



General Assembly

January Session, 2001

Amendment

LCO No. 8766

Offered by:

REP. STRATTON, 17th Dist.

To: Subst. House Bill No. 6997

File No. 769

Cal. No. 275

"AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES."

1 After line 238, insert the following:

2 "Sec. 8. Section 22a-134 of the general statutes is repealed and the
3 following is substituted in lieu thereof:

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

6 (1) "Transfer of establishment" means any transaction or proceeding
7 through which an establishment undergoes a change in ownership, but
8 does not mean (A) conveyance or extinguishment of an easement, (B)
9 conveyance of [property] an establishment through a [judicial]
10 foreclosure, as defined in subsection (b) of section 22a-452f, (C)
11 conveyance of a deed in lieu of foreclosure to [an institutional] a
12 lender, [including, but not limited to, a banking institution] as defined
13 in and that qualifies for the secured lender exemption pursuant to
14 subsection (b) of section 22a-452f, (D) conveyance of a security interest,

15 [including, without limitation, a mortgage] as defined in subdivision
16 (7) of subsection (b) of section 22a-452f, (E) [renewal of a lease, (F)
17 conveyance, assignment or termination] termination of a lease and
18 conveyance, assignment or execution of a lease for a period less than
19 [twenty-five years from the date of such conveyance, assignment or
20 termination including options or extensions of such period, (G)]
21 ninety-nine years including conveyance, assignment or execution of a
22 lease with options or similar terms that will extend the period of the
23 leasehold to ninety-nine years, or from the commencement of the
24 leasehold, ninety-nine years, including conveyance, assignment or
25 execution of a lease with options or similar terms that will extend the
26 period of the leasehold to ninety-nine years, or from the commence of
27 the leasehold (F) any change in ownership approved by the Probate
28 Court, [(H) conveyance] (G) devolution of title to a surviving joint
29 tenant, or to a trustee, executor, or administrator under the terms of a
30 testamentary trust or will, or by intestate succession, [(I)] (H) corporate
31 reorganization not substantially affecting the ownership of the
32 establishment, [including, but not limited to, stock dividend
33 distributions or stock distributions in connection with a merger, (J) the
34 original] (I) the issuance of stock or other securities of an entity which
35 owns or operates an establishment, [(K)] (I) the transfer of stock,
36 securities or other ownership interests representing less than [a
37 majority of the voting power] forty per cent of the ownership of the
38 entity that owns or operates the establishment, [(L)] (K) any
39 conveyance of an interest in an establishment where the transferor is
40 the sibling, spouse, child, parent, grandparent, child of a sibling or
41 sibling of a parent of the transferee, (L) conveyance of an interest in an
42 establishment to a trustee of an inter vivos trust created by the
43 transferor solely for the benefit of one or more of the sibling, spouse,
44 child, parent, grandchild, child of a sibling or sibling of a parent of the
45 transferor, (M) any conveyance of a portion of a parcel upon which
46 portion no establishment is or has been located and upon which there
47 has not occurred a discharge, spillage, uncontrolled loss, seepage or
48 filtration of hazardous waste, provided either the area of such portion
49 is not greater than fifty per cent of the area of such parcel or written

50 notice of such proposed conveyance and an environmental condition
51 assessment form for such parcel is provided to the commissioner sixty
52 days prior to such conveyance, (N) conveyance of a service station, as
53 defined in subdivision (5) of this section, (O) any conveyance of [a
54 parcel] an establishment which, prior to July 1, 1997, had been
55 developed solely for residential use and such use has not changed, (P)
56 any conveyance of [a parcel] an establishment to any entity created or
57 operating under chapter 130 or 132, or to an urban rehabilitation
58 agency, as defined in section 8-292, or to a municipality under section
59 32-224, or to the Connecticut Development Authority or any
60 subsidiary of the authority, (Q) any conveyance of a parcel in
61 connection with the acquisition of properties to effectuate the
62 development of the overall project, as defined in section 32-651, (R) the
63 conversion of a general or limited partnership to a limited liability
64 company under section 34-199, (S) the transfer of general partnership
65 property held in the names of all of its general partners to a general
66 partnership which includes as general partners immediately after the
67 transfer all of the same persons as were general partners immediately
68 prior to the transfer, [and] (T) the transfer of general partnership
69 property held in the names of all of its general partners to a limited
70 liability company which includes as members immediately after the
71 transfer all of the same persons as were general partners immediately
72 prior to the transfer, or (U) acquisition of an establishment by any
73 governmental or quasi-governmental condemning authority;

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

76 (3) "Establishment" means any real property at which or any
77 business operation from which (A) on or after November 19, 1980,
78 there was generated, except as the result of remediation of polluted
79 soil, groundwater or sediment, more than one hundred kilograms of
80 hazardous waste in any one month, (B) hazardous waste generated at a
81 different location [by another person or municipality] was recycled,
82 reclaimed, reused, stored, handled, treated, transported or disposed of,
83 (C) the process of dry cleaning was conducted on or after May 1, 1967,

84 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a
85 vehicle body repair [shop or vehicle painting shop is or] facility was
86 located on or after May 1, 1967;

87 (4) "Hazardous waste" means any waste which is (A) hazardous
88 waste identified in accordance with Section 3001 of the federal
89 Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.,
90 (B) hazardous waste identified by regulations adopted by the
91 Commissioner of Environmental Protection, or (C) polychlorinated
92 biphenyls in concentrations greater than fifty parts per million except
93 that sewage, sewage sludge and lead paint abatement wastes shall not
94 be considered to be hazardous waste for the purposes of this section
95 and sections 22a-134a to 22a-134d, inclusive, as amended by this act;

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

100 (6) "Certifying party" means, in the case of a Form III or Form IV, a
101 person associated with the transfer of an establishment who signs a
102 Form III or Form IV and who agrees to investigate the parcel in
103 accordance with [the standards adopted by the commissioner in
104 regulations adopted in accordance with the provisions of chapter 54 or,
105 until January 1, 2002, or the adoption of such regulations, whichever is
106 sooner, in accordance with] prevailing standards and guidelines and to
107 remediate pollution caused by any release at the [parcel] establishment
108 in accordance with the remediation standards and, in the case of a
109 Form I or Form II, a transferor of an establishment who signs the
110 certification on a Form I or II;

111 (7) "Party associated with the transfer of an establishment" means
112 (A) the present or past owner or operator of the establishment, (B) the
113 owner of the real property on which the establishment is located, (C)
114 the transferor, transferee, lender, guarantor or indemnitor, [(C)] (D) the
115 business entity which operates or operated the establishment, or [(D)]

116 (E) the state;

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

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

123 (10) "Form I" means a written [declaration] certification by the
124 transferor of an establishment on a form prescribed and provided by
125 the commissioner that: [no] (A) No discharge, spillage, uncontrolled
126 loss, seepage or filtration of hazardous waste or a hazardous substance
127 has occurred at the [parcel] establishment which [declaration]
128 certification is based on an investigation of the parcel in accordance
129 with [the standards adopted by the commissioner in regulations
130 adopted in accordance with the provisions of chapter 54 or, until
131 January 1, 2002, or the adoption of such regulations, whichever is
132 sooner, in accordance with] prevailing standards and guidelines, or (B)
133 no discharge spillage, uncontrolled loss, seepage or filtration of
134 hazardous waste has occurred at the establishment and the
135 commissioner has determined, in writing, or a licensed environmental
136 professional has verified that any discharge, spillage, uncontrolled
137 loss, seepage or filtration of a hazardous substance has been
138 remediated in accordance with the remediation standards;

139 (11) "Form II" means a written [declaration] certification by the
140 transferor of an establishment on a form prescribed and provided by
141 the commissioner that the parcel has been investigated in accordance
142 with [the standards adopted by the commissioner in regulations
143 adopted in accordance with the provisions of chapter 54 or, until
144 January 1, 2002, or the adoption of such regulations, whichever is
145 sooner, in accordance with] prevailing standards and guidelines and
146 that (A) any pollution caused by a discharge, spillage, uncontrolled
147 loss, seepage or filtration of hazardous waste or a hazardous substance

148 which has occurred [at] from the [parcel] establishment has been
149 remediated in accordance with the remediation standards and that the
150 remediation has been approved in writing by the commissioner or has
151 been verified pursuant to section 22a-133x or section 22a-134a in a
152 writing attached to such form by a licensed environmental professional
153 to have been performed in accordance with the remediation standards,
154 [or] (B) the commissioner has determined in writing or a licensed
155 environmental professional has verified pursuant to section 22a-133x
156 or section 22a-134a in a writing attached to the form that no
157 remediation is necessary to achieve compliance with the remediation
158 standards, or (C) a Form IV previously submitted to the commissioner
159 and since the date of the submission of said Form IV, no discharge,
160 spillage, uncontrolled loss, seepage or filtration of hazardous waste or
161 a hazardous substance has occurred at the establishment, which
162 certification is based on an investigation of the parcel in accordance
163 with prevailing standards and guidelines;

164 (12) "Form III" means a written certification signed by a certifying
165 party on a form prescribed and provided by the commissioner, which
166 certification states that (A) a discharge, spillage, uncontrolled loss,
167 seepage or filtration of hazardous waste or a hazardous substance has
168 occurred at the [parcel] establishment or the environmental conditions
169 at the [parcel] establishment are unknown, and (B) that the person
170 signing the certification agrees to investigate the parcel in accordance
171 with [the standards adopted by the commissioner in regulations
172 adopted in accordance with the provisions of chapter 54 or, until
173 January 1, 2002, or the adoption of such regulations, whichever is
174 sooner, in accordance with] prevailing standards and guidelines and to
175 remediate [the parcel] pollution caused by any release of a hazardous
176 waste or hazardous substance from the establishment in accordance
177 with the remediation standards;

178 (13) "Form IV" means a written certification signed by one or more
179 certifying parties on a form prescribed and provided by the
180 commissioner and which is accompanied by a written determination
181 by the commissioner or by a verification by a licensed environmental

182 professional pursuant to section 22a-134a or 22a-133x, which
183 certification states and is accompanied by documentation
184 demonstrating that the parcel has been investigated in accordance with
185 [the standards adopted by the commissioner in regulations adopted in
186 accordance with the provisions of chapter 54 or, until January 1, 2002,
187 or the adoption of such regulations, whichever is sooner, in accordance
188 with] prevailing standards and guidelines and that (A) there has been
189 a discharge, spillage, uncontrolled loss, seepage or filtration of
190 hazardous waste or a hazardous substance on the [parcel]
191 establishment, and (B) all actions to remediate [the parcel] any
192 pollution caused by any release at the establishment have been taken
193 in accordance with the remediation standards except postremediation
194 monitoring, natural attenuation monitoring or the recording of an
195 environmental land use restriction, and (C) the person or persons
196 signing the certification agree, in accordance with the representations
197 made in the form, to conduct postremediation monitoring or natural
198 attenuation monitoring in accordance with the remediation standards
199 and if further investigation and remediation are necessary [based upon
200 the results of such monitoring,] to take further action to investigate the
201 [parcel] establishment in accordance with [the standards adopted by
202 the commissioner in regulations adopted in accordance with the
203 provisions of chapter 54 or, until January 1, 2002, or the adoption of
204 such regulations, whichever is sooner, in accordance with] prevailing
205 standards and guidelines and to remediate the [parcel] establishment
206 in accordance with the remediation standards;

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

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

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

215 (17) "Environmental condition assessment form" means a form
216 prescribed and provided by the commissioner, prepared under the
217 supervision of a licensed environmental professional, and [prepared]
218 executed by (A) the certifying party under sections 22a-134 to 22a-134e,
219 inclusive, or (B) the owner of the property under section 22a-133x
220 which form describes the environmental conditions at the parcel;

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

222 (19) "Verification" means the rendering of a written opinion by a
223 licensed environmental professional that an investigation of the parcel
224 has been performed in accordance with prevailing standards and
225 guidelines and that the [parcel] establishment has been remediated in
226 accordance with the remediation standards;

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

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

234 (22) "Corporate reorganization not substantially affecting the
235 ownership of an establishment" means implementation of a business
236 plan to restructure a corporation through a merger, spin-off or other
237 plan or reorganization under which the direct owner of the
238 establishment does not change;

239 (23) "Form IV verification" means the rendering of a written opinion
240 by a licensed environmental professional, after a Form IV has been
241 filed, that postremediation monitoring, natural attenuation or the
242 recording of an environmental land use restriction has been completed
243 in accordance with the Form IV;

244 (24) "Hazardous substance" means hazardous substance, as defined

245 in Section 101 of the Comprehensive Environmental Response,
246 Compensation, and Liability Act of 1980, 42 USC Section 9601, or a
247 petroleum product or by-product for which there are remediation
248 standards adopted pursuant to section 22a-133k or for which such
249 remediation standards have a process for calculating the numeric
250 criteria of such substance;

251 (25) "Sediment" means unconsolidated material occurring in a
252 stream, pond, wetland estuary or other water body.

253 Sec. 9. Section 22a-134a of the general statutes is repealed and the
254 following is substituted in lieu thereof:

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

258 [(b) A lien pursuant to section 22a-452a shall not be placed against
259 real estate on which a service station was transferred and in operation
260 on or after May 1, 1967, provided the transferor certifies to the
261 transferee that (1) the service station, or any part thereof, complies
262 with regulations adopted by the Commissioner of Environmental
263 Protection pursuant to subsection (d) of section 22a-449 concerning
264 design, construction, installation and maintenance of underground
265 facilities storing oil or petroleum liquids, (2) there has been no spill on
266 the real estate or any spill has been remediated in accordance with
267 procedures approved by the commissioner and the commissioner has
268 determined that such spill does not pose a threat to human health or
269 safety or to the environment which would warrant containment or
270 removal or other mitigation measures and (3) any hazardous waste or
271 oil or petroleum liquid remaining on the real estate is being managed
272 in accordance with the provisions of this chapter and chapter 446k and
273 regulations adopted thereunder.]

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

277 [(d)] (c) Prior to transferring an establishment, the transferor shall
278 submit to the transferee a complete Form I or a Form II and, no later
279 than ten days after the transfer, shall submit a copy of such Form I or
280 Form II to the commissioner. The commissioner shall notify the
281 transferor no later than ninety days after the submission of such Form I
282 or Form II if the commissioner deems the Form I or Form II
283 incomplete. If the transferor is unable to submit a Form I or a Form II
284 to the transferee, the [certifying party] transferor shall, prior to the
285 transfer, [prepare and sign a] submit a complete Form III or Form IV [,
286 and the transferor shall submit a copy of such Form III or Form IV]
287 prepared and signed by a party associated with the transfer to the
288 transferee and, no later than ten days after the transfer, shall submit a
289 copy of such Form III or Form IV to the commissioner. If no other
290 party associated with the transfer of an establishment prepares and
291 signs the proper form as a certifying party, the transferor shall have
292 the obligation for such preparation and signing.

293 [(e) Any person submitting a] (d) The certifying party to a Form I,
294 Form III or Form IV [to the commissioner] shall (1) upon receipt of a
295 written request from the commissioner, provide to the commissioner
296 copies of all technical plans, reports and other supporting
297 documentation relating to the investigation of the parcel or
298 remediation of the establishment as specified in the commissioner's
299 written request, and (2) simultaneously submit with the submission of
300 a Form I, Form II, or Form IV to the commissioner a complete
301 environmental condition assessment form and shall certify to the
302 commissioner, in writing, that the information contained in such form
303 is correct and accurate to the best of [his] the certifying party's
304 knowledge and belief.

305 [(f) Within fifteen days of his] (e) No later than thirty days after
306 receipt of a Form III or Form IV, the commissioner shall notify the
307 certifying party whether the form is complete or incomplete. Within
308 forty-five days of [his] receipt of a complete Form III or IV, the
309 commissioner shall notify the certifying party in writing whether
310 review and approval of the remediation by the commissioner will be

311 required, or whether a licensed environmental professional may verify
312 that the investigation has been performed in accordance with [the
313 standards adopted by the commissioner in regulations adopted in
314 accordance with the provisions of chapter 54 or, until January 1, 2002,
315 or the adoption of such regulations, whichever is sooner, in accordance
316 with] prevailing standards and guidelines and that the remediation
317 has been performed in accordance with the remediation standards.
318 Any person who submitted a Form III to the commissioner prior to
319 October 1, 1995, [for a parcel which is not the subject of an order,
320 consent order or stipulated judgment issued or entered into pursuant
321 to sections 22a-134 to 22a-134e, inclusive,] may submit an
322 environmental condition assessment form to the commissioner. The
323 commissioner shall, within forty-five days of receipt of such form,
324 notify the certifying party whether approval of the remediation by the
325 commissioner will be required or whether a licensed environmental
326 professional may verify that the remediation has been performed in
327 accordance with the remediation standards.

328 [(g)] (f) In determining whether review and approval of the
329 remediation by the commissioner will be required, or whether a
330 licensed environmental professional may verify that the remediation
331 has been performed in accordance with the remediation standards, the
332 commissioner shall consider: (1) The potential risk to human health
333 and the environment posed by any discharge, spillage, uncontrolled
334 loss, seepage or filtration of hazardous waste [on the parcel] or a
335 hazardous substance at the establishment; (2) the degree of
336 environmental investigation at the parcel; (3) the proximity of the
337 [parcel] establishment to significant natural resources; (4) the character
338 of the land uses surrounding the [parcel] establishment; (5) the
339 complexity of the environmental condition of the [parcel]
340 establishment; and (6) any other factor the commissioner deems
341 relevant.

342 [(h)] (g) If the commissioner notifies the certifying party to a Form
343 III or Form IV that a licensed environmental professional may verify
344 the remediation, [the] such certifying party shall, on or before thirty

345 days of the receipt of such notice or such later date as may be
346 approved in writing by the commissioner, submit a schedule for
347 investigating and remediating the [parcel] establishment. Such
348 schedule shall, unless a later date is specified in writing by the
349 commissioner, provide that the investigation shall be completed within
350 two years of the date of receipt of such notice and that remediation
351 shall be initiated within three years of the date of receipt of such
352 notice. The schedule shall also include a schedule for providing public
353 notice of the remediation prior to the initiation of such remediation in
354 accordance with subsection [(j)] (i) of this section. [The commissioner
355 may require the certifying party to submit copies of technical plans
356 and reports related to the investigation and remediation at the parcel
357 and may notify the] The commissioner shall notify such certifying
358 party if the commissioner determines that the commissioner's review
359 and written approval is necessary. [The commissioner shall require the
360 certifying party to submit to him all technical plans and reports related
361 to the investigation and remediation of the parcel if the commissioner
362 receives a written request from any person for such information. The]
363 Such certifying party shall investigate the parcel and remediate the
364 [parcel] establishment in accordance with the proposed schedule. [The]
365 Such certifying party shall submit to the commissioner an independent
366 verification by a licensed environmental professional that the [parcel]
367 establishment has been remediated in accordance with the remediation
368 standards, and as applicable, a Form IV verification.

369 [(i)] (h) If the commissioner notifies the certifying party to a Form III
370 or Form IV that [his] the commissioner's review and written approval
371 of the investigation of the parcel and remediation of the [parcel]
372 establishment is required, [the] such certifying party shall, on or before
373 thirty days of the receipt of such notice or such later date as may be
374 approved in writing by the commissioner, submit for the
375 commissioner's review and written approval a proposed schedule for:
376 (1) Investigating the parcel and remediating the [parcel] establishment;
377 (2) submitting to the commissioner scopes of work, technical plans,
378 technical reports and progress reports related to such investigation and

379 remediation; and (3) providing public notice of the remediation prior
380 to the initiation of such remediation in accordance with subsection [(j)]
381 (i) of this section. Upon the commissioner's approval of such schedule,
382 [the] such certifying party shall, in accordance with the approved
383 schedule, submit scopes of work, technical plans, technical reports
384 and progress reports to the commissioner for [his] the commissioner's
385 review and written approval. [The] Such certifying party shall perform
386 all actions identified in the approved scopes of work, technical plans,
387 technical reports and progress reports in accordance with the
388 approved schedule. The commissioner may approve in writing any
389 modification proposed in writing by [the] such certifying party to such
390 schedule or investigation and remediation. The commissioner may, at
391 any time, notify [the] such certifying party in writing that the
392 commissioner's review and written approval is not required and that a
393 licensed environmental professional may verify that the remediation
394 has been performed in accordance with the remediation standards.

395 [(j)] (i) The certifying party to a Form III or Form IV shall (1) publish
396 notice of the remediation, in accordance with the schedule submitted
397 pursuant to this section, in a newspaper having a substantial
398 circulation in the area affected by the establishment, (2) notify the
399 director of health of the municipality where the [parcel] establishment
400 is located of the remediation, and (3) either (A) erect and maintain for
401 at least thirty days in a legible condition a sign not less than six feet by
402 four feet on the [parcel] establishment, which sign shall be clearly
403 visible from the public highway, and shall include the words
404 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
405 FURTHER INFORMATION CONTACT:" and include a telephone
406 number for an office from which any interested person may obtain
407 additional information about the remediation, or (B) mail notice of the
408 remediation to each owner of record of property which abuts the
409 [parcel] establishment, at the address for such property on the last-
410 completed grand list of the municipality where the [parcel]
411 establishment is located.

412 [(k)] (j) The commissioner may issue an order to any person who

413 fails to comply with any provision of sections 22a-134 to 22a-134e,
414 inclusive, as amended by this act, including, but not limited to, any
415 person who [improperly files a Form I or Form II] fails to file a form, or
416 files an incomplete or incorrect form or to any person who fails to
417 carry out any activities to which that person agreed in a Form III or
418 Form IV. [or may] If no form is filed or if an incomplete or incorrect
419 form is filed for a transfer of an establishment, the commissioner may
420 issue an order to the transferor, the transferee, or both, requiring a
421 filing. The commissioner may also request that the Attorney General
422 bring an action in the superior court for the judicial district of Hartford
423 to enjoin any person who fails to comply with any provision of
424 sections 22a-134 to 22a-134e, inclusive, as amended by this act,
425 including, but not limited to, any person who fails to file a form,
426 improperly files a Form I, [or] Form II, Form III or Form IV or the
427 certifying party to a Form III or Form IV to take any actions necessary
428 to prevent or abate any pollution at, or emanating from, the subject
429 [parcel] establishment. Any person to whom such an order is issued
430 may appeal such order in accordance with the procedures set forth in
431 sections 22a-436 and 22a-437.

432 [(l)] (k) Notwithstanding the exemptions provided in subsection (a)
433 of section 22a-134, nothing contained in sections 22a-134 to 22a-134e,
434 inclusive, as amended by this act, shall be construed as creating an
435 innocent landowner defense for purposes of section 22a-452d.

436 [(m)] (l) Notwithstanding any other provisions of this section, no
437 person shall be required to comply with the provisions of sections
438 22a-134 to 22a-134e, inclusive, as amended by this act, when
439 transferring real property (1) (A) for which a Form I or Form II has
440 been filed for the transfer of the parcel on or after October 1, 1995, or
441 (B) for which parcel a Form III or Form IV has been filed and which
442 has been remediated and such remediation has been approved in
443 writing by the commissioner or verified in writing in accordance with
444 this section by a licensed environmental professional that an
445 investigation has been performed in accordance with [the standards
446 adopted by the commissioner in regulations adopted in accordance

447 with the provisions of chapter 54 or, until January 1, 2002, or the
448 adoption of such regulations, whichever is sooner, in accordance with]
449 prevailing standards and guidelines and that the remediation has been
450 performed in accordance with the remediation standards, and (2) at
451 which no activities described in subdivision (3) of section 22a-134 have
452 been conducted since the date of such approval or verification or the
453 date on which the Form I or Form II was filed.

454 (m) Failure of the commissioner to notify any party in accordance
455 with the provisions of this section in no way limits the ability of the
456 commissioner to enforce the provisions of sections 22a-134 to 22a-134f,
457 inclusive, as amended by this act.

458 Sec. 10. Section 22a-134d of the general statutes is repealed and the
459 following is substituted in lieu thereof:

460 [Any person who knowingly gives or causes to be given any false
461 information on any document required by sections 22a-134 to 22a-134e,
462 inclusive, or section 22a-133y or who fails to comply with the
463 provisions of said sections shall forfeit to the state a sum not to exceed
464 one hundred thousand dollars. A civil action shall be instituted to
465 recover such forfeiture.]

466 Any person who violates any provision of sections 22a-134a to 22a-
467 134e, inclusive, as amended by this act, or regulations issued in
468 accordance with the provisions of said sections shall be assessed a civil
469 penalty or shall be fined in accordance with section 22a-438.

470 Sec. 11. Subsection (j) of section 22a-134e of the general statutes is
471 repealed and the following is substituted in lieu thereof:

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

475 Sec. 12. Subsection (m) of section 22a-134e of the general statutes is
476 repealed and the following is substituted in lieu thereof:

477 (m) On and after October 1, 1995, the fee for filing a Form III or
478 Form IV shall be due in accordance with the following schedule: An
479 initial fee of two thousand dollars shall be submitted to the
480 commissioner with the filing of a Form III or Form IV. If a licensed
481 environmental professional verifies the remediation of the [parcel]
482 establishment and the commissioner has not notified the certifying
483 party that the commissioner's written approval of the remediation is
484 required, no additional fee shall be due. If the commissioner notifies
485 the certifying party that the commissioner's written approval of the
486 remediation is required, the balance of the total fee shall be due prior
487 to the commissioner's issuance of [his] the commissioner's final
488 approval of the remediation.

489 Sec. 13. Subsection (p) of section 22a-134e of the general statutes is
490 repealed and the following is substituted in lieu thereof:

491 (p) Notwithstanding any other provision of this section, the fee for
492 filing a Form II or Form IV for [a parcel] an establishment for which
493 the commissioner has issued a written approval of a remediation
494 under subsection (c) of section 22a-133x within three years of the date
495 of the filing of the form shall be the total fee for a Form III specified in
496 subsection (n) of this section and shall be due upon the filing of the
497 Form II or Form IV.

498 Sec. 14. (NEW) (a) Any certifying party who has submitted a Form
499 III or Form IV to the Commissioner of Environmental Protection
500 pursuant to section 22a-134a of the general statutes prior to the
501 effective date of this act may comply, after providing notice to the
502 transferor, transferee and, if different, the owner of the parcel, with the
503 requirements to investigate and remediate under sections 22a-134a to
504 22a-134d, inclusive, as amended by this act, instead of the
505 requirements for investigation and remediation under sections 22a-
506 134a to 22a-134d of the general statutes in effect at the time of the
507 submittal of such Form III or Form IV.

508 (b) Any person who has submitted a Form I, Form II, Form III or

509 Form IV to the Commissioner of Environmental Protection pursuant to
510 section 22a-134a of the general statutes, as amended by this act, may
511 petition the commissioner to withdraw such form. Such petitioner
512 shall notify the transferor, the transferee and the certifying party by
513 certified mail. The petitioner shall make every reasonable effort to
514 identify the address of such transferor, transferee and certifying party.
515 The transferor, transferee and certifying party shall have thirty days to
516 submit to the commissioner written objections to such petition. The
517 commissioner may approve the petition if it demonstrates to the
518 commissioner's satisfaction that the property or business was not an
519 establishment or the transaction was not a transfer at the time the form
520 was submitted. If the commissioner approves the petition, no further
521 action is required by the certifying party with respect to its obligations
522 under the form, but the form and the fee shall not be returned.

523 Sec. 15. (NEW) A lien pursuant to section 22a-452a of the general
524 statutes shall not be placed against real estate on which a service
525 station was transferred and in operation on or after May 1, 1967,
526 provided the transferor certifies to the transferee that (1) the service
527 station, or any part thereof, complies with regulations adopted by the
528 Commissioner of Environmental Protection pursuant to subsection (d)
529 of section 22a-449 of the general statutes concerning design,
530 construction, installation and maintenance of underground facilities
531 storing oil or petroleum liquids, (2) there has been no spill on the real
532 estate or any spill has been remediated in accordance with procedures
533 approved by the commissioner and the commissioner has determined
534 that such spill does not pose a threat to human health or safety or to
535 the environment which would warrant containment or removal or
536 other mitigation measures, and (3) any hazardous waste or oil or
537 petroleum liquid remaining on the real estate is being managed in
538 accordance with the provisions of chapter 446k of the general statutes
539 and regulations adopted thereunder.

540 Sec. 16. Section 22a-6g of the general statutes is repealed and the
541 following is substituted in lieu thereof:

542 [Notwithstanding any other provision of this title or regulations
543 adopted hereunder, any]

544 (a) Any person who submits an application to the Commissioner of
545 Environmental Protection for any permit or other license pursuant to
546 section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368,
547 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-
548 454 or Section 401 of the federal Water Pollution Control Act (33 USC
549 466 et seq.), except an application for authorization under a general
550 permit shall: (1) Include with such application a signed statement
551 certifying that the applicant will publish notice of such application on
552 a form supplied by the commissioner in accordance with this section;
553 (2) publish notice of such application in a newspaper of general
554 circulation in the affected area; (3) send the commissioner a certified
555 copy of such notice as it appeared in the newspaper; and (4) notify the
556 chief elected official of the municipality in which the regulated activity
557 is proposed. Such notices shall include: (A) The name and mailing
558 address of the applicant and the address of the location at which the
559 proposed activity will take place; (B) the application number, if
560 available; (C) the type of permit sought, including a reference to the
561 applicable statute or regulation; (D) a description of the activity for
562 which a permit is sought; (E) a description of the location of the
563 proposed activity and any natural resources affected thereby; (F) the
564 name, address and telephone number of any agent of the applicant
565 from whom interested persons may obtain copies of the application; []
566 and (G) a statement that the application is available for inspection at
567 the office of the Department of Environmental Protection. The
568 commissioner shall not process an application until the applicant has
569 submitted to the commissioner a copy of the notice required by this
570 section. The provisions of this section shall not apply to discharges
571 exempted from the notice requirement by the commissioner pursuant
572 to subsection (b) of section 22a-430, to hazardous waste transporter
573 permits issued pursuant to section 22a-454 or to special waste
574 authorizations issued pursuant to section 22a-209 and regulations
575 adopted thereunder.

576 (b) Notwithstanding any other provision of this title or any
577 regulation adopted pursuant to this title, the following applications are
578 exempt from the provisions of subsection (a) of this section: (1) An
579 application for authorization under a general permit; (2) an application
580 for a minor permit modification for sources permitted under Title V of
581 the federal Clean Air Act Amendments of 1990 in accordance with 40
582 CFR 70.7; and (3) an application for a minor permit modification or
583 revision if the Commissioner of Environmental Protection has adopted
584 regulations, in accordance with the provisions of chapter 54,
585 establishing criteria to delineate applications for minor permit
586 modifications or revisions from those applications subject to the
587 requirements of subsection (a) of this section.

588 Sec. 17. Section 22a-6h of the general statutes is repealed and the
589 following is substituted in lieu thereof:

590 (a) The Commissioner of Environmental Protection, at least thirty
591 days before approving or denying an application under section 22a-32,
592 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368, 22a-403 or 22a-430,
593 subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of
594 the federal Water Pollution Control Act (33 USC 466 et seq.), shall
595 publish or cause to be published, at the applicant's expense, once in a
596 newspaper having a substantial circulation in the affected area notice
597 of [his] the commissioner's tentative determination regarding such
598 application. Such notice shall include: (1) The name and mailing
599 address of the applicant and the address of the location of the
600 proposed activity; (2) the application number; (3) the tentative decision
601 regarding the application; (4) the type of permit or other authorization
602 sought, including a reference to the applicable statute or regulation; (5)
603 a description of the location of the proposed activity and any natural
604 resources affected thereby; (6) the name, address and telephone
605 number of any agent of the applicant from whom interested persons
606 may obtain copies of the application; (7) a brief description of all
607 opportunities for public participation provided by statute or
608 regulation, including the length of time available for submission of
609 public comments to the commissioner on the application; and (8) such

610 additional information as the commissioner deems necessary to
611 comply with any provision of this title or regulations adopted
612 hereunder, or with the federal Clean Air Act, federal Clean Water Act
613 or federal Resource Conservation and Recovery Act. The commissioner
614 shall further give notice of such determination to the chief elected
615 official of the municipality in which the regulated activity is proposed.
616 Nothing in this section shall preclude the commissioner from giving
617 such additional notice as may be required by any other provision of
618 this title or regulations adopted hereunder, or by the federal Clean Air
619 Act, federal Clean Water Act or federal Resource Conservation and
620 Recovery Act. The provisions of this section shall not apply to
621 discharges exempted from the notice requirement by the commissioner
622 pursuant to subsection (b) of section 22a-430, to hazardous waste
623 transporter permits issued pursuant to section 22a-454 or to special
624 waste authorizations issued pursuant to section 22a-209 and
625 regulations adopted thereunder.

626 (b) For the purposes of this section, "application" means a request
627 for a license or renewal thereof or for any permit or modification of a
628 license or permit or renewal thereof if the modification is sought by the
629 licensee.

630 (c) Notwithstanding any other provision of this title or any
631 regulation adopted pursuant to this title, the following applications are
632 exempt from the provisions of subsection (a) of this section: (1) An
633 application for a minor permit modification for sources permitted
634 under Title V of the federal Clean Air Act Amendments of 1990 in
635 accordance with 40 CFR 70.7; or (2) an application for a minor permit
636 modification or revision if the Commissioner of Environmental
637 Protection has adopted regulations, in accordance with the provisions
638 of chapter 54, establishing criteria to delineate applications for minor
639 permit modifications or revisions from those applications subject to the
640 requirements of subsection (a) of this section.

641 Sec. 18. Section 12-63f of the general statutes is repealed and the
642 following is substituted in lieu thereof:

643 For the five assessment years commencing with the first assessment
644 and collection of the tax imposed under this chapter on a parcel of real
645 property which assessment and collection follows an approval of a
646 final remedial action report by the Commissioner of Environmental
647 Protection or a filing of such a report by a licensed environmental
648 professional regarding such property other than any such approval or
649 filing made under section 22a-133m, or if no such report has been
650 approved or filed, a filing of a Form IV under section 22a-134a, and
651 which assessment and collection occurs on or after January 1, 1999, and
652 before January 1, 2006, twenty per cent of any amount received by a
653 municipality from such assessment in excess of the highest amount
654 received from an assessment for any one of the three fiscal years
655 preceding such approval or filing shall be paid to the State Treasurer
656 and shall be deposited into the Special Contaminated Property
657 Remediation and Insurance Fund established under section 22a-133t
658 provided this section shall not apply to taxes imposed on personal
659 property, penalties or interest. For the purposes of this section,
660 "municipality" means any town, consolidated town and city or
661 consolidated town and borough.

662 Sec. 19. Subsection (b) of section 22a-6k of the general statutes is
663 repealed and the following is substituted in lieu thereof:

664 (b) The commissioner may issue a temporary authorization for any
665 activity for which the commissioner has authority to issue a general
666 permit under section 22a-174, 22a-208a, 22a-361, [22a-368] 22a-378a,
667 22a-411, 22a-430b or 22a-454 provided [he] the commissioner finds that
668 (1) such activity will not continue for more than thirty days; (2) such
669 activity does not pose a significant threat to human health or the
670 environment; (3) such authorization is necessary to protect human
671 health or the environment or is otherwise necessary to protect the
672 public interest; and (4) such authorization is not inconsistent with the
673 federal Water Pollution Control Act, the federal Rivers and Harbors
674 Act, the federal Clean Air Act or the federal Resource Conservation
675 and Recovery Act. No temporary authorization shall be renewed more
676 than once, and no such authorization shall be issued for an activity

677 which has been authorized by a temporary authorization during the
678 previous twelve months. Any person seeking a temporary
679 authorization shall submit to the commissioner sufficient information
680 to allow the commissioner to make the determination set forth herein.
681 A temporary authorization shall be limited by any conditions the
682 commissioner deems necessary to adequately protect human health
683 and the environment. Summary suspension of a temporary
684 authorization may be ordered in accordance with subsection (c) of
685 section 4-182. The commissioner may assess a fee for a temporary
686 authorization issued pursuant to this subsection. Such fee shall be of
687 an amount equal to the equivalent existing permit fee for the activity
688 authorized. The commissioner may reduce the fee required pursuant
689 to this subsection if good cause is shown. The fee required pursuant to
690 this subsection shall be paid before the issuance of the temporary
691 authorization. The commissioner may, if good cause is shown, allow
692 late payment of the fee required by this subsection provided such fee
693 shall be paid no later than ten days after the issuance of the temporary
694 authorization.

695 Sec. 20. Section 22a-6t of the general statutes is repealed."