



House of Representatives

General Assembly

File No. 250

February Session, 2014

Substitute House Bill No. 5418

House of Representatives, April 1, 2014

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 22a-452b of the general statutes is repealed and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 effects of such death or serious bodily injury on any land or waters of
 16 the state. Any such agreement may provide for the payment of less
 17 than all: (1) Costs and expenses incurred in containing, removing or
 18 mitigating such effects, and (2) legal expenses and court costs incurred
 19 by the department in seeking such recovery of costs and expenses. The
 20 commissioner shall not seek the recovery of any such costs and
 21 expenses from any person or the estate of any person, as applicable,
 22 who dies or sustains serious bodily injury, on or after the effective date
 23 of this section, and for which the commissioner incurs expenses to
 24 contain, remove or mitigate the effects of such death or serious bodily
 25 injury on any land or waters of the state.

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

Statement of Legislative Commissioners:

", on or after the effective date of this section," was moved for clarity.

ENV *Joint Favorable Subst.*

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 - Potential Revenue Impact	See Below	See Below

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 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.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject actual costs incurred on state land or water.

OLR Bill Analysis**sHB 5418*****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 applies, the costs and expenses to contain, remove, or mitigate the effects of the serious bodily injury or death on the state's land or water, 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 allows the commissioner to make an agreement with anyone or the estate of anyone, who was seriously injured or died, as applies, to pay less than the full (1) costs and expenses incurred to contain, remove, or mitigate the effects of the injury or death and (2) legal fees and court costs DEEP incurred in trying to recover the costs and expenses.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/17/2014)