



**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 such owner's real property that  
6 occurred or existed prior to such owner taking title to such property,  
7 provided:

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

14 (2) The owner is not affiliated with any person responsible for such  
15 pollution or source of pollution through any direct or indirect familial  
16 relationship, or any contractual, corporate or financial relationship  
17 other than that by which such owner's interest in the property was  
18 conveyed or financed; and

19 (3) The Commissioner of Environmental Protection has approved in

20 writing: (A) An investigation of the pollution and sources of pollution  
21 on or emanating from the real property which pollution or sources of  
22 pollution occurred prior to such owner's taking title to such property,  
23 conducted in accordance with the prevailing standards and guidelines  
24 which investigation was conducted by an environmental professional  
25 licensed in accordance with section 22a-133v of the general statutes,  
26 and (B) a final remedial action report prepared by a licensed  
27 environmental professional that demonstrates that remediation of such  
28 pollution and sources of pollution was completed in accordance with  
29 the remediation standards in regulations adopted pursuant to section  
30 22a-133k of the general statutes.

31 (b) The provisions of this section do not relieve any liability of a real  
32 property owner who fails to comply with the provisions of an  
33 environmental land use restriction created pursuant to section 22a-  
34 133o of the general statutes for such real property or with the  
35 conditions of a variance for the real property that was approved by the  
36 commissioner in accordance with regulations adopted pursuant to  
37 section 22a-133k of the general statutes.

38 Sec. 2. Section 22a-134 of the general statutes is repealed and the  
39 following is substituted in lieu thereof:

40 For the purposes of this section and sections 22a-134a to 22a-134d,  
41 inclusive, as amended by this act:

42 (1) "Transfer of establishment" means any transaction or proceeding  
43 through which an establishment undergoes a change in ownership, but  
44 does not mean (A) conveyance or extinguishment of an easement, (B)  
45 conveyance of [property] an establishment through a [judicial]  
46 foreclosure, as defined in subsection (b) of section 22a-452f, (C)  
47 conveyance of a deed in lieu of foreclosure to [an institutional] a  
48 lender, [including, but not limited to, a banking institution] as defined  
49 in and that qualifies for the secured lender exemption pursuant to  
50 subsection (b) of section 22a-452f, (D) conveyance of a security interest,  
51 [including, without limitation, a mortgage] as defined in subdivision

52 ~~(7)~~ of subsection (b) of section 22a-452f, (E) [renewal of a lease, (F)  
53 conveyance, assignment or termination] execution of a lease for a  
54 period less than [twenty-five years from the date of such conveyance,  
55 assignment or termination] ninety-nine years, including options or  
56 extensions of such period, [(G)] (F) any change in ownership approved  
57 by the Probate Court, [(H) conveyance] (G) devolution of title to a  
58 surviving joint tenant, or to a trustee, executor, or administrator under  
59 the terms of a testamentary trust or will, or by intestate succession, [(I)]  
60 (H) corporate reorganization not substantially affecting the ownership  
61 of the establishment, [including, but not limited to, stock dividend  
62 distributions or stock distributions in connection with a merger, (J) the  
63 original] (I) the issuance of stock or other securities of an entity which  
64 owns or operates an establishment, [(K)] (I) the transfer of stock,  
65 securities or other ownership interests representing less than [a  
66 majority of the voting power] forty per cent of the ownership of the  
67 entity that owns or operates the establishment, [(L)] (K) any  
68 conveyance of an interest in an establishment where the transferor is  
69 the sibling, spouse, child, parent, grandparent, child of a sibling or  
70 sibling of a parent of the transferee, (L) conveyance of an interest in an  
71 establishment to a trustee of an inter vivos trust created by the  
72 transferor solely for the benefit of one or more of the sibling, spouse,  
73 child, parent, grandchild, child of a sibling or sibling of a parent of the  
74 transferor, (M) any conveyance of a portion of a parcel upon which  
75 portion no establishment is or has been located and upon which there  
76 has not occurred a discharge, spillage, uncontrolled loss, seepage or  
77 filtration of hazardous waste or hazardous substance, provided either  
78 the area of such portion is not greater than fifty per cent of the area of  
79 such parcel or written notice of such proposed conveyance and an  
80 environmental condition assessment form for such parcel is provided  
81 to the commissioner sixty days prior to such conveyance, (N)  
82 conveyance of a service station, as defined in subdivision (5) of this  
83 section, (O) any conveyance of [a parcel] an establishment which, prior  
84 to July 1, 1997, had been developed solely for residential use and such  
85 use has not changed, (P) any conveyance of [a parcel] an establishment  
86 to any entity created or operating under chapter 130 or 132, or to an

87 urban rehabilitation agency, as defined in section 8-292, or to a  
88 municipality under section 32-224, or to the Connecticut Development  
89 Authority or any subsidiary of the authority, (Q) any conveyance of a  
90 parcel in connection with the acquisition of properties to effectuate the  
91 development of the overall project, as defined in section 32-651, (R) the  
92 conversion of a general or limited partnership to a limited liability  
93 company under section 34-199, (S) the transfer of general partnership  
94 property held in the names of all of its general partners to a general  
95 partnership which includes as general partners immediately after the  
96 transfer all of the same persons as were general partners immediately  
97 prior to the transfer, [and] (T) the transfer of general partnership  
98 property held in the names of all of its general partners to a limited  
99 liability company which includes as members immediately after the  
100 transfer all of the same persons as were general partners immediately  
101 prior to the transfer, or (U) acquisition of an establishment by any  
102 governmental or quasi-governmental condemning authority;

103 (2) "Commissioner" means the Commissioner of Environmental  
104 Protection or [his] the designated agent of the commissioner;

105 (3) "Establishment" means any real property at which or any  
106 business operation from which (A) on or after November 19, 1980,  
107 there was generated, except as the result of remediation of polluted  
108 soil, groundwater or sediment, more than one hundred kilograms of  
109 hazardous waste in any one month, (B) hazardous waste generated at a  
110 different location [by another person or municipality] was recycled,  
111 reclaimed, reused, stored, handled, treated, transported or disposed of,  
112 (C) the process of dry cleaning was conducted on or after May 1, 1967,  
113 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a  
114 vehicle body repair shop or vehicle painting [shop is or] facility was  
115 located on or after May 1, 1967;

116 (4) "Hazardous waste" means any waste which is (A) hazardous  
117 waste identified in accordance with Section 3001 of the federal  
118 Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.,  
119 (B) hazardous waste identified by regulations adopted by the

120 Commissioner of Environmental Protection, or (C) polychlorinated  
121 biphenyls in concentrations greater than fifty parts per million except  
122 that sewage, sewage sludge and lead paint abatement wastes shall not  
123 be considered to be hazardous waste for the purposes of this section  
124 and sections 22a-134a to 22a-134d, inclusive, as amended by this act;

125 (5) "Service station" means a retail operation involving the resale of  
126 motor vehicle fuel including, but not limited to, gasoline, diesel fuel  
127 and kerosene and which operation does not otherwise meet the  
128 definition of an establishment;

129 (6) "Certifying party" means, in the case of a Form III or Form IV, a  
130 person associated with the transfer of an establishment who signs a  
131 Form III or Form IV and who agrees to investigate the parcel in  
132 accordance with [the standards adopted by the commissioner in  
133 regulations adopted in accordance with the provisions of chapter 54 or,  
134 until January 1, 2002, or the adoption of such regulations, whichever is  
135 sooner, in accordance with] prevailing standards and guidelines and to  
136 remediate pollution caused by any release at the [parcel] establishment  
137 in accordance with the remediation standards and, in the case of a  
138 Form I or Form II, a transferor of an establishment who signs the  
139 certification on a Form I or II;

140 (7) "Party associated with the transfer of an establishment" means  
141 (A) the present or past owner or operator of the establishment, (B) the  
142 owner of the real property on which the establishment is located, (C)  
143 the transferor, transferee, lender, guarantor or indemnitor, [(C)] (D) the  
144 business entity which operates or operated the establishment, or [(D)]  
145 (E) the state;

146 (8) "Remediation standards" means regulations adopted by the  
147 commissioner pursuant to section 22a-133k;

148 (9) "Parcel" means piece, parcel or tract of land which constitutes an  
149 establishment, as defined in subdivision (3) of this section, or on which  
150 is or was located any business operation which constitutes an  
151 establishment;

152 (10) "Form I" means a written [declaration] certification by the  
153 transferor of an establishment on a form prescribed and provided by  
154 the commissioner that no discharge, spillage, uncontrolled loss,  
155 seepage or filtration of hazardous waste, a hazardous substance that  
156 was designated a hazardous waste after November 17, 1980, by the  
157 Resource Conservation and Recovery Act, 42 USC 6901 et seq., a  
158 hazardous substance for which there are remediation standards, or a  
159 hazardous substance for which the remediation standards have a  
160 process for calculating the numeric criteria of such substance, has  
161 occurred at the [parcel] establishment which [declaration] certification  
162 is based on an investigation of the parcel in accordance with [the  
163 standards adopted by the commissioner in regulations adopted in  
164 accordance with the provisions of chapter 54 or, until January 1, 2002,  
165 or the adoption of such regulations, whichever is sooner, in accordance  
166 with] prevailing standards and guidelines;

167 (11) "Form II" means a written [declaration] certification by the  
168 transferor of an establishment on a form prescribed and provided by  
169 the commissioner that the parcel has been investigated in accordance  
170 with [the standards adopted by the commissioner in regulations  
171 adopted in accordance with the provisions of chapter 54 or, until  
172 January 1, 2002, or the adoption of such regulations, whichever is  
173 sooner, in accordance with] prevailing standards and guidelines and  
174 that (A) any discharge, spillage, uncontrolled loss, seepage or filtration  
175 of hazardous waste or a hazardous substance which has occurred at  
176 the [parcel] establishment has been remediated in accordance with the  
177 remediation standards and that the remediation has been approved in  
178 writing by the commissioner or has been verified pursuant to section  
179 22a-133x or section 22a-134a in a writing attached to such form by a  
180 licensed environmental professional to have been performed in  
181 accordance with the remediation standards, [or] (B) the commissioner  
182 has determined in writing or a licensed environmental professional has  
183 verified pursuant to section 22a-133x or section 22a-134a in a writing  
184 attached to the form that no remediation is necessary to achieve  
185 compliance with the remediation standards, or (C) stating a Form IV

186 verification has been submitted to the commissioner that since the date  
187 of the submission of said Form IV, no discharge, spillage, uncontrolled  
188 loss, seepage or filtration of hazardous waste or a hazardous substance  
189 has occurred at the establishment, which certification is based on an  
190 investigation of the parcel in accordance with prevailing standards and  
191 guidelines;

192 (12) "Form III" means a written certification signed by a certifying  
193 party on a form prescribed and provided by the commissioner, which  
194 certification states that (A) a discharge, spillage, uncontrolled loss,  
195 seepage or filtration of hazardous waste or a hazardous substance has  
196 occurred at the [parcel] establishment or the environmental conditions  
197 at the [parcel] establishment are unknown, and (B) that the person  
198 signing the certification agrees to investigate the parcel in accordance  
199 with the standards adopted by the commissioner in regulations  
200 adopted in accordance with [the provisions of chapter 54 or, until  
201 January 1, 2002, or the adoption of such regulations, whichever is  
202 sooner, in accordance with] prevailing standards and guidelines and to  
203 remediate [the parcel] pollution caused by any release at the  
204 establishment in accordance with the remediation standards;

205 (13) "Form IV" means a written certification signed by one or more  
206 certifying parties on a form prescribed and provided by the  
207 commissioner and which is accompanied by a written determination  
208 by the commissioner or by a licensed environmental professional  
209 pursuant to section 22a-134a or 22a-133x, which certification states and  
210 is accompanied by documentation demonstrating that the parcel has  
211 been investigated in accordance with [the standards adopted by the  
212 commissioner in regulations adopted in accordance with the  
213 provisions of chapter 54 or, until January 1, 2002, or the adoption of  
214 such regulations, whichever is sooner, in accordance with] prevailing  
215 standards and guidelines and that (A) there has been a discharge,  
216 spillage, uncontrolled loss, seepage or filtration of hazardous waste or  
217 a hazardous substance on the [parcel] establishment, and (B) all actions  
218 to remediate [the parcel] any pollution caused by any release at the  
219 establishment have been taken in accordance with the remediation

220 standards except postremediation monitoring, natural attenuation  
221 monitoring or the recording of an environmental land use restriction,  
222 and (C) the person or persons signing the certification agree, in  
223 accordance with the representations made in the form, to conduct  
224 postremediation monitoring or natural attenuation monitoring in  
225 accordance with the remediation standards and if further investigation  
226 and remediation are necessary [based upon the results of such  
227 monitoring,] to take further action to investigate the [parcel]  
228 establishment in accordance with the standards adopted by the  
229 commissioner in regulations adopted in accordance with the  
230 provisions of chapter 54 or, until January 1, 2002, or the adoption of  
231 such regulations, whichever is sooner, in accordance with prevailing  
232 standards and guidelines and to remediate the [parcel] establishment  
233 in accordance with the remediation standards;

234 (14) "Person" means person, as defined in section 22a-2;

235 (15) "Remediate" means to contain, remove or abate pollution,  
236 potential sources of pollution and substances in soil or sediment which  
237 pose an unacceptable risk to human health or the environment and  
238 includes, but is not limited to, the reduction of pollution by natural  
239 attenuation;

240 (16) "Licensed environmental professional" means an environmental  
241 professional licensed pursuant to section 22a-133v;

242 (17) "Environmental condition assessment form" means a form  
243 prescribed and provided by the commissioner, prepared under the  
244 supervision of a licensed environmental professional, and [prepared]  
245 executed by (A) the certifying party under sections 22a-134 to 22a-134e,  
246 inclusive, or (B) the owner of the property under section 22a-133x  
247 which form describes the environmental conditions at the [parcel]  
248 establishment;

249 (18) "Pollution" means pollution, as defined in section 22a-423;

250 (19) "Verification" means the rendering of a written opinion by a

251 licensed environmental professional that an investigation of the parcel  
252 has been performed in accordance with prevailing standards and  
253 guidelines and that the [parcel] establishment has been remediated in  
254 accordance with the remediation standards;

255 (20) "Vehicle" means [an automobile, bus, truck or truck tractor, but  
256 does not mean] any motorized device for conveying persons or objects  
257 except for an aircraft, boat, railroad car or engine, or farm tractor;

258 (21) "Business operation" means any business that has, or any series  
259 of substantially similar businesses that have operated continuously or  
260 with only brief interruption on the same parcel, either with a single  
261 owner or successive owners;

262 (22) "Corporate reorganization not substantially affecting the  
263 ownership of an establishment" means implementation of a business  
264 plan to restructure a corporation through a merger, spin-off or other  
265 plan or reorganization under which the direct owner of the  
266 establishment does not change;

267 (23) "Form IV verification" means the rendering of a written opinion  
268 by a licensed environmental professional, after a Form IV has been  
269 filed, that postremediation monitoring, natural attenuation or the  
270 recording of an environmental land use restriction has been completed  
271 in accordance with the Form IV;

272 (24) "Hazardous substance" means hazardous substance, as defined  
273 in Section 101 of the Comprehensive Environmental Response,  
274 Compensation, and Liability Act of 1980, 42 USC Section 9601, or a  
275 petroleum product or by-product;

276 (25) "Sediment" means undissolved material that is transported or  
277 deposited, through natural means, by water.

278 Sec. 3. Section 22a-134a of the general statutes is repealed and the  
279 following is substituted in lieu thereof:

280 (a) No person shall transfer an establishment except in accordance

281 with the provisions of sections 22a-134 to 22a-134e, inclusive, as  
282 amended by this act.

283 [(b) A lien pursuant to section 22a-452a shall not be placed against  
284 real estate on which a service station was transferred and in operation  
285 on or after May 1, 1967, provided the transferor certifies to the  
286 transferee that (1) the service station, or any part thereof, complies  
287 with regulations adopted by the Commissioner of Environmental  
288 Protection pursuant to subsection (d) of section 22a-449 concerning  
289 design, construction, installation and maintenance of underground  
290 facilities storing oil or petroleum liquids, (2) there has been no spill on  
291 the real estate or any spill has been remediated in accordance with  
292 procedures approved by the commissioner and the commissioner has  
293 determined that such spill does not pose a threat to human health or  
294 safety or to the environment which would warrant containment or  
295 removal or other mitigation measures and (3) any hazardous waste or  
296 oil or petroleum liquid remaining on the real estate is being managed  
297 in accordance with the provisions of this chapter and chapter 446k and  
298 regulations adopted thereunder.]

299 [(c)] (b) The commissioner may adopt regulations, in accordance  
300 with the provisions of chapter 54, to implement the provisions of this  
301 section.

302 [(d)] (c) Prior to transferring an establishment, the transferor shall  
303 submit to the transferee a complete Form I or a Form II and, no later  
304 than ten days after the transfer, shall submit a copy of such Form I or  
305 Form II to the commissioner. The commissioner shall notify the  
306 transferor no later than ninety days after the submission of such Form I  
307 or Form II if the commissioner deems the Form I or Form II  
308 incomplete. If the transferor is unable to submit a Form I or a Form II  
309 to the transferee, the [certifying party] transferor shall, prior to the  
310 transfer, [prepare and sign a] submit a complete Form III or Form IV [,  
311 and the transferor shall submit a copy of such Form III or Form IV]  
312 prepared and signed by a party associated with the transfer to the  
313 transferee and, no later than ten days after the transfer, shall submit a

314 copy of such Form III or Form IV to the commissioner. If no other  
315 party associated with the transfer of an establishment prepares and  
316 signs the proper form, the transferor shall have the obligation for such  
317 preparation and signing.

318 [(e) Any person submitting a] (d) The certifying party to a Form I,  
319 Form III or Form IV to the commissioner shall simultaneously submit  
320 to the commissioner a complete environmental condition assessment  
321 form and shall certify to the commissioner, in writing, that the  
322 information contained in such form is correct and accurate to the best  
323 of [his] the certifying party's knowledge and belief.

324 (e) The certifying party shall provide to the commissioner copies of  
325 all technical plans, reports and other supporting documentation  
326 relating to the investigation of the parcel or remediation of the  
327 establishment.

328 (f) [Within fifteen days of his] No later than thirty days after receipt  
329 of a Form III or Form IV, the commissioner shall notify the certifying  
330 party whether the form is complete or incomplete. Within forty-five  
331 days of [his] receipt of a complete Form III or IV, the commissioner  
332 shall notify the certifying party in writing whether review and  
333 approval of the remediation by the commissioner will be required, or  
334 whether a licensed environmental professional may verify that the  
335 investigation has been performed in accordance with [the standards  
336 adopted by the commissioner in regulations adopted in accordance  
337 with the provisions of chapter 54 or, until January 1, 2002, or the  
338 adoption of such regulations, whichever is sooner, in accordance with]  
339 prevailing standards and guidelines and that the remediation has been  
340 performed in accordance with the remediation standards. Any person  
341 who submitted a Form III to the commissioner prior to October 1, 1995,  
342 [for a parcel which is not the subject of an order, consent order or  
343 stipulated judgment issued or entered into pursuant to sections  
344 22a-134 to 22a-134e, inclusive,] may submit an environmental  
345 condition assessment form to the commissioner. The commissioner  
346 shall, within forty-five days of receipt of such form, notify the

347 certifying party whether approval of the remediation by the  
348 commissioner will be required or whether a licensed environmental  
349 professional may verify that the remediation has been performed in  
350 accordance with the remediation standards.

351 (g) In determining whether review and approval of the remediation  
352 by the commissioner will be required, or whether a licensed  
353 environmental professional may verify that the remediation has been  
354 performed in accordance with the remediation standards, the  
355 commissioner shall consider: (1) The potential risk to human health  
356 and the environment posed by any discharge, spillage, uncontrolled  
357 loss, seepage or filtration of hazardous waste [on the parcel] or a  
358 hazardous substance at the establishment; (2) the degree of  
359 environmental investigation at the parcel; (3) the proximity of the  
360 [parcel] establishment to significant natural resources; (4) the character  
361 of the land uses surrounding the [parcel] establishment; (5) the  
362 complexity of the environmental condition of the [parcel]  
363 establishment; and (6) any other factor the commissioner deems  
364 relevant.

365 (h) If the commissioner notifies the certifying party to a Form III or  
366 Form IV that a licensed environmental professional may verify the  
367 remediation, [the] such certifying party shall, on or before thirty days  
368 of the receipt of such notice or such later date as may be approved in  
369 writing by the commissioner, submit a schedule for investigating and  
370 remediating the [parcel] establishment. Such schedule shall, unless a  
371 later date is specified in writing by the commissioner, provide that the  
372 investigation shall be completed within two years of the date of receipt  
373 of such notice and that remediation shall be initiated within three years  
374 of the date of receipt of such notice. The schedule shall also include a  
375 schedule for providing public notice of the remediation prior to the  
376 initiation of such remediation in accordance with subsection (j) of this  
377 section. [The commissioner may require the certifying party to submit  
378 copies of technical plans and reports related to the investigation and  
379 remediation at the parcel and may notify the] The commissioner shall  
380 notify such certifying party if the commissioner determines that the

381 commissioner's review and written approval is necessary. [The  
382 commissioner shall require the certifying party to submit to him all  
383 technical plans and reports related to the investigation and  
384 remediation of the parcel if the commissioner receives a written  
385 request from any person for such information. The] Such certifying  
386 party shall investigate the parcel and remediate the [parcel]  
387 establishment in accordance with the proposed schedule. [The] Such  
388 certifying party shall submit to the commissioner an independent  
389 verification by a licensed environmental professional that the [parcel]  
390 establishment has been remediated in accordance with the remediation  
391 standards, and as applicable, a Form IV verification.

392 (i) If the commissioner notifies the certifying party to a Form III or  
393 Form IV that [his] the commissioner's review and written approval of  
394 the investigation of the parcel and remediation of the [parcel]  
395 establishment is required, [the] such certifying party shall, on or before  
396 thirty days of the receipt of such notice or such later date as may be  
397 approved in writing by the commissioner, submit for the  
398 commissioner's review and written approval a proposed schedule for:  
399 (1) Investigating the parcel and remediating the [parcel] establishment;  
400 (2) submitting to the commissioner scopes of work, technical plans,  
401 technical reports and progress reports related to such investigation and  
402 remediation; and (3) providing public notice of the remediation prior  
403 to the initiation of such remediation in accordance with subsection (j)  
404 of this section. Upon the commissioner's approval of such schedule,  
405 [the] such certifying party shall, in accordance with the approved  
406 schedule, submit scopes of work, technical plans, technical reports  
407 and progress reports to the commissioner for [his] the commissioner's  
408 review and written approval. [The] Such certifying party shall perform  
409 all actions identified in the approved scopes of work, technical plans,  
410 technical reports and progress reports in accordance with the  
411 approved schedule. The commissioner may approve in writing any  
412 modification proposed in writing by [the] such certifying party to such  
413 schedule or investigation and remediation. The commissioner may, at  
414 any time, notify [the] such certifying party in writing that the

415 commissioner's review and written approval is not required and that a  
416 licensed environmental professional may verify that the remediation  
417 has been performed in accordance with the remediation standards.

418 (j) The certifying party to a Form III or Form IV shall (1) publish  
419 notice of the remediation, in accordance with the schedule submitted  
420 pursuant to this section, in a newspaper having a substantial  
421 circulation in the area affected by the establishment, (2) notify the  
422 director of health of the municipality where the [parcel] establishment  
423 is located of the remediation, and (3) either (A) erect and maintain for  
424 at least thirty days in a legible condition a sign not less than six feet by  
425 four feet on the [parcel] establishment, which sign shall be clearly  
426 visible from the public highway, and shall include the words  
427 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
428 FURTHER INFORMATION CONTACT:" and include a telephone  
429 number for an office from which any interested person may obtain  
430 additional information about the remediation, or (B) mail notice of the  
431 remediation to each owner of record of property which abuts the  
432 [parcel] establishment, at the address for such property on the last-  
433 completed grand list of the municipality where the [parcel]  
434 establishment is located.

435 (k) The commissioner may issue an order to any person who fails to  
436 comply with any provision of sections 22a-134 to 22a-134e, inclusive,  
437 as amended by this act, including, but not limited to, any person who  
438 [improperly files a Form I or Form II] fails to file a form, or files an  
439 incomplete or incorrect form or to any person who fails to carry out  
440 any activities to which that person agreed in a Form III or Form IV. [or  
441 may] If no form is filed or if an incomplete or incorrect form is filed for  
442 a transfer of an establishment, the commissioner may issue an order to  
443 the transferor, the transferee, or both, requiring a filing. The  
444 commissioner may also request that the Attorney General bring an  
445 action in the superior court for the judicial district of Hartford to enjoin  
446 any person who fails to comply with any provision of sections 22a-134  
447 to 22a-134e, inclusive, as amended by this act, including, but not  
448 limited to, any person who fails to file a form, improperly files a Form

449 I, [or] Form II, Form III or Form IV or the certifying party to a Form III  
450 or Form IV to take any actions necessary to prevent or abate any  
451 pollution at, or emanating from, the subject [parcel] establishment.  
452 Any person to whom such an order is issued may appeal such order in  
453 accordance with the procedures set forth in sections 22a-436 and 22a-  
454 437.

455 (l) Notwithstanding the exemptions provided in subsection (a) of  
456 section 22a-134, nothing contained in sections 22a-134 to 22a-134e,  
457 inclusive, as amended by this act, shall be construed as creating an  
458 innocent landowner defense for purposes of section 22a-452d.

459 (m) Notwithstanding any other provisions of this section, no person  
460 shall be required to comply with the provisions of sections 22a-134 to  
461 22a-134e, inclusive, as amended by this act, when transferring real  
462 property (1) (A) for which a Form I or Form II has been filed on or after  
463 October 1, 1995, or (B) for which a Form III or Form IV has been filed  
464 and which has been remediated and such remediation has been  
465 approved in writing by the commissioner or verified in writing in  
466 accordance with this section by a licensed environmental professional  
467 that an investigation has been performed in accordance with [the  
468 standards adopted by the commissioner in regulations adopted in  
469 accordance with the provisions of chapter 54 or, until January 1, 2002,  
470 or the adoption of such regulations, whichever is sooner, in accordance  
471 with] prevailing standards and guidelines and that the remediation  
472 has been performed in accordance with the remediation standards,  
473 and (2) at which no activities described in subdivision (3) of section  
474 22a-134 have been conducted since the date of such approval or  
475 verification or the date on which the Form I or Form II was filed.

476 (n) Failure of the commissioner to notify any party in accordance  
477 with the provisions of this section in no way limits the ability of the  
478 commissioner to enforce the provisions of sections 22a-134 to 22a-134f,  
479 inclusive, as amended by this act.

480 Sec. 4. Section 22a-134d of the general statutes is repealed and the

481 following is substituted in lieu thereof:

482 [Any person who knowingly gives or causes to be given any false  
483 information on any document required by sections 22a-134 to 22a-134e,  
484 inclusive, or section 22a-133y or who fails to comply with the  
485 provisions of said sections shall forfeit to the state a sum not to exceed  
486 one hundred thousand dollars. A civil action shall be instituted to  
487 recover such forfeiture.] Any person who violates any provision of  
488 sections 22a-134a to 22a-134e, inclusive, as amended by this act, or  
489 regulations issued in accordance with the provisions of said sections  
490 shall be assessed a civil penalty or shall be fined in accordance with  
491 section 22a-438.

492 Sec. 5. Subsection (j) of section 22a-134e of the general statutes is  
493 repealed and the following is substituted in lieu thereof:

494 (j) The fees specified in this section shall be paid by [the transferee  
495 of the establishment except that the fee for a Form III or Form IV shall  
496 be paid, on and after July 1, 1994, by] the certifying party.

497 Sec. 6. Subsection (m) of section 22a-134e of the general statutes is  
498 repealed and the following is substituted in lieu thereof:

499 (m) On and after October 1, 1995, the fee for filing a Form III or  
500 Form IV shall be due in accordance with the following schedule: An  
501 initial fee of two thousand dollars shall be submitted to the  
502 commissioner with the filing of a Form III or Form IV. If a licensed  
503 environmental professional verifies the remediation of the [parcel]  
504 establishment and the commissioner has not notified the certifying  
505 party that the commissioner's written approval of the remediation is  
506 required, no additional fee shall be due. If the commissioner notifies  
507 the certifying party that the commissioner's written approval of the  
508 remediation is required, the balance of the total fee shall be due prior  
509 to the commissioner's issuance of [his] the commissioner's final  
510 approval of the remediation.

511 Sec. 7. Subsection (p) of section 22a-134e of the general statutes is

512 repealed and the following is substituted in lieu thereof:

513 (p) Notwithstanding any other provision of this section, the fee for  
514 filing a Form II or Form IV for [a parcel] an establishment for which  
515 the commissioner has issued a written approval of a remediation  
516 under subsection (c) of section 22a-133x within three years of the date  
517 of the filing of the form shall be the total fee for a Form III specified in  
518 subsection (n) of this section and shall be due upon the filing of the  
519 Form II or Form IV.

520 Sec. 8. (NEW) Any person who has submitted a Form I, Form II,  
521 Form III or Form IV to the Commissioner of Environmental Protection  
522 pursuant to section 22a-134a of the general statutes, as amended by  
523 this act, may petition the commissioner to withdraw such form. Such  
524 petitioner shall notify the transferor, the transferee and the certifying  
525 party by certified mail. The petitioner shall make every reasonable  
526 effort to identify the address of such transferor, transferee and  
527 certifying party. The transferor, transferee and certifying party shall  
528 have thirty days to submit to the commissioner written objections to  
529 such petition. The commissioner may approve the petition if it  
530 demonstrates to the commissioner's satisfaction that the property or  
531 business was not an establishment or the transaction was not a transfer  
532 at the time the form was submitted. If the commissioner approves the  
533 petition, no further action is required by the certifying party with  
534 respect to its obligations under the form, but the form and the fee shall  
535 not be returned.

536 Sec. 9. (NEW) A lien pursuant to section 22a-452a of the general  
537 statutes shall not be placed against real estate on which a service  
538 station was transferred and in operation on or after May 1, 1967,  
539 provided the transferor certifies to the transferee that (1) the service  
540 station, or any part thereof, complies with regulations adopted by the  
541 Commissioner of Environmental Protection pursuant to subsection (d)  
542 of section 22a-449 of the general statutes concerning design,  
543 construction, installation and maintenance of underground facilities  
544 storing oil or petroleum liquids, (2) there has been no spill on the real

545 estate or any spill has been remediated in accordance with procedures  
546 approved by the commissioner and the commissioner has determined  
547 that such spill does not pose a threat to human health or safety or to  
548 the environment which would warrant containment or removal or  
549 other mitigation measures, and (3) any hazardous waste or oil or  
550 petroleum liquid remaining on the real estate is being managed in  
551 accordance with the provisions of chapter 446k of the general statutes  
552 and regulations adopted thereunder.

**ENV**      *Joint Favorable Subst.*