
OLR Bill Analysis

HB 5544

AN ACT REVISING CERTAIN BROWNFIELD RELATED STATUTES.

SUMMARY:

This bill allows a licensed environmental professional (LEP) to provide an “interim verification” for a portion of a property subject to the Transfer Act, if the soil under that portion has been remediated. By law, “interim verification” is the standard signifying that the soil has been remediated, but that the groundwater still requires remediation under a long-term remedy that is in place and meets certain requirements. LEPs can already provide an interim verification for an entire property.

By expanding interim verifications to include portions of properties, the bill allows the people responsible for remediating properties transferred after October 1, 2009, to meet the law’s eight-year remediation deadline by remediating a portion of the property to the interim verification standard.

Existing law allows the person who completes the remediation of a portion of property to provide a “verification” as evidence that they satisfy the law’s soil and groundwater remediation requirements for that portion. Verification is the standard signifying that the property has been investigated and remediated according to state standards. The bill permits the person to also meet the requirements by submitting an interim verification for that portion of property.

EFFECTIVE DATE: Upon passage

BACKGROUND

Transfer Act

Connecticut’s property transfer law, commonly referred to as the “Transfer Act,” regulates the transfer of certain polluted real properties

and business operations in the state (“establishments”). It sets a procedure for performing the investigation and remediation of properties subject to the act.

By law, an establishment includes real property on which, or a business operation from which, hazardous waste was generated or processed, or a dry cleaning, furniture stripping, or vehicle body repair business operated. The act generally requires the disclosure of (1) environmental conditions and (2) in some cases, investigation and remediation (CGS § 22a-134 et seq.).

Interim Verification

By law, an interim verification means that an investigation has been performed and soil remediation is complete according to the state’s remediation standards, but the groundwater remediation is ongoing. Specifically, the interim verification must identify the long-term remedy being used to reach the groundwater remediation standards, and the estimated duration of, and ongoing operation and maintenance requirements for, the remedy. It must also state that there are no current exposure pathways to the groundwater area that have not achieved the remediation standards.

Related Bill

sHB 5573, favorably reported by the Commerce Committee, among other things, also allows for interim verifications by LEPs for portions of parcels subject to the Transfer Act.

COMMITTEE ACTION

Environment Committee

Joint Favorable
Yea 27 Nay 0 (03/21/2014)