



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100

BOSTON, MA 02109-3912

January 26, 2012

Betsey Wingfield, Chief
Bureau of Water Protection and Land Reuse
CT Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Ms. Wingfield:

As you know, we continue to discuss EPA's concerns regarding CT DEEP's UST Petroleum Clean-up Program state fund. Specifically, we have discussed the state fund's current deficiencies and CT DEEP's options to address the viability of the state fund as a financial responsibility mechanism.

I understand that CT DEEP intends to finalize recommendations in anticipation of the upcoming February – May 2012 legislative session. There are several possible paths the State could take, including:

- secure adequate funding to meet both existing obligations and any future eligible obligations;
- sunset the fund and require other financial responsibility mechanisms;
- some combination or a hybrid option

EPA expects that all eligible releases that have already occurred, or will occur up until the date the existing program ceases to be a financial responsibility mechanism, will be covered up to the minimum amounts required by 40 CFR 280.90 – Subpart H – Financial Responsibility.

I applaud your work to address this difficult topic, and we look forward to receiving and working with you on these recommendations. Please note that given the dire condition of the fund, it is critical that this issue be addressed in a timely fashion. EPA will begin the process of withdrawing approval of the CT DEEP Program state fund as a mechanism of financial responsibility should a solution not be achieved by the end of the legislative session on May 9, 2012.

I look forward to receiving the state's recommendations in the near future. Please contact me at (617) 918-1201 with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "James T. Owens, III".

James T. Owens, III, Director
Office of Site Remediation and Restoration

cc: Patrick Bowe/Yvonne Bolton/Peter Zack, CT DEEP
Carolyn Hoskinson, EPA OUST

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