AN ACT CONCERNING THE AUDIT PERIOD FOR THE TRANSFER OF HAZARDOUS WASTE ESTABLISHMENTS.

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

Section 1. Subsection (g) of section 22a-134a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(g) (1) (A) Except as provided in subsection (h) of this section, the certifying party to a Form III shall, not later than seventy-five days after the receipt of the notice that such form is complete or such later date as may be approved in writing by the commissioner, submit a schedule for the investigation of the parcel and remediation of the establishment. Such schedule shall, unless a later date is specified in writing by the commissioner, provide that the investigation shall be completed within two years of the date of receipt of such notice, remediation shall be initiated not later than three years after the date of receipt of such notice and remediation shall be completed sufficient to support either a verification or interim verification within a time frame set forth in subparagraphs (B) and (C) of this subdivision. The
schedule shall also include a schedule for providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. Not later than two years after the date of the receipt of the notice that the Form III is complete, unless the commissioner has specified a later day, in writing, the certifying party shall submit to the commissioner documentation, approved in writing by a licensed environmental professional and in a form prescribed by the commissioner, that the investigation has been completed in accordance with prevailing standards and guidelines. Not later than three years after the date of the receipt of the notice that the Form III is complete, unless the commissioner has specified a later day in writing, the certifying party shall notify the commissioner in a form prescribed by the commissioner that the remediation has been initiated, and shall submit to the commissioner a remedial action plan approved in writing by a licensed environmental professional in a form prescribed by the commissioner. Notwithstanding any other provision of this section, the commissioner may determine at any time that the commissioner's review and written approval is necessary and in such case shall notify the certifying party that the commissioner's review and written approval is necessary. Such certifying party shall investigate the parcel and remediate the establishment in accordance with the schedule or the schedule specified by the commissioner.

(B) For a certifying party that submitted a Form III or Form IV before October 1, 2009, when remediation of the entire establishment is complete, the certifying party shall achieve the remediation standards for the establishment sufficient to support a final verification and shall submit to the commissioner a final verification by a licensed environmental professional.

(C) For a certifying party that submits a Form III or Form IV after October 1, 2009, not later than eight years after the date of receipt of the notice that the Form III or Form IV is complete, unless the commissioner has specified a later date in writing, the certifying party shall achieve the remediation standards for the establishment sufficient to support a final or interim verification and shall submit to the
commissioner such final or interim verification by a licensed environmental professional. Any such final verification may include and rely upon a verification for a portion of the establishment submitted pursuant to subdivision (2) of this subsection. Verifications shall be submitted on a form prescribed by the commissioner. The certifying party may request a verification or interim verification filing extension. The commissioner shall grant a reasonable extension if the certifying party demonstrates to the commissioner’s satisfaction that:

(i) Such certifying party has made reasonable progress toward investigation and remediation of the establishment; and (ii) despite best efforts, circumstances beyond the control of the certifying party have significantly delayed the remediation of the establishment.

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

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

(2) (A) Notwithstanding the date the Form III or Form IV was submitted, if a certifying party completes the remediation for a portion of an establishment, such party may submit a verification or an interim verification by a licensed environmental professional for any such portion of an establishment. The certifying party shall be deemed to have satisfied the requirements of this subsection for that portion of the establishment covered by any such verification or interim verification. If any portion of an establishment for which a verification or interim verification is submitted pursuant to this subdivision is transferred or conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e,
inclusive, the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days after any such transfer, conveyance or change in ownership.

(B) Any certifying party who submits an interim verification for a portion of an establishment on or before December 31, 2014, shall not be required to record any environmental land use restriction, in accordance with section 22a-133o, prior to submitting such interim verification, provided such certifying party shall record such environmental land use restriction, in accordance with section 22a-133o, on or before September 1, 2015, or a later date as approved, in writing, by the commissioner. If such environmental land use restriction is not recorded on or before September 1, 2015, or such later date, such interim verification shall be invalid and shall not be recognized by the commissioner.

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

(B) The commissioner may request additional information during an audit. If such information has not been provided to the commissioner within ninety days of the commissioner's request for such information or any longer time as the commissioner may determine in writing, the commissioner may either (i) suspend the audit, which for a final verification shall suspend the running of the [three-year] sixty-day
audit time frame until such time as the commissioner receives all the
information requested, or (ii) complete the audit based upon the
information provided in the verification before the request for
additional information.

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

Sec. 2. Subsection (p) of section 22a-134e of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(p) Notwithstanding any other provision of this section, the fee for
filing a Form II or Form IV for an establishment for which the
commissioner has issued a written approval of a remediation under
subsection (d) of section 22a-133x within [three years] sixty days of the
date of the filing of the form shall be the total fee for a Form III
specified in subsection (n) of this section and shall be due upon the
filing of the Form II or Form IV.
(q) The requirements of this section shall not apply to a transfer of property to a municipality under the provisions of section 12-157.

This act shall take effect as follows and shall amend the following sections:

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<tr>
<th>Section</th>
<th>Effect Date</th>
<th>Section</th>
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<tbody>
<tr>
<td>1</td>
<td>October 1, 2019</td>
<td>22a-134a(g)</td>
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<tr>
<td>2</td>
<td>October 1, 2019</td>
<td>22a-134e(p)</td>
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**Statement of Purpose:**
To shorten the audit period for the transfer of hazardous waste establishments from three years to sixty days.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]