



General Assembly

**Amendment**

January Session, 2007

LCO No. 6957

**\*HB0703206957HRO\***

Offered by:

REP. STRIPP, 135<sup>th</sup> Dist.

REP. WILLIAMS, 68<sup>th</sup> Dist.

REP. KLARIDES, 114<sup>th</sup> Dist.

To: Subst. House Bill No. 7032

File No. 330

Cal. No. 283

**"AN ACT CONCERNING THE RETENTION OF STATE JOBS."**

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

3 "Sec. 501. (NEW) (*Effective October 1, 2007*) (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; and (B) a final remedial action report  
27 prepared by a licensed environmental professional that demonstrates  
28 that remediation of such pollution and sources of pollution was  
29 completed in accordance with the remediation standards in  
30 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."