



General Assembly

January Session, 2001

**Amendment**

LCO No. 8700

Offered by:

REP. STRATTON, 17<sup>th</sup> 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 Section 22a-134 of the general statutes is repealed and the  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 which, in the  
49 case of such hazardous substance, resulted from the use, operation,

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

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

79 (3) "Establishment" means any real property at which or any  
80 business operation from which (A) on or after November 19, 1980,  
81 there was generated, except as the result of remediation of polluted  
82 soil, groundwater or sediment, more than one hundred kilograms of  
83 hazardous waste in any one month, (B) hazardous waste generated at a

84 different location [by another person or municipality] was recycled,  
85 reclaimed, reused, stored, handled, treated, transported or disposed of,  
86 (C) the process of dry cleaning was conducted on or after May 1, 1967,  
87 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a  
88 vehicle body repair [shop or vehicle painting shop is or] facility was  
89 located on or after May 1, 1967;

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

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

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

114 (7) "Party associated with the transfer of an establishment" means  
115 (A) the present or past owner or operator of the establishment, (B) the

116 owner of the real property on which the establishment is located, (C)  
117 the transferor, transferee, lender, guarantor or indemnitor, [(C)] (D) the  
118 business entity which operates or operated the establishment, or [(D)]  
119 (E) the state;

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

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

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

142 (11) "Form II" means a written [declaration] certification by the  
143 transferor of an establishment on a form prescribed and provided by  
144 the commissioner that the parcel has been investigated in accordance  
145 with [the standards adopted by the commissioner in regulations  
146 adopted in accordance with the provisions of chapter 54 or, until  
147 January 1, 2002, or the adoption of such regulations, whichever is

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

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

181 (13) "Form IV" means a written certification signed by one or more

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

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

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

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

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

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

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

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

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

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

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

246 in accordance with the Form IV;

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

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

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

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

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

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

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

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

308        [(f) Within fifteen days of his] (e) No later than thirty days after  
309 receipt of a Form III or Form IV, the commissioner shall notify the

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

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

344 relevant.

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

372 [(i)] (h) If the commissioner notifies the certifying party to a Form III  
373 or Form IV that [his] the commissioner's review and written approval  
374 of the investigation of the parcel and remediation of the [parcel]  
375 establishment is required, [the] such certifying party shall, on or before  
376 thirty days of the receipt of such notice or such later date as may be  
377 approved in writing by the commissioner, submit for the

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

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

412 [parcel] establishment, at the address for such property on the last-  
413 completed grand list of the municipality where the [parcel]  
414 establishment is located.

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

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

439 [(m)] (l) Notwithstanding any other provisions of this section, no  
440 person shall be required to comply with the provisions of sections  
441 22a-134 to 22a-134e, inclusive, as amended by this act, when  
442 transferring real property (1) (A) for which a Form I or Form II has  
443 been filed for the transfer of the parcel on or after October 1, 1995, or  
444 (B) for which parcel a Form III or Form IV has been filed and which

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

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

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

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

469 Any person who violates any provision of sections 22a-134a to 22a-  
470 134e, inclusive, as amended by this act, or regulations issued in  
471 accordance with the provisions of said sections shall be assessed a civil  
472 penalty or shall be fined in accordance with section 22a-438.

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

475 (j) The fees specified in this section shall be paid by [the transferee

476 of the establishment except that the fee for a Form III or Form IV shall  
477 be paid, on and after July 1, 1994, by] the certifying party.

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

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

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

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

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

508 requirements for investigation and remediation under sections 22a-  
509 134a to 22a-134d of the general statutes in effect at the time of the  
510 submittal of such Form III or Form IV.

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

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

542 and regulations adopted thereunder.

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

545 [Notwithstanding any other provision of this title or regulations  
546 adopted hereunder, any]

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

575 to subsection (b) of section 22a-430, to hazardous waste transporter  
576 permits issued pursuant to section 22a-454 or to special waste  
577 authorizations issued pursuant to section 22a-209 and regulations  
578 adopted thereunder.

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

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

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

608 number of any agent of the applicant from whom interested persons  
609 may obtain copies of the application; (7) a brief description of all  
610 opportunities for public participation provided by statute or  
611 regulation, including the length of time available for submission of  
612 public comments to the commissioner on the application; and (8) such  
613 additional information as the commissioner deems necessary to  
614 comply with any provision of this title or regulations adopted  
615 hereunder, or with the federal Clean Air Act, federal Clean Water Act  
616 or federal Resource Conservation and Recovery Act. The commissioner  
617 shall further give notice of such determination to the chief elected  
618 official of the municipality in which the regulated activity is proposed.  
619 Nothing in this section shall preclude the commissioner from giving  
620 such additional notice as may be required by any other provision of  
621 this title or regulations adopted hereunder, or by the federal Clean Air  
622 Act, federal Clean Water Act or federal Resource Conservation and  
623 Recovery Act. The provisions of this section shall not apply to  
624 discharges exempted from the notice requirement by the commissioner  
625 pursuant to subsection (b) of section 22a-430, to hazardous waste  
626 transporter permits issued pursuant to section 22a-454 or to special  
627 waste authorizations issued pursuant to section 22a-209 and  
628 regulations adopted thereunder.

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

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

642 permit modifications or revisions from those applications subject to the  
643 requirements of subsection (a) of this section.

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

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

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

667 (b) The commissioner may issue a temporary authorization for any  
668 activity for which the commissioner has authority to issue a general  
669 permit under section 22a-174, 22a-208a, 22a-361, [22a-368] 22a-378a,  
670 22a-411, 22a-430b or 22a-454 provided [he] the commissioner finds that  
671 (1) such activity will not continue for more than thirty days; (2) such  
672 activity does not pose a significant threat to human health or the  
673 environment; (3) such authorization is necessary to protect human

674 health or the environment or is otherwise necessary to protect the  
675 public interest; and (4) such authorization is not inconsistent with the  
676 federal Water Pollution Control Act, the federal Rivers and Harbors  
677 Act, the federal Clean Air Act or the federal Resource Conservation  
678 and Recovery Act. No temporary authorization shall be renewed more  
679 than once, and no such authorization shall be issued for an activity  
680 which has been authorized by a temporary authorization during the  
681 previous twelve months. Any person seeking a temporary  
682 authorization shall submit to the commissioner sufficient information  
683 to allow the commissioner to make the determination set forth herein.  
684 A temporary authorization shall be limited by any conditions the  
685 commissioner deems necessary to adequately protect human health  
686 and the environment. Summary suspension of a temporary  
687 authorization may be ordered in accordance with subsection (c) of  
688 section 4-182. The commissioner may assess a fee for a temporary  
689 authorization issued pursuant to this subsection. Such fee shall be of  
690 an amount equal to the equivalent existing permit fee for the activity  
691 authorized. The commissioner may reduce the fee required pursuant  
692 to this subsection if good cause is shown. The fee required pursuant to  
693 this subsection shall be paid before the issuance of the temporary  
694 authorization. The commissioner may, if good cause is shown, allow  
695 late payment of the fee required by this subsection provided such fee  
696 shall be paid no later than ten days after the issuance of the temporary  
697 authorization.

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