



General Assembly

January Session, 2001

Raised Bill No. 6997

LCO No. 4817

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES.

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

1 Section 1. Section 22a-134 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

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

5 (1) "Transfer of establishment" means any transaction or proceeding
6 through which an establishment undergoes a change in ownership, but
7 does not mean (A) conveyance or extinguishment of an easement, (B)
8 conveyance of [property] an establishment through a [judicial]
9 foreclosure, as defined in subsection (b) of section 22a-452f, (C)
10 conveyance of a deed in lieu of foreclosure to [an institutional] a lender
11 [including, but not limited to, a banking institution] as defined in and
12 that qualifies for the secured lender exemption pursuant to subsection
13 (b) of section 22a-452f, (D) conveyance of a security interest [including,
14 without limitation, a mortgage] as defined in subdivision (7) of
15 subsection (b) of section 22a-452f, (E) [renewal of a lease, (F)

16 conveyance, assignment or termination] execution of a lease for a
17 period less than [twenty-five] ninety-nine years, [from the date of such
18 conveyance, assignment or termination,] including options or
19 extensions of such period, [(G)] (F) any change in ownership approved
20 by the Probate Court, [(H) conveyance] (G) devolution of title to a
21 surviving joint tenant, or to a trustee, executor, or administrator under
22 the terms of a testamentary trust or will, or by intestate succession, [(I)]
23 (H) corporate reorganization not substantially affecting the ownership
24 of the establishment, [including, but not limited to, stock dividend
25 distributions or stock distributions in connection with a merger, (J) the
26 original] (I) the issuance of stock or other securities of an entity which
27 owns or operates an establishment, [(K)] (J) the transfer of stock,
28 securities or other ownership interests representing less than [a
29 majority] forty per cent of the [voting power] ownership of the entity
30 that owns or operates the establishment, [(L)] (K) any conveyance of an
31 interest in an establishment where the transferor is the sibling, spouse,
32 child, parent, grandparent, child of a sibling or sibling of a parent of
33 the transferee, (L) conveyance of an interest in an establishment to a
34 trustee of an inter vivos trust created by the transferor solely for the
35 benefit of one or more of the sibling, spouse, child, parent, grandchild,
36 child of a sibling or sibling of a parent of the transferor, (M) any
37 conveyance of a portion of a parcel upon which portion no
38 establishment is or has been located and upon which there has not
39 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
40 of hazardous waste or hazardous substance, provided either the area
41 of such portion is not greater than fifty per cent of the area of such
42 parcel or written notice of such proposed conveyance and an
43 environmental condition assessment form for such parcel is provided
44 to the commissioner sixty days prior to such conveyance, (N)
45 conveyance of a service station, as defined in subdivision (5) of this
46 section, (O) any conveyance of [a parcel] an establishment which, prior
47 to July 1, 1997, had been developed solely for residential use and such
48 use has not changed, (P) any conveyance of [a parcel] an establishment
49 to any entity created or operating under chapter 130 or 132, or to an

50 urban rehabilitation agency, as defined in section 8-292, or to a
51 municipality under section 32-224, or to the Connecticut Development
52 Authority or any subsidiary of the authority, (Q) any conveyance of a
53 parcel in connection with the acquisition of properties to effectuate the
54 development of the overall project as defined in section 32-651, (R) the
55 conversion of a general or limited partnership to a limited liability
56 company under section 34-199, (S) the transfer of general partnership
57 property held in the names of all of its general partners to a general
58 partnership which includes as general partners immediately after the
59 transfer all of the same persons as were general partners immediately
60 prior to the transfer, [and] (T) the transfer of general partnership
61 property held in the names of all of its general partners to a limited
62 liability company which includes as members immediately after the
63 transfer all of the same persons as were general partners immediately
64 prior to the transfer, or (U) acquisition of an establishment by any
65 governmental or quasi-governmental condemning authority;

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

68 (3) "Establishment" means any real property at which or any
69 business operation from which (A) on or after November 19, 1980,
70 there was generated, except as the result of remediation of polluted
71 soil, groundwater, or sediment, more than one hundred kilograms of
72 hazardous waste in any one month, (B) hazardous waste generated at a
73 different location [by another person or municipality] was recycled,
74 reclaimed, reused, stored, handled, treated, transported or disposed of,
75 (C) the process of dry cleaning was conducted on or after May 1, 1967,
76 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a
77 vehicle body repair shop or vehicle [painting shop is or] facility was
78 located on or after May 1, 1967;

79 (4) "Hazardous waste" means any waste which is (A) hazardous
80 waste identified in accordance with Section 3001 of the federal
81 Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.,

82 (B) hazardous waste identified by regulations adopted by the
83 Commissioner of Environmental Protection, or (C) polychlorinated
84 biphenyls in concentrations greater than fifty parts per million except
85 that sewage, sewage sludge and lead paint abatement wastes shall not
86 be considered to be hazardous waste for the purposes of this section
87 and sections 22a-134a to 22a-134d, inclusive, as amended by this act;

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

92 (6) "Certifying party" means a person associated with the transfer of
93 an establishment who signs a Form I, Form II or Form III or Form IV
94 and, in the case of a Form III or Form VI, who agrees to investigate the
95 parcel in accordance with the standards adopted by the commissioner
96 in regulations adopted in accordance with the provisions of chapter 54
97 or, until January 1, 2002, or the adoption of such regulations,
98 whichever is sooner, in accordance with prevailing standards and
99 guidelines and to remediate pollution caused by any release at the
100 [parcel] establishment in accordance with the remediation standards;

101 (7) "Party associated with the transfer of an establishment" means
102 (A) the present or past owner or operator of the establishment, (B)
103 owner of the real property on which the establishment is located, (C)
104 the transferor, transferee, lender, guarantor or indemnitor, [(C)] (D) the
105 business entity which operates or operated the establishment, or [(D)]
106 (E) the state;

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

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

113 (10) "Form I" means a written [declaration] certification by the
114 transferor of an establishment on a form prescribed and provided by
115 the commissioner that no discharge, spillage, uncontrolled loss,
116 seepage or filtration of hazardous waste or a hazardous substance has
117 occurred at the [parcel] establishment which [declaration] certification
118 is based on an investigation of the parcel in accordance with the
119 standards adopted by the commissioner in regulations adopted in
120 accordance with the provisions of chapter 54 or, until January 1, 2002,
121 or the adoption of such regulations, whichever is sooner, in accordance
122 with prevailing standards and guidelines;

123 (11) "Form II" means a written [declaration] certification by the
124 transferor of an establishment on a form prescribed and provided by
125 the commissioner that the parcel has been investigated in accordance
126 with the standards adopted by the commissioner in regulations
127 adopted in accordance with the provisions of chapter 54 or, until
128 January 1, 2002, or the adoption of such regulations, whichever is
129 sooner, in accordance with prevailing standards and guidelines and
130 that (A) any discharge, spillage, uncontrolled loss, seepage or filtration
131 of hazardous waste or a hazardous substance which has occurred at
132 the [parcel] establishment has been remediated in accordance with the
133 remediation standards and that the remediation has been approved in
134 writing by the commissioner or has been verified pursuant to section
135 22a-133x or section 22a-134a in a writing attached to such form by a
136 licensed environmental professional to have been performed in
137 accordance with the remediation standards, [or] (B) the commissioner
138 has determined in writing or a licensed environmental professional has
139 verified pursuant to section 22a-133x or section 22a-134a in a writing
140 attached to the form that no remediation is necessary to achieve
141 compliance with the remediation standards, or (C) that a Form IV
142 verification has been submitted to the commissioner and that since the
143 date of the submission of that Form IV, no discharge, spillage,
144 uncontrolled loss, seepage or filtration of hazardous waste or a
145 hazardous substance that occurred at the establishment, which
146 certification is based on an investigation of the parcel in accordance

147 with the standards adopted by the commissioner in regulations
148 adopted, in accordance with the provisions of chapter 54, or until
149 January 1, 2002, or the adoption of such regulations, whichever is
150 sooner, in accordance with prevailing standards and guidelines;

151 (12) "Form III" means a written certification signed by a certifying
152 party on a form prescribed and provided by the commissioner, which
153 certification states that (A) a discharge, spillage, uncontrolled loss,
154 seepage or filtration of hazardous waste or a hazardous substance has
155 occurred at the [parcel] establishment or the environmental conditions
156 at the [parcel] establishment are unknown, and (B) that the person
157 signing the certification agrees to investigate the parcel in accordance
158 with the standards adopted by the commissioner in regulations
159 adopted in accordance with the provisions of chapter 54 or, until
160 January 1, 2002, or the adoption of such regulations, whichever is
161 sooner, in accordance with prevailing standards and guidelines and to
162 remediate [the parcel] pollution caused by any release at the
163 establishment in accordance with the remediation standards;

164 (13) "Form IV" means a written certification signed by one or more
165 certifying parties on a form prescribed and provided by the
166 commissioner and which is accompanied by a written determination
167 by the commissioner or by a licensed environmental professional
168 pursuant to section 22a-134a or 22a-133x, which certification states and
169 is accompanied by documentation demonstrating that the parcel has
170 been investigated in accordance with the standards adopted by the
171 commissioner in regulations adopted in accordance with the
172 provisions of chapter 54 or, until January 1, 2002, or the adoption of
173 such regulations, whichever is sooner, in accordance with prevailing
174 standards and guidelines and that (A) there has been a discharge,
175 spillage, uncontrolled loss, seepage or filtration of hazardous waste or
176 a hazardous substance on the [parcel] establishment, and (B) all actions
177 to remediate [the parcel] any pollution caused by any release at the
178 establishment have been taken in accordance with the remediation
179 standards except postremediation monitoring, natural attenuation

180 monitoring or the recording of an environmental land use restriction,
181 and (C) the person or persons signing the certification agree, in
182 accordance with the representations made in the form, to conduct
183 postremediation monitoring or natural attenuation monitoring in
184 accordance with the remediation standards and if further investigation
185 and remediation are necessary [based upon the results of such
186 monitoring,] to take further action to investigate the [parcel]
187 establishment in accordance with the standards adopted by the
188 commissioner in regulations adopted in accordance with the
189 provisions of chapter 54 or, until January 1, 2002, or the adoption of
190 such regulations, whichever is sooner, in accordance with prevailing
191 standards and guidelines and to remediate the [parcel] establishment
192 in accordance with the remediation standards;

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

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

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

201 (17) "Environmental condition assessment form" means a form
202 prescribed and provided by the commissioner and [prepared]
203 executed by (A) the certifying party under sections 22a-134 to 22a-134e,
204 inclusive, or (B) the owner of the property under section 22a-133x
205 which form describes the environmental conditions at the [parcel]
206 establishment;

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

208 (19) "Verification" means the rendering of a written opinion by a
209 licensed environmental professional that an investigation of the parcel

210 has been performed in accordance with prevailing standards and
211 guidelines and that the [parcel] establishment has been remediated in
212 accordance with the remediation standards;

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

216 (21) "Business operation" means any business or substantially
217 similar type of business that has operated continuously or with only
218 brief interruption on the same parcel, either with a single owner or
219 successive owners;

220 (22) "Corporate reorganization not substantially affecting the
221 ownership of an establishment" means implementation of a business
222 plan to restructure a corporation through a merger, spin-off or other
223 plan or reorganization under which the direct owner of the
224 establishment does not change;

225 (23) "Form IV verification" means the rendering of a written opinion
226 by a licensed environmental professional, after a Form IV has been
227 filed, that postremediation monitoring, natural attenuation, or the
228 recording of an environmental land use restriction has been completed
229 in accordance with the Form IV;

230 (24) "Hazardous substance" means hazardous substance as defined
231 in Section 101 of the Comprehensive Environmental Response,
232 Compensation, and Liability Act of 1980, 42 USC Section 9601 or a
233 petroleum product or by-product.

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

236 (a) No person shall transfer an establishment except in accordance
237 with the provisions of sections 22a-134 to 22a-134e, inclusive, as
238 amended by this act.

239 [(b) A lien pursuant to section 22a-452a shall not be placed against
240 real estate on which a service station was transferred and in operation
241 on or after May 1, 1967, provided the transferor certifies to the
242 transferee that (1) the service station, or any part thereof, complies
243 with regulations adopted by the Commissioner of Environmental
244 Protection pursuant to subsection (d) of section 22a-449 concerning
245 design, construction, installation and maintenance of underground
246 facilities storing oil or petroleum liquids, (2) there has been no spill on
247 the real estate or any spill has been remediated in accordance with
248 procedures approved by the commissioner and the commissioner has
249 determined that such spill does not pose a threat to human health or
250 safety or to the environment which would warrant containment or
251 removal or other mitigation measures and (3) any hazardous waste or
252 oil or petroleum liquid remaining on the real estate is being managed
253 in accordance with the provisions of this chapter and chapter 446k and
254 regulations adopted thereunder.]

255 [(c)] (b) The commissioner may adopt regulations in accordance
256 with the provisions of chapter 54 to implement the provisions of this
257 section.

258 [(d)] (c) Prior to transferring an establishment, the transferor shall
259 submit to the transferee a complete Form I or a Form II and, no later
260 than ten days after the transfer, shall submit a copy of such Form I or
261 Form II to the commissioner. The commissioner shall notify the
262 transferor no later than ninety days after the submission of such Form I
263 or Form II if the commissioner deems the Form I or Form II
264 incomplete. If the transferor is unable to submit a Form I or a Form II
265 to the transferee, the [certifying party] transferor shall, prior to the
266 transfer, [prepare and sign] submit a complete Form III or Form IV],
267 and the transferor shall submit a copy of such Form III or Form IV]
268 prepared and signed by a party associated with the transfer to the
269 transferee and, no later than ten days after the transfer, shall submit a
270 copy of such Form III or Form IV to the commissioner. If no other
271 party associated with the transfer of an establishment prepares and

272 signs the proper form, the transferor shall have the obligation for such
273 preparation and signing.

274 [(e) Any person submitting] (d) The certifying party to a Form III or
275 Form IV to the commissioner shall simultaneously submit to the
276 commissioner a complete environmental condition assessment form
277 and shall certify to the commissioner, in writing, that the information
278 contained in such form is correct and accurate to the best of his
279 knowledge and belief.

280 (e) The certifying party shall provide to the commissioner copies of
281 all technical plans, reports and other supporting documentation
282 relating to the investigation of the parcel or remediation of the
283 establishment.

284 (f) [Within fifteen days of his] No later than thirty days after receipt
285 of a Form III or Form IV, the commissioner shall notify the certifying
286 party whether the form is complete or incomplete. Within forty-five
287 days of [his] receipt of a complete Form III or IV, the commissioner
288 shall notify the certifying party in writing whether review and
289 approval of the remediation by the commissioner will be required, or
290 whether a licensed environmental professional may verify that the
291 investigation has been performed in accordance with the standards
292 adopted by the commissioner in regulations adopted in accordance
293 with the provisions of chapter 54 or, until January 1, 2002, or the
294 adoption of such regulations, whichever is sooner, in accordance with
295 prevailing standards and guidelines and that the remediation has been
296 performed in accordance with the remediation standards. Any person
297 who submitted a Form III to the commissioner prior to October 1, 1995,
298 [for a parcel which is not the subject of an order, consent order or
299 stipulated judgment issued or entered into pursuant to sections
300 22a-134 to 22a-134e, inclusive,] may submit an environmental
301 condition assessment form to the commissioner. The commissioner
302 shall, within forty-five days of receipt of such form, notify the
303 certifying party whether approval of the remediation by the

304 commissioner will be required or whether a licensed environmental
305 professional may verify that the remediation has been performed in
306 accordance with the remediation standards.

307 (g) In determining whether review and approval of the remediation
308 by the commissioner will be required, or whether a licensed
309 environmental professional may verify that the remediation has been
310 performed in accordance with the remediation standards, the
311 commissioner shall consider: (1) The potential risk to human health
312 and the environment posed by any discharge, spillage, uncontrolled
313 loss, seepage or filtration of hazardous waste [on the parcel] or a
314 hazardous substance at the establishment; (2) the degree of
315 environmental investigation at the parcel; (3) the proximity of the
316 [parcel] establishment to significant natural resources; (4) the character
317 of the land uses surrounding the [parcel] establishment; (5) the
318 complexity of the environmental condition of the [parcel]
319 establishment; and (6) any other factor the commissioner deems
320 relevant.

321 (h) If the commissioner notifies the certifying party that a licensed
322 environmental professional may verify the remediation, the certifying
323 party shall, on or before thirty days of the receipt of such notice or
324 such later date as may be approved in writing by the commissioner,
325 submit a schedule for investigating and remediating the [parcel]
326 establishment. Such schedule shall, unless a later date is specified in
327 writing by the commissioner, provide that the investigation shall be
328 completed within two years of the date of receipt of such notice and
329 that remediation shall be initiated within three years of the date of
330 receipt of such notice. The schedule shall also include a schedule for
331 providing public notice of the remediation prior to the initiation of
332 such remediation in accordance with subsection (j) of this section. [The
333 commissioner may require the certifying party to submit copies of
334 technical plans and reports related to the investigation and
335 remediation at the parcel and may] The commissioner shall notify the
336 certifying party if the commissioner determines that the

337 commissioner's review and written approval is necessary. [The
338 commissioner shall require the certifying party to submit to him all
339 technical plans and reports related to the investigation and
340 remediation of the parcel if the commissioner receives a written
341 request from any person for such information.] The certifying party
342 shall investigate the parcel and remediate the [parcel] establishment in
343 accordance with the proposed schedule. The certifying party shall
344 submit to the commissioner an independent verification by a licensed
345 environmental professional that the [parcel] establishment has been
346 remediated in accordance with the remediation standards, and as
347 applicable, a Form IV verification.

348 (i) If the commissioner notifies the certifying party that [his] the
349 commissioner's review and written approval of the investigation of the
350 parcel and remediation of the [parcel] establishment is required, the
351 certifying party shall, on or before thirty days of the receipt of such
352 notice or such later date as may be approved in writing by the
353 commissioner, submit for the commissioner's review and written
354 approval a proposed schedule for: (1) Investigating the parcel and
355 remediating the [parcel] establishment; (2) submitting to the
356 commissioner scopes of work, technical plans, technical reports and
357 progress reports related to such investigation and remediation; and (3)
358 providing public notice of the remediation prior to the initiation of
359 such remediation in accordance with subsection (j) of this section.
360 Upon the commissioner's approval of such schedule, the certifying
361 party shall, in accordance with the approved schedule, submit scopes
362 of work, technical plans, technical reports and progress reports to the
363 commissioner for [his] the commissioner's review and written
364 approval. The certifying party shall perform all actions identified in
365 the approved scopes of work, technical plans, technical reports and
366 progress reports in accordance with the approved schedule. The
367 commissioner may approve in writing any modification proposed in
368 writing by the certifying party to such schedule or investigation and
369 remediation. The commissioner may, at any time, notify the certifying
370 party in writing that the commissioner's review and written approval

371 is not required and that a licensed environmental professional may
372 verify that the remediation has been performed in accordance with the
373 remediation standards.

374 (j) The certifying party shall (1) publish notice of the remediation, in
375 accordance with the schedule submitted pursuant to this section, in a
376 newspaper having a substantial circulation in the area affected by the
377 establishment, (2) notify the director of health of the municipality
378 where the [parcel] establishment is located of the remediation, and (3)
379 either (A) erect and maintain for at least thirty days in a legible
380 condition a sign not less than six feet by four feet on the [parcel]
381 establishment, which sign shall be clearly visible from the public
382 highway, and shall include the words "ENVIRONMENTAL CLEAN-
383 UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION
384 CONTACT:" and include a telephone number for an office from which
385 any interested person may obtain additional information about the
386 remediation, or (B) mail notice of the remediation to each owner of
387 record of property which abuts the [parcel] establishment, at the
388 address for such property on the last-completed grand list of the
389 municipality where the [parcel] establishment is located.

390 (k) The commissioner may issue an order to any person who fails to
391 comply with any provision of sections 22a-134 to 22a-134e, inclusive,
392 including, but not limited to, any person who [improperly files a Form
393 I or Form II] fails to file a form, or files an incomplete or incorrect form
394 or to any person who fails to carry out any activities to which that
395 person agreed in a Form III or Form IV [or] in addition, if no form is
396 filed or if an incomplete or incorrect form is filed for a transfer of an
397 establishment, the commissioner may issue an order to the transferor,
398 the transferee, or both, requiring a filing. The commissioner may also
399 request that the Attorney General bring an action in the superior court
400 for the judicial district of Hartford to enjoin any person who fails to
401 comply with any provision of sections 22a-134 to 22a-134e, inclusive,
402 including, but not limited to, any person who fails to file a form,
403 improperly files a Form I, [or] Form II, Form III, or Form IV or the

404 certifying party to a Form III or Form IV to take any actions necessary
405 to prevent or abate any pollution at, or emanating from, the subject
406 [parcel] establishment. Any person to whom such an order is issued
407 may appeal such order in accordance with the procedures set forth in
408 sections 22a-436 and 22a-437.

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

413 (m) Notwithstanding any other provisions of this section, no person
414 shall be required to comply with the provisions of sections 22a-134 to
415 22a-134e, inclusive, as amended by this act, when transferring real
416 property (1) (A) for which a Form I or Form II has been filed on or after
417 October 1, 1995, or (B) for which a Form III or Form IV has been filed
418 and which has been remediated and such remediation has been
419 approved in writing by the commissioner or verified in writing in
420 accordance with this section by a licensed environmental professional
421 that an investigation has been performed in accordance with the
422 standards adopted by the commissioner in regulations adopted in
423 accordance with the provisions of chapter 54 or, until January 1, 2002,
424 or the adoption of such regulations, whichever is sooner, in accordance
425 with prevailing standards and guidelines and that the remediation has
426 been performed in accordance with the remediation standards, and (2)
427 at which no activities described in subdivision (3) of section 22a-134
428 have been conducted since the date of such approval or verification or
429 the date on which the Form I or Form II was filed.

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

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

436 [Any person who knowingly gives or causes to be given any false
437 information on any document required by sections 22a-134 to 22a-134e,
438 inclusive, or section 22a-133y or who fails to comply with the
439 provisions of said sections shall forfeit to the state a sum not to exceed
440 one hundred thousand dollars. A civil action shall be instituted to
441 recover such forfeiture.] Any person who violates any provision of
442 sections 22a-134a to 22a-134e, inclusive, as amended by this act, or
443 regulations issued in accordance with the provisions of said sections
444 shall be assessed a civil penalty or shall be fined in accordance with
445 section 22a-438.

446 Sec. 4. Subsection (j) of section 22a-134e of the general statutes is
447 repealed and the following is substituted in lieu thereof:

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

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

453 (m) On and after October 1, 1995, the fee for filing a Form III or
454 Form IV shall be due in accordance with the following schedule: An
455 initial fee of two thousand dollars shall be submitted to the
456 commissioner with the filing of a Form III or Form IV. If a licensed
457 environmental professional verifies the remediation of the [parcel]
458 establishment and the commissioner has not notified the certifying
459 party that the commissioner's written approval of the remediation is
460 required, no additional fee shall be due. If the commissioner notifies
461 the certifying party that the commissioner's written approval of the
462 remediation is required, the balance of the total fee shall be due prior
463 to the commissioner's issuance of [his] the commissioner's final
464 approval of the remediation.

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

467 (p) Notwithstanding any other provision of this section, the fee for
468 filing a Form II or Form IV for [a parcel] an establishment for which
469 the commissioner has issued a written approval of a remediation
470 under subsection (c) of section 22a-133x within three years of the date
471 of the filing of the form shall be the total fee for a Form III specified in
472 subsection (n) of this section and shall be due upon the filing of the
473 Form II or Form IV.

474 Sec. 7. (NEW) Any person who has submitted a Form I, Form II,
475 Form III or Form IV to the Commissioner of Environmental Protection
476 pursuant to section 22a-134a of the general statutes, as amended by
477 this act, may petition the commissioner to withdraw such form. Such
478 petitioner shall notify the transferor, the transferee and the certifying
479 party by certified mail. The petitioner shall make every reasonable
480 effort to identify the address of such transferor, transferee and
481 certifying party. The transferor, transferee and certifying party shall
482 have thirty days to submit to the commissioner written objections to
483 such petition. The commissioner may approve the petition if it
484 demonstrates to the commissioner's satisfaction that the property or
485 business was not an establishment or the transaction was not a transfer
486 at the time the form was submitted. If the commissioner approves the
487 petition, no further action is required by the certifying party with
488 respect to its obligations under the form, but the form and the fee shall
489 not be returned.

490 Sec. 8. (NEW) A lien pursuant to section 22a-452a of the general
491 statutes shall not be placed against real estate on which a service
492 station was transferred and in operation on or after May 1, 1967,
493 provided the transferor certifies to the transferee that (1) the service
494 station, or any part thereof complies with regulations adopted by the
495 Commissioner of Environmental Protection pursuant to subsection (d)
496 of section 22a-449 of the general statutes concerning design,
497 construction, installation and maintenance of underground facilities
498 storing oil or petroleum liquids, (2) there has been no spill on the real
499 estate or any spill has been remediated in accordance with procedures

500 approved by the commissioner and the commissioner has determined
501 that such spill does not pose a threat to human health or safety or to
502 the environment which would warrant containment or removal or
503 other mitigation measures, and (3) any hazardous waste or oil or
504 petroleum liquid remaining on the real estate is being managed in
505 accordance with the provisions of chapter 446k of the general statutes
506 and regulations adopted thereunder.

507 Sec. 9. Section 16-244c of the general statutes is amended by adding
508 subsection (g) as follows:

509 (NEW) (g) On and after January 1, 2004, each electric distribution
510 company providing electric generation services pursuant to this
511 section shall comply with the portfolio standards, pursuant to section
512 16-245a.

513 Sec. 10. Section 26-47 of the general statutes is repealed and the
514 following is substituted in lieu thereof:

515 (a) When it is shown to the satisfaction of the commissioner that
516 wildlife is causing unreasonable damage to agricultural crops during
517 the night and it is found by the commissioner that control of such
518 damage by wildlife is impracticable during the daylight hours, the
519 commissioner may issue permits for the taking of such wildlife as [he]
520 the commissioner deems necessary to control such damage by such
521 method as [he] the commissioner determines, including the use of
522 lights, during the period between sunset and sunrise, upon written
523 application of the owner or lessee of record of the land on which such
524 crops are grown. Such permits may be issued to any qualified person
525 designated by such landowner or lessee. The person to whom such
526 permit is issued shall be held responsible for complying with the
527 conditions under which such permit is issued. The provisions of this
528 section shall not apply to deer.

529 (b) (1) No person shall engage in the business of controlling
530 nuisance wildlife, other than rats or mice, without obtaining a license

531 from the commissioner. Such license shall [expire on the last day of
532 December next succeeding its issuance] be valid for a period of two
533 years and may be renewed in accordance with a schedule established
534 by the commissioner. The fee for such license shall be [fifty] one
535 hundred dollars. The controlling of nuisance wildlife at the direction of
536 the commissioner shall not constitute engaging in the business of
537 controlling nuisance wildlife for the purposes of this section. No
538 person shall be licensed under this subsection unless [he provides] the
539 person: (A) Provides evidence, satisfactory to the commissioner, that
540 [he] the person has completed training which included instruction in
541 site evaluation, methods of nonlethal and approved lethal resolution of
542 common nuisance wildlife problems, techniques to prevent
543 reoccurrence of such problems and humane capture, handling and
544 euthanasia of nuisance wildlife and instruction in methods of
545 nonlethal resolution of common nuisance wildlife problems, including,
546 but not limited to, training regarding frightening devices, repellants,
547 one-way door exclusion and other exclusion methods, habitat
548 modification and live-trapping and releasing and other methods as the
549 commissioner may deem appropriate; and (B) is a resident of this state
550 or of a state that does not prohibit residents of this state from being
551 licensed as nuisance wildlife control operators because of lack of
552 residency.

553 (2) The licensure requirements shall apply to municipal employees
554 who engage in the control or handling of animals, including, but not
555 limited to, animal control officers, except that no license shall be
556 required of such employees for the emergency control of rabies.
557 Notwithstanding the requirements of this subsection, the
558 commissioner shall waive the licensure fee for such employees. The
559 commissioner shall provide to such municipal employees, without
560 charge, the training required for licensure under this subsection.

561 (3) The commissioner shall adopt regulations, in accordance with
562 the provisions of chapter 54, which (A) define the scope and methods
563 for controlling nuisance wildlife provided such regulations shall

564 incorporate the recommendations of the 1993 report of the American
565 Veterinary Medical Association panel on euthanasia and further
566 provided such regulations may provide for the use of specific
567 alternatives to such recommendations only in specified circumstances
568 where use of a method of killing approved by such association would
569 involve an imminent threat to human health or safety and only if such
570 alternatives are designed to kill the animal as quickly and painlessly as
571 practicable while protecting human health and safety, and (B) establish
572 criteria and procedures for issuance of a license.

573 [(2)] (4) Except as otherwise provided in regulations adopted under
574 this section, no person licensed under this subsection may kill any
575 animal by any method which does not conform to the
576 recommendations of the 1993 report of the American Veterinary
577 Medical Association panel on euthanasia. No person may advertise
578 any services relating to humane capture or relocation of wildlife unless
579 all methods employed in such services conform to such regulations.

580 [(3)] (5) Any person licensed under this subsection shall provide all
581 clients with a written statement approved by the commissioner
582 regarding approved lethal and nonlethal options, as provided in this
583 subsection, which are available to the client for resolution of common
584 nuisance problems. If a written statement cannot be delivered to the
585 client prior to services being rendered, the licensee shall leave the
586 statement at the job site or other location arranged with the client.

587 [(4) On or before February first of each year, each] (6) Each person
588 licensed under this subsection shall submit a report to the
589 commissioner, [which] on such date as the commissioner may
590 determine specifies the means utilized in each case of nuisance wildlife
591 control service provided in the preceding calendar year including any
592 method used in those cases where an animal was killed. Any
593 information included in such report which identifies a client of such
594 person or the client's street address may be released by the
595 commissioner only pursuant to an investigation related to enforcement

596 of this section.

597 (c) Any person who violates any provision of this section, or any
598 condition under which a permit or license is issued, shall be fined not
599 less than twenty-five dollars nor more than two hundred dollars or be
600 imprisoned not more than sixty days or be both fined and imprisoned;
601 and any permit or license issued to such person, and all other such
602 permits or licenses issued to any other person for such property, shall
603 be revoked by the commissioner and the right to obtain such permit or
604 license shall remain suspended for such period of time as the
605 commissioner determines.

606 (d) Any permit or license issued under this section shall not
607 authorize the taking of deer.

608 Sec. 11. Subdivision (2) of subsection (e) of section 22a-133u of the
609 general statutes is repealed and the following is substituted in lieu
610 thereof:

611 (2) The Commissioner of Economic and Community Development,
612 in consultation with said board shall establish criteria for (A) making
613 disbursements under subsection (b) of this section which criteria shall
614 include, but not be limited to, anticipated commercial value of the
615 property, potential tax revenue to the relevant municipality,
616 environmental or public health risk posed by the spill, potential
617 community or economic development benefit to the relevant
618 municipality, the status of any loans previously made under said
619 subsection to the municipality and potential for restoration of an
620 abandoned property, and (B) cancelling loans related to a property at
621 which the borrower of the loan elects not to proceed with remediation.
622 Such criteria shall further set forth the procedure for applying for a
623 loan from the fund and the procedure to be used for evaluation of such
624 an application. In approving any loan under said subsection to any
625 person, firm or corporation, the board may consider the loan
626 applicant's credit history and economic solvency, any plan of such
627 applicant for business development, municipal support for the

628 proposed use of the property and any existing indebtedness of such
629 applicant to any entity. Upon application for any such loan, the board
630 shall make a recommendation to the Commissioner of Economic and
631 Community Development regarding such loan. On or before February
632 1, [1997] 2003, and annually thereafter, said board and the
633 Commissioner of Economic and Community Development shall
634 submit a report to the joint standing committee of the General
635 Assembly having cognizance of matters relating to the environment
636 regarding the number of applications received, and the number and
637 amounts of loans made in the preceding year, the names of the
638 applicants, the time period between submission of application and the
639 decision to grant or deny the loan, which applications were approved
640 and which applications were denied and the reasons for denial. On or
641 before February 1, [2001] 2003, the board shall recommend to the joint
642 standing committee of the General Assembly whether the payments to
643 the State Treasurer pursuant to section 12-63f are sufficient for the
644 continued solvency of the Special Contaminated Property Remediation
645 and Insurance Fund and whether such payments should continue.

646 Sec. 12. Section 23-48 of the general statutes is repealed and the
647 following is substituted in lieu thereof:

648 Any person who kindles or directs another to kindle a fire in the
649 open air, without proper authorization from state or local authorities,
650 [which fire causes an injury to the person or damage to the property of
651 another] or beyond the limits of a permit issued pursuant to section
652 22a-174, as amended by this act, shall be fined not more than two
653 hundred dollars or imprisoned not more than six months or both.

654 Sec. 13. Subsection (f) of section 22a-174 of the general statutes is
655 repealed and the following is substituted in lieu thereof:

656 (f) The commissioner shall allow the open burning of brush on
657 residential property, provided the burning is conducted by the
658 resident of the property or the agent of the resident and a permit for
659 such burning is obtained from the local open burning official of the

660 municipality in which the property is located, and the open burning of
661 brush in municipal landfills, transfer stations and municipal recycling
662 centers, provided a permit for such burning is obtained from the fire
663 marshal of the municipality where the facility is located, except that no
664 open burning of brush shall occur (1) when national or state ambient
665 air quality standards may be exceeded; (2) where a hazardous health
666 condition might be created; (3) when the forest fire danger in the area
667 is identified by the commissioner as extreme and where woodland or
668 grass land is within one hundred feet of the proposed burn; (4) where
669 there is an advisory from the commissioner of any air pollution
670 episode; (5) where prohibited by an ordinance of the municipality; and
671 (6) in the case of a municipal landfill, when such landfill is within an
672 area designated as a hot spot on the open burning map prepared by
673 the commissioner. A person who fails to obtain a permit pursuant to
674 this section or fails to comply with subdivisions (1) to (6) of this
675 section, inclusive, shall be guilty of a class C felony. A permit for the
676 burning of brush at any municipal landfill, municipal transfer station
677 or municipal recycling center shall be issued no more than six times in
678 any calendar year. The proposed permit to burn brush at any
679 municipal landfill, municipal transfer station or municipal recycling
680 center shall be submitted to the commissioner by the fire marshal, with
681 the approval of the chief elected official of the municipality in which
682 the municipal landfill, municipal transfer station or municipal
683 recycling center is located. The commissioner shall approve or
684 disapprove the fire marshal's proposed permitting of burning of brush
685 at a municipal landfill, municipal transfer station or municipal
686 recycling center within a reasonable time of the filing of such
687 application. The burning of leaves, demolition waste or other solid
688 waste deposited in such landfill shall be prohibited. The burning of
689 nonprocessed wood for campfires and bonfires is not prohibited if the
690 burning is conducted so as not to create a nuisance and in accordance
691 with any restrictions imposed on such burning. Nothing in this
692 subsection or in any regulation adopted pursuant to this subsection
693 shall affect the power of any municipality to regulate or ban the open

694 burning of brush within its boundaries for any purpose.
695 Notwithstanding any other provision of this section, fire breaks for the
696 purpose of controlling forest fires and controlled fires in salt water
697 marshes to forestall uncontrolled fires are not prohibited. Open
698 burning may be engaged in for any of the following purposes if the
699 open burning official with jurisdiction over the area where the burning
700 will occur issues an open burning permit: Fire-training exercises;
701 eradication or control of insect infestations or disease; agricultural
702 purposes; clearing vegetative debris following a natural disaster; and
703 vegetative management or enhancement of wildlife habitat or
704 ecological sustainability on municipal property or on any privately
705 owned property permanently dedicated as open space. Open burning
706 for such purposes on state property may be engaged in with the
707 written approval of the commissioner. Local burning officials
708 nominated for the purposes of this subsection shall be nominated only
709 by the chief executive officer of the municipality in which the official
710 will serve and shall be certified by the commissioner. The chief
711 executive officer may revoke the nomination. The commissioner may
712 adopt regulations, in accordance with the provisions of chapter 54,
713 governing open burning and may authorize or prohibit open burning
714 consistent with this section. The regulations may require the payment
715 of an application fee and inspection fee and may establish a
716 certification procedure for local burning officials.

717 Sec. 14. Section 10 of special act 91-395, as amended by section 1 of
718 public act 95-55 is amended to read as follows:

719 The Office of Policy and Management shall amend the state plan of
720 conservation and development adopted pursuant to chapter 297 of the
721 general statutes to include therein a goal for reducing carbon dioxide
722 emissions within this state. Said office, in consultation with the
723 Department of Environmental Protection, shall submit a report to the
724 General Assembly on or before the thirtieth day following the effective
725 date of [this act] public act 95-55, on or before May 1, 1996, and
726 annually thereafter, which details the net amount of carbon dioxide

727 emitted annually within this state. Subsequent to the May 1, 2000,
728 submittal, said report shall be submitted every three years with the
729 first such report due May 1, 2003.

730 Sec. 15. (NEW) On and after June 1, 2002, federal regulations
731 promulgated by the United States Environmental Protection Agency
732 that implement the Resource Conservation and Recovery Act shall,
733 upon such promulgation, be controlling in Connecticut and supercede
734 conflicting Connecticut regulations, if any. References to the
735 "Administrator" in any such federal regulations shall be deemed to
736 mean the Commissioner of Environmental Protection for purposes of
737 Connecticut law. Nothing in this section shall infringe on the authority
738 of the commissioner to adopt regulations in accordance with chapter
739 54 of the general statutes that implement chapter 445 of the general
740 statutes.

741 Sec. 16. Subsection (d) of section 25-32 of the general statutes is
742 repealed and the following is substituted in lieu thereof:

743 (d) The commissioner may grant a permit for the sale of class I or II
744 land to another water company, to a state agency or to a municipality,
745 or for the sale or assignment of a conservation restriction or public
746 access easement on class I land, if the purchasing entity or assignee
747 agrees to maintain the land subject to the provisions of this section, any
748 regulations adopted pursuant to this section and the terms of any
749 permit issued pursuant to this section. Such purchasing entity or
750 assignee may not sell, lease, assign or change the use of such land
751 without obtaining a permit pursuant to this section.

Statement of Purpose:

To make technical revisions to the environmental statutes.

[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.]