



General Assembly

January Session, 2003

Raised Bill No. 6546

LCO No. 3835

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THIRD-PARTY LIABILITY FOR
CONTAMINATED PROPERTY.***

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

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) No owner of real
2 property shall be liable for any costs or damages pursuant to any
3 provision of the general statutes or common law to any person other
4 than this state, any other state or the federal government, with respect
5 to any pollution or source of pollution on or emanating from such
6 owner's real property that occurred or existed prior to such owner
7 taking title to such property, provided:

8 (1) The owner did not establish or create a condition or facility at or
9 on such property that reasonably can be expected to create a source of
10 pollution to the waters of the state for purposes of section 22a-432 of
11 the general statutes and such owner is not responsible pursuant to any
12 other provision of the general statutes for creating any pollution or
13 source of pollution on such property;

14 (2) The owner is not affiliated with any person responsible for such
15 pollution or source of pollution through any direct or indirect familial

16 relationship, or any contractual, corporate or financial relationship
17 other than that by which such owner's interest in the property was
18 conveyed or financed; and

19 (3) The Commissioner of Environmental Protection has approved in
20 writing: (A) An investigation of the pollution and sources of pollution
21 on or emanating from the real property which pollution or sources of
22 pollution occurred prior to such owner's taking title to such property,
23 conducted in accordance with the prevailing standards and guidelines
24 which investigation was conducted by an environmental professional
25 licensed in accordance with section 22a-133v of the general statutes;
26 and (B) a final remedial action report prepared by a licensed
27 environmental professional that demonstrates that remediation of such
28 pollution and sources of pollution was completed in accordance with
29 the remediation standards in regulations adopted pursuant to section
30 22a-133k of the general statutes.

31 (b) This section shall not relieve any such liability where (1) an
32 owner failed to file or comply with the provisions of an environmental
33 land use restriction created pursuant to section 22a-133o of the general
34 statutes for such real property or with the conditions of a variance for
35 the real property that was approved by the commissioner in
36 accordance with regulations adopted pursuant to section 22a-133k of
37 the general statutes, or (2) the commissioner, at any time, determines
38 that an owner provided information that it knew or had reason to
39 know was false or misleading or otherwise failed to satisfy all of the
40 requirements of subsection (a) of this section. Nothing in this section
41 shall be construed to relieve an owner of any liability for pollution or
42 sources of pollution on or emanating from such property that occurred
43 or were created after the owner took title to such property.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

Statement of Purpose:

To protect a purchaser of land from liability for pollution that occurred prior to purchase.

[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.]