



# House of Representatives

**File No. 680**

General Assembly

February Session, 2014

**(Reprint of File No. 250)**

Substitute House Bill No. 5418  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 24, 2014

***AN ACT CONCERNING FINANCIAL LIABILITY FOR THE CLEAN-UP  
OF CERTAIN HAZARDOUS WASTE.***

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

1 Section 1. Section 22a-452b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) Notwithstanding any provision of the general statutes, a  
4 mortgagee who acquires title to real estate by virtue of a foreclosure or  
5 tender of a deed in lieu of foreclosure, shall not be liable for any  
6 assessment, fine or other costs imposed by the state for any spill upon  
7 such real estate beyond the value of such real estate, provided such  
8 spill occurred prior to the date of acquisition of title to such real estate  
9 by such mortgagee.

10 (b) Notwithstanding the provisions of section 22a-451, the  
11 Commissioner of Energy and Environmental Protection may enter into  
12 an agreement with any person or the estate of any person, as  
13 applicable, who died or sustained serious bodily injury and for which  
14 the commissioner incurred expenses to contain, remove or mitigate the

15 human bodily effects of such death or serious bodily injury on any  
 16 land or waters of the state. Any such agreement may provide for the  
 17 payment of less than all: (1) Costs and expenses incurred in containing,  
 18 removing or mitigating such effects, and (2) legal expenses and court  
 19 costs incurred by the department in seeking such recovery of costs and  
 20 expenses. The commissioner shall not seek the recovery of any such  
 21 costs and expenses from any person or the estate of any person, as  
 22 applicable, who dies or sustains serious bodily injury, on or after the  
 23 effective date of this section, and for which the commissioner incurs  
 24 expenses to contain, remove or mitigate only the human bodily effects  
 25 of such death or serious bodily injury on any land or waters of the  
 26 state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-452b

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Energy and Environmental Protection	GF - Revenue Impact	Potential	Potential

**Municipal Impact:** None

**Explanation**

The bill prohibits, upon passage, the Department of Energy and Environmental Protection (DEEP) from recovering costs incurred as a result of containment, removal, or mitigation effects of a person's serious human bodily injury or death on state land or water. To the extent the agency incurs expenses for this purpose, there may be a revenue loss to the agency as it no longer would be allowed to recoup such costs.

The bill also allows DEEP to enter into contracts with a person or the estate of a person who was previously injured or died to reimburse the agency for the lesser of (1) the costs and expenses incurred for the containment, removal, or mitigation of the effects of the injury or death and (2) certain legal and court fees. To the extent the agency incurred these costs and enters into agreements, a revenue gain to DEEP may occur.

House "A" alters the underlying bill by modifying injury to mean human bodily injury, which does not change the fiscal impact described above.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to actual costs incurred by the agency.

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**OLR Bill Analysis****sHB 5418 (as amended by House "A")\******AN ACT CONCERNING FINANCIAL LIABILITY FOR THE CLEAN-UP OF CERTAIN HAZARDOUS WASTE.*****SUMMARY:**

This bill prohibits the Department of Energy and Environmental Protection (DEEP) commissioner from seeking to recover from anyone, or the estate of anyone, who was seriously injured or died, as applicable, the costs and expenses the department incurs to contain, remove, or mitigate the human bodily effects of the injury or death (such as blood) on the state's land or water. The prohibition applies to any injury or death occurring after the bill takes effect.

Under existing law, unchanged by the bill, anyone who pollutes or contaminates land or water, or causes an emergency from certain chemicals, products, or hazardous waste, that the commissioner considers a health or environmental threat and removes, is liable for the removal costs (CGS § 22a-451).

The bill also allows the commissioner to make an agreement with anyone, or the estate of anyone, who was seriously injured or died, as applicable, to pay less than DEEP's full (1) costs and expenses incurred to contain, remove, or mitigate the human bodily effects of the injury or death and (2) legal fees and court costs incurred in trying to recover the costs and expenses.

\*House Amendment "A" specifies that the restrictions on seeking recovery of costs and expenses are limited to those for the removal of human bodily effects.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/17/2014)