



General Assembly

February Session, 2002

Raised Bill No. 5718

LCO No. 2446

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL STATUTES.

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

1 Section 1. Section 7-131b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Any municipality may, by vote of its legislative body, by
4 purchase, condemnation, gift, devise, lease or otherwise, acquire any
5 land in any area designated as an area of open space land on any plan
6 of development of a municipality adopted by its planning commission
7 or any easements, interest or rights therein and enter into covenants
8 and agreements with owners of such open space land or interests
9 therein to maintain, improve, protect, limit the future use of or
10 otherwise conserve such open space land.

11 (b) Any owner who encumbers his property by conveying a less
12 than fee interest to any municipality under subsection (a) of this
13 section or to a nonprofit land conservation organization shall, upon
14 written application to the assessor or board of assessors of the
15 municipality in which the property is located, be entitled to a

16 revaluation of such property to reflect the existence of such
17 encumbrance, effective with respect to the next-succeeding assessment
18 list of such municipality. Any such owner shall be entitled to such
19 revaluation, notwithstanding the fact that he conveyed such less than
20 fee interest prior to October 1, 1971, provided no such revaluation shall
21 be effective retroactively.

22 (c) Any owner aggrieved by a revaluation under subsection (b) of
23 this section may appeal to the board of assessment appeals in
24 accordance with the provisions of sections 12-111, as amended, and 12-
25 112 and may appeal from the decision of the board of assessment
26 appeals in accordance with the provisions of section 12-117a.

27 Sec. 2. Subsection (b) of section 7-131g of the general statutes, as
28 amended by section 9 of public act 01-204 and section 73 of public act
29 01-9 of the June special session, is repealed and the following is
30 substituted in lieu thereof (*Effective October 1, 2002*):

31 (b) The Commissioner of Environmental Protection may make
32 grants under the open space and watershed land acquisition program
33 to: (1) Municipalities for acquisition of land for open space under
34 subdivisions (1) to (6), inclusive, of subsection (b) of section 7-131d, as
35 amended, in an amount not to exceed fifty per cent of the fair market
36 value of a parcel of land or interest in land proposed to be acquired; (2)
37 municipalities for acquisition of land for class I and class II water
38 supply protection under subdivision (5) of subsection (b) of said
39 section 7-131d, in an amount not to exceed [sixty-five] fifty per cent of
40 such value; (3) nonprofit land conservation organizations for
41 acquisition of land for open space or watershed protection under
42 subdivisions (1) to (6), inclusive, of subsection (b) of said section 7-
43 131d, in an amount not to exceed fifty per cent of such value; (4) water
44 companies for acquisition of land under subdivision (7) of subsection
45 (b) of said section 7-131d, in an amount not to exceed [forty] fifty per
46 cent of such value provided if such a company proposes in a grant
47 application that it intends to allow access to such land for recreational

48 uses, such company shall seek approval of the Commissioner of Public
49 Health for such access; and (5) distressed municipalities or targeted
50 investment communities, as defined in section 32-9p, as amended, or,
51 with the approval of the chief elected official or governing legislative
52 body of such a municipality or community, to a nonprofit land
53 conservation organization, for acquisition of land within that
54 municipality or community, for open space under subdivisions (1) to
55 (6), inclusive, of subsection (b) of said section 7-131d, in an amount not
56 to exceed sixty-five per cent of such value or for performance of work
57 in the restoration, enhancement or protection of resources in an
58 amount not to exceed fifty per cent of the cost of such work.
59 Applicants for grants under the program shall provide a copy of the
60 application to the chairperson of the review board established under
61 section 7-131e, as amended. The board shall provide comments to the
62 commissioner on pending applications as it deems necessary.

63 Sec. 3. Section 12-504c of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2002*):

65 The provisions of section 12-504a shall not be applicable to the
66 following: (a) Transfers of land resulting from eminent domain
67 proceedings; (b) mortgage deeds; (c) deeds to or by the United States
68 of America, state of Connecticut or any political subdivision or agency
69 thereof; (d) strawman deeds and deeds which correct, modify,
70 supplement or confirm a deed previously recorded; (e) deeds between
71 husband and wife and parent and child when no consideration is
72 received, except that a subsequent nonexempt transfer by the grantee
73 in such cases shall be subject to the provisions of section 12-504a as it
74 would be if the grantor were making such nonexempt transfer; (f) tax
75 deeds; (g) deeds releasing any property which is a security for a debt
76 or other obligation; (h) deeds of partition; (i) deeds made pursuant to a
77 merger of a corporation; (j) deeds made by a subsidiary corporation to
78 its parent corporation for no consideration other than the cancellation
79 or surrender of the capital stock of such subsidiary; (k) property
80 transferred as a result of death by devise or otherwise and in such

81 transfer the date of acquisition or classification of the land for purposes
82 of sections 12-504a to 12-504f, inclusive, whichever is earlier, shall be
83 the date of acquisition or classification by the decedent; (l) deeds to any
84 corporation, trust or other entity, of land to be held in perpetuity for
85 educational, scientific, aesthetic or other equivalent passive uses,
86 provided such corporation, trust or other entity has received a
87 determination from the Internal Revenue Service that contributions to
88 it are deductible under applicable sections of the Internal Revenue
89 Code; (m) land subject to a covenant specifically set forth in the deed
90 transferring title to such land, which covenant is enforceable by the
91 town in which such land is located or by a nonprofit land conservation
92 organization, to refrain from selling or developing such land in a
93 manner inconsistent with its classification as farm land pursuant to
94 section 12-107c, as amended, forest land pursuant to section 12-107d,
95 as amended, or open space land pursuant to section 12-107e, as
96 amended, for a period of not less than eight years from the date of
97 transfer, if such covenant is violated the conveyance tax set forth in
98 this chapter shall be applicable at the rate which would have been
99 applicable at the date the deed containing the covenant was delivered
100 and, in addition, the town or any taxpayer therein may commence an
101 action to enforce such covenant; and (n) land the development rights to
102 which have been sold to the state under chapter 422a. If such action is
103 taken by such a taxpayer, the town shall be served as a necessary
104 party.

105 Sec. 4. Section 22a-4 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2002*):

107 (a) The commissioner may, subject to the provisions of chapter 67,
108 employ such agents, assistants and employees as he deems necessary
109 to carry out his duties and responsibilities. He may retain and employ
110 other consultants and assistants on a contract or other basis for
111 rendering legal, financial, technical or other assistance and advice.

112 (b) The commissioner may allow an applicant for a permit or other

113 license pursuant to title 22a to hire an independent consultant, at the
114 expense of the applicant, to review the application and recommend
115 that the commissioner accept or reject the application.

116 Sec. 5. Subdivision (2) of section 22a-115 of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective*
118 *October 1, 2002*):

119 (2) "Hazardous waste facility" means land and appurtenances
120 thereon or structures used for the disposal, treatment, storage or
121 recovery of hazardous waste or a treatment, storage or disposal
122 facility, as regulated by 40 CFR Parts 264 and 265.

123 Sec. 6. Section 22a-115 of the general statutes is amended by adding
124 subdivision (19) as follows (*Effective October 1, 2002*):

125 (NEW) (19) "Hazardous constituent" means a hazardous waste
126 constituent, as defined in 40 CFR Part 260.

127 Sec. 7. Subsections (a) and (b) of section 22a-133m of the general
128 statutes are repealed and the following is substituted in lieu thereof
129 (*Effective October 1, 2002*):

130 (a) An urban sites remedial action program is established to
131 identify, evaluate, plan for and undertake the remediation of polluted
132 real property. [which is deemed vital to the economic development
133 needs of the state.]

134 (b) The Commissioner of Economic and Community Development,
135 in consultation with the Commissioner of Environmental Protection,
136 shall establish the priority of sites for evaluation and remediation
137 based upon the following factors: (1) The estimated cost of evaluating
138 and remediating the site, if known; (2) the anticipated complexity of an
139 evaluation of the site; (3) the estimated schedule for completing an
140 evaluation; (4) the potential economic development benefits of the site
141 to the state of Connecticut; [and] (5) whether the site would not
142 otherwise be remediated without the assistance of this program; and

143 (6) any other factors which the commissioners deem relevant. No real
144 property shall be eligible for evaluation or remediation under this
145 section unless: (A) The Commissioner of Economic and Community
146 Development finds that the state owns the site or otherwise has or
147 obtains the power to approve the type of development which first
148 occurs on the site after remediation; and (B) the Commissioner of
149 Environmental Protection is unable to determine the responsible party
150 for the pollution or the cleanup of the site, or the responsible party is
151 not in timely compliance with orders issued by the commissioner to
152 provide remedial action, or the commissioner has not issued a final
153 decision on an order to a responsible party to provide remedial action
154 because of (i) a request for a hearing on an order, or (ii) an order issued
155 is subject to an appeal pending before a court. Except for any site
156 proposed for acquisition under subsection (e) of this section, no real
157 property shall be eligible for evaluation or remediation under this
158 section unless the site is located in a distressed municipality, as
159 defined in section 32-9p, as amended, or a targeted investment
160 community, as defined in section 32-222, as amended. For purposes of
161 this section, "responsible party" means any person, as defined in
162 section 22a-2, who created a source of pollution on the site or an owner
163 of the site during the investigation or remediation funded pursuant to
164 this section.

165 Sec. 8. Subdivision (3) of section 22a-134 of the general statutes, as
166 amended by section 15 of public act 01-204 and section 73 of public act
167 01-9 of the June special session, is repealed and the following is
168 substituted in lieu thereof (*Effective October 1, 2002*):

169 (3) "Establishment" means any real property at which or any
170 business operation from which (A) on or after November 19, 1980,
171 there was generated, except as the result of remediation of polluted
172 soil, groundwater or sediment or as the result of qualification under
173 the regulations adopted pursuant to section 22a-209i, more than one
174 hundred kilograms of hazardous waste in any one month, (B)
175 hazardous waste generated at a different location was recycled,

176 reclaimed, reused, stored, handled, treated, transported or disposed of,
177 (C) the process of dry cleaning was conducted on or after May 1, 1967,
178 (D) furniture stripping was conducted on or after May 1, 1967, or (E) a
179 vehicle body repair facility was located on or after May 1, 1967.

180 Sec. 9. Section 22a-196 of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective October 1, 2002*):

182 No asphalt batching or continuous mix facility shall be located in an
183 area which is less than one-third of a mile in linear distance from any
184 hospital, nursing home, school, area of critical environmental concern,
185 watercourse, or area occupied by residential housing. Such distance
186 shall be measured from the outermost perimeter of such facility to the
187 outermost point of such zones. [provided that any such facility in
188 operation] Nothing in this section shall limit the authority of the
189 Commissioner of Environmental Protection to issue a permit to any
190 facility constructed or in operation as of December 31, 1997. [, shall not
191 be subject to the provisions of this section.]

192 Sec. 10. Section 22a-220c of the general statutes is amended by
193 adding subsection (c) as follows (*Effective October 1, 2002*):

194 (NEW) (c) Where a collector of solid waste is delinquent in paying
195 its tipping fees for a period of three consecutive months to a resources
196 recovery facility or solid waste facility, the owner or operator of such
197 facility shall notify each municipality in which such collector operates
198 of such delinquency.

199 Sec. 11. Section 22a-449k of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective October 1, 2002*):

201 No person shall remove or replace or subcontract for the removal or
202 replacement of a residential underground heating oil storage tank
203 system if the person finds such removal or replacement will involve
204 remediation of contaminated soil or groundwater [, the costs of which
205 are to be paid out of the residential underground heating oil storage

206 tank system clean-up subaccount established pursuant to subsection
207 (b) of section 22a-449c,] unless the person is a registered contractor. To
208 become a registered contractor, a person shall provide to the
209 Commissioner of Environmental Protection, on forms prescribed by
210 said commissioner, (1) evidence of financial assurance in [the form of
211 insurance, a surety bond or liquid company assets in an amount not
212 less than two hundred fifty thousand dollars] in accordance with the
213 standards established pursuant to subsection (c) of section 22a-449d, as
214 amended, and (2) a written statement certifying that such person has
215 had [any] training [required by law] for such business in accordance
216 with the standards established pursuant to subsection (c) of section
217 22a-449d, as amended, and that such person has (A) performed no
218 fewer than three residential underground petroleum storage tank
219 system removals, or (B) has contracted for at least three removals of
220 residential underground petroleum storage tank systems. Such person
221 shall pay a registration fee of five hundred dollars to the
222 commissioner. Each contractor holding a valid registration on July first
223 shall, not later than August first of that year, pay a renewal fee to the
224 commissioner of two hundred fifty dollars in order to maintain such
225 registration. Any money collected for registration pursuant to this
226 section shall be deposited in the Environmental Quality Fund. The
227 commissioner may revoke a registration for cause [and, on and after
228 the date the review board establishes requirements for financial
229 assurance, training and] which shall include, but not be limited to,
230 failure to meet the performance standards under subsection (c) of
231 section 22a-449d, as amended. [, may reject any application for
232 registration that does not meet such requirements.]

233 Sec. 12. Subsection (a) of section 22a-454 of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective*
235 *October 1, 2002*):

236 (a) (1) No person shall engage in the business of collecting, storing
237 or treating waste oil or petroleum or chemical liquids or hazardous
238 wastes or of acting as a contractor to contain or remove or otherwise

239 mitigate the effects of discharge, spillage, uncontrolled loss, seepage or
240 filtration of such substance or material or waste nor shall any person,
241 municipality or regional authority dispose of waste oil or petroleum or
242 chemical liquids or waste solid, liquid or gaseous products or
243 hazardous wastes without a permit from the commissioner. Such
244 permit shall be in writing, shall contain such terms and conditions as
245 the commissioner deems necessary and shall be valid for a fixed term
246 not to exceed five years. No permit shall be granted, renewed or
247 transferred unless the commissioner is satisfied that the activities of
248 the permittee will not result in pollution, contamination, emergency or
249 a violation of any regulation adopted under sections 22a-30, 22a-39,
250 22a-116, 22a-347, 22a-377, 22a-430, 22a-449, 22a-451, as amended, and
251 22a-462. The commissioner shall require payment of a fee of five
252 hundred dollars per year for each year covered by a permit to
253 transport hazardous waste and the payment of a fee of fourteen
254 thousand dollars for a permit to treat waste oil or petroleum or
255 chemical liquids. The commissioner may adopt regulations, in
256 accordance with the provisions of chapter 54, to prescribe the amount
257 of the fees required pursuant to this section. Upon the adoption of such
258 regulations, the fees required by this section shall be as prescribed in
259 such regulations. The commissioner may suspend or revoke a permit
260 for violation of any term or condition of the permit, for conviction of a
261 violation of section 22a-131a or for assessment of a fine under section
262 22a-131. The commissioner may conduct a program of study and
263 research and demonstration, relating to new and improved methods of
264 waste oil and petroleum or chemical liquids or waste solid, liquid or
265 gaseous products or hazardous wastes disposal. For the purposes of
266 this section, collecting, storing, or treating of waste oil, petroleum or
267 chemical liquids or hazardous waste shall mean such activities when
268 engaged in by a person whose principal business is the management of
269 such wastes.

270 (2) A hazardous waste facility, as defined in section 22a-115, as
271 amended by this act, upon receiving a permit pursuant to this
272 subsection, shall investigate any release, as defined in section 19 of this

273 act, at or emanating from the facility and perform any necessary
274 remediation at the facility.

275 Sec. 13. Subsection (c) of section 22a-478 of the general statutes is
276 repealed and the following is substituted in lieu thereof (*Effective July*
277 *1, 2002*):

278 (c) The funding of an eligible water quality project shall be pursuant
279 to a project funding agreement between the state, acting by and
280 through the commissioner, and the municipality undertaking such
281 project and shall be evidenced by a project fund obligation or grant
282 account loan obligation, or both, or an interim funding obligation of
283 such municipality issued in accordance with section 22a-479. A project
284 funding agreement shall be in a form prescribed by the commissioner.
285 A nonpoint source pollution abatement project shall receive a project
286 grant of seventy-five per cent of the cost of the project determined to
287 be eligible by the commissioner. A combined sewer project shall
288 receive (1) a project grant of fifty per cent of the cost of the project,
289 which cost shall be the cost the federal Environmental Protection
290 Agency uses in making grants pursuant to Part 35 of the federal
291 Construction Grant Regulations and Titles II and VI of the federal
292 Water Pollution Control Act, as amended; and (2) a loan for the
293 remainder of the costs of the project, not exceeding one hundred per
294 cent of the eligible water quality project costs. A construction contract
295 eligible for financing awarded by a municipality on or after July 1,
296 1999, as a project undertaken for nitrogen removal shall receive a
297 project grant of [thirty] fifty per cent of the cost of the project
298 associated with nitrogen removal and a loan for the remainder of the
299 costs of the project, not exceeding one hundred per cent of the eligible
300 water quality project costs. Nitrogen removal projects under design or
301 construction on July 1, 1999, and projects that have been constructed
302 but have not received permanent, clean water fund financing, on July
303 1, 1999, shall be eligible to receive a thirty per cent grant. Any other
304 eligible water quality project shall receive (A) a project grant of twenty
305 per cent of the cost, which cost shall be the cost the federal

306 Environmental Protection Agency uses for grants pursuant to said Part
307 35 and said Titles II and VI, and (B) a loan for the remainder of the
308 costs of the project, not exceeding one hundred per cent of the eligible
309 project cost. On or after fiscal year 2007, all eligible water quality
310 projects eligible for funding shall receive a loan of one hundred per
311 cent of the eligible costs and shall not receive a project grant. All loans
312 made in accordance with the provisions of this section for an eligible
313 water quality project shall bear an interest rate of two per cent per
314 annum. The commissioner may allow any project fund obligation,
315 grant account loan obligation or interim funding obligation for an
316 eligible water quality project to be repaid by a borrowing municipality
317 prior to maturity without penalty.

318 Sec. 14. Section 23-65 of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2002*):

320 (a) Any person, firm or corporation which affixes to [a telegraph,
321 telephone, electric light or power pole, or to] a tree, shrub, rock or
322 other natural object in any public way or grounds, a playbill, picture,
323 notice, advertisement or other similar thing, or cuts, paints or marks
324 such tree, shrub, rock or other natural object, except for the purpose of
325 protecting it or the public and under a written permit from the town
326 tree warden, the borough tree warden, city forester or Commissioner
327 of Transportation, as the case may be, or, without the consent of the
328 tree warden or of the officer with similar duties, uses climbing spurs
329 for the purpose of climbing any ornamental or shade tree within the
330 limits of any public highway or grounds, shall be fined not more than
331 fifty dollars for each offense.

332 (b) No person shall attach any object to a pole owned by an electric
333 distribution company, as defined in section 16-1, as amended, a
334 telephone company, as defined in said section 16-1, or a certified
335 telecommunications provider, as defined in said section 16-1, without
336 the consent of the company or provider that owns the pole. If the
337 owner of the pole denies consent, the person requesting to attach the

338 object may, within thirty days of receiving notice of the denial, seek
339 approval from the Department of Public Utility Control to attach the
340 object. The department shall approve or deny such request and, if
341 necessary, establish conditions under which the object may be attached
342 to the pole. If any attachment is made, the company or provider
343 owning the pole may charge the requesting person a reasonable fee to
344 effect the attachment and a reasonable fee for its on-going attachment.
345 Any person that attaches an object to a pole in violation of this
346 subsection shall be fined not more than fifty dollars for each offense.

347 [(b)] (c) Any person, firm or corporation, other than a tree warden or
348 deputy tree warden, who removes, prunes, injures or defaces any
349 shrub or ornamental or shade tree, within the limits of a public way or
350 grounds, without the legal right or written permission of the town tree
351 warden, the borough tree warden, the city forester, the Commissioner
352 of Transportation, the Department of Public Utility Control or other
353 authority having jurisdiction, shall be fined not more than the
354 appraised value of the shrub or tree and shall be liable civilly for
355 damages in any action brought by the property owner or the authority
356 having jurisdiction affected thereby. The appraised value shall be
357 determined by the town tree warden, the borough tree warden, the
358 city forester, the Commissioner of Transportation, the Department of
359 Public Utility Control or other authority having jurisdiction and shall
360 be determined in accordance with regulations adopted by the
361 Commissioner of Environmental Protection. The commissioner shall
362 adopt regulations, in accordance with the provisions of chapter 54, to
363 develop guidelines for such plant appraisal. The regulations may
364 incorporate by reference the latest revision of The Guide for Plant
365 Appraisal, as published by the International Society of Arboriculture,
366 Urbana, Illinois. Until such time as regulations are adopted, appraisals
367 may be made in accordance with said Guide for Plant Appraisal.

368 [(c)] (d) Any person, firm or corporation which deposits or throws
369 any advertisement within the limits of any public way or grounds, or
370 upon private premises or property, unless the same is left at the door

371 of the residence or place of business of the occupant of such premises
372 or property, or deposits or throws any refuse paper, camp or picnic
373 refuse, junk or other material within the limits of any public way or
374 grounds, except at a place designated for that purpose by the authority
375 having supervision and control of such public way or grounds, or
376 upon private premises or property without permission of the owner
377 thereof, or affixes to or maintains upon any tree, rock or other natural
378 object within the limits of a public way or grounds any paper or
379 advertisement other than notices posted in accordance with the
380 provisions of the statutes, or affixes to or maintains, upon the property
381 of another without his consent, any word, letter, character or device
382 intended to advertise the sale of any article, shall be fined not more
383 than fifty dollars or imprisoned not more than six months or both for
384 each offense.

385 [(d)] (e) The removal, pruning or wilful injury of any shrub or
386 ornamental or shade tree, or the use of climbing spurs upon any
387 ornamental or shade tree without the consent of the tree warden or of
388 the officer with similar duties or the affixing of any playbill, picture,
389 notice, advertisement or other similar thing concerning the business or
390 affairs of any person, firm or corporation, to a pole, shrub, tree, rock or
391 other natural object, within the limits of any public way or grounds in
392 violation of the provisions of this section by an agent or employee of
393 such person, firm or corporation, shall be deemed to be the act of such
394 person, firm or corporation, and such person, or any member of such
395 firm or any officer of such corporation, as the case may be, shall be
396 subject to the penalty herein provided, unless such act is shown to
397 have been done without his knowledge or consent.

398 [(e)] (f) The affixing of each individual playbill, picture, notice,
399 advertisement or other similar thing to a pole, shrub, tree, rock or
400 other natural object, or the wilful removing, pruning, injuring or
401 defacing of each shrub or tree, or the throwing of each individual
402 advertisement or lot of refuse paper or other material within the limits
403 of any public way or grounds or on private premises, shall constitute a

404 separate violation of the provisions of this section. Nothing in this
405 section shall affect the authority of a tree warden, either by himself or
406 by a person receiving a written permit from him, to remove, prune or
407 otherwise deal with a shrub or tree under his jurisdiction.

408 [(f)] (g) Any person, firm or corporation, other than a tree warden or
409 his deputy, who desires the cutting or removal, in whole or in part, of
410 any tree or shrub or part thereof within the limits of any public road or
411 grounds, may apply in writing to the town tree warden, the borough
412 tree warden or the Commissioner of Transportation or other authority
413 having jurisdiction thereof for a permit so to do. Upon receipt of such
414 permit, but not before, he may proceed with such cutting or removal.
415 Before granting or denying such permit, such authority may hold a
416 public hearing as provided in section 23-59, and when the applicant is
417 a public utility corporation, the party aggrieved by such decision may,
418 within ten days, appeal therefrom to the Department of Public Utility
419 Control, which shall have the power to review, confirm, change or set
420 aside the decision appealed from and its decision shall be final. This
421 shall be in addition to the powers granted to it under section 16-234,
422 provided, if an application for such permit has been made to either a
423 tree warden or the Commissioner of Transportation or other authority
424 and denied by him, an application for a permit for the same relief shall
425 not be made to any other such authority. Upon any approval of such a
426 permit by the Commissioner of Transportation, he shall notify the tree
427 warden for the town in which the tree is located. Upon any approval of
428 such a permit by the Commissioner of Transportation, the permittee
429 shall notify the tree warden for the town in which the tree is located
430 prior to cutting any such tree.

431 Sec. 15. Subsection (a) of section 23-75 of the general statutes is
432 repealed and the following is substituted in lieu thereof (*Effective*
433 *October 1, 2002*):

434 (a) The Commissioner of Environmental Protection shall acquire
435 land by purchase, gift or devise for the purposes set forth in section 23-

436 74. The title to any land acquired pursuant to sections 23-73 to 23-79,
437 inclusive, shall be vested in the state. In determining whether sites
438 shall be acquired, the department shall consider whether the site is: (1)
439 Identified as having high priority recreation, forestry, fishery, wildlife
440 or conservation value, including, but not limited to, the conservation of
441 grasslands and as being consistent with the state comprehensive plan
442 for outdoor recreation and the state plan of conservation and
443 development; (2) a prime natural feature of the Connecticut landscape,
444 such as a major river, its tributaries and watershed, mountainous
445 territory, an inland or coastal wetland, a significant littoral or estuarine
446 or aquatic site or any other important geologic feature; (3) habitat for
447 native plant or animal species listed as threatened or endangered or of
448 special concern in the data base or pursuant to the program established
449 under section 26-305, particularly areas identified as essential habitat
450 for such species; (4) a relatively undisturbed outstanding example of a
451 native ecological community which is now uncommon; or (5)
452 threatened with conversion to incompatible uses or contains sacred
453 sites or archaeological sites of state or national importance. In
454 acquiring a site that has been identified as having a high priority
455 recreation value, the department shall give priority to sites near
456 population centers.

457 Sec. 16. Subsection (f) of section 25-32 of the general statutes is
458 repealed and the following is substituted in lieu thereof (*Effective July*
459 *1, 2002*):

460 (f) Nothing in this section shall prevent the lease or change in use of
461 water company land to allow for recreational purposes that do not
462 require intense development or improvements for water supply
463 purposes, for leases of existing structures, or for radio towers or
464 telecommunications antennas on existing structures. For purposes of
465 this subsection, intense development includes golf courses, driving
466 ranges, tennis courts, ballfields, swimming pools and uses by
467 motorized vehicles, provided trails or pathways for pedestrians,
468 motorized wheelchairs or nonmotorized vehicles shall not be

469 considered intense development. In executing a lease of an existing
470 structure pursuant to this subsection, a water company may grant an
471 easement, declaration of covenant or a declaration of preservation
472 restriction to the state, through the Connecticut Historical Commission
473 or any state agency, to effect a preservation restriction, as defined in
474 section 47-42a that is required as a condition to granting the lessee a
475 grant-in-aid pursuant to section 10-320d or similar subsequent grant-
476 in-aid program. A water company may grant the state a lien on such
477 leased structures to secure repayment of any grant-in-aid upon the
478 failure by the lessee to fulfill the terms of the grant.

479 Sec. 17. Subsection (e) of section 25-43c of the general statutes is
480 repealed and the following is substituted in lieu thereof (*Effective*
481 *October 1, 2002*):

482 (e) No water company complying with the provisions of this section
483 that permits any recreational activity on any lands or waters which
484 such company owns, controls or has the right to use in carrying out its
485 operations shall be liable in damages except with respect to wilful or
486 wanton conduct for injury or property damage to any person who
487 enters upon [its] such lands or waters. [under the provisions of this
488 section.]

489 Sec. 18. (NEW) (*Effective October 1, 2002*) (a) No owner of real
490 property shall be liable for any costs or damages pursuant to any
491 provision of the general statutes or common law to any person other
492 than this state, any other state or the federal government, with respect
493 to any pollution or source of pollution on or emanating from such
494 owner's real property that occurred or existed prior to such owner
495 taking title to such property, provided:

496 (1) The owner did not establish or create a condition or facility at or
497 on such property that reasonably can be expected to create a source of
498 pollution to the waters of the state for purposes of section 22a-432 of
499 the general statutes and such owner is not responsible pursuant to any
500 other provision of the general statutes for creating any pollution or

501 source of pollution on such property;

502 (2) The owner is not affiliated with any person responsible for such
503 pollution or source of pollution through any direct or indirect familial
504 relationship, or any contractual, corporate or financial relationship
505 other than that by which such owner's interest in the property was
506 conveyed or financed; and

507 (3) The Commissioner of Environmental Protection has approved in
508 writing: (A) An investigation of the pollution and sources of pollution
509 on or emanating from the real property which pollution or sources of
510 pollution occurred prior to such owner's taking title to such property,
511 conducted in accordance with the prevailing standards and guidelines
512 which investigation was conducted by an environmental professional
513 licensed in accordance with section 22a-133v of the general statutes;
514 and (B) a final remedial action report prepared by a licensed
515 environmental professional that demonstrates that remediation of such
516 pollution and sources of pollution was completed in accordance with
517 the remediation standards in regulations adopted pursuant to section
518 22a-133k of the general statutes.

519 (b) This section shall not relieve any such liability where (1) an
520 owner failed to file or comply with the provisions of an environmental
521 land use restriction created pursuant to section 22a-133o of the general
522 statutes for such real property or with the conditions of a variance for
523 the real property that was approved by the commissioner in
524 accordance with regulations adopted pursuant to section 22a-133k of
525 the general statutes, or (2) the commissioner, at any time, determines
526 that an owner provided information that it knew or had reason to
527 know was false or misleading or otherwise failed to satisfy all of the
528 requirements of subsection (a) of this section. Nothing in this section
529 shall be construed to relieve an owner of any liability for pollution or
530 sources of pollution on or emanating from such property that occurred
531 or were created after the owner took title to such property.

532 Sec. 19. (NEW) (*Effective October 1, 2002*) (a) As used in this section,

533 "release" means any discharge, uncontrolled loss, seepage, filtration,
 534 leakage, injection, escape, dumping, pumping, pouring, emitting,
 535 emptying or disposal of a hazardous waste, as defined in section 22a-
 536 115 of the general statutes, as amended by this act, or a hazardous
 537 constituent, as defined in said section 22a-115.

538 (b) The Commissioner of Environmental Protection shall not issue
 539 an order to a hazardous waste facility, as defined in section 22a-115 of
 540 the general statutes, as amended by this act, for the investigation or
 541 remediation of a release at or emanating from the facility if such
 542 facility has completed or is completing an investigation or remediation
 543 pursuant to section 22a-133x, 22a-133y, 22a-134 to 22a-134e, inclusive,
 544 as amended, or 22a-432 of the general statutes or pursuant to the
 545 Resource Recovery and Authority Act, except where such investigation
 546 or remediation pursuant to the Resource Recovery and Authority Act
 547 is performed pursuant to a delegation of corrective action authority
 548 from the federal Environmental Protection Agency.

549 (c) The commissioner shall not issue an order to a hazardous waste
 550 facility, as defined in section 22a-115 of the general statutes, as
 551 amended by this act, for the investigation or remediation of a release at
 552 or emanating from the facility if such facility has closed in accordance
 553 with 40 CFR Part 264, Subpart G or 40 CFR Part 265, Subpart G.

554 Sec. 20. (*Effective from passage*) The name of Morrissey Brook in the
 555 town of New Milford shall be changed to
 556 Naromiyocknowhusunkatankshunk Brook.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>July 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>July 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>from passage</i>

Statement of Purpose:

To make technical revisions to environmental statutes, to protect a purchaser of land from liability for pollution which occurred prior to the purchase, to prevent the Commissioner of Environmental Protection from issuing an order to a hazardous waste facility to investigate or remediate the facility where such facility has already done so pursuant to state or federal law, to rename Morrissey Brook in the town of New Milford.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]