

**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

September 18, 2012



Kenneth Malinowski, Director  
City of New Britain  
27 West Main Street  
New Britain, CT 06051

SEP 21 2012

RE: Acknowledgement of Receipt  
of complete Form III and ECAF

Dear Mr. Malinowski:

I am writing to acknowledge receipt of a Form III, fee payment in the amount of \$3,000.00 and Environmental Condition Assessment Form (ECAF) received on April 27, 2012. Page 1 of the Form III was revised and resubmitted on September 10, 2012. Pursuant to Connecticut General Statutes (CGS) §22a-6(b), municipalities pay 50% of the CGS §22a-134e filing fee, therefore, a refund of \$1,500.00 will be processed under separate cover. These documents were submitted pursuant to CGS §22a-134(a-e) regarding the transfer of real estate located at 16 Booth Street in New Britain, Connecticut from Cakemaker, LLC to NL Ventures IX Celebration, LLC. REM ID No. 11022 has been assigned to this filing and should be used on all future correspondence.

**Please note that significant changes were made to the Property Transfer Law during the 2009 Regular Session of the General Assembly. Public Act 09-235 made changes to CGS §§22a-134 and 134a.**

The Property Transfer Law now provides for automatic delegation to a licensed environmental professional (LEP) to oversee the investigation of the parcel and verify that the establishment has been remediated in accordance with the State Remediation Standard Regulations, §22a-133k-1 through 3 (RSRs). This delegation is automatic unless within 75 days of the date of this letter, you are notified in writing that the Commissioner's review and approval of the investigation and remediation is required. Please be aware that although the Form III is considered complete, the ECAF may still be under technical review and you may be required to provide additional information (i.e., receptor survey, well monitoring analyses, etc.) in order for the Commissioner to determine if the Commissioner's oversight of the remediation activities is necessary.

In accordance with CGS §22a-134a(g)(1) as amended by Public Act 09-235, you must:

1. Submit to the Commissioner within 75 days of the date of this letter, a schedule for the investigation of the parcel and remediation of the establishment. The schedule shall include the name of the licensed environmental professional that will be retained to oversee such activities at the establishment, and shall provide that you (as certifying party) will take the following actions.
2. Investigate the parcel in accordance with prevailing standards and guidelines, and the investigation will be completed within 2 years of the date of this letter.
3. Submit to the Commissioner within 2 years of the date of this letter the final investigation report, approved in writing by an LEP. The "Completion of Investigation Transmittal Form"<sup>1</sup> shall be used to submit the required documentation to the Commissioner.
4. Post public notice of remediation prior to the initiation of remediation, in accordance with CGS §22a-

<sup>1</sup> All forms referenced in this letter are available at [www.ct.gov/DEP/Remediation](http://www.ct.gov/DEP/Remediation)  
(Printed on Recycled Paper)

134a(i). Since a forty five (45) day comment period is required pursuant to the RSRs(regulations at 22a-133k-1(d)(2)), the public notice of remediation should be published far enough in advance of the submittal of the Remedial Action Plan (RAP) to allow adequate time for any comments on the proposed remediation and any response to such comments to be incorporated into the Remedial Action Plan. Submit a copy of the public notice to DEP immediately following publication of said notice.

5. Initiate remediation of the establishment within 3 years of the date of this letter. Submit to the Commissioner within 3 years of the date of this letter A Remedial Action Plan, approved in writing by an LEP. The "Remedial Action Plan Transmittal Form" shall be used to submit the required RAP to the Commissioner.
6. Submit annual progress reports concerning the remediation and monitoring of the establishment to the Commissioner on an annual basis starting with the fourth year from the date of this letter and every 12 months thereafter. Such annual progress reports must be detailed regarding remediation activities conducted within the previous 12 months. Any information indicating risks to human health or the environment may be higher than previously known must be reported.
7. Achieve the RSRs sufficient to support a final or interim verification by an LEP within 8 years from the date of this letter. Such final or interim verification by an LEP shall be submitted to the Commissioner and shall be on a form prescribed by the Commissioner.

The Department must be notified in writing within 30 days should there be any change in the selection of the licensed environmental professional.

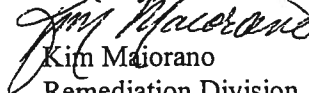
Unless an alternative schedule has been approved in writing by the Commissioner, you shall investigate the parcel and remediate the establishment in accordance with the Property Transfer law. When remediation of the entire establishment is complete, you, as the certifying party, shall obtain and submit to the Commissioner a final verification by an LEP.

You should note that pursuant to CGS §22a-134a(h)(1), as amended, the Commissioner may determine at any time that the Commissioner's review and written approval of the investigation and remediation at the parcel is necessary. Nothing in this determination shall affect the authority of the Commissioner under any other statute or regulation, including, but not limited to, any authority to issue an order to any party associated with the transfer, to institute any other proceeding, or take any other action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law.

If at any time the Commissioner determines that the actions at the parcel have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution. In addition, nothing in this letter shall relieve any person of his or her obligations under applicable federal, state and local law.

Please direct your schedule, all future correspondence and any questions pertaining to this matter to David Ringquist at (860) 424-3573.

Sincerely,



Kim Maiorano  
Remediation Division  
Bureau of Water Protection and Land Reuse

cc: Kenneth Slater  
Peter Carlsen  
Robert Landino  
Scot Kuhn