



General Assembly

Amendment

February Session, 2004

LCO No. 5381

SB0050105381HRO

Offered by:
REP. HAMZY, 78th Dist.

To: Subst. Senate Bill No. 501 File No. 266 Cal. No. 562

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING THE RETENTION OF JOBS IN
CONNECTICUT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) No owner of real
4 property shall be liable for any costs or damages pursuant to any
5 provision of the general statutes or common law to any person other
6 than this state, any other state or the federal government, with respect
7 to any pollution or source of pollution on or emanating from such
8 owner's real property that occurred or existed prior to such owner
9 taking title to such property, provided:

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

14 other provision of the general statutes for creating any pollution or
15 source of pollution on such property;

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

21 (3) The Commissioner of Environmental Protection has approved in
22 writing: (A) An investigation report regarding such pollution or
23 sources of pollution, provided the investigation was conducted in
24 accordance with the prevailing standards and guidelines by an
25 environmental professional licensed in accordance with section 22a-
26 133v of the general statutes, as amended; and (B) a final remedial
27 action report prepared by a licensed environmental professional that
28 demonstrates that remediation of such pollution and sources of
29 pollution was completed in accordance with the remediation standards
30 in regulations adopted pursuant to section 22a-133k of the general
31 statutes. Prior to the initiation of an investigation or a remediation
32 undertaken to meet the criteria of this section, an owner of the subject
33 real property shall notify, by certified mail, the owners of the adjoining
34 properties of such initiation. Such reports shall be forwarded, by
35 certified mail, to the owners of the adjoining properties.

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

47 pollution or sources of pollution on or emanating from such property
48 that occurred or were created after the owner took title to such
49 property. Nothing in this section shall be construed to hold an
50 innocent landowner, as defined in section 22a-452d of the general
51 statutes, who meets the requirements of this section liable to this state
52 for costs or damages in an amount greater than the amount that an
53 innocent landowner may be held liable pursuant to section 22a-432 of
54 the general statutes.

55 (c) If an owner of real property is found to be liable under this
56 section because the owner is affiliated with the person responsible for
57 the pollution or source of pollution, as provided in subdivision (2) of
58 subsection (a) of this section, such owner shall be liable for a civil
59 penalty of one hundred thousand dollars or the cost of remediating the
60 pollution or source of pollution, whichever is greater."