



House of Representatives

General Assembly

File No. 449

February Session, 2014

House Bill No. 5544

House of Representatives, April 8, 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 bill ought to pass.

AN ACT REVISING CERTAIN BROWNFIELD RELATED STATUTES.

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

1 Section 1. Subdivision (28) of section 22a-134 of the 2014 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective from passage*):

4 (28) "Interim verification" means a written opinion by a licensed
5 environmental professional, on a form prescribed by the
6 commissioner, that (A) the investigation has been performed in
7 accordance with prevailing standards and guidelines, (B) the
8 remediation has been completed for all or a portion of an
9 establishment in accordance with the remediation standards, except
10 that, for remediation standards for groundwater, the selected remedy
11 is in operation but has not achieved the remediation standards for
12 groundwater, (C) identifies the long-term remedy being implemented
13 to achieve groundwater standards, the estimated duration of such
14 remedy, and the ongoing operation and maintenance requirements for
15 continued operation of such remedy, and (D) there are no current

16 exposure pathways to the groundwater area that have not yet met the
 17 remediation standards.

18 Sec. 2. Subdivision (2) of subsection (g) of section 22a-134a of the
 19 general statutes is repealed and the following is substituted in lieu
 20 thereof (*Effective from passage*):

21 (2) If a certifying party completes the remediation for a portion of an
 22 establishment, such party may submit an interim verification by a
 23 licensed environmental professional, in accordance with subdivision
 24 (1) of this subsection, or a verification by a licensed environmental
 25 professional for any such portion of an establishment. The certifying
 26 party shall be deemed to have satisfied the requirements of this
 27 subsection for that portion of the establishment covered by any such
 28 verification. If any portion of an establishment for which a verification
 29 is submitted pursuant to this subdivision is transferred or conveyed or
 30 undergoes a change in ownership before remediation of the entire
 31 establishment is complete that would not otherwise be subject to the
 32 provisions of sections 22a-134 to 22a-134e, inclusive, as amended by
 33 this act, the certifying party shall provide notice to the commissioner of
 34 such transfer, conveyance or change in ownership not later than thirty
 35 days after any such transfer, conveyance or change in ownership.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-134(28)
Sec. 2	<i>from passage</i>	22a-134a(g)(2)

ENV *Joint Favorable*

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:*** None***Municipal Impact:*** None***Explanation***

Expanding interim verifications to include portions of properties is not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

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)