



General Assembly

January Session, 2001

***Raised Bill No. 6914***

LCO No. 4361

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THIRD PARTY LIABILITY AND REVISIONS TO THE TRANSFER ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) No owner of real property shall be liable for  
2 any costs or damages pursuant to any provision of the general statutes  
3 or common law to any person other than this state, any other state, or  
4 the federal government, with respect to any pollution or source of  
5 pollution on or emanating from real property that occurred prior to  
6 such owner taking title to such property, provided:

7 (1) The owner did not establish or create a condition or facility at or  
8 on such property that reasonably can be expected to create a source of  
9 pollution to the waters of the state for purposes of section 22a-432 of  
10 the general statutes and such owner is not responsible pursuant to any  
11 other provision of the general statutes for creating any pollution or  
12 source of pollution on such property;

13 (2) The owner is not affiliated with any person responsible for such  
14 pollution or source of pollution through any direct or indirect familial  
15 relationship, or any contractual, corporate or financial relationship

16 other than that by which such owner's interest in the property was  
17 conveyed or financed; and

18 (3) The Commissioner of Environmental Protection has approved in  
19 writing: (A) That an investigation of the pollution or sources of  
20 pollution on or emanating from the real property was conducted in  
21 accordance with the prevailing standards and guidelines by an  
22 environmental professional licensed in accordance with section 22a-  
23 133v of the general statutes, (B) a final remediation action report  
24 prepared by a licensed environmental professional that demonstrates  
25 that remediation of such pollution or sources of pollution was  
26 completed in accordance with the remediation standards in  
27 regulations adopted pursuant to section 22a-133k of the general  
28 statutes, and (C) if a transfer of real property occurs after the  
29 commissioner approves a final remediation action report in accordance  
30 with this section, a report that demonstrates that a licensed  
31 environmental professional has conducted an investigation of the real  
32 property in accordance with prevailing standards and guidelines that  
33 confirms that no pollution or sources of pollution were created on such  
34 real property at any time after the date of the approval of such final  
35 remediation action report.

36 (b) The provisions of this section do not relieve any liability of a real  
37 property owner that fails to comply with the provisions of an  
38 environmental land use restriction created pursuant to section 22a-  
39 133o of the general statutes for such real property or with the  
40 conditions of a variance for the real property that was approved by the  
41 commissioner in accordance with the regulations adopted pursuant to  
42 section 22a-133k of the general statutes.

43 Sec. 2. Subdivision (17) of section 22a-134 of the general statutes is  
44 repealed and the following is substituted in lieu thereof:

45 (17) "Environmental condition assessment form" means a form  
46 prescribed and provided by the commissioner and prepared under the  
47 supervision of a licensed environmental professional, licensed in

48 accordance with section 22a-133v, by (A) the certifying party under  
49 sections 22a-134 to 22a-134e, inclusive, or (B) the owner of the property  
50 under section 22a-133x which form describes the environmental  
51 conditions at the parcel.

52 Sec. 3. Subsection (e) of section 22a-134a of the general statutes is  
53 repealed and the following is substituted in lieu thereof:

54 (e) Any person submitting a Form I, Form III or Form IV to the  
55 commissioner shall simultaneously submit to the commissioner a  
56 complete environmental condition assessment form and shall certify to  
57 the commissioner, in writing, that the information contained in such  
58 form is correct and accurate to the best of [his] the knowledge and  
59 belief of the person.

***Statement of Purpose:***

To protect third party purchasers of property that was formerly contaminated from liability; to require environmental condition assessment forms to be prepared under the supervision of a licensed environmental professional; and to require environmental condition assessment forms to accompany a Form I filing.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*