



General Assembly

January Session, 2001

Amendment

LCO No. 8458

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 Section 22a-134 of the general statutes is repealed and the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 or hazardous substance, provided either
49 the area of such portion is not greater than fifty per cent of the area of

50 such parcel or written notice of such proposed conveyance and an
51 environmental condition assessment form for such parcel is provided
52 to the commissioner sixty days prior to such conveyance, (N)
53 conveyance of a service station, as defined in subdivision (5) of this
54 section, (O) any conveyance of [a parcel] an establishment which, prior
55 to July 1, 1997, had been developed solely for residential use and such
56 use has not changed, (P) any conveyance of [a parcel] an establishment
57 to any entity created or operating under chapter 130 or 132, or to an
58 urban rehabilitation agency, as defined in section 8-292, or to a
59 municipality under section 32-224, or to the Connecticut Development
60 Authority or any subsidiary of the authority, (Q) any conveyance of a
61 parcel in 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 discharge, spillage, uncontrolled loss, seepage or filtration
147 of hazardous waste or a hazardous substance which has occurred at

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

177 (13) "Form IV" means a written certification signed by one or more
178 certifying parties on a form prescribed and provided by the
179 commissioner and which is accompanied by a written determination
180 by the commissioner or by a verification by a licensed environmental
181 professional pursuant to section 22a-134a or 22a-133x, which

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

340 [(h)] (g) If the commissioner notifies the certifying party to a Form
341 III or Form IV that a licensed environmental professional may verify
342 the remediation, [the] such certifying party shall, on or before thirty
343 days of the receipt of such notice or such later date as may be

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

367 [(i)] (h) If the commissioner notifies the certifying party to a Form III
368 or Form IV that [his] the commissioner's review and written approval
369 of the investigation of the parcel and remediation of the [parcel]
370 establishment is required, [the] such certifying party shall, on or before
371 thirty days of the receipt of such notice or such later date as may be
372 approved in writing by the commissioner, submit for the
373 commissioner's review and written approval a proposed schedule for:
374 (1) Investigating the parcel and remediating the [parcel] establishment;
375 (2) submitting to the commissioner scopes of work, technical plans,
376 technical reports and progress reports related to such investigation and
377 remediation; and (3) providing public notice of the remediation prior

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

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

410 [(k)] (j) The commissioner may issue an order to any person who
411 fails to comply with any provision of sections 22a-134 to 22a-134e,

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

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

434 [(m)] (l) Notwithstanding any other provisions of this section, no
435 person shall be required to comply with the provisions of sections
436 22a-134 to 22a-134e, inclusive, as amended by this act, when
437 transferring real property (1) (A) for which a Form I or Form II has
438 been filed for the transfer of the parcel on or after October 1, 1995, or
439 (B) for which parcel a Form III or Form IV has been filed and which
440 has been remediated and such remediation has been approved in
441 writing by the commissioner or verified in writing in accordance with
442 this section by a licensed environmental professional that an
443 investigation has been performed in accordance with [the standards
444 adopted by the commissioner in regulations adopted in accordance
445 with the provisions of chapter 54 or, until January 1, 2002, or the

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

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

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

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

464 Any person who violates any provision of sections 22a-134a to 22a-
465 134e, inclusive, as amended by this act, or regulations issued in
466 accordance with the provisions of said sections shall be assessed a civil
467 penalty or shall be fined in accordance with section 22a-438.

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

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

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

475 (m) On and after October 1, 1995, the fee for filing a Form III or

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

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

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

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

506 (b) Any person who has submitted a Form I, Form II, Form III or
507 Form IV to the Commissioner of Environmental Protection pursuant to

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

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

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

540 [Notwithstanding any other provision of this title or regulations

541 adopted hereunder, any]

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

574 (b) Notwithstanding any other provision of this title or any

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

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

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

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

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

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

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

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

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

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

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

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