



General Assembly

Substitute Bill No. 1106

January Session, 2009

* SB01106ENV 032009 *

**AN ACT CONCERNING THE PROCESS OF REMEDIATION OF
RELEASES OF HAZARDOUS WASTE AND HAZARDOUS
SUBSTANCES.**

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

1 Section 1. Section 22a-6u of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) For the purposes of this section and sections 2, 3 and 4 of this act:

4 (1) "Commissioner" means the Commissioner of Environmental
5 Protection, or his designee;

6 (2) "Parcel" means a piece, tract or lot of land, together with
7 buildings and other improvements situated thereon, a legal description
8 of which piece, parcel, tract or lot is contained in a deed or other
9 instrument of conveyance and which piece, tract or lot is not the
10 subject of an order or consent order of the commissioner which
11 involves requirements for investigation or reporting regarding
12 environmental contamination;

13 (3) "Person" means person, as defined in section 22a-2;

14 (4) "Pollution" means pollution, as defined in section 22a-423;

15 (5) "Release" means any discharge, uncontrolled loss, seepage,

16 filtration, leakage, injection, escape, dumping, pumping, pouring,
17 emitting, emptying or disposal of oil or petroleum or chemical liquids
18 or solids, liquid or gaseous products or hazardous wastes;

19 (6) "Residential activity" means any activity related to (A) a
20 residence or dwelling, including, but not limited to, a house,
21 apartment, or condominium, or (B) a school, hospital, day care center,
22 playground or outdoor recreational area;

23 (7) "Substance" means an element, compound or material which,
24 when added to air, water, soil or sediment, may alter the physical,
25 chemical, biological or other characteristics of such air, water, soil or
26 sediment;

27 (8) "Upgradient direction" means in the direction of an increase in
28 hydraulic head; and

29 (9) "Technical environmental professional" means an individual,
30 including, but not limited to, an environmental professional licensed
31 pursuant to section 22a-133v, who collects soil, water, vapor or air
32 samples for purposes of investigating and remediating sources of
33 pollution to soil or waters of the state and who may be directly
34 employed by, or retained as a consultant by, a public or private
35 employer.

36 (b) (1) If a technical environmental professional determines in the
37 course of investigating or remediating pollution after October 1, 1998,
38 which pollution is on or emanating from a parcel, that such pollution is
39 causing or has caused contamination of a public or private drinking
40 water well with a substance for which the Commissioner of
41 Environmental Protection has established a ground water protection
42 criterion in regulations adopted pursuant to section 22a-133k, as
43 amended by this act, at a concentration above the ground water
44 protection criterion for such substance, such professional shall notify
45 his client and the owner of the parcel, if the owner can reasonably be
46 identified, not later than twenty-four hours after determining that the
47 contamination exists. If, seven days after such determination, the

48 owner of the subject parcel has not notified the commissioner, the
49 client of the professional shall notify the commissioner. If the owner
50 notifies the commissioner, the owner shall provide documentation to
51 the client of the professional which verifies that the owner has notified
52 the commissioner.

53 (2) The owner of a parcel on which exists a source of contamination
54 to soil or waters of the state shall notify the commissioner if such
55 owner becomes aware that such pollution is causing or has caused
56 contamination of a private or public drinking water well with a
57 substance for which the commissioner has established a ground water
58 protection criterion in regulations adopted pursuant to section 22a-
59 133k, as amended by this act, at a concentration at or above the ground
60 water protection criterion for such substance. Notice under this section
61 shall be given to the commissioner (A) orally, not later than one
62 business day after such person becomes aware that the contamination
63 exists, and (B) in writing, not later than five days after such oral notice.

64 (c) (1) If a technical environmental professional determines in the
65 course of investigating or remediating pollution after October 1, 1998,
66 which pollution is on or emanating from a parcel, that such pollution is
67 causing or has caused contamination of a public or private drinking
68 water well with: (A) A substance for which the commissioner has
69 established a ground water protection criterion in regulations adopted
70 pursuant to section 22a-133k, as amended by this act, at a
71 concentration less than such ground water protection criterion for such
72 substance; or (B) any other substance resulting from the release which
73 is the subject of the investigation or remediation, such professional
74 shall notify his client and the owner of the parcel, if the owner can
75 reasonably be identified, not later than seven days after determining
76 that the contamination exists.

77 (2) The owner of a parcel on which exists a source of pollution to
78 soil or the waters of the state shall notify the commissioner if such
79 owner becomes aware that such pollution is causing or has caused
80 contamination of a private or public drinking water well with: (A) A

81 substance for which the commissioner has established a ground water
82 protection criterion in regulations adopted pursuant to section 22a-
83 133k, as amended by this act, at a concentration less than such ground
84 water protection criterion for such substance; or (B) any other
85 substance which was part of the release which caused such pollution.
86 Notice under this subdivision shall be given in writing not later than
87 seven days after the time such person becomes aware that the
88 contamination exists.

89 (d) (1) If a technical environmental professional determines in the
90 course of investigating or remediating pollution after October 1, 1998,
91 which pollution is on or emanating from a parcel, that such pollution
92 of soil within two feet of the ground surface contains a substance,
93 except for total petroleum hydrocarbon, at a concentration at or above
94 thirty times the industrial/commercial direct exposure criterion for
95 such substance if the parcel is in industrial or commercial use, or the
96 residential direct exposure criterion if the parcel is in residential use,
97 which criteria are specified in regulations adopted pursuant to section
98 22a-133k, as amended by this act, such professional shall notify his
99 client and the owner of the parcel, if such owner is reasonably
100 identified, not later than seven days after determining that the
101 contamination exists, except that notice will not be required if the land-
102 use of such parcel is not residential activity and the substance is one of
103 the following: Acetone, 2-butanone, chlorobenzene, 1,2-
104 dichlorobenzene, 1,3-dichlorobenzene, 1,1-dichloroethane, cis-1,2-
105 dichloroethylene, trans-1,2-dichloroethylene, ethylbenzene, methyl-
106 tert-butyl-ether, methyl isobutyl ketone, styrene, toluene, 1,1,1-
107 trichloroethane, xylenes, acenaphthylene, anthracene, butyl benzyl
108 phthalate, 2-chlorophenol, di-n-butyl phthalate, di-n-octyl phthalate,
109 2,4-dichlorophenol, fluoranthene, fluorene, naphthalene,
110 phenanthrene, phenol and pyrene.

111 (2) The owner of the subject parcel shall notify the commissioner in
112 writing not later than ninety days after the time such owner becomes
113 aware that the contamination exists except that notification will not be
114 required if by the end of said ninety days: (A) The contaminated soil is

115 remediated in accordance with regulations adopted pursuant to
116 section 22a-133k, as amended by this act; (B) the contaminated soil is
117 inaccessible soil as that term is defined in regulations adopted
118 pursuant to section 22a-133k, as amended by this act; or (C) the
119 contaminated soil which exceeds thirty times such criterion is treated
120 or disposed of in accordance with all applicable laws and regulations.

121 (e) (1) If a technical environmental professional determines in the
122 course of investigating or remediating pollution after October 1, 1998,
123 which pollution is on or emanating from a parcel, that such pollution is
124 causing or has caused ground water within fifteen feet beneath an
125 industrial or commercial building to be contaminated with a volatile
126 organic substance at a concentration at or above thirty times the
127 industrial/commercial volatilization criterion for ground water for
128 such substance or, if such contamination is beneath a residential
129 building, at a concentration at or above thirty times the residential
130 volatilization criterion, which criteria are specified in regulations
131 adopted pursuant to section 22a-133k, as amended by this act, such
132 professional shall, not later than seven days after determining that the
133 contamination exists, notify his client and the owner of the subject
134 parcel, if such owner can reasonably be identified.

135 (2) The owner of such parcel shall notify the commissioner in
136 writing not later than thirty days after such person becomes aware that
137 the contamination exists except that notification is not required if: (A)
138 The concentration of such substance in the soil vapor beneath such
139 building is at or below thirty times the soil vapor volatilization
140 criterion, appropriate for the land-use for the parcel, for such
141 substance as specified in regulations adopted pursuant to section 22a-
142 133k, as amended by this act; (B) the concentration of such substance in
143 groundwater is below thirty times a site-specific volatilization criterion
144 for ground water for such substance calculated in accordance with
145 regulations adopted pursuant to section 22a-133k, as amended by this
146 act; (C) ground water volatilization criterion, appropriate for the land-
147 use of the parcel, for such substance specified in regulations adopted
148 pursuant to section 22a-133k, as amended by this act, is fifty thousand

149 parts per billion; or (D) not later than thirty days after the time such
150 person becomes aware that the contamination exists, an indoor air
151 monitoring program is initiated in accordance with subdivision (3) of
152 this subsection.

153 (3) An indoor air quality monitoring program for the purposes of
154 this subsection shall consist of sampling of indoor air once every two
155 months for a duration of not less than one year, sampling of indoor air
156 immediately overlying such contaminated ground water, and analysis
157 of air samples for any volatile organic substance which exceeded thirty
158 times the volatilization criterion as specified in or calculated in
159 accordance with regulations adopted pursuant to section 22a-133k, as
160 amended by this act. The owner of the subject parcel shall notify the
161 commissioner if: (A) The concentration in any indoor air sample
162 exceeds thirty times the target indoor air concentration, appropriate for
163 the land-use of the parcel, as specified in regulations adopted pursuant
164 to section 22a-133k, as amended by this act; or (B) the indoor air
165 monitoring program is not conducted in accordance with this
166 subdivision. Notice shall be given to the commissioner in writing not
167 later than seven days after the time such person becomes aware that
168 such a condition exists.

169 (f) (1) If a technical environmental professional determines in the
170 course of investigating or remediating pollution after October 1, 1998,
171 which pollution is on or emanating from a parcel, that such pollution is
172 causing or has caused contamination of ground water which is
173 discharging to surface water and such ground water is contaminated
174 with a substance for which an acute aquatic life criterion is listed in
175 appendix D of the most recent water quality standards adopted by the
176 commissioner at a concentration which exceeds ten times (A) such
177 criterion for such substance in said appendix D, or (B) such criterion
178 for such substance times a site specific dilution factor calculated in
179 accordance with regulations adopted pursuant to section 22a-133k, as
180 amended by this act, such professional shall notify his client and the
181 owner of such parcel, if such owner can reasonably be identified, not
182 later than seven days after determining that the contamination exists.

183 (2) The owner of such parcel shall notify the commissioner in
184 writing not later than seven days after the time such person becomes
185 aware that the contamination exists except that notice shall not be
186 required if such person knows that the polluted discharge at that
187 concentration has been reported to the commissioner in writing within
188 the preceding year.

189 (g) (1) If a technical environmental professional determines in the
190 course of investigating or remediating pollution after October 1, 1998,
191 which pollution is on or emanating from a parcel, that such pollution is
192 causing or has caused contamination of ground water within five
193 hundred feet in an upgradient direction of a private or public drinking
194 water well which ground water is contaminated with a substance
195 resulting from a release for which the commissioner has established a
196 ground water protection criterion in regulations adopted pursuant to
197 section 22a-133k, as amended by this act, at a concentration at or above
198 the ground water protection criterion for such substance, such
199 technical environmental professional shall notify his client and the
200 owner of the subject parcel, if such owner can reasonably be identified,
201 not later than seven days after determining that the contamination
202 exists.

203 (2) The owner of the subject parcel shall notify the commissioner in
204 writing not later than seven days after the time such owner becomes
205 aware that the contamination exists.

206 (h) (1) If a technical environmental professional determines in the
207 course of investigating or remediating pollution after October 1, 1998,
208 which pollution is on or emanating from a parcel, that such pollution is
209 causing or has caused polluted vapors emanating from polluted soil,
210 groundwater or free product which vapors are migrating into
211 structures or utility conduits and which vapors pose an explosion
212 hazard, such technical environmental professional shall immediately
213 notify his client and the owner of the subject parcel, if such owner can
214 reasonably be identified, not later than twenty-four hours after
215 determining that the vapor condition exists. If the owner of such parcel

216 fails to notify the commissioner in accordance with this subsection,
217 such client shall notify the commissioner. If the owner notifies the
218 commissioner, the owner shall provide documentation to the client of
219 the professional which verifies that the owner has notified the
220 commissioner.

221 (2) The owner of such parcel shall orally notify the commissioner
222 and the local fire department immediately and under all circumstances
223 not later than two hours after the time a technical environmental
224 professional notifies the owner that the vapor condition exists, and
225 shall notify the commissioner in writing not later than five days after
226 such oral notice.

227 [(i) In the event the commissioner orders the testing of any private
228 drinking well, and such testing indicates that the water exceeds a
229 maximum contaminant level applicable to public water supply
230 systems for any contaminant listed in the Public Health Code or for
231 any contaminant listed on the state drinking water action level list
232 established pursuant to section 22a-471, the commissioner shall require
233 the respondent to such order to provide written notification of the
234 results of any testing conducted pursuant to such order not later than
235 twenty-four hours after said respondent receives such results to the
236 following: (1) The owner of record of the property upon which any
237 such private drinking well is located, (2) the local director of public
238 health, (3) any person that files a request with the local director of
239 public health to receive such notification, and (4) any other person the
240 commissioner specifically identifies in such order. Not later than
241 twenty-four hours after receiving such notification, such owner shall
242 forward a copy of such notification to at least one tenant of each unit of
243 any leased or rented dwelling unit located on such property and each
244 lessee of such property. Not later than three days after receiving such
245 notification, the local director of public health shall take all reasonable
246 steps to verify that such owner forwarded the notice required pursuant
247 to this subsection.

248 (j) All notices, oral or written, provided under this section shall

249 include the nature of the contamination or condition, the address of the
250 property where the contamination or condition is located, the location
251 of such contamination or condition, any property known to be affected
252 by such contamination or condition, any steps being taken to abate,
253 remediate or monitor such contamination or condition, and the name
254 and address of the person making such notification. Written
255 notification shall be clearly marked as notification required by this
256 section and shall be either personally delivered to the Water
257 Management Bureau of the Department of Environmental Protection
258 or sent by certified mail, return receipt requested, to the Water
259 Management Bureau of the Department of Environmental Protection.

260 (k) The commissioner shall provide written acknowledgment of
261 receipt of a written notice pursuant to this section not later than ten
262 days after receipt of such notice. Such acknowledgment shall be
263 accompanied by (1) a statement that the owner of the parcel has up to
264 ninety days within which to submit to the commissioner a plan to
265 remediate or abate the contamination or condition. If such plan is not
266 submitted or is not approved by the commissioner, the commissioner
267 shall prescribe the action to be taken, or (2) a directive as to action
268 required to remediate or abate the contamination or condition. If a
269 plan is submitted which details actions to be taken, or a report is
270 submitted which details actions taken, to mitigate the contamination or
271 conditions such that notice under this section would not be required,
272 and such plan or report is acceptable to the commissioner, the
273 commissioner shall approve such plan or report in writing. When
274 actions implementing an approved plan are completed, the
275 commissioner shall issue a certificate of compliance.

276 (l) An owner who has submitted written notice pursuant to this
277 section shall, not later than five days after the commencement of an
278 activity by any person that increases the likelihood of human exposure
279 to known contaminants, including, but not limited to, construction,
280 demolition, significant soil disruption or the installation of utilities,
281 post such notice in a conspicuous place on such property and, in the
282 case of a place of business, in a conspicuous place inside the place of

283 business. An owner who violates this subsection shall pay a civil
284 penalty of one hundred dollars for each offense. Each violation shall be
285 a separate and distinct offense and, in the case of a continuing
286 violation, each day's continuance thereof shall be deemed to be a
287 separate and distinct offense. The Attorney General, upon complaint of
288 the commissioner, shall institute an action in the superior court for the
289 judicial district of Hartford to recover such penalty.

290 (m) Not later than ten days after receipt of any written notice
291 received under this section, the commissioner shall: (1) Forward a copy
292 of such notice to the chief elected official of the municipality in which
293 the subject pollution was discovered by the technical environmental
294 professional, (2) forward a copy of such notice to the state senator and
295 state representative representing the area in which the subject
296 pollution was discovered by the technical environmental professional,
297 (3) forward a copy of such notice to the Labor Commissioner where the
298 Division of Occupational Safety and Health, within the Labor
299 Department, has jurisdiction over the employers, employees and
300 places of employment on the subject property, (4) forward a copy of
301 such notice to the employee representatives who request such reports,
302 (5) forward a copy of such notice to the federal Occupational Safety
303 and Health Administration, and (6) maintain a list on the department's
304 Internet web site of all the notices received under this section.]

305 [(n)] (i) Nothing in this section and no action taken by any person
306 pursuant to this section shall affect the commissioner's authority under
307 any other statute or regulation.

308 [(o)] (j) Nothing in this section shall excuse a person from complying
309 with the requirements of any statute or regulation except the
310 commissioner may waive the requirements of the regulations adopted
311 under section 22a-133k, as amended by this act, if [he] the
312 commissioner determines that it is necessary to ensure that timely and
313 appropriate action is taken to mitigate or minimize any of the
314 conditions described in subsections (b) to (h), inclusive, of this section.

315 Sec. 2. (NEW) (*Effective October 1, 2009*) In the event the
316 commissioner orders the testing of any private drinking well, and such
317 testing indicates that the water exceeds a maximum contaminant level
318 applicable to public water supply systems for any contaminant listed
319 in the Public Health Code or for any contaminant listed on the state
320 drinking water action level list established pursuant to section 22a-471
321 of the general statutes, the commissioner shall require the respondent
322 to such order to provide written notification of the results of any
323 testing conducted pursuant to such order not later than twenty-four
324 hours after such respondent receives such results to the following: (1)
325 The owner of record of the property upon which any such private
326 drinking well is located, (2) the local director of public health, (3) any
327 person that files a request with the local director of public health to
328 receive such notification, and (4) any other person the commissioner
329 specifically identifies in such order. Not later than twenty-four hours
330 after receiving such notification, such owner shall forward a copy of
331 such notification to at least one tenant of each unit of any leased or
332 rented dwelling unit located on such property and each lessee of such
333 property. Not later than three days after receiving such notification,
334 the local director of public health shall take all reasonable steps to
335 verify that such owner forwarded the notice required pursuant to this
336 section.

337 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) All notices, oral or
338 written, provided under section 22a-6u of the general statutes, as
339 amended by this act, or section 2 of this act, shall be on a form
340 prescribed by the commissioner and shall include (1) the nature of the
341 contamination or condition, (2) the address of the property where the
342 contamination or condition is located, (3) the location of such
343 contamination or condition, (4) any property known to be affected by
344 such contamination or condition, (5) any steps being taken to abate,
345 remediate or monitor such contamination or condition, and (6) the
346 name and address of the person making such notification. Written
347 notification shall be clearly marked as notification required by this
348 section and shall be either personally delivered to the Department of

349 Environmental Protection or sent by certified mail, return receipt
350 requested, to the Department of Environmental Protection.

351 (b) The commissioner shall provide written acknowledgment of
352 receipt of a written notice pursuant to section 22a-6u of the general
353 statutes, as amended by this act, not later than ten days after receipt of
354 such notice. Such acknowledgment shall be accompanied by (1) a
355 statement that the owner of the parcel has up to ninety days within
356 which to submit to the commissioner a plan for short-term emergency
357 measures to prevent human exposure to the significant hazard or to
358 abate the contamination or condition, or (2) a directive as to action
359 required to abate the contamination or condition or to prevent human
360 exposure. If a plan is submitted which details actions to be taken, or a
361 report is submitted which details actions taken to mitigate the
362 contamination or conditions such that notice under this section would
363 not be required, and such plan or report is acceptable to the
364 commissioner, the commissioner shall approve such plan or report, in
365 writing, as sufficient to address the need for emergency or other short
366 term action. If a plan is not submitted pursuant to this subsection or is
367 not approved by the commissioner, the commissioner shall prescribe
368 the action to be taken.

369 (c) Not later than ten days after receipt of any written notice
370 received under section 22a-6u of the general statutes, as amended by
371 this act, or section 2 of this act, the commissioner shall: (1) Forward a
372 copy of such notice to the chief elected official of the municipality in
373 which the subject pollution was discovered by the technical
374 environmental professional, (2) forward a copy of such notice to the
375 state senator and state representative representing the area in which
376 the subject pollution was discovered by the technical environmental
377 professional, (3) forward a copy of such notice to the Labor
378 Commissioner where the Division of Occupational Safety and Health,
379 within the Labor Department, has jurisdiction over the employers,
380 employees and places of employment on the subject property, (4)
381 forward a copy of such notice to the employee representatives who
382 request such reports, (5) forward a copy of such notice to the federal

383 Occupational Safety and Health Administration, and (6) maintain a list
384 on the department's Internet web site of all the notices received under
385 this section.

386 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) An owner who has
387 submitted written notice pursuant to section 22a-6u of the general
388 statutes, as amended by this act, shall, not later than five days after the
389 commencement of an activity by any person that increases the
390 likelihood of human exposure to known contaminants, including, but
391 not limited to, construction, demolition, significant soil disruption or
392 the installation of utilities, post such notice in a conspicuous place on
393 such property and, in the case of a place of business, in a conspicuous
394 place inside the place of business.

395 (b) An owner who violates any provision of this section shall pay a
396 civil penalty of one hundred dollars for each offense. Each violation
397 shall be a separate and distinct offense and, in the case of a continuing
398 violation, each day's continuance thereof shall be deemed to be a
399 separate and distinct offense. The Attorney General, upon complaint of
400 the commissioner, shall institute an action in the superior court for the
401 judicial district of Hartford to recover such penalty.

402 Sec. 5. (NEW) (*Effective October 1, 2009*) (a) For purposes of this
403 section:

404 (1) "Verification" means the rendering of a written opinion by a
405 licensed environmental professional that an investigation of the release
406 has been performed in accordance with prevailing standards and
407 guidelines and that the release has been remediated in accordance with
408 the regulations adopted pursuant to section 22a-133k of the general
409 statutes, as amended by this act; and

410 (2) "Interim verification" means a written opinion by a licensed
411 environmental professional that (A) states the investigation has been
412 performed in accordance with prevailing standards and guidelines,
413 and (B) identifies the long-term remedy being implemented to achieve
414 groundwater standards, the estimated duration of such remedy and

415 the ongoing operation and maintenance requirements for continued
416 operation of such remedy.

417 (b) On and after October 1, 2009, any owner of a parcel required to
418 notify the commissioner pursuant to section 22a-6u of the general
419 statutes, as amended by this act, shall (1) take short-term emergency
420 measures to prevent human exposure to the significant hazard, and (2)
421 remediate the release for which such notification is required in
422 accordance with this section.

423 (c) Each such owner shall (1) hire a licensed environmental
424 professional to oversee actions required under this subsection, (2) not
425 later than two years from the date notification is required under
426 section 22a-6u of the general statutes, as amended by this act, (A)
427 complete the investigation of the release, or (B) if the investigation
428 demonstrates that the source of the release is from an upgradient
429 property not owned by such owner, (i) complete the investigation on
430 such owner's property, and (ii) submit a complete investigation report,
431 signed by the licensed environmental professional as having been
432 conducted in accordance with prevailing standards and guidelines, to
433 the commissioner, (3) not later than three years after the date such
434 notification is required, (A) prepare a remedial action plan signed by a
435 licensed environmental professional that evaluates potential remedies
436 for the release and selects a remedy, and (B) submit such plan to the
437 commissioner, and (4) not later than six years after such notification is
438 required, complete remediation of the release to comply with
439 regulations adopted pursuant to section 22a-133k of the general
440 statutes, as amended by this act, sufficient to support a verification or
441 interim verification, and submit such verification or an interim
442 verification to the commissioner.

443 (d) Any such owner who submits an interim verification shall, until
444 in compliance with the regulations adopted pursuant to section 22a-
445 133k of the general statutes, as amended by this act, concerning
446 groundwater standards: (1) Operate and maintain the long-term
447 remedy for groundwater in accordance with the remedial action plan

448 approved by the commissioner, the interim verification and any other
449 approvals by the commissioner; (2) prevent exposure to the
450 groundwater plume; and (3) submit annual status reports to the
451 commissioner.

452 (e) Any reports, plans or other documentation submitted to the
453 commissioner in accordance with this section shall be on a form
454 prescribed by the commissioner.

455 (f) (1) The commissioner may conduct an audit of any verification
456 submitted pursuant to this section, but shall not conduct an audit of a
457 final verification of an entire release submitted after three years have
458 passed since the date of the commissioner's receipt of such final
459 verification unless an exception listed in subdivision (3) of this
460 subsection applies. Upon completion of an audit, the commissioner
461 shall send written audit findings to the certifying party and the
462 licensed environmental professional who signed the verification. The
463 three-year time frame for an audit of a final verification of an entire
464 release shall apply to any such final verifications received by the
465 commissioner after October 1, 2009.

466 (2) The commissioner may request additional information during an
467 audit. If such information has not been provided to the commissioner
468 not later than ninety days after the commissioner's request for such
469 information or any longer time as the commissioner may determine, in
470 writing, the commissioner may either (A) suspend the audit, which for
471 a final verification shall suspend the running of the three-year audit
472 time frame until such time as the commissioner receives all the
473 information requested, or (B) complete the audit based upon the
474 information provided in the verification before the request for
475 additional information.

476 (3) The commissioner shall not conduct an audit of a final
477 verification of a release after three years from receipt of such
478 verification pursuant to this subdivision unless (A) the commissioner
479 has reason to believe that a verification was obtained through the

480 submittal of materially inaccurate or erroneous information, or
481 otherwise misleading information material to the verification or that
482 misrepresentations were made in connection with the submittal of the
483 verification, (B) any postverification monitoring or operations and
484 maintenance, is required as part of a verification and which has not
485 been done, (C) the commissioner determines that there has been a
486 violation of section 22a-6u of the general statutes, as amended by this
487 act, or (D) the commissioner determines that information exists
488 indicating that the remediation may have failed to prevent a
489 substantial threat to public health or the environment.

490 (g) The provisions of this section shall not apply to a significant
491 hazard that is caused by a release of heating fuel from an underground
492 tank located on a one to four-family residential property.

493 (h) The commissioner may adopt regulations, in accordance with
494 the provisions of chapter 54 of the general statutes, to carry out the
495 purposes of this section, including, but not limited to, establishing
496 reasonable fees.

497 Sec. 6. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this
498 section: (1) "Verification" means the rendering of a written opinion by a
499 licensed environmental professional that an investigation of the release
500 has been performed in accordance with prevailing standards and
501 guidelines and that the release has been remediated in accordance with
502 the regulations adopted pursuant to section 22a-133k of the general
503 statutes, as amended by this act;

504 (2) "Interim verification" means a written opinion by a licensed
505 environmental professional that (A) states the investigation has been
506 performed in accordance with prevailing standards and guidelines, (B)
507 states the remediation has been completed in accordance with the
508 regulations adopted pursuant to section 22a-133k of the general
509 statutes, as amended by this act, and (C) identifies the long-term
510 remedy being implemented to comply with any regulation concerning
511 groundwater standards, the estimated duration of such remedy and

512 the ongoing operation and maintenance requirements for continued
513 operation of such remedy; and

514 (3) "Release" means any discharge, spillage, uncontrolled loss,
515 seepage or filtration of oil, petroleum or chemical liquids, solid, liquid
516 or gaseous products or hazardous wastes.

517 (b) Any person, firm, corporation or entity that causes any release
518 shall act immediately to contain and remove or mitigate the effects of
519 such release, including, but not limited to, land and water pollution, to
520 the satisfaction of the commissioner.

521 (c) In addition to the requirements of subsection (b) of this section,
522 any person, firm, corporation or entity required to report after October
523 1, 2009, under section 22a-450 of the general statutes, shall remediate
524 any reportable release to land or waters of the state of a material that
525 contains any hazardous substance or hazardous waste, as such terms
526 are defined in section 22a-134 of the general statutes, as amended by
527 this act, as follows: (1) Hire a licensed environmental professional to
528 oversee actions required under this subsection, (2) not later than two
529 years from the date notification is required under section 22a-450 of
530 the general statutes, complete the investigation of the nature and
531 extent of the release and submit a complete investigation report to the
532 Commissioner of Environmental Protection, signed by a licensed
533 environmental professional certifying the investigation was conducted
534 in accordance with prevailing standards and guidelines, (3) not later
535 than three years from the date notification is required under section
536 22a-450 of the general statutes, prepare and submit to the
537 commissioner a remedial action plan signed by a licensed
538 environmental professional that evaluates potential remedies for the
539 release and selects a preferred remedy, and (4) not later than six years
540 from the date notification is required under section 22a-450 of the
541 general statutes, complete the remediation to comply with the
542 regulations adopted pursuant to section 22a-133k of the general
543 statutes, as amended by this act, sufficient to support a verification or
544 interim verification, and submit either a verification or an interim

545 verification to the commissioner.

546 (d) Any person who submits an interim verification shall operate
547 and maintain the long-term remedy for groundwater in accordance
548 with the remedial action plan, the interim verification and any
549 approvals by the commissioner, prevent exposure to the groundwater
550 plume and submit annual status reports to the commissioner until
551 compliance with the regulations adopted pursuant to section 22a-133k
552 of the general statutes, as amended by this act, for groundwater is
553 achieved.

554 (e) Any person, firm, corporation or entity required to remediate a
555 release pursuant to this section shall pay a fee to the commissioner as
556 follows: (1) For a verification (A) there shall be no fee if a verification
557 for a release is received by the commissioner on or before two years
558 from the date the release was required to be reported, (B) if not
559 received by the commissioner prior to two years from the date the
560 release was required to be reported, one thousand dollars each year,
561 commencing with the second year, and each year thereafter until the
562 year a verification is received by the commissioner; and (2) for an
563 interim verification (A) there shall be no fee if an interim verification
564 for a release is received by the commissioner on or before two years
565 from the date the release was required to be reported, (B) if not
566 received by the commissioner prior to two years from the date the
567 release was required to be reported, five hundred dollars each year,
568 commencing with the second year, and each year thereafter until the
569 year a verification is received by the commissioner. All fees specified
570 in this subsection shall be due each year on the anniversary date of the
571 date the release was required to be reported, with the first such fee due
572 by the end of the second year after the reporting date.

573 (f) Nothing in this section shall be construed to affect the
574 commissioner's authority or the liability of any person, firm,
575 corporation or entity under any other provision of the general statutes,
576 including, but not limited to, the commissioner's authority to direct
577 immediate actions to contain, remove and mitigate the effects of any

578 release under section 22a-451 of the general statutes, to abate or
579 prevent pollution or to enforce any statute, requirement, order or
580 permit issued or administered by the commissioner.

581 (g) Subsections (c) to (e), inclusive, of this section shall not apply to:
582 (1) A release of heating fuel from a leaking underground storage tank
583 located on a one to four-family residential property, (2) a release of less
584 than one hundred gallons from a vehicle fuel tank as a result of a
585 motor vehicle accident, but such exemption does not include fuel
586 transported as cargo, or (3) a release of diesel or heating fuel from any
587 source totaling ten gallons or less.

588 (h) Any report, plan, verification or interim verification submitted to
589 the commissioner in accordance with this section shall be on a form
590 prescribed by the commissioner. The commissioner may audit any
591 submittal received under this section, including any verification,
592 provided the audit of any verification shall be subject to the time
593 frames for an audit set forth in subsection (g) of section 22a-134a of the
594 general statutes, as amended by this act. The provisions of subsection
595 (g) of section 22a-134a of the general statutes, as amended by this act,
596 shall apply to the provisions of this section in the same manner and
597 with the same force and effect as if the language of said subsection (g)
598 had been incorporated in full into this section and had expressly
599 referred to an audit in accordance with this section, except to the extent
600 that any provision is inconsistent with a provision in this section and
601 except that the term "establishment" shall be read as "release".

602 Sec. 7. Section 22a-133k of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective October 1, 2009*):

604 (a) The Commissioner of Environmental Protection shall adopt
605 regulations, in accordance with the provisions of chapter 54, setting
606 forth standards for the remediation of environmental pollution at
607 hazardous waste disposal sites and other properties which have been
608 subject to a spill, as defined in section 22a-452c, which regulations shall
609 fully protect health, public welfare and the environment. In

610 establishing such standards the commissioner shall (1) give preference
611 to clean-up methods that are permanent, if feasible, (2) consider any
612 factor he deems appropriate, including, but not limited to,
613 groundwater classification of the site, and (3) provide for standards of
614 remediation less stringent than those required for residential land use
615 for polluted properties which (A) are located in areas classified as GB
616 or GC under the standards adopted by the commissioner for
617 classification of groundwater contamination, (B) were historically
618 industrial or commercial property, and (C) are not subject to an order
619 issued by the commissioner regarding such spill, consent order or
620 stipulated judgment regarding such spill, provided an environmental
621 use restriction is executed for any such property subsequent to the
622 remedial action in accordance with the provisions of section 22a-133aa
623 and further provided such regulations specify the types of industrial or
624 commercial land uses to which any such property may be put
625 subsequent to such remedial action. Such regulations shall cite
626 appropriate guidance documents which may be used by a licensed
627 environmental professional in a voluntary site remediation under
628 section 22a-133y. The commissioner may amend such regulations to set
629 forth reasonable fees for applications that require the commissioner's
630 review and approval.

631 (b) The commissioner may establish, by regulations adopted in
632 accordance with the provisions of chapter 54, a program for expediting
633 the review and approval of reports on final remedial actions
634 concerning sites subject to section 22a-134, as amended by this act, or
635 sites which, as of July 3, 1989, were on the inventory of hazardous
636 waste disposal sites maintained pursuant to section 22a-133c provided
637 such reports are not submitted pursuant to an order, consent order or
638 stipulated judgment. The commissioner may retain consultants as
639 necessary to accomplish such expedited review and may require the
640 payment of a fee, as provided for in said regulations to cover the
641 reasonable cost of performing the expedited review and approval of
642 final remediation reports pursuant to this subsection, including the
643 cost of any consultant retained by the commissioner to perform such

644 work.

645 Sec. 8. Section 22a-133q of the general statutes is repealed and the
646 following is substituted in lieu thereof (*Effective October 1, 2009*):

647 The commissioner shall adopt regulations, in accordance with the
648 provisions of chapter 54, to carry out the purposes of sections 22a-133n
649 to 22a-133r, inclusive. Such regulations may include, but not be limited
650 to, provisions regarding the form, contents, filing procedure for, and
651 release from, environmental use restrictions and reasonable fees for
652 processing applications and filings that require the commissioner's
653 review and approval or monitoring.

654 Sec. 9. Section 22a-133x of the general statutes is repealed and the
655 following is substituted in lieu thereof (*Effective October 1, 2009*):

656 (a) For the purposes of this section, "applicant" means the person
657 who submits the environmental condition assessment form to the
658 commissioner in accordance with this section. Except as provided in
659 section 22a-133y, [a political subdivision of the state, an owner of an
660 establishment, as defined in section 22a-134, an owner of property
661 identified on the inventory of hazardous waste disposal sites
662 maintained pursuant to section 22a-133c on October 1, 1995, or an
663 owner of contaminated property located in an area for which the
664 groundwater classification is GA or GAA,] any person may, at any
665 time, submit to the commissioner an environmental condition
666 assessment form for [such] real property [owned by such political
667 subdivision or such owner] and an initial review fee in accordance
668 with subsection (e) of this section. [The owner or political subdivision]
669 Such applicant shall use a licensed environmental professional to
670 verify the investigation and remediation, unless not later than thirty
671 days after the commissioner's receipt of such form, the commissioner
672 notifies [the owner or political subdivision] such applicant, in writing,
673 that review and written approval of any remedial action at such
674 [establishment or] property by the commissioner will be required. The
675 commissioner shall not process any such form submitted pursuant to

676 this section unless such form is accompanied by the required initial
677 review fee.

678 (b) [The owner or political subdivision] The applicant shall, on or
679 before ninety days after the submission of an environmental condition
680 assessment form, submit a statement of proposed actions for
681 investigating and remediating the parcel or a release area, as defined in
682 the regulations adopted by the commissioner pursuant to section 22a-
683 133k, as amended by this act, and a schedule for implementing such
684 actions. The commissioner may require [the owner or political
685 subdivision] the applicant to submit to the commissioner copies of
686 technical plans and reports related to investigation and remediation of
687 the parcel or release area. Notwithstanding any other provision of this
688 section, the commissioner may determine that the commissioner's
689 review and written approval of such technical plans and reports is
690 necessary at any time, and in such case the commissioner shall notify
691 the [owner or political subdivision] applicant of the need for the
692 commissioner's review and written approval. The commissioner shall
693 require that the certifying party submit to the commissioner all
694 technical plans and reports related to the investigation and
695 remediation of the parcel or release area if the commissioner receives a
696 written request from any person for such information. The [owner or
697 political subdivision] applicant shall advise the commissioner of any
698 modifications to the proposed schedule. Upon receipt of a verification
699 by a licensed environmental professional that the parcel or release area
700 has been investigated in accordance with prevailing standards and
701 guidelines and remediated in accordance with the remediation
702 standards, [the owner or political subdivision] the applicant shall
703 submit such verification to the commissioner on a form prescribed by
704 the commissioner.

705 (c) If the commissioner notifies [the owner or political subdivision]
706 the applicant that the commissioner will formally review and approve
707 in writing the investigation and remediation of the parcel, [the owner
708 or political subdivision] the applicant shall, on or before thirty days of
709 the receipt of such notice, or such later date as may be approved in

710 writing by the commissioner, submit for the commissioner's review
711 and written approval, a proposed schedule for: (1) Investigating and
712 remediating the parcel or release area; and (2) submitting to the
713 commissioner technical plans, technical reports and progress reports
714 related to such investigation and remediation. Upon the
715 commissioner's approval of such schedule, the [owner or political
716 subdivision] applicant shall, in accordance with the approved
717 schedule, submit technical plans, technical reports and progress
718 reports to the commissioner for the commissioner's review and written
719 approval. The [owner or political subdivision] applicant shall perform
720 all actions identified in the approved technical plans, technical reports
721 and progress reports in accordance with the approved schedule. The
722 commissioner may approve, in writing, any modification proposed in
723 writing by the [owner or political subdivision] applicant to such
724 schedule or investigation and remediation and may notify the [owner]
725 applicant, in writing, if the commissioner determines that it is
726 appropriate to discontinue formal review and approval of the
727 investigation or remediation.

728 (d) If, in accordance with the provisions of this section, the
729 commissioner has approved in writing or, as applicable, a licensed
730 environmental professional has verified, that the parcel or release area
731 has been remediated in accordance with the remediation standards,
732 such approval or verification may be used as the basis for submitting a
733 Form II pursuant to sections 22a-134 to 22a-134e, inclusive, as
734 amended by this act, provided there has been no additional discharge,
735 spillage, uncontrolled loss, seepage or filtration of hazardous waste at
736 or on the parcel subsequent to the date of the commissioner's approval
737 or verification by a licensed environmental professional.

738 (e) The fee for submitting an environmental condition assessment
739 form to the commissioner pursuant to this section shall be three
740 thousand dollars and shall be paid at the time the environmental
741 condition assessment form is submitted. Any fee paid pursuant to this
742 section shall be deducted from any fee required by subsection (m) or
743 (n) of section 22a-134e for the transfer of any parcel for which an

744 environmental condition assessment form has been submitted within
745 three years of such transfer.

746 (f) Nothing in this section shall be construed to affect or impair the
747 voluntary site remediation process provided for in section 22a-133y.

748 (g) Prior to commencement of remedial action taken under this
749 section, the [owner or political subdivision] applicant shall (1) publish
750 notice of the remediation, in accordance with the schedule submitted
751 pursuant to this section, in a newspaper having a substantial
752 circulation in the area affected by the establishment, (2) notify the
753 director of health of the municipality where the parcel is located of the
754 remediation, and (3) either (A) erect and maintain for at least thirty
755 days in a legible condition a sign not less than six feet by four feet on
756 the parcel, which sign shall be clearly visible from the public highway,
757 and shall include the words "ENVIRONMENTAL CLEAN-UP IN
758 PROGRESS AT THIS SITE. FOR FURTHER INFORMATION
759 CONTACT:" and include a telephone number for an office from which
760 any interested person may obtain additional information about the
761 remediation, or (B) mail notice of the remediation to each owner of
762 record of property which abuts the parcel, at the last-known address of
763 such owner on the last-completed grand list of the municipality where
764 the parcel is located.

765 Sec. 10. Section 22a-134 of the general statutes is repealed and the
766 following is substituted in lieu thereof (*Effective October 1, 2009*):

767 For the purposes of this section and sections 22a-134a to 22a-134d,
768 inclusive, as amended by this act:

769 (1) "Transfer of establishment" means any transaction or proceeding
770 through which an establishment undergoes a change in ownership, but
771 does not mean:

772 (A) Conveyance or extinguishment of an easement;

773 (B) Conveyance of an establishment through a foreclosure, as

774 defined in subsection (b) of section 22a-452f or foreclosure of a
775 municipal tax lien or through a tax warrant sale pursuant to section 12-
776 157 or, provided the establishment is within the pilot program
777 established in subsection (c) of section 32-9cc, a subsequent transfer by
778 such municipality that has foreclosed municipal tax liens or that has
779 acquired title to the property through section 12-157;

780 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
781 defined in and that qualifies for the secured lender exemption
782 pursuant to subsection (b) of section 22a-452f;

783 (D) Conveyance of a security interest, as defined in subdivision (7)
784 of subsection (b) of section 22a-452f;

785 (E) Termination of a lease and conveyance, assignment or execution
786 of a lease for a period less than ninety-nine years including
787 conveyance, assignment or execution of a lease with options or similar
788 terms that will extend the period of the leasehold to ninety-nine years,
789 or from the commencement of the leasehold, ninety-nine years,
790 including conveyance, assignment or execution of a lease with options
791 or similar terms that will extend the period of the leasehold to ninety-
792 nine years, or from the commencement of the leasehold;

793 (F) Any change in ownership approved by the Probate Court;

794 (G) Devolution of title to a surviving joint tenant, or to a trustee,
795 executor or administrator under the terms of a testamentary trust or
796 will, or by intestate succession;

797 (H) Corporate reorganization not substantially affecting the
798 ownership of the establishment;

799 (I) The issuance of stock or other securities of an entity which owns
800 or operates an establishment;

801 (J) The transfer of stock, securities or other ownership interests
802 representing less than forty per cent of the ownership of the entity that
803 owns or operates the establishment;

804 (K) Any conveyance of an interest in an establishment where the
805 transferor is the sibling, spouse, child, parent, grandparent, child of a
806 sibling or sibling of a parent of the transferee;

807 (L) Conveyance of an interest in an establishment to a trustee of an
808 inter vivos trust created by the transferor solely for the benefit of one
809 or more siblings, spouses, children, parents, grandchildren, children of
810 a sibling or siblings of a parent of the transferor;

811 (M) Any conveyance of a portion of a parcel upon which portion no
812 establishment is or has been located and upon which there has not
813 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
814 of hazardous waste, provided either the area of such portion is not
815 greater than fifty per cent of the area of such parcel or written notice of
816 such proposed conveyance and an environmental condition
817 assessment form for such parcel is provided to the commissioner sixty
818 days prior to such conveyance;

819 (N) Conveyance of a service station, as defined in subdivision (5) of
820 this section;

821 (O) Any conveyance of an establishment which, prior to July 1, 1997,
822 had been developed solely for residential use and such use has not
823 changed;

824 (P) Any conveyance of an establishment to any entity created or
825 operating under chapter 130 or 132, or to an urban rehabilitation
826 agency, as defined in section 8-292, or to a municipality under section
827 32-224, or to the Connecticut Development Authority or any
828 subsidiary of the authority;

829 (Q) Any conveyance of a parcel in connection with the acquisition of
830 properties to effectuate the development of the overall project, as
831 defined in section 32-651;

832 (R) The conversion of a general or limited partnership to a limited
833 liability company under section 34-199;

834 (S) The transfer of general partnership property held in the names of
835 all of its general partners to a general partnership which includes as
836 general partners immediately after the transfer all of the same persons
837 as were general partners immediately prior to the transfer;

838 (T) The transfer of general partnership property held in the names
839 of all of its general partners to a limited liability company which
840 includes as members immediately after the transfer all of the same
841 persons as were general partners immediately prior to the transfer;

842 (U) Acquisition of an establishment by any governmental or quasi-
843 governmental condemning authority;

844 (V) Conveyance of any real property or business operation that
845 would qualify as an establishment solely as a result of (i) the
846 generation of more than one hundred kilograms of universal waste in
847 a calendar month, (ii) the storage, handling or transportation of
848 universal waste generated at a different location, or (iii) activities
849 undertaken at a universal waste transfer facility, provided any such
850 real property or business operation does not otherwise qualify as an
851 establishment; there has been no discharge, spillage, uncontrolled loss,
852 seepage or filtration of a universal waste or a constituent of universal
853 waste that is a hazardous substance at or from such real property or
854 business operation; and universal waste is not also recycled, treated,
855 except for treatment of a universal waste pursuant to 40 CFR
856 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
857 such real property or business operation; or

858 (W) Conveyance of a unit in a residential common interest
859 community in accordance with section 22a-134i;

860 (2) "Commissioner" means the Commissioner of Environmental
861 Protection or the designated agent of the commissioner;

862 (3) "Establishment" means any real property at which or any
863 business operation from which (A) on or after November 19, 1980,
864 there was generated, except as the result of remediation of polluted

865 soil, groundwater or sediment, more than one hundred kilograms of
866 hazardous waste in any one month, (B) hazardous waste generated at a
867 different location was recycled, reclaimed, reused, stored, handled,
868 treated, transported or disposed of, (C) the process of dry cleaning was
869 conducted on or after May 1, 1967, (D) furniture stripping was
870 conducted on or after May 1, 1967, or (E) a vehicle body repair facility
871 was located on or after May 1, 1967;

872 (4) "Hazardous waste" means any waste which is (A) hazardous
873 waste identified in accordance with Section 3001 of the federal
874 Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.,
875 (B) hazardous waste identified by regulations adopted by the
876 Commissioner of Environmental Protection, or (C) polychlorinated
877 biphenyls in concentrations greater than fifty parts per million except
878 that sewage, sewage sludge and lead paint abatement wastes shall not
879 be considered to be hazardous waste for the purposes of this section
880 and sections 22a-134a to 22a-134d, inclusive;

881 (5) "Service station" means a retail operation involving the resale of
882 motor vehicle fuel including, but not limited to, gasoline, diesel fuel
883 and kerosene and which operation does not otherwise meet the
884 definition of an establishment;

885 (6) "Certifying party" means, in the case of a Form III or Form IV, a
886 person associated with the transfer of an establishment who signs a
887 Form III or Form IV and who agrees to investigate the parcel in
888 accordance with prevailing standards and guidelines and to remediate
889 pollution caused by any release at the establishment in accordance
890 with the remediation standards and, in the case of a Form I or Form II,
891 a transferor of an establishment who signs the certification on a Form I
892 or II;

893 (7) "Party associated with the transfer of an establishment" means
894 (A) the present or past owner or operator of the establishment, (B) the
895 owner of the real property on which the establishment is located, (C)
896 the transferor, transferee, lender, guarantor or indemnitor, (D) the

897 business entity which operates or operated the establishment, or (E)
898 the state;

899 (8) "Remediation standards" means regulations adopted by the
900 commissioner pursuant to section 22a-133k, as amended by this act;

901 (9) "Parcel" means piece, parcel or tract of land which constitutes an
902 establishment, as defined in subdivision (3) of this section, or on which
903 is or was located any business operation which constitutes an
904 establishment;

905 (10) "Form I" means a written certification by the transferor of an
906 establishment on a form prescribed and provided by the commissioner
907 that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration
908 of hazardous waste or a hazardous substance has occurred at the
909 establishment which certification is based on an investigation of the
910 parcel in accordance with prevailing standards and guidelines, or (B)
911 no discharge spillage, uncontrolled loss, seepage or filtration of
912 hazardous waste has occurred at the establishment based upon an
913 investigation of the parcel in accordance with the prevailing standards
914 and guidelines and the commissioner has determined, in writing, or a
915 licensed environmental professional has verified, in writing, that any
916 discharge, spillage, uncontrolled loss, seepage or filtration of a
917 hazardous substance has been remediated in accordance with the
918 remediation standards and that since any such written approval or
919 verification, including any approval or verification for a portion of an
920 establishment, no discharge, spillage, uncontrolled loss, seepage or
921 filtration of hazardous waste or hazardous substances has occurred at
922 any portion of the establishment;

923 (11) "Form II" means a written certification by the transferor of an
924 establishment on a form prescribed and provided by the commissioner
925 that the parcel has been investigated in accordance with prevailing
926 standards and guidelines and that (A) any pollution caused by a
927 discharge, spillage, uncontrolled loss, seepage or filtration of
928 hazardous waste or a hazardous substance which has occurred from

929 the establishment has been remediated in accordance with the
930 remediation standards and that the remediation has been approved in
931 writing by the commissioner or has been verified pursuant to section
932 22a-133x, as amended by this act, or section 22a-134a, as amended by
933 this act, in writing attached to such form by a licensed environmental
934 professional to have been performed in accordance with the
935 remediation standards and that since any such written approval or
936 verification, including any approval or verification for a portion of an
937 establishment, no discharge, spillage, uncontrolled loss, seepage or
938 filtration of hazardous waste or hazardous substances has occurred at
939 any portion of the establishment, (B) the commissioner has determined
940 in writing or a licensed environmental professional has verified
941 pursuant to section 22a-133x, as amended by this act, or section
942 22a-134a, as amended by this act, in writing, attached to the form that
943 no remediation is necessary to achieve compliance with the
944 remediation standards, or (C) a Form IV verification was previously
945 submitted to the commissioner and, since the date of the submission of
946 the Form IV, no discharge, spillage, uncontrolled loss, seepage or
947 filtration of hazardous waste or a hazardous substance has occurred at
948 the establishment, which certification is based on an investigation of
949 the parcel in accordance with prevailing standards and guidelines;

950 (12) "Form III" means a written certification signed by a certifying
951 party on a form prescribed and provided by the commissioner, which
952 certification states that (A) a discharge, spillage, uncontrolled loss,
953 seepage or filtration of hazardous waste or a hazardous substance has
954 occurred at the establishment or the environmental conditions at the
955 establishment are unknown, and (B) that the person signing the
956 certification agrees to investigate the parcel in accordance with
957 prevailing standards and guidelines and to remediate pollution caused
958 by any release of a hazardous waste or hazardous substance from the
959 establishment in accordance with the remediation standards;

960 (13) "Form IV" means a written certification signed by one or more
961 certifying parties on a form prescribed and provided by the
962 commissioner and which is accompanied by a written determination

963 by the commissioner or by a verification by a licensed environmental
964 professional pursuant to section 22a-134a, as amended by this act, or
965 22a-133x, as amended by this act, which certification states and is
966 accompanied by documentation demonstrating that the parcel has
967 been investigated in accordance with prevailing standards and
968 guidelines and that (A) there has been a discharge, spillage,
969 uncontrolled loss, seepage or filtration of hazardous waste or a
970 hazardous substance on the establishment, and (B) all actions to
971 remediate any pollution caused by any release at the establishment
972 have been taken in accordance with the remediation standards except
973 postremediation monitoring, natural attenuation monitoring or the
974 recording of an environmental land use restriction, and (C) the person
975 or persons signing the certification agree, in accordance with the
976 representations made in the form, to conduct postremediation
977 monitoring or natural attenuation monitoring in accordance with the
978 remediation standards and if further investigation and remediation are
979 necessary to take further action to investigate the establishment in
980 accordance with prevailing standards and guidelines and to remediate
981 the establishment in accordance with the remediation standards;

982 (14) "Person" means person, as defined in section 22a-2;

983 (15) "Remediate" means to contain, remove or abate pollution,
984 potential sources of pollution and substances in soil or sediment which
985 pose an unacceptable risk to human health or the environment and
986 includes, but is not limited to, the reduction of pollution by natural
987 attenuation;

988 (16) "Licensed environmental professional" means an environmental
989 professional licensed pursuant to section 22a-133v;

990 (17) "Environmental condition assessment form" means a form
991 prescribed and provided by the commissioner, prepared under the
992 supervision of a licensed environmental professional, and executed by
993 (A) the certifying party under sections 22a-134 to 22a-134e, inclusive,
994 as amended by this act, or (B) the [owner of the property] applicant

995 under section 22a-133x, as amended by this act, which form describes
996 the environmental conditions at the parcel;

997 (18) "Pollution" means pollution, as defined in section 22a-423;

998 (19) "Verification" means the rendering of a written opinion by a
999 licensed environmental professional on a form prescribed by the
1000 commissioner that an investigation of the parcel has been performed in
1001 accordance with prevailing standards and guidelines and that the
1002 establishment has been remediated in accordance with the remediation
1003 standards;

1004 (20) "Interim verification" means a written opinion by a licensed
1005 environmental professional, on a form prescribed by the
1006 commissioner, that (A) states the investigation has been performed in
1007 accordance with prevailing standards and guidelines, (B) states the
1008 remediation has been completed in accordance with the remediation
1009 standards, except that, for remediation standards for groundwater, the
1010 selected remedy is in operation but has not achieved the remediation
1011 standards for groundwater, (C) identifies the long-term remedy being
1012 implemented to achieve groundwater standards, the estimated
1013 duration of such remedy and the ongoing operation and maintenance
1014 requirements for continued operation of such remedy, and (D) states
1015 there are no current exposure pathways to the groundwater area that
1016 has not yet met the remediation standards.

1017 [(20)] (21) "Vehicle" means any motorized device for conveying
1018 persons or objects except for an aircraft, boat, railroad car or engine, or
1019 farm tractor;

1020 [(21)] (22) "Business operation" means any business that has, or any
1021 series of substantially similar businesses that have, operated
1022 continuously or with only brief interruption on the same parcel, either
1023 with a single owner or successive owners;

1024 [(22)] (23) "Corporate reorganization not substantially affecting the
1025 ownership of an establishment" means implementation of a business

1026 plan to restructure a corporation through a merger, spin-off or other
1027 plan or reorganization under which the direct owner of the
1028 establishment does not change;

1029 [(23)] (24) "Form IV verification" means the rendering of a written
1030 opinion by a licensed environmental professional, after a Form IV has
1031 been filed, that postremediation monitoring, natural attenuation or the
1032 recording of an environmental land use restriction has been completed
1033 in accordance with the Form IV;

1034 [(24)] (25) "Hazardous substance" means hazardous substance, as
1035 defined in Section 101 of the Comprehensive Environmental Response,
1036 Compensation, and Liability Act of 1980, 42 USC 9601, or a petroleum
1037 product or by-product for which there are remediation standards
1038 adopted pursuant to section 22a-133k, as amended by this act, or for
1039 which such remediation standards have a process for calculating the
1040 numeric criteria of such substance;

1041 [(25)] (26) "Sediment" means unconsolidated material occurring in a
1042 stream, pond, wetland estuary or other water body;

1043 [(26)] (27) "Universal waste" means batteries, pesticides,
1044 thermostats, lamps and used electronics regulated as a universal waste
1045 under regulations adopted pursuant to subsection (c) of section 22a-
1046 449. "Universal waste" does not mean (A) batteries, pesticides,
1047 thermostats and lamps that are not covered under 40 CFR Part 273, or
1048 (B) used electronics that are not regulated as a universal waste under
1049 regulations adopted pursuant to subsection (c) of section 22a-449;

1050 [(27)] (28) "Universal waste transfer facility" means any facility
1051 related to transportation, including loading docks, parking areas,
1052 storage areas and other similar areas where shipments of universal
1053 waste are held during the normal course of transportation for ten days
1054 or less.

1055 Sec. 11. Subsection (g) of section 22a-134a of the general statutes is
1056 repealed and the following is substituted in lieu thereof (*Effective*

1057 October 1, 2009):

1058 (g) (1) ~~(A)~~ Except as provided in subsection (h) of this section, the
1059 certifying party to a Form III or Form IV shall, not later than seventy-
1060 five days after the receipt of the notice that such form is complete or
1061 such later date as may be approved in writing by the commissioner,
1062 submit a schedule for the investigation of the parcel and remediation
1063 of the establishment. Such schedule shall, unless a later date is
1064 specified in writing by the commissioner, provide that the
1065 investigation shall be completed within two years of the date of receipt
1066 of such notice, [and that] remediation shall be initiated not later than
1067 three years after the date of receipt of such notice and remediation
1068 shall be completed sufficient to support either a verification or interim
1069 verification not later than six years after the date of such notice. The
1070 schedule shall also include a schedule for providing public notice of
1071 the remediation prior to the initiation of such remediation in
1072 accordance with subsection (i) of this section. Not later than two years
1073 after the date of the receipt of the notice that the Form III [or Form IV]
1074 is complete, unless the commissioner has specified a later day, in
1075 writing, the certifying party shall submit to the commissioner
1076 documentation, approved in writing by a licensed environmental
1077 professional and in a form prescribed by the commissioner, that the
1078 investigation has been completed in accordance with prevailing
1079 standards and guidelines. Not later than three years after the date of
1080 the receipt of the notice that the Form III [or Form IV] is complete,
1081 unless the commissioner has specified a later day in writing, the
1082 certifying party shall notify the commissioner in a form prescribed by
1083 the commissioner that the remediation has been initiated, and shall
1084 submit to the commissioner a remedial action plan approved in
1085 writing by a licensed environmental professional in a form prescribed
1086 by the commissioner. Notwithstanding any other provision of this
1087 section, the commissioner may determine at any time that the
1088 commissioner's review and written approval is necessary and in such
1089 case shall notify the certifying party that the commissioner's review
1090 and written approval is necessary. Such certifying party shall

1091 investigate the parcel and remediate the establishment in accordance
1092 with the proposed schedule submitted in accordance with this
1093 subdivision or the schedule specified by the commissioner.

1094 (B) [When remediation of the entire establishment is complete,] Not
1095 later than six years after the date of receipt of the notice that the Form
1096 III or Form IV is complete, unless the commissioner has specified a
1097 later date in writing, the certifying party shall achieve the remediation
1098 standards of a verification or interim verification and shall submit to
1099 the commissioner a final or interim verification by a licensed
1100 environmental professional. Any such final verification may include
1101 and rely upon a verification for a portion of the establishment
1102 submitted pursuant to subdivision (2) of this subsection. Verifications
1103 shall be submitted on a form prescribed by the commissioner.

1104 (C) Any certifying party that submitted a Form III or Form IV prior
1105 to October 1, 2009 shall, not later than six years after October 1, 2009,
1106 unless the commissioner has approved in writing a later date, achieve
1107 the remediation standards for the establishment sufficient to support a
1108 final or interim verification and shall submit to the commissioner such
1109 final or interim verification. Any such final verification may include
1110 and rely upon a verification for a portion of the establishment
1111 submitted pursuant to subdivision (2) of this subsection.

1112 (D) A certifying party who submits an interim verification shall,
1113 until the remediation standards for groundwater are achieved, operate
1114 and maintain the long-term remedy for groundwater in accordance
1115 with the remedial action plan, the interim verification and any
1116 approvals by the commissioner, prevent exposure to the groundwater
1117 plume and submit annual status reports to the commissioner.

1118 (E) The certifying party to a Form IV shall submit, along with the
1119 Form IV, a schedule for the groundwater monitoring and recording of
1120 an environmental land use restriction, as applicable.

1121 (2) If a certifying party completes the remediation for a portion of an
1122 establishment, such party may submit a verification by a licensed

1123 environmental professional for any such portion of an establishment.
1124 The certifying party shall be deemed to have satisfied the requirements
1125 of this subsection for that portion of the establishment covered by any
1126 such verification. If any portion of an establishment for which a
1127 verification is submitted pursuant to this subdivision is transferred or
1128 conveyed or undergoes a change in ownership before remediation of
1129 the entire establishment is complete that would not otherwise be
1130 subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as
1131 amended by this act, the certifying party shall provide notice to the
1132 commissioner of such transfer, conveyance or change in ownership not
1133 later than thirty days after any such transfer, conveyance or change in
1134 ownership.

1135 (3) (A) The commissioner may conduct an audit of any verification
1136 submitted pursuant to this section, but shall not conduct an audit of a
1137 final verification of an entire establishment submitted pursuant to
1138 subdivision (1) of this subsection after three years have passed since
1139 the date of the commissioner's receipt of such final verification unless
1140 an exception listed in subparagraph (C) of this subdivision applies.
1141 Upon completion of an audit, the commissioner shall send written
1142 audit findings to the certifying party and the licensed environmental
1143 professional who verified. The three-year time frame for an audit of a
1144 final verification of an entire establishment shall apply to such final
1145 verifications received by the commissioner after October 1, 2007.

1146 (B) The commissioner may request additional information during an
1147 audit. If such information has not been provided to the commissioner
1148 within ninety days of the commissioner's request for such information
1149 or any longer time as the commissioner may determine in writing, the
1150 commissioner may either (i) suspend the audit, which for a final
1151 verification shall suspend the running of the three-year audit time
1152 frame until such time as the commissioner receives all the information
1153 requested, or (ii) complete the audit based upon the information
1154 provided in the verification before the request for additional
1155 information.

1156 (C) The commissioner shall not conduct an audit of a final
1157 verification of an entire establishment after three years from receipt of
1158 such verification pursuant to this subdivision unless (i) the
1159 commissioner has reason to believe that a verification was obtained
1160 through the submittal of materially inaccurate or erroneous
1161 information, or otherwise misleading information material to the
1162 verification or that misrepresentations were made in connection with
1163 the submittal of the verification, (ii) a verification is submitted
1164 pursuant to an order of the commissioner pursuant to subsection (j) of
1165 this section, (iii) any post-verification monitoring, or operations and
1166 maintenance, is required as part of a verification and which has not
1167 been done, (iv) a verification that relies upon an environmental land
1168 use restriction was not recorded on the land records of the
1169 municipality in which such land is located in accordance with section
1170 22a-133o and applicable regulations, (v) the commissioner determines
1171 that there has been a violation of sections 22a-134 to 22a-134e,
1172 inclusive, as amended by this act, or (vi) the commissioner determines
1173 that information exists indicating that the remediation may have failed
1174 to prevent a substantial threat to public health or the environment.

1175 Sec. 12. Subsection (l) of section 22a-134a of the general statutes is
1176 repealed and the following is substituted in lieu thereof (*Effective*
1177 *October 1, 2009*):

1178 (l) Notwithstanding any other provisions of this section, no person
1179 shall be required to comply with the provisions of sections 22a-134 to
1180 22a-134e, inclusive, as amended by this act, when transferring real
1181 property (1) (A) for which a Form I or Form II has been filed for the
1182 transfer of the parcel on or after October 1, 1995, or (B) for which parcel
1183 a Form III or Form IV has been filed and which has been remediated
1184 and such remediation has been approved in writing by the
1185 commissioner or has been verified in writing in accordance with this
1186 section by a licensed environmental professional that an investigation
1187 has been performed in accordance with prevailing standards and
1188 guidelines and that the remediation has been performed in accordance
1189 with the remediation standards, and (2) either (A) at which no

1190 activities described in subdivision (3) of section 22a-134, as amended
 1191 by this act, have been conducted since the date of such approval or
 1192 verification or the date on which the Form I or Form II was filed, or (B)
 1193 on or after October 1, 2009, such Form I, Form II, remediation and
 1194 licensed environmental professional's verification, as applicable, have
 1195 been completed, received and approved by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22a-6u
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	22a-133k
Sec. 8	<i>October 1, 2009</i>	22a-133q
Sec. 9	<i>October 1, 2009</i>	22a-133x
Sec. 10	<i>October 1, 2009</i>	22a-134
Sec. 11	<i>October 1, 2009</i>	22a-134a(g)
Sec. 12	<i>October 1, 2009</i>	22a-134a(l)

Statement of Legislative Commissioners:

The following revisions were made for clarity: In section 2, "said" was changed to "such" in the tenth line; in section 3, numbered subdivisions were added; in section 5(c), "not owned by such owner" was added in the seventh line and "to the commissioner" was added in the last line; in section 6(c), "the requirements of" was added in the first line and "to the commissioner" was added in the last line; section 6(d) was reorganized; in section 6(g), "at" was changed to "located on" and in section 10, "owner of the property" was changed to "applicant".

ENV *Joint Favorable Subst.-LCO*