OLR Bill Analysis
SB 1030

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

SUMMARY
This bill shortens the general audit window for Transfer Act verifications, from three years to 60 days, after the submission of a final verification for an entire establishment to the Department of Energy and Environmental Protection (DEEP). A verification is a written opinion by a licensed environmental professional stating that an establishment has been remediated according to specific standards.

As under existing law, the DEEP commissioner may audit a final verification after the audit period under certain conditions, including if she determines that:

1. the verification was based on materially inaccurate, erroneous, or misleading information or that misrepresentations were made when the verification was submitted;

2. required monitoring, operations, or maintenance has not been done; or

3. information exists showing that the remediation may not prevent a substantial threat to public health or the environment (CGS § 22a-134a(g)(3)(C)).

The bill also modifies the fee for filing certain Transfer Act forms. Under current law, if a Form II or Form IV is filed within three years of receiving final approval of remediation from the DEEP commissioner under the state’s voluntary remediation program, and a transfer occurs within that time period, then the Form III fee schedule applies. The bill shortens this timeframe from three years to 60 days.
EFFECTIVE DATE: October 1, 2019

BACKGROUND

Transfer Act

Connecticut’s property transfer law, commonly referred to as the “Transfer Act,” regulates the transfer of certain real properties and business operations in the state (“establishments”). 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 law generally requires the disclosure of (1) environmental conditions and (2) in some cases, investigation and remediation. It also protects a property transferee by allowing him or her to recover damages from a transferor who fails to comply with the act (CGS §§ 22a-134 to 134e).

COMMITTEE ACTION

Commerce Committee

Joint Favorable
Yea 22  Nay 0  (03/14/2019)