



General Assembly

Substitute Bill No. 6546

January Session, 2003

**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 report of the pollution and sources of
21 pollution on or emanating from the real property which pollution or
22 sources of pollution occurred prior to such owner's taking title to such
23 property, conducted in accordance with the prevailing standards and
24 guidelines which investigation was conducted by an environmental
25 professional licensed in accordance with section 22a-133v of the
26 general statutes; and (B) a final remedial action report prepared by a
27 licensed environmental professional that demonstrates that
28 remediation of such pollution and sources of pollution was completed
29 in accordance with the remediation standards in regulations adopted
30 pursuant to section 22a-133k of the general statutes. Such reports shall
31 be forwarded, by certified mail, to the owners of the adjoining
32 properties.

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

This act shall take effect as follows:	
Section 1	October 1, 2003

ENV

Joint Favorable Subst. C/R

JUD