occurred at the establishment since the date of the Commissioner's Approval or LEP's Verification. The supporting reports must be attached to the Form I.

Section D: Transferee Information

The transferee must complete, sign and notarize this section as acknowledging receipt of this form.

Form II - Transfer of Establishment

A Form II may only be filed with a written approval of the Commissioner or a verification by an LEP.

Choose the appropriate form for the type of transfer:

- ◆ **BUSINESS ONLY** forms can **only** be used when the business establishment being transferred **leases the property** and has **no ownership interest in the real estate**.
- ◆ **REAL ESTATE** forms are used for **real estate establishment transfers** and may also be used when **transferring both real estate and business operations** simultaneously from "Party A" to "Party B".

The following must be submitted to DEEP no later than 10 calendar days after the transfer:

Original and one copy of the Form II
Original Form II Verification
One Form II Verification Report
Property Transfer Fee Payment Form and the appropriate filing fee.

Section A: General Establishment Information

Follow the standard instructions given on pages 3 & 4 of these instructions for completion of Section A.

Section B: Documentation of Remediation

Check the applicable scenario and attach the required documentation of the remediation of the establishment.

- If a previously issued Commissioner's Approval or a previously submitted verification rendered by an LEP is used to support the filing of the Form II:

Provide the dates of the Phase I and Phase II ESA's that document that no releases of hazardous waste or hazardous substance occurred at the establishment since the date of the Commissioner's approval or LEP's verification.

Without appropriate documentation the Form II will be rejected as inappropriate or deemed incomplete and the parties will be required to refile a Form III with a fee payment of \$3,000.⁰⁰.

Section C: Transferor Certification

Description in Property Deed - Please list the description of the property exactly as listed in the property deed recorded in the town or city land records.

The transferor must complete, sign and notarize this certification.

Section D: Transferee Information

The transferee must complete, sign and notarize this section as acknowledging receipt of this form.

Form III- Transfer of Establishment

A Form III is appropriate when a discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance has occurred at the parcel and full compliance with the remediation standards has not been achieved, OR the environmental conditions at the parcel are unknown prior to the transfer.

Choose the appropriate form for the type of transfer:

- ◆ **BUSINESS ONLY** forms can **only** be used when the business establishment being transferred **leases the property** and has **no ownership interest in the real estate**.
- ◆ **REAL ESTATE** forms are used for **real estate establishment transfers** and may also be used when **transferring both real estate and business operations** simultaneously from "Party A" to "Party B".

A completed ECAF for the Establishment must be submitted simultaneously with Form III, *regardless of whether an ECAF is already on file with DEEP.*

The following must be submitted to DEEP no later than 10 calendar days after the transfer:

Original and one copy of the Form III

Original and one copy of the ECAF

Property Transfer Fee Payment Form and associated filing fee

Only one hard copy of each report listed as provided on the ECAF (CDs or thumb drives may also be submitted in

addition to a hard copy, but **not** in lieu of it).

Section A: General Establishment Information

Follow the standard instructions given on pages 3 & 4 of these instructions for completion of Section A.

Section B: Certification

Description in Property Deed - Please list the description of the property exactly as listed in the property deed recorded in the town or city land records.

This certification must be signed by the party accepting the responsibility for the investigation of the parcel and remediation of the Establishment. This certification must be executed by a party associated with the transfer, as defined in CGS Section 22a-134, and must be notarized (or, in lieu of a notary, signed by a commissioner of the superior court where allowed by law). The certifying party will agree to investigate and remediate the Establishment and pay the filing fee associated with Form III.

Section C: Reason for Filing Form III

Give a brief explanation why a Form III is being submitted.

Section D: Transferee Information

This section **must** be completed and signed by the transferee, and notarized, regardless of whether they are the certifying party or have executed any other portion of the form.

Section E: Transferor Information

This section **must** be completed and signed by the transferor, and notarized, regardless of whether they are the certifying party or have executed any other portion of the form.

Form IV- Transfer of Establishment

A Form IV may be appropriate when there has been an investigation of the parcel in accordance with prevailing standards and guidelines and all actions to remediate any pollution caused by any release at the establishment have been taken in accordance with the remediation standards except groundwater compliance monitoring, natural attenuation monitoring, and/or the recording of an Environmental Land Use Restriction.

A Commissioner's Approval or an LEP Verification must be submitted simultaneously with the Form IV.

Choose the appropriate form for the type of transfer:

- ◆ **BUSINESS ONLY** forms can **only** be used when the business establishment being transferred **leases the property** and has **no ownership interest in the real estate**.
- ◆ **REAL ESTATE** forms are used for **real estate establishment transfers** and may also be used when **transferring both real estate and business operations** simultaneously from "Party A" to "Party B".

A completed ECAF for the Establishment must be submitted simultaneously with Form IV, *regardless of whether an ECAF is already on file with DEEP.*

The following must be submitted to DEEP no later than 10 calendar days after the transfer:

- Original and one copy of the Form IV
- Original and one copy of the ECAF
- Original Form IV Verification (Supporting or Final)
- One Form IV Verification Report
- Property Transfer Fee Payment Form and the associated filing fee
- One hard copy of each report listed as provided on the ECAF (CDs or thumb drives may also be submitted in addition to a hard copy, but **not** in lieu of it).

Section A: General Establishment Information

Follow the standard instructions given on pages 3 & 4 of these instructions for completion of Section A.

Description in Property Deed - Please list the description of the property exactly as listed in the property deed recorded in the town or city land records.

Section B: Documentation of Remediation

Check either the box indicating that a Commissioner's Approval is being used to support the filing of the Form IV **OR** that a verification rendered by an LEP is being used to support the filing of the Form IV.

The required documentation must be attached to the Form IV.

Without appropriate documentation the Form IV will be rejected as inappropriate or deemed incomplete and the parties will be required to refile a Form III with a fee payment of \$3,000.⁰⁰.

Section C: Certification

This certification must be signed by the party associated with the transfer that is accepting the responsibility to perform natural attenuation groundwater monitoring or groundwater compliance monitoring related to any pollution caused by any release at the Establishment, and/or the recording of an ELUR.

The party signing the Remediation Certification also agrees to investigate the Establishment in accordance with prevailing standards and guidelines and to remediate the Establishment in accordance with the remediation standards if further investigation and/or remediation is necessary, as determined through the natural attenuation groundwater monitoring or groundwater compliance monitoring. This certification must be executed by a party associated with the transfer, as defined in CGS Section 22a-134(7), and must be notarized (or, in lieu of a notary, signed by a commissioner of the superior court where allowed by law).

Section D: Transferee Information

This section **must** be signed by the transferee, regardless of whether they are the certifying party or have executed any other portion of the form.

Section E: Transferor Information

This section **must** be signed by the transferor, regardless of whether they are the certifying party or have executed any other portion of the form.