General Assembly

Raised Bill No. 5343

February Session, 2012

LCO No. **1701**

*01701_____CE_*

Referred to Committee on Commerce

Introduced by:
  (CE)

AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS.

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

1   Section 1. (*Effective from passage*) (a) On or before January 1, 2013, the
2   Commissioner of Energy and Environmental Protection shall report, in
3   accordance with the provisions of section 11-4a of the general statutes,
4   to the Governor and the joint standing committees of the General
5   Assembly having cognizance of matters relating to commerce and the
6   environment the results of an ongoing review of the general statutes as
7   they relate to brownfield remediation and development and
8   regulations promulgated pursuant to section 22a-133k of the general
9   statutes. Such report shall include any recommended changes to such
10   statutes and regulations or any recommendations for any new
11   program for responding to hazardous material releases. Any
12   recommendation for any such changes or new program shall consider
13   the report submitted pursuant to section 6 of public act 11-141. In
14   developing recommendations for such changes or new program, the
15   commissioner shall also consider (1) the potential effect on federally-
16   delegated programs; (2) the potential impact on certain small business

17   sectors and municipalities; (3) protection of human health and the
18   environment; (4) the efficacy of responding to releases, including the
19   greater use of and authority for licensed environmental professionals
20   overseeing the investigation and remediation of releases; and (5) how
21   any such changes or new program may facilitate remediation and
22   economic development, including at properties with existing
23   remediation responsibilities.

24   (b) The commissioner's evaluation of such recommended changes or
25   new program shall include recommendations relating to: (1) Reporting
26   of threatened, new and historical releases by owners of property,
27   operators or associated parties; (2) investigation of the degree and
28   extent of releases in accordance with prevailing standards and
29   guidelines prescribed by the commissioner; (3) an initial determination
30   of whether there is an unacceptable risk to public health or the
31   environment from such release requiring a prompt response and, if so,
32   the abatement of such risk; (4) minor releases, including the prompt
33   response and remediation without the use of a licensed environmental
34   professional; (5) remediation of a release pursuant to the state's
35   remediation standard regulations promulgated pursuant to section
36   22a-133k of the general statutes; (6) reporting, including annual
37   reports, on an investigation and remediation; (7) milestone documents
38   that may include an investigation report, exposure abatement report,
39   remedial action plan, remediation report, long-term operation and
40   maintenance plan, annual reports, and final verification; (8)
41   notification to the public and meaningful public participation in
42   proposed and ongoing response actions; (9) retention of a licensed
43   environmental professional to oversee the actions detailed above,
44   except for those described in subdivision (4) of this subsection; (10)
45   timeframes within which the components referred to above must be
46   accomplished, taking into consideration different types of releases,
47   such as threatened, new or historical, and the potential risk posed by
48   such releases; (11) fees regarding such recommended program,
49   including fees that incentivize prompt action and may continue
50   annually until the requirements of the program have been met; (12)

51 broadening the decision-making ability of licensed environmental
52 professionals based upon framework specified by the department, but
53 without departmental review and approval of such decisions,
54 including, but not limited to, allowing alternative risk-based and site-
55 specific standards and approaches or use of variances currently
56 recognized under the state's remediation standard regulations adopted
57 pursuant to said section 22a-133k; and (13) revising the state's
58 remediation standard regulations, promulgated pursuant to said
59 section 22a-133k, to prescribe circumstances in which groundwater
60 monitoring requirements can be limited and where post remediation
61 groundwater monitoring may not be required.

62   (c) The commissioner shall also consider new and expanded means
63 for periodically evaluating or auditing the effectiveness and efficiency
64 of any such changes or new program to ensure, among other things,
65 the appropriate exercise of authority by licensed environmental
66 professionals and timely and effective action by those responsible for
67 responding to releases. Such means may include, but are not limited
68 to, the expanded use of the State Board of Examiners of Environmental
69 Professionals established pursuant to section 22a-133v of the general
70 statutes, that currently oversees licensed environmental professionals.

71   (d) The commissioner shall also consider the most effective means to
72 implement any such recommended program, including, but not
73 limited to, the impact upon federally-delegated programs and the
74 extent, if at all, to which any changes or program may be applicable to
75 properties undergoing investigation and remediation under current
76 statutory requirements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	New section

Statement of Purpose:

To empower the Commissioner of Energy and Environmental Protection to perform an in-depth analysis of the state's brownfield remediation and development programs and recommend changes to such programs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]