



# House of Representatives

General Assembly

**File No. 559**

January Session, 2025

Substitute House Bill No. 7085

*House of Representatives, April 7, 2025*

The Committee on Commerce reported through REP. MESKERS of the 150th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING A REVIEW OF THE RELEASE-BASED CLEANUP PROGRAM AND RELATED REGULATIONS.**

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

1 Section 1. Section 22a-134tt of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The commissioner shall adopt, amend or repeal regulations, in  
4 accordance with the provisions of chapter 54, as are necessary and  
5 proper to carry out the purposes of sections 22a-134pp to 22a-134xx,  
6 inclusive.

7 (b) (1) The commissioner, or his or her designee, shall co-chair and  
8 convene, in conjunction with the Commissioner of Economic and  
9 Community Development, or his or her designee, a working group in  
10 the department for the purpose of providing advice and feedback for  
11 regulations to be adopted by the commissioner in accordance with the  
12 provisions of this section and, after the adoption of such regulations, to  
13 evaluate the implementation and efficacy of the release-based cleanup

14 program. The Commissioner of Economic and Community  
15 Development, or his or her designee, shall serve as co-chair of such  
16 working group. The membership of the working group shall include:  
17 [(1)] (A) The chairpersons and ranking members of the joint standing  
18 committees of the General Assembly having cognizance of matters  
19 relating to the environment and commerce; [(2)] (B) environmental  
20 transaction attorneys; [(3)] (C) commercial real estate brokers; [(4)] (D)  
21 licensed environmental professionals; [(5)] (E) representatives from the  
22 Connecticut Manufacturers' Collaborative; [(6)] (F) representatives of  
23 environmental advocacy groups; [(7)] (G) representatives of the  
24 Environmental Professionals Organization of Connecticut; [(8)] (H)  
25 municipal representatives; [(9)] (I) representatives from the brownfields  
26 working group established pursuant to section 32-770; [(10)] (J)  
27 representatives of the Connecticut Conference of Municipalities and the  
28 Connecticut Council of Small Towns; [(11)] (K) representatives of the  
29 Council on Environmental Quality; and [(12)] (L) any other interested  
30 members of the public designated by the commissioner.

31 (2) The commissioner shall convene monthly meetings of such  
32 working group until such time as regulations are adopted pursuant to  
33 this section. Not less than sixty days before posting notice on the  
34 eRegulations System pursuant to section 4-168, the commissioner shall  
35 provide a draft of such regulations to the members of the working group  
36 and allow members of the working group to provide advice and  
37 feedback on such draft. The members of the working group shall  
38 provide such advice and feedback not later than thirty days after the  
39 date on which such members receive such draft. Not less than fifteen  
40 days before posting such notice on the eRegulations System pursuant to  
41 section 4-168, the commissioner shall convene at least one monthly  
42 meeting of the working group after providing a draft of such  
43 regulations. The commissioner shall provide a revised draft for review  
44 by such members prior to posting notice on the eRegulations System  
45 pursuant to section 4-168.

46 (3) (A) After the adoption of regulations pursuant to this section, the  
47 working group shall meet at least quarterly until February 1, 2030, to (i)

48 advise the commissioner on issues related to the implementation and  
49 efficacy of the release-based cleanup program, (ii) provide feedback  
50 regarding the implementation and efficacy of the release-based cleanup  
51 program, and (iii) review and make recommendations regarding the  
52 laws and regulations relating to release-based remediation of hazardous  
53 waste.

54 (B) Such working group may provide an opportunity for public  
55 comment or seek input from stakeholders while conducting the review  
56 and developing its recommendations under this section.

57 (C) Not later than February 1, 2028, and February 1, 2030, the  
58 commissioner shall submit a report on the findings and  
59 recommendations of the working group regarding the release-based  
60 cleanup program, in accordance with the provisions of section 11-4a, to  
61 the joint standing committees of the General Assembly having  
62 cognizance of matters relating to the environment and commerce.

63 (c) Such regulations shall include, but need not be limited to,  
64 provisions regarding (1) reporting requirements for any releases  
65 required to be reported pursuant to sections 22a-134qq to 22a-134tt,  
66 inclusive, including, but not limited to, reportable quantities and  
67 concentrations above which a release shall be reported in accordance  
68 with said sections; (2) procedures and deadlines for remediation,  
69 including public participation; (3) standards for remediation for any  
70 release to the land and waters of the state, including environmental use  
71 restrictions, as defined in section 22a-133o; (4) verification and  
72 commissioner's audit of remediation; (5) supervision of remediation  
73 based on pollutant type, concentration or volume, or based on the  
74 imminence of harm to public health; and (6) any required fees.

75 (d) In any regulation adopted pursuant to subsection (a) of this  
76 section, the commissioner shall specify tiers of releases based on risk, as  
77 determined by the commissioner, and that, based on the tier to which  
78 such release is assigned, certain releases may be remediated under the  
79 supervision of a licensed environmental professional, without the  
80 supervision of the commissioner, and may be remediated without being

81 verified. Tiers of releases shall be specified based on: (1) The existence,  
82 source, nature and extent of a release; (2) the nature and extent of danger  
83 to public health, safety, welfare and the environment, both immediate  
84 and over time; (3) the magnitude and complexity of the actions  
85 necessary to assess, contain or remove the release; (4) the extent to which  
86 the proposed remediation will not remove the release, in its entirety,  
87 from the land and waters of the state but will instead leave behind  
88 pollutants to be managed using a risk mitigation approach authorized  
89 by regulations adopted pursuant to this section; and (5) the extent to  
90 which the oversight of the commissioner is necessary to ensure  
91 compliance with the provisions of sections 22a-134qq to 22a-134tt,  
92 inclusive.

93 (e) (1) In any regulation adopted pursuant to subsection (a) of this  
94 section, the commissioner shall specify the types of releases to be  
95 reported and the timeframe for such reporting. When specifying the  
96 types of releases that shall be reported and the timeframes for reporting  
97 releases, the commissioner shall consider the factors specified in  
98 [subdivisions (1), (2), (3) and (5)] subparagraphs (A), (B), (C) and (E) of  
99 subdivision (1) of subsection (b) of this section.

100 (2) Such regulations may exempt the requirement for a report if  
101 remediation can be accomplished through containment, removal or  
102 mitigation of a release upon discovery and in a manner and by a  
103 timeframe specified in the regulations adopted pursuant to subsection  
104 (a) of this section, provided such regulations shall specify that certain  
105 records be maintained by the person performing a cleanup and a  
106 schedule for the retention of such records.

107 (3) Such regulations may require any such report be made in a  
108 timeframe commensurate with the severity of the risk posed by such  
109 release, with the shortest reporting time corresponding to releases that  
110 pose an imminent or substantial threat to human health or the  
111 environment, including, but not limited to, residential areas, parks and  
112 schools, or releases that exist near drinking water supplies or that  
113 present a higher risk to human health or the environment. Such

114 regulations shall permit a longer timeframe for a report of a release that  
115 does not pose an imminent or significant threat to human health or the  
116 environment.

117 (4) Such regulations shall provide for a process to amend or retract  
118 release reports that were reported in error.

119 (5) No release required to be reported by regulations adopted  
120 pursuant to section 22a-450 shall also be required to be reported by  
121 regulations adopted pursuant to subsection (a) of this section.

122 (f) In establishing standards for remediation adopted pursuant to  
123 subsection (a) of this section, the commissioner shall (1) consider the  
124 standards for remediation set forth in regulations adopted pursuant to  
125 section 22a-133k; (2) give preference to cleanup methods that are  
126 permanent, if feasible; (3) provide flexibility, when appropriate, for  
127 licensed environmental professionals to establish and implement risk-  
128 based alternative cleanup standards developed in consideration of site  
129 use, exposure assumptions, geologic and hydrogeologic conditions and  
130 physical and chemical properties of each substance that comprise a  
131 release; (4) consider any factor the commissioner deems appropriate,  
132 including, but not limited to, groundwater classification of the site; and  
133 (5) provide for standards of remediation less stringent than those  
134 required for residential land use for polluted properties that (A) are  
135 located in areas classified as GB or GC under the standards adopted by  
136 the commissioner for classification of groundwater, (B) have historically  
137 been used for industrial or commercial purposes, and (C) are not subject  
138 to an order issued by the commissioner regarding such release, consent  
139 order or stipulated judgment regarding such release, provided an  
140 environmental use restriction is executed for any such property  
141 subsequent to the remedial action, in accordance with the provisions of  
142 section 22a-133aa, and such regulations specify the types of industrial  
143 or commercial land uses to which any such property may be put  
144 subsequent to such remedial action.

145 (g) The regulations adopted pursuant to subsection (a) of this section  
146 regarding audits shall:

- 147       (1) Authorize the commissioner to audit any verification;
- 148       (2) Set goals for the number of audits to be conducted. Such goals  
149 shall be consistent with the requirements of section 22a-134uu and shall,  
150 at a minimum, set a goal of auditing twenty per cent of verifications  
151 rendered for releases from at least one tier and set a goal of auditing  
152 verifications rendered for releases from the other tiers at a frequency  
153 that is based on the number of verifications submitted for releases in  
154 each tier;
- 155       (3) Prioritize the auditing of higher risk releases that may jeopardize  
156 human health or the environment;
- 157       (4) Utilize multiple levels of auditing. The levels of auditing may  
158 include:
- 159       (A) Screening documents or forms submitted to the department;
- 160       (B) Conducting a thorough evaluation of the verification, including,  
161 but not limited to, inspecting a property or requesting additional  
162 supporting information regarding an investigation or remediation of a  
163 release; and
- 164       (C) Auditing focused on specific issues identified in screening  
165 documents or forms, conditions specific to a particular release or issues  
166 that present a higher risk to human health or the environment; and
- 167       (5) Provide certain timeframes for commencing audits that shall be  
168 no later than one year after verification and provide opportunities to  
169 reopen a remediation when: (A) The commissioner has reason to believe  
170 that a verification was obtained through the submittal of materially  
171 inaccurate or erroneous information, or otherwise misleading  
172 information material to the verification, or that misrepresentations were  
173 made in connection with the submittal of the verification, (B) a  
174 verification is submitted pursuant to an order of the commissioner, in  
175 accordance with section 22a-134ss, (C) any post-verification monitoring,  
176 or operations and maintenance, is required as part of a verification and  
177 which is not completed, (D) a verification that relies upon an

178 environmental land use restriction was not recorded on the land records  
179 of the municipality in which such land is located in accordance with  
180 section 22a-133o and applicable regulations, (E) the commissioner  
181 determines that there has been a violation of the provisions of sections  
182 22a-134qq to 22a-134tt, inclusive, or (F) the commissioner determines  
183 that information exists indicating that the remediation may have failed  
184 to prevent a substantial threat to public health or the environment.

185 (h) In adopting the regulations prescribed by this section, the  
186 commissioner shall incorporate the requirements of other cleanup  
187 provisions of the general statutes to assure consistency, clarity and  
188 efficiency in the application of remediation requirements contained in  
189 the general statutes and other applicable provisions of the regulations  
190 of Connecticut state agencies by the commissioner and members of the  
191 regulated community.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	22a-134tt
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**CE**      *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.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Energy and Environmental Protection (DEEP) to continue meeting, on developing released-based cleanup regulations, after the regulations have been adopted. This is not anticipated to result in a fiscal impact to DEEP as they have the staff and expertise necessary to staff the working group.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None



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**OLR Bill Analysis****sHB 7085*****AN ACT CONCERNING A REVIEW OF THE RELEASE-BASED CLEANUP PROGRAM AND RELATED REGULATIONS.*****SUMMARY**

This bill requires the existing working group established to advise the Department of Energy and Environmental Protection (DEEP) commissioner on developing release-based cleanup regulations (RBCRs; see BACKGROUND) to continue meeting after the regulations are adopted.

Under the bill, once the RBCRs are adopted, the working group must meet at least quarterly until February 1, 2030, to do the following:

1. evaluate the release-based cleanup program's implementation and efficacy and give related advice and feedback to the DEEP commissioner and
2. review and make recommendations on the laws and regulations related to release-based remediation of hazardous waste.

The bill allows the working group to seek public comment and stakeholder input while conducting its review and developing its recommendations.

Lastly, the bill requires the DEEP commissioner to report on the working group's findings and recommendations twice, first by February 1, 2028, and then by February 1, 2030, to the Commerce and Environment committees. (By law, the commissioner is a member of the working group.)

EFFECTIVE DATE: Upon passage

**BACKGROUND*****RBCRs***

Proposed RBCRs developed by the DEEP commissioner, with advice and feedback from a working group of agency officials, legislative leaders, and stakeholder members, are currently pending. Under existing law, adopting these regulations will transition the state from its transfer-based approach to property remediation (the Transfer Act) to a release-based approach. The Regulations Review Committee rejected them without prejudice on March 25, 2025. Once approved, the regulations are scheduled to take effect on March 1, 2026.

***Related Bill***

SB 1404 (File 488), favorably reported by the Commerce Committee, makes changes related to the state's transition from the Transfer Act to a release-based remediation approach, including making the new approach effective when the RBCRs take effect, rather than on their adoption date, and creating a new voluntary parcel-wide remediation program.

**COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea    20    Nay   0    (03/20/2025)