



General Assembly

January Session, 2001

**Amendment**

LCO No. 8598

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.

To: Subst. House Bill No. 6997

File No. 769

Cal. No. 275

*(As Amended by House Amendment Schedule "A")*

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

1 Strike sections 8 and 9 in their entirety and insert the following in  
2 lieu thereof:

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 Section 22a-134 of the general statutes is repealed and the  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

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

7 (1) "Transfer of establishment" means any transaction or proceeding  
8 through which an establishment undergoes a change in ownership, but  
9 does not mean (A) conveyance or extinguishment of an easement, (B)  
10 conveyance of [property] an establishment through a [judicial]  
11 foreclosure, as defined in subsection (b) of section 22a-452f, (C)  
12 conveyance of a deed in lieu of foreclosure to [an institutional] a

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

48 has not occurred a discharge, spillage, uncontrolled loss, seepage or  
49 filtration of hazardous waste or hazardous substance which, in the  
50 case of such hazardous substance, resulted from the use, operation,  
51 maintenance, storage or disposal of equipment or materials used or  
52 produced by the establishment, and, provided either the area of such  
53 portion is not greater than fifty per cent of the area of such parcel or  
54 written notice of such proposed conveyance and an environmental  
55 condition assessment form for such parcel is provided to the  
56 commissioner sixty days prior to such conveyance, (N) conveyance of  
57 a service station, as defined in subdivision (5) of this section, (O) any  
58 conveyance of [a parcel] an establishment which, prior to July 1, 1997,  
59 had been developed solely for residential use and such use has not  
60 changed, (P) any conveyance of [a parcel] an establishment to any  
61 entity created or operating under chapter 130 or 132, or to an urban  
62 rehabilitation agency, as defined in section 8-292, or to a municipality  
63 under section 32-224, or to the Connecticut Development Authority or  
64 any subsidiary of the authority, (Q) any conveyance of a parcel in  
65 connection with the acquisition of properties to effectuate the  
66 development of the overall project, as defined in section 32-651, (R) the  
67 conversion of a general or limited partnership to a limited liability  
68 company under section 34-199, (S) the transfer of general partnership  
69 property held in the names of all of its general partners to a general  
70 partnership which includes as general partners immediately after the  
71 transfer all of the same persons as were general partners immediately  
72 prior to the transfer, [and] (T) the transfer of general partnership  
73 property held in the names of all of its general partners to a limited  
74 liability company which includes as members immediately after the  
75 transfer all of the same persons as were general partners immediately  
76 prior to the transfer, or (U) acquisition of an establishment by any  
77 governmental or quasi-governmental condemning authority;

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

80 (3) "Establishment" means any real property at which or any  
81 business operation from which (A) on or after November 19, 1980,

82 there was generated, except as the result of remediation of polluted  
83 soil, groundwater or sediment, more than one hundred kilograms of  
84 hazardous waste in any one month, (B) hazardous waste generated at a  
85 different location [by another person or municipality] was recycled,  
86 reclaimed, reused, stored, handled, treated, transported or disposed of,  
87 (C) the process of dry cleaning was conducted on or after May 1, 1967,  
88 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a  
89 vehicle body repair [shop or vehicle painting shop is or] facility was  
90 located on or after May 1, 1967;

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

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

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

115 (7) "Party associated with the transfer of an establishment" means  
116 (A) the present or past owner or operator of the establishment, (B) the  
117 owner of the real property on which the establishment is located, (C)  
118 the transferor, transferee, lender, guarantor or indemnitor, [(C)] (D) the  
119 business entity which operates or operated the establishment, or [(D)]  
120 (E) the state;

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

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

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

143 (11) "Form II" means a written [declaration] certification by the  
144 transferor of an establishment on a form prescribed and provided by  
145 the commissioner that the parcel has been investigated in accordance  
146 with [the standards adopted by the commissioner in regulations

147 adopted in accordance with the provisions of chapter 54 or, until  
148 January 1, 2002, or the adoption of such regulations, whichever is  
149 sooner, in accordance with] prevailing standards and guidelines and  
150 that (A) any pollution caused by a discharge, spillage, uncontrolled  
151 loss, seepage or filtration of hazardous waste or a hazardous substance  
152 which has occurred [at] from the [parcel] establishment has been  
153 remediated in accordance with the remediation standards and that the  
154 remediation has been approved in writing by the commissioner or has  
155 been verified pursuant to section 22a-133x or section 22a-134a in a  
156 writing attached to such form by a licensed environmental professional  
157 to have been performed in accordance with the remediation standards,  
158 [or] (B) the commissioner has determined in writing or a licensed  
159 environmental professional has verified pursuant to section 22a-133x  
160 or section 22a-134a in a writing attached to the form that no  
161 remediation is necessary to achieve compliance with the remediation  
162 standards, or (C) a Form IV previously submitted to the commissioner  
163 and since the date of the submission of said Form IV, no discharge,  
164 spillage, uncontrolled loss, seepage or filtration of hazardous waste or  
165 a hazardous substance has occurred at the establishment, which  
166 certification is based on an investigation of the parcel in accordance  
167 with prevailing standards and guidelines;

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

181 with the remediation standards;

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

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

212 (15) "Remediate" means to contain, remove or abate pollution,  
213 potential sources of pollution and substances in soil or sediment which

214 pose an unacceptable risk to human health or the environment and  
215 includes, but is not limited to, the reduction of pollution by natural  
216 attenuation;

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

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

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

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

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

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

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

243 (23) "Form IV verification" means the rendering of a written opinion

244 by a licensed environmental professional, after a Form IV has been  
245 filed, that postremediation monitoring, natural attenuation or the  
246 recording of an environmental land use restriction has been completed  
247 in accordance with the Form IV;

248 (24) "Hazardous substance" means hazardous substance, as defined  
249 in Section 101 of the Comprehensive Environmental Response,  
250 Compensation, and Liability Act of 1980, 42 USC Section 9601, or a  
251 petroleum product or by-product for which there are remediation  
252 standards adopted pursuant to section 22a-133k or for which such  
253 remediation standards have a process for calculating the numeric  
254 criteria of such substance;

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

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

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

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

276 in accordance with the provisions of this chapter and chapter 446k and  
277 regulations adopted thereunder.]

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

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

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

309 [(f) Within fifteen days of his] (e) No later than thirty days after  
310 receipt of a Form III or Form IV, the commissioner shall notify the  
311 certifying party whether the form is complete or incomplete. Within  
312 forty-five days of [his] receipt of a complete Form III or IV, the  
313 commissioner shall notify the certifying party in writing whether  
314 review and approval of the remediation by the commissioner will be  
315 required, or whether a licensed environmental professional may verify  
316 that the investigation has been performed in accordance with [the  
317 standards adopted by the commissioner in regulations adopted in  
318 accordance with the provisions of chapter 54 or, until January 1, 2002,  
319 or the adoption of such regulations, whichever is sooner, in accordance  
320 with] prevailing standards and guidelines and that the remediation  
321 has been performed in accordance with the remediation standards.  
322 Any person who submitted a Form III to the commissioner prior to  
323 October 1, 1995, [for a parcel which is not the subject of an order,  
324 consent order or stipulated judgment issued or entered into pursuant  
325 to sections 22a-134 to 22a-134e, inclusive,] may submit an  
326 environmental condition assessment form to the commissioner. The  
327 commissioner shall, within forty-five days of receipt of such form,  
328 notify the certifying party whether approval of the remediation by the  
329 commissioner will be required or whether a licensed environmental  
330 professional may verify that the remediation has been performed in  
331 accordance with the remediation standards.

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

343 complexity of the environmental condition of the [parcel]  
344 establishment; and (6) any other factor the commissioner deems  
345 relevant.

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

373 [(i)] (h) If the commissioner notifies the certifying party to a Form III  
374 or Form IV that [his] the commissioner's review and written approval  
375 of the investigation of the parcel and remediation of the [parcel]  
376 establishment is required, [the] such certifying party shall, on or before

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

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

411 additional information about the remediation, or (B) mail notice of the  
412 remediation to each owner of record of property which abuts the  
413 [parcel] establishment, at the address for such property on the last-  
414 completed grand list of the municipality where the [parcel]  
415 establishment is located.

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

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

440 [(m)] (l) Notwithstanding any other provisions of this section, no  
441 person shall be required to comply with the provisions of sections  
442 22a-134 to 22a-134e, inclusive, as amended by this act, when  
443 transferring real property (1) (A) for which a Form I or Form II has

444 been filed for the transfer of the parcel on or after October 1, 1995, or  
445 (B) for which parcel a Form III or Form IV has been filed and which  
446 has been remediated and such remediation has been approved in  
447 writing by the commissioner or verified in writing in accordance with  
448 this section by a licensed environmental professional that an  
449 investigation has been performed in accordance with [the standards  
450 adopted by the commissioner in regulations adopted in accordance  
451 with the provisions of chapter 54 or, until January 1, 2002, or the  
452 adoption of such regulations, whichever is sooner, in accordance with]  
453 prevailing standards and guidelines and that the remediation has been  
454 performed in accordance with the remediation standards, and (2) at  
455 which no activities described in subdivision (3) of section 22a-134 have  
456 been conducted since the date of such approval or verification or the  
457 date on which the Form I or Form II was filed.

458 (m) Failure of the commissioner to notify any party in accordance  
459 with the provisions of this section in no way limits the ability of the  
460 commissioner to enforce the provisions of sections 22a-134 to 22a-134f,  
461 inclusive, as amended by this act."