



General Assembly

Substitute Bill No. 5573

February Session, 2014



AN ACT CONCERNING BROWNFIELD REMEDIATION AND DEVELOPMENT.

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

1 Section 1. Section 22a-133x of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) For the purposes of this section, "applicant" means the person
4 who submits the environmental condition assessment form to the
5 commissioner pursuant to this section. Except as provided in section
6 22a-133y, any person may, at any time, submit to the commissioner an
7 environmental condition assessment form for real property and an
8 initial review fee in accordance with subsection (e) of this section. Such
9 applicant shall use a licensed environmental professional to verify the
10 investigation and remediation, unless not later than thirty days after
11 the commissioner's receipt of such form, the commissioner notifies
12 such applicant, in writing, that review and written approval of any
13 remedial action at such property by the commissioner will be required.
14 The commissioner shall not process any such form submitted pursuant
15 to this section unless such form is accompanied by the required initial
16 review fee.

17 (b) The applicant shall, on or before ninety days after the
18 submission of an environmental condition assessment form, submit a

19 statement of proposed actions for investigating and remediating the
20 parcel or a release area, as defined in the regulations adopted by the
21 commissioner pursuant to section 22a-133k, and a schedule for
22 implementing such actions. The commissioner may require the
23 applicant to submit to the commissioner copies of technical plans and
24 reports related to investigation and remediation of the parcel or release
25 area. Notwithstanding any other provision of this section, the
26 commissioner may determine that the commissioner's review and
27 written approval of such technical plans and reports is necessary at
28 any time, and in such case the commissioner shall notify the applicant
29 of the need for the commissioner's review and written approval. The
30 commissioner shall require that the certifying party submit to the
31 commissioner all technical plans and reports related to the
32 investigation and remediation of the parcel or release area if the
33 commissioner receives a written request from any person for such
34 information. The applicant shall advise the commissioner of any
35 modifications to the proposed schedule. Upon receipt of an interim
36 verification by a licensed environmental professional, the applicant
37 may submit such interim verification to the commissioner on a form
38 prescribed by the commissioner. Upon receipt of a verification by a
39 licensed environmental professional that the parcel, portion of the
40 parcel or release area has been investigated in accordance with
41 prevailing standards and guidelines and remediated in accordance
42 with the remediation standards, the applicant shall submit such
43 verification to the commissioner on a form prescribed by the
44 commissioner.

45 (c) If the commissioner notifies the applicant that the commissioner
46 will formally review and approve in writing the investigation and
47 remediation of the parcel, the applicant shall, on or before thirty days
48 of the receipt of such notice, or such later date as may be approved in
49 writing by the commissioner, submit for the commissioner's review
50 and written approval, a proposed schedule for: (1) Investigating and
51 remediating the parcel or release area; and (2) submitting to the
52 commissioner technical plans, technical reports and progress reports

53 related to such investigation and remediation. Upon the
54 commissioner's approval of such schedule, the applicant shall, in
55 accordance with the approved schedule, submit technical plans,
56 technical reports and progress reports to the commissioner for the
57 commissioner's review and written approval. The applicant shall
58 perform all actions identified in the approved technical plans, technical
59 reports and progress reports in accordance with the approved
60 schedule. The commissioner may approve, in writing, any
61 modification proposed in writing by the applicant to such schedule or
62 investigation and remediation and may notify the applicant, in
63 writing, if the commissioner determines that it is appropriate to
64 discontinue formal review and approval of the investigation or
65 remediation.

66 (d) (1) If, in accordance with the provisions of this section, the
67 commissioner has approved in writing or, as applicable, a licensed
68 environmental professional has verified, that the parcel, portion of the
69 parcel or release area has been remediated in accordance with the
70 remediation standards, such approval or verification may be used as
71 the basis for submitting a Form II pursuant to sections 22a-134 to
72 22a-134e, inclusive, provided there has been no additional discharge,
73 spillage, uncontrolled loss, seepage or filtration of hazardous waste at
74 or on the parcel subsequent to the date of the commissioner's approval
75 or verification by a licensed environmental professional.

76 (2) If, in accordance with the provisions of this section, as
77 applicable, a licensed environmental professional has submitted an
78 interim verification for the parcel, portion of the parcel or release area,
79 such interim verification may be used as the basis for submitting a
80 Form IV pursuant to sections 22a-134 to 22a-134e, inclusive.

81 (e) The fee for submitting an environmental condition assessment
82 form to the commissioner pursuant to this section shall be three
83 thousand two hundred fifty dollars and shall be paid at the time the
84 environmental condition assessment form is submitted. Any fee paid
85 pursuant to this section shall be deducted from any fee required by

86 subsection (m) or (n) of section 22a-134e for the transfer of any parcel
87 for which an environmental condition assessment form has been
88 submitted within three years of such transfer.

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

91 (g) Prior to commencement of remedial action taken under this
92 section, the applicant shall (1) publish notice of the remediation, in
93 accordance with the schedule submitted pursuant to this section, in a
94 newspaper having a substantial circulation in the area affected by the
95 establishment, (2) notify the director of health of the municipality
96 where the parcel is located of the remediation, and (3) either (A) erect
97 and maintain for at least thirty days in a legible condition a sign not
98 less than six feet by four feet on the parcel, which sign shall be clearly
99 visible from the public highway, and shall include the words
100 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
101 FURTHER INFORMATION CONTACT:" and include a telephone
102 number for an office from which any interested person may obtain
103 additional information about the remediation, or (B) mail notice of the
104 remediation to each owner of record of property which abuts the
105 parcel, at the last-known address of such owner on the last-completed
106 grand list of the municipality where the parcel is located.

107 Sec. 2. Subsection (c) of section 22a-133y of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2014*):

110 (c) Any final remedial action report submitted to the commissioner
111 for such a property or portion of such a property by a licensed
112 environmental professional shall be deemed approved unless, [within]
113 not later than sixty days [of] after such submittal, the commissioner
114 determines, in his or her sole discretion, that an audit of such remedial
115 action is necessary to assess whether remedial action beyond that
116 which is indicated in such report is necessary for the protection of
117 human health or the environment. Such an audit shall be conducted

118 [within] not later than six months [of] after such determination. After
119 completing such audit, the commissioner may disapprove the report,
120 provided (1) he or she shall give his or her reasons therefor in writing,
121 and [further provided] (2) such owner may appeal such disapproval to
122 the superior court in accordance with the provisions of section 4-183.
123 Prior to approving a final remedial action report, the commissioner
124 may enter into a memorandum of understanding with the owner of
125 such property with regard to any further remedial action or
126 monitoring activities on or at such property which the commissioner
127 deems necessary for the protection of human health or the
128 environment.

129 Sec. 3. Subdivision (1) of section 22a-134 of the 2014 supplement to
130 the general statutes is repealed and the following is substituted in lieu
131 thereof (*Effective October 1, 2014*):

132 (1) "Transfer of establishment" means any transaction or proceeding
133 through which an establishment undergoes a change in ownership, but
134 does not mean:(A) Conveyance or extinguishment of an easement;

135 (B) Conveyance of an establishment through a foreclosure, as
136 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
137 tax lien or through a tax warrant sale pursuant to section 12-157, an
138 exercise of eminent domain by a municipality or pursuant to section 8-
139 128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or
140 purchase pursuant to a resolution by the legislative body of a
141 municipality authorizing the acquisition through eminent domain for
142 establishments that also meet the definition of a brownfield, as defined
143 in section 32-760, or a subsequent transfer by such municipality that
144 has foreclosed on the property, foreclosed municipal tax liens or that
145 has acquired title to the property through section 12-157, or is within
146 the pilot program established in subsection (c) of section 32-9cc of the
147 general statutes, revision of 1958, revised to January 1, 2013, or the
148 remedial action and redevelopment municipal grant program
149 established in section 32-763, or has acquired such property through
150 the exercise of eminent domain by a municipality or pursuant to

151 section 8-128, 8-169e or 8-193 or by condemnation pursuant to section
152 32-224 or a resolution adopted in accordance with this subparagraph,
153 provided (i) the party acquiring the property from the municipality
154 did not establish, create or contribute to the contamination at the
155 establishment and is not affiliated with any person who established,
156 created or contributed to such contamination or with any person who
157 is or was an owner or certifying party for the establishment, and (ii) on
158 or before the date the party acquires the property from the
159 municipality, such party or municipality enters and subsequently
160 remains in the voluntary remediation program administered by the
161 commissioner pursuant to section 22a-133x and remains in compliance
162 with schedules and approvals issued by the commissioner. For
163 purposes of this subparagraph, subsequent transfer by a municipality
164 includes any transfer to, from or between a municipality, municipal
165 economic development agency or entity created or operating under
166 chapter 130 or 132, a nonprofit economic development corporation
167 formed to promote the common good, general welfare and economic
168 development of a municipality that is funded, either directly or
169 through in-kind services, in part by a municipality, or a nonstock
170 corporation or limited liability company controlled or established by a
171 municipality, municipal economic development agency or entity
172 created or operating under chapter 130 or 132;

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

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

178 (E) Termination of a lease and conveyance, assignment or execution
179 of a lease for a period less than ninety-nine years including
180 conveyance, assignment or execution of a lease with options or similar
181 terms that will extend the period of the leasehold to ninety-nine years,
182 or from the commencement of the leasehold, ninety-nine years,
183 including conveyance, assignment or execution of a lease with options

184 or similar terms that will extend the period of the leasehold to ninety-
185 nine years, or from the commencement of the leasehold;

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

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

190 (H) Corporate reorganization not substantially affecting the
191 ownership of the establishment;

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

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

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

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

204 (M) Any conveyance of a portion of a parcel upon which portion no
205 establishment is or has been located and upon which there has not
206 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
207 of hazardous waste, provided either the area of such portion is not
208 greater than fifty per cent of the area of such parcel or written notice of
209 such proposed conveyance and an environmental condition
210 assessment form for such parcel is provided to the commissioner sixty
211 days prior to such conveyance;

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

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

217 (P) Any conveyance of an establishment to any entity created or
218 operating under chapter 130 or 132, or to an urban rehabilitation
219 agency, as defined in section 8-292, or to a municipality under section
220 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
221 of the corporation;

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

225 (R) The conversion of a general or limited partnership to a limited
226 liability company;

227 (S) The transfer of general partnership property held in the names of
228 all of its general partners to a general partnership which includes as
229 general partners immediately after the transfer all of the same persons
230 as were general partners immediately prior to the transfer;

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

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

237 (V) Conveyance of any real property or business operation that
238 would qualify as an establishment solely as a result of (i) the
239 generation of more than one hundred kilograms of universal waste in
240 a calendar month, (ii) the storage, handling or transportation of

241 universal waste generated at a different location, or (iii) activities
242 undertaken at a universal waste transfer facility, provided any such
243 real property or business operation does not otherwise qualify as an
244 establishment; there has been no discharge, spillage, uncontrolled loss,
245 seepage or filtration of a universal waste or a constituent of universal
246 waste that is a hazardous substance at or from such real property or
247 business operation; and universal waste is not also recycled, treated,
248 except for treatment of a universal waste pursuant to 40 CFR
249 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
250 such real property or business operation;

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

253 (X) Acquisition of an establishment that is in the abandoned
254 brownfield cleanup program established pursuant to section 32-768
255 and all subsequent transfers of the establishment, provided the
256 establishment is undergoing remediation or is remediated in
257 accordance with subsection (f) of section 32-768;

258 (Y) Any transfer of title from a bankruptcy court or a municipality
259 to a nonprofit organization;

260 (Z) Acquisition of an establishment that is in the brownfield
261 remediation and revitalization program and all subsequent transfers of
262 the establishment, provided the establishment is in compliance with
263 the brownfield investigation plan and remediation schedule, the
264 commissioner has issued a no audit letter or successful audit closure
265 letter in response to a verification or interim verification submitted
266 regarding the remediation of such establishment under the brownfield
267 remediation and revitalization program, or a one-hundred-eighty-day
268 period has expired since a verification or interim verification
269 submitted regarding the remediation of such establishment under the
270 brownfield remediation and revitalization program without an audit
271 decision from the Commissioner of Energy and Environmental
272 Protection;

273 (AA) Conveyance of an establishment in connection with the
274 acquisition of properties to effectuate the development of a project
275 certified and approved pursuant to section 32-9v, provided any such
276 property is investigated and remediated in accordance with section
277 22a-133y; or

278 (BB) Conveyance from the Department of Transportation to the
279 Connecticut Airport Authority of any properties comprising (i)
280 Bradley International Airport and all related improvements and
281 facilities now in existence and as hereafter acquired, added, extended,
282 improved and equipped, including any property or facilities
283 purchased with funds of, or revenues derived from, Bradley
284 International Airport, and any other property or facilities allocated by
285 the state, the Connecticut Airport Authority or otherwise to Bradley
286 International Airport, (ii) the state-owned and operated general
287 aviation airports, including Danielson Airport, Groton/New London
288 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
289 Windham Airport and any such other airport as may be owned,
290 operated or managed by the Connecticut Airport Authority and
291 designated as general aviation airports, (iii) any other airport as may
292 be owned, operated or managed by the Connecticut Airport Authority,
293 and (iv) any airport site or any part thereof, including, but not limited
294 to, any restricted landing areas and any air navigation facilities.

295 Sec. 4. Subdivision (3) of section 22a-134 of the 2014 supplement to
296 the general statutes is repealed and the following is substituted in lieu
297 thereof (*Effective October 1, 2014*):

298 (3) "Establishment" means any real property at which or any
299 business operation from which (A) on or after November 19, 1980,
300 there was generated, except as the result of (i) remediation of polluted
301 soil, groundwater or sediment, or (ii) the removal or abatement of
302 hazardous building materials, more than one hundred kilograms of
303 hazardous waste in any one month, (B) hazardous waste generated at a
304 different location was recycled, reclaimed, reused, stored, handled,
305 treated, transported or disposed of, (C) the process of dry cleaning was

306 conducted on or after May 1, 1967, (D) furniture stripping was
307 conducted on or after May 1, 1967, or (E) a vehicle body repair facility
308 was located on or after May 1, 1967;

309 Sec. 5. Subdivision (11) of section 22a-134 of the 2014 supplement to
310 the general statutes is repealed and the following is substituted in lieu
311 thereof (*Effective October 1, 2014*):

312 (11) "Form II" means a written certification by the transferor of an
313 establishment on a form prescribed and provided by the commissioner
314 that the parcel or portion of the parcel has been investigated in
315 accordance with prevailing standards and guidelines and that (A) any
316 pollution caused by a discharge, spillage, uncontrolled loss, seepage or
317 filtration of hazardous waste or a hazardous substance which has
318 occurred from the establishment or portion of a parcel of such
319 establishment has been remediated in accordance with the remediation
320 standards and that the remediation has been approved in writing by
321 the commissioner or has been verified pursuant to section 22a-133x or
322 section 22a-134a in writing attached to such form by a licensed
323 environmental professional to have been performed in accordance
324 with the remediation standards and that since any such written
325 approval or verification, including any approval or verification for a
326 portion of an establishment, no discharge, spillage, uncontrolled loss,
327 seepage or filtration of hazardous waste or hazardous substances has
328 occurred at any portion of the establishment, (B) the commissioner has
329 determined in writing or a licensed environmental professional has
330 verified pursuant to section 22a-133x or section 22a-134a in writing,
331 attached to the form that no remediation is necessary to achieve
332 compliance with the remediation standards, or (C) a Form IV
333 verification was previously submitted to the commissioner and, since
334 the date of the submission of the Form IV, no discharge, spillage,
335 uncontrolled loss, seepage or filtration of hazardous waste or a
336 hazardous substance has occurred at the establishment or portion of a
337 parcel of such establishment, which certification is based on an
338 investigation of the parcel in accordance with prevailing standards and

339 guidelines;

340 Sec. 6. Subdivision (13) of section 22a-134 of the 2014 supplement to
341 the general statutes is repealed and the following is substituted in lieu
342 thereof (*Effective October 1, 2014*):

343 (13) "Form IV" means a written certification signed by one or more
344 certifying parties on a form prescribed and provided by the
345 commissioner and which is accompanied by a written determination
346 by the commissioner or by a verification or interim verification by a
347 licensed environmental professional pursuant to section 22a-134a or
348 22a-133x, which certification states and is accompanied by
349 documentation demonstrating that the parcel or portion of the parcel
350 has been investigated in accordance with prevailing standards and
351 guidelines and that (A) there has been a discharge, spillage,
352 uncontrolled loss, seepage or filtration of hazardous waste or a
353 hazardous substance on the establishment, and (B) all actions to
354 remediate any pollution caused by any release at the establishment
355 have been taken in accordance with the remediation standards except
356 postremediation monitoring, natural attenuation monitoring or the
357 recording of an environmental land use restriction, and (C) the person
358 or persons signing the certification agree, in accordance with the
359 representations made in the form, to conduct postremediation
360 monitoring or natural attenuation monitoring in accordance with the
361 remediation standards and if further investigation and remediation are
362 necessary to take further action to investigate the establishment in
363 accordance with prevailing standards and guidelines and to remediate
364 the establishment in accordance with the remediation standards;

365 Sec. 7. Subdivision (19) of section 22a-134 of the 2014 supplement to
366 the general statutes is repealed and the following is substituted in lieu
367 thereof (*Effective October 1, 2014*):

368 (19) "Verification" means the rendering of a written opinion by a
369 licensed environmental professional on a form prescribed by the
370 commissioner that an investigation of the parcel or portion of the

371 parcel has been performed in accordance with prevailing standards
372 and guidelines and that the establishment or portion of a parcel of
373 such establishment has been remediated in accordance with the
374 remediation standards;

375 Sec. 8. Subdivision (28) of section 22a-134 of the 2014 supplement to
376 the general statutes is repealed and the following is substituted in lieu
377 thereof (*Effective October 1, 2014*):

378 (28) "Interim verification" means a written opinion by a licensed
379 environmental professional, on a form prescribed by the
380 commissioner, that (A) the investigation of the parcel or portion of the
381 parcel has been performed in accordance with prevailing standards
382 and guidelines, (B) the remediation has been completed in accordance
383 with the remediation standards, except that, for remediation standards
384 for groundwater, the selected remedy is in operation but has not
385 achieved the remediation standards for groundwater, (C) identifies the
386 long-term remedy being implemented to achieve groundwater
387 standards, the estimated duration of such remedy, and the ongoing
388 operation and maintenance requirements for continued operation of
389 such remedy, and (D) there are no current exposure pathways to the
390 groundwater area that have not yet met the remediation standards.

391 Sec. 9. Section 22a-134 of the 2014 supplement to the general statutes
392 is amended by adding subdivision (29) as follows (*Effective October 1,*
393 *2014*):

394 (NEW) (29) "Hazardous building material" means any building
395 material that contains polychlorinated biphenyls, asbestos, any
396 hazardous substance or any toxic substance identified in accordance
397 with the Toxic Substances Control Act (15 USC 2601 et seq.).

398 Sec. 10. Subsection (g) of section 22a-134a of the general statutes is
399 repealed and the following is substituted in lieu thereof (*Effective*
400 *October 1, 2014*):

401 (g) (1) (A) Except as provided in subsection (h) of this section, the

402 certifying party to a Form III shall, not later than seventy-five days
403 after the receipt of the notice that such form is complete or such later
404 date as may be approved in writing by the commissioner, submit a
405 schedule for the investigation of the parcel and remediation of the
406 establishment. Such schedule shall, unless a later date is specified in
407 writing by the commissioner, provide that the investigation shall be
408 completed within two years of the date of receipt of such notice,
409 remediation shall be initiated not later than three years after the date of
410 receipt of such notice and remediation shall be completed sufficient to
411 support either a verification or interim verification within a time frame
412 set forth in subparagraphs (B) and (C) of this subdivision. The
413 schedule shall also include a schedule for providing public notice of
414 the remediation prior to the initiation of such remediation in
415 accordance with subsection (i) of this section. Not later than two years
416 after the date of the receipt of the notice that the Form III is complete,
417 unless the commissioner has specified a later day, in writing, the
418 certifying party shall submit to the commissioner documentation,
419 approved in writing by a licensed environmental professional and in a
420 form prescribed by the commissioner, that the investigation has been
421 completed in accordance with prevailing standards and guidelines.
422 Not later than three years after the date of the receipt of the notice that
423 the Form III is complete, unless the commissioner has specified a later
424 day in writing, the certifying party shall notify the commissioner in a
425 form prescribed by the commissioner that the remediation has been
426 initiated, and shall submit to the commissioner a remedial action plan
427 approved in writing by a licensed environmental professional in a
428 form prescribed by the commissioner. Notwithstanding any other
429 provision of this section, the commissioner may determine at any time
430 that the commissioner's review and written approval is necessary and
431 in such case shall notify the certifying party that the commissioner's
432 review and written approval is necessary. Such certifying party shall
433 investigate the parcel and remediate the establishment in accordance
434 with the schedule or the schedule specified by the commissioner.

435 (B) For a certifying party that submitted a Form III or Form IV

436 before October 1, 2009, when remediation of the entire establishment is
437 complete, the certifying party shall achieve the remediation standards
438 for the establishment sufficient to support a final verification and shall
439 submit to the commissioner a final verification by a licensed
440 environmental professional.

441 (C) For a certifying party that submits a Form III or Form IV after
442 October 1, 2009, not later than eight years after the date of receipt of
443 the notice that the Form III or Form IV is complete, unless the
444 commissioner has specified a later date in writing, the certifying party
445 shall achieve the remediation standards for the establishment sufficient
446 to support a final or interim verification and shall submit to the
447 commissioner such final or interim verification by a licensed
448 environmental professional. Any such final verification may include
449 and rely upon a verification for a portion of the establishment
450 submitted pursuant to subdivision (2) of this subsection. Verifications
451 shall be submitted on a form prescribed by the commissioner. The
452 certifying party may request a verification or interim verification filing
453 extension. The commissioner shall grant a reasonable extension if the
454 certifying party demonstrates to the commissioner's satisfaction that:
455 (i) Such certifying party has made reasonable progress toward
456 investigation and remediation of the establishment; and (ii) despite
457 best efforts, circumstances beyond the control of the certifying party
458 have significantly delayed the remediation of the establishment.

459 (D) A certifying party who submits an interim verification shall,
460 until the remediation standards for groundwater are achieved, operate
461 and maintain the long-term remedy for groundwater in accordance
462 with the remedial action plan, the interim verification and any
463 approvals by the commissioner, prevent exposure to the groundwater
464 plume and submit annual status reports to the commissioner.

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

468 (2) If a certifying party completes the remediation for a portion of an
469 establishment, such party may submit a verification or an interim
470 verification by a licensed environmental professional for any such
471 portion of an establishment. The certifying party shall be deemed to
472 have satisfied the requirements of this subsection for that portion of
473 the establishment covered by any such verification or interim
474 verification. If any portion of an establishment for which a verification
475 or interim verification is submitted pursuant to this subdivision is
476 transferred or conveyed or undergoes a change in ownership before
477 remediation of the entire establishment is complete that would not
478 otherwise be subject to the provisions of sections 22a-134 to 22a-134e,
479 inclusive, the certifying party shall provide notice to the commissioner
480 of such transfer, conveyance or change in ownership not later than
481 thirty days after any such transfer, conveyance or change in
482 ownership.

483 (3) (A) The commissioner may conduct an audit of any verification
484 or interim verification submitted pursuant to this section, but shall not
485 conduct an audit of a final verification of an entire establishment
486 submitted pursuant to subdivision (1) of this subsection after three
487 years have passed since the date of the commissioner's receipt of such
488 final verification unless an exception listed in subparagraph (C) of this
489 subdivision applies. Upon completion of an audit, the commissioner
490 shall send written audit findings to the certifying party and the
491 licensed environmental professional who verified. The three-year time
492 frame for an audit of a final verification of an entire establishment shall
493 apply to such final verifications received by the commissioner after
494 October 1, 2007.

495 (B) The commissioner may request additional information during an
496 audit. If such information has not been provided to the commissioner
497 within ninety days of the commissioner's request for such information
498 or any longer time as the commissioner may determine in writing, the
499 commissioner may either (i) suspend the audit, which for a final
500 verification shall suspend the running of the three-year audit time

501 frame until such time as the commissioner receives all the information
 502 requested, or (ii) complete the audit based upon the information
 503 provided in the verification before the request for additional
 504 information.

505 (C) The commissioner shall not conduct an audit of a final
 506 verification of an entire establishment after three years from receipt of
 507 such verification pursuant to this subdivision unless (i) the
 508 commissioner has reason to believe that a verification was obtained
 509 through the submittal of materially inaccurate or erroneous
 510 information, or otherwise misleading information material to the
 511 verification or that misrepresentations were made in connection with
 512 the submittal of the verification, (ii) a verification is submitted
 513 pursuant to an order of the commissioner pursuant to subsection (j) of
 514 this section, (iii) any post-verification monitoring, or operations and
 515 maintenance, is required as part of a verification and which has not
 516 been done, (iv) a verification that relies upon an environmental land
 517 use restriction was not recorded on the land records of the
 518 municipality in which such land is located in accordance with section
 519 22a-133o and applicable regulations, (v) the commissioner determines
 520 that there has been a violation of sections 22a-134 to 22a-134e, or (vi)
 521 the commissioner determines that information exists indicating that
 522 the remediation may have failed to prevent a substantial threat to
 523 public health or the environment.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2014</i> | 22a-133x |
| Sec. 2 | <i>October 1, 2014</i> | 22a-133y(c) |
| Sec. 3 | <i>October 1, 2014</i> | 22a-134(1) |
| Sec. 4 | <i>October 1, 2014</i> | 22a-134(3) |
| Sec. 5 | <i>October 1, 2014</i> | 22a-134(11) |
| Sec. 6 | <i>October 1, 2014</i> | 22a-134(13) |
| Sec. 7 | <i>October 1, 2014</i> | 22a-134(19) |
| Sec. 8 | <i>October 1, 2014</i> | 22a-134(28) |
| Sec. 9 | <i>October 1, 2014</i> | 22a-134 |

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| Sec. 10 | <i>October 1, 2014</i> | 22a-134a(g) |
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CE *Joint Favorable Subst.*