

## State Environmental Remediation Laws

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### Issue

Provide a list of state laws, other than the Transfer Act, that allow or require remediation of contaminated property or waters.

### Summary

Table 1 below describes state laws, other than the Transfer Act, that allow or require remediation of contaminated property or waters. We developed this list with the assistance of members of the Transfer Act Working Group.

**Table 1: State Environmental Remediation Laws Other Than the Transfer Act**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
<a href="#">CGS § 22a-6u</a>	Reporting of <a href="#">Significant Environmental Hazards</a>  (see DEEP's <a href="#">fact sheet</a> )	Requires property owners to notify the Department of Energy and Environmental Protection (DEEP) when they become aware of significant environmental hazards that pose a potential health risk to exposed individuals or the environment. They must also take certain remediation actions to limit short-term risk.  A technical environmental professional (TEP) must notify his or her clients and the owner of a property if, while investigating pollution, the TEP determines that there is an environmental hazard. In some cases, if an owner does not notify DEEP, the TEP's client must report the hazard to DEEP.

**Table 1 (continued)**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
<a href="#">CGS §§ 22a-133e to 22a-133g</a>	Remedial Action by State at <a href="#">Sites on Hazardous Waste Disposal Sites Inventory</a>	Requires the DEEP commissioner to provide for remedial action for all assessed sites.  Whenever the commissioner pursues remedial action, she must seek reimbursement of the costs and expenses incurred by requesting the attorney general to bring a civil action to recover them from the responsible party.
<a href="#">CGS § 22a-133m</a>	<a href="#">Urban Site Remedial Action Program</a>	This program identifies, evaluates, plans for, and undertakes the remediation of polluted real property (i.e., brownfields).  The Department of Economic and Community Development (DECD), in consultation with DEEP, prioritizes sites for evaluation and remediation based on cost, complexity, and potential economic development benefits, among other factors. Sites generally must be in a distressed municipality or targeted investment community.
<a href="#">CGS § 22a-133x</a>	<a href="#">Voluntary Remediation Program</a>  (see DEEP's <a href="#">fact sheet</a> )	An elective program in which a property owner files an Environmental Condition Assessment Form (ECAAF) and fee with DEEP so that the investigation and remediation of contaminated property may be expedited. This program is available to any person for any site.
<a href="#">CGS § 22a-133y</a>	<a href="#">Voluntary Remediation Program</a> for Property in Areas With GB or GC Groundwater  (See DEEP's <a href="#">fact sheet</a> )	An elective program for property owners to expedite the remediation of certain contaminated properties.  To enter into this program, the property must: <ul style="list-style-type: none"> <li>1. be located in an area where groundwater is <a href="#">classified as GB or GC</a> and</li> <li>2. not be subject to any administrative order, consent order, or stipulated judgment regarding the contamination.</li> </ul>
<a href="#">CGS § 22a-133z</a>	<a href="#">General Permits for In Situ Site Remediation</a>	DEEP uses both individual and general permits to regulate activities. Individual permits are issued directly to an applicant, whereas general permits are issued to authorize similar activities by one or more registrants throughout a prescribed geographic area. A general permit sets terms and conditions for conducting an activity which, when complied with, protect the environment. General permits are a quicker and more cost-effective way to permit specific activities for both DEEP and the permittee.  For example, the <a href="#">General Permit for In Situ Remediation: Chemical Oxidation</a> authorizes the introduction of chemical oxidants and necessary associated substances to soil and groundwater to remediate pollution through the chemical destruction of fuels and other organic materials and, in some cases, chemical modification of inorganic chemicals.

**Table 1 (continued)**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
<a href="#">CGS §§ 22a-133aa &amp; 22a-133bb</a>	Covenant Not to Sue  (see DEEP's informational <a href="#">webpage</a> )	<p>Two types of agreements (i.e., covenants), between DEEP and a prospective purchaser or owner of a polluted site, under which DEEP agrees it will not initiate a claim against the individual who has cleaned or will clean it up.</p> <p>Type 1 (<a href="#">CGS § 22a-133aa</a>): DEEP will not require remediation of previously unknown contamination that (1) predates the covenant's effective date and (2) is discovered after remediation is complete. The covenant must be in the public interest. A final report certifying that there have been no new releases must be approved by DEEP.</p> <p>Type 2 (<a href="#">CGS § 22a-133bb</a>): Additional remediation is not needed to meet remediation standards changed after the covenant's date. Either DEEP or a licensed environmental professional (LEP) can approve required reports.</p> <p>Both covenant types must have certain plans and reports (e.g., remedial action plan).</p>
<a href="#">CGS § 22a-133ee</a>	Third-Party Liability Relief	Provides that a non-responsible owner is not liable for pollution, except to the state or federal government, that occurred or existed before the owner took title to the property. To receive the liability relief, DEEP must approve an investigation report and remediation report, both of which must be prepared by an LEP.
<a href="#">CGS § 22a-133ii</a>	Municipal Brownfield Liability Relief Program  (see DEEP's <a href="#">fact sheet</a> )	<p>Provides certain liability relief for municipalities, economic development agencies, and municipal economic development corporations that acquire a brownfield for redevelopment but are not responsible for the site's pollution.</p> <p>To receive the liability relief, an entity must be accepted into the program before acquiring the property. Property in the program is exempt from the Transfer Act, and the brownfield does not need to be fully investigated or cleaned up. Rather, there must be a good-faith effort to minimize risk to public health and the environment, and there must be a plan and schedule showing the steps to investigate, remediate, and redevelop.</p>
<a href="#">CGS § 22a-417</a>	Sewage Discharge Ban	Prohibits (1) discharging sewage into waters of the state that are tributary to an existing water supply impoundment or a proposed water supply impoundment and (2) discharging sewage or other waste that has not met certain treatment standards into the Salmon River or one of its tributaries.
<a href="#">CGS § 22a-424</a>	DEEP Commissioner's Powers and Duties for Controlling Water Pollution	<p>The law gives the DEEP commissioner many powers and duties related to controlling water pollution, including:</p> <ol style="list-style-type: none"> <li>1. developing comprehensive programs on, and investigating, water pollution causes, prevention, and abatement;</li> <li>2. issuing orders prohibiting or abating water pollution or requiring remedial measures to prevent, control, or abate it;</li> <li>3. holding certain hearings (including taking testimony and subpoenaing witnesses and evidence); and</li> <li>4. issuing, modifying, revoking, or denying permits to discharge water, substance, or material into waters of the state.</li> </ol>

**Table 1 (continued)**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
		Violators of the state's water pollution control laws may be subject to civil and criminal penalties, depending on the circumstances involved. The DEEP commissioner may ask the attorney general to take civil action against a violator to recover penalties (see <a href="#">CGS § 22a-438</a> ).
<a href="#">CGS § 22a-427</a>	Waste Discharge Ban	Prohibits (1) causing pollution of any waters of the state or (2) maintaining a discharge of treated or untreated wastes that violates the water pollution control laws.
<a href="#">CGS § 22a-428</a>	Order to Municipalities to Abate Pollution	Allows the DEEP commissioner to issue a pollution abatement order if she finds that (1) a municipality is causing pollution of the waters of the state, (2) a community pollution problem exists, or (3) either of these events can reasonably be anticipated in the future. Any such order must include a time schedule for action by the municipality or municipalities.
<a href="#">CGS § 22a-430</a>	Prohibition on Discharges to Water of the State Without a Permit  (see <a href="#">DEEP's Water Discharge Permit information</a> and <a href="#">fact sheet</a> )	Prohibits any person or municipality from initiating, creating, originating, or maintaining any discharge of water, substance, or material into the waters of the state without a discharge permit issued by the DEEP commissioner.  If a person takes these actions without a permit or in violation of the permit's conditions, then the DEEP commissioner may issue a pollution abatement order or request the attorney general to bring a civil action.
<a href="#">CGS § 22a-431</a>	Review of Known Discharge Sources	Requires the DEEP commissioner to periodically investigate and review sources of discharge that are operating pursuant to a permit or order of the commissioner.  If she finds that there has been a substantial change that causes or threatens pollution to the waters of the state, or that the treatment system no longer adequately protects against water pollution, she may issue an abatement order.
<a href="#">CGS § 22a-432</a>	Order to Correct Potential Sources of Pollution	Allows the DEEP commissioner to issue a corrective order to a person that has established a facility or created a condition, or is maintaining a facility or condition that reasonably can be expected to create a source of pollution to the waters of the state.
<a href="#">CGS § 22a-433</a>	Order to Landowner to Correct Potential Pollution Sources	Allows the DEEP commissioner to issue certain corrective orders to a person owning land from which a source or potential source of pollution emanates onto land owned by a different person; generally makes landowner and person causing the pollution jointly and severally responsible.
<a href="#">CGS § 22a-450 et seq.</a>	Spill Reporting and Cost Recovery  (see <a href="#">DEEP's Emergency Response and Spill Prevention information</a> )	Requires a vessel's master, the person in charge of a terminal, an establishment's owner, and a machine's operator to report to the DEEP commissioner the release of certain hazardous materials.  The person or business that caused the spill and the owner of the property where the pollution occurred are responsible for the costs of cleaning up the release.

**Table 1 (continued)**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
<a href="#">CGS § 22a-467</a>	Regulating the Disposal of Polychlorinated Biphenyls (PCBs)  (See DEEP's <a href="#">PCB information</a> )	Generally prohibits disposal of PCBs, or any product or material containing PCBs, except in accordance with specified DEEP-issued permits.  Allows disposal with the DEEP commissioner's written approval if it (1) results in the PCBs' destruction or (2) is consistent with federal regulations on PCB disposal. The commissioner may include additional conditions for approval that protect the environment and human health.
<a href="#">CGS § 22a-471</a>	Orders for Pollution of Groundwaters/Public Drinking Water  (See DEEP's <a href="#">Potable Water Program</a> )	Allows the DEEP commissioner to issue an order requiring a person or municipality responsible for groundwater pollution (i.e., responsible party) to provide potable drinking water if the (1) DEEP commissioner determines that groundwater pollution has or is reasonably expected to occur and (2) Department of Public Health commissioner determines that the pollution creates or is reasonably expected to create an unacceptable risk to the health and safety of people using the water.  If DEEP cannot determine the pollution's source, or determines that the responsible party has insufficient assets to provide potable water, the commissioner may arrange for the water's provision or issue an order to the municipality requiring it to provide potable drinking water to the affected residential and school buildings within its jurisdiction; municipalities issued such orders may apply to the DEEP commissioner for a grant to cover related costs. Additionally, the DEEP commissioner may provide grants to certain water companies to provide potable drinking water.  Allows the DEEP commissioner to order the responsible party to reimburse the state, water company, or any municipality for expenses incurred in providing potable drinking water.
<a href="#">CGS § 32-762</a>	Brownfield Remediation and Development Account	Establishes a brownfield remediation and development account as a separate, non-lapsing General Fund account and specifies the funds to be deposited in the account (e.g., specified bond proceeds and funds recovered from parties that polluted properties that were later cleaned up under a state remediation program).  The DECD commissioner may use these funds (1) to provide financial assistance for remediating and developing brownfields or to owners required to perform mitigation actions and (2) for administrative costs.
<a href="#">CGS § 32-765</a>	<a href="#">Targeted Brownfield Loan Program</a>	Provides low-interest loans of up to \$4 million per year to potential brownfield purchasers and owners for eligible costs of brownfield remediation projects. Applicants must meet certain conditions to be eligible for the loan, including (1) having no direct or related liability for the brownfield's condition and (2) entering into specified DEEP voluntary remediation or DECD liability protection programs.
<a href="#">CGS § 32-768</a>	<a href="#">Abandoned Brownfield Cleanup Program</a>	Exempts developers from investigating and remediating contamination that emanated from the property before they acquired it and provides liability protections. To be eligible, the brownfield and developer must meet specified criteria, including a requirement that the (1) property have been unused or underused for at least five years and (2) redevelopment have a regional or municipal economic development benefit.

**Table 1 (continued)**

<i>Citation</i>	<i>Name</i>	<i>Brief Description</i>
		Program participants must (1) enter the voluntary remediation program ( <a href="#">CGS § 22a-133x</a> ), (2) investigate and remediate pollution in accordance with prevailing standards and DEEP regulations, and (3) eliminate further emanation or migration of any pollution from the property.
<a href="#">CGS § 32-769</a>	<a href="#">Brownfield Remediation and Revitalization Program</a>	<p>Provides liability protections to developers who remediate brownfields according to the program's requirements (up to 32 properties per year).</p> <p>The developers (e.g., businesses, nonprofit organizations, municipalities, economic development agencies) and the properties they propose to remediate must meet specific criteria. The DECD commissioner must also consider a variety of criteria when reviewing applications to ensure a geographic distribution and diversity of projects. Program fees are reduced for participants that complete remediation within specific time periods.</p>

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