



General Assembly

January Session, 2025

Raised Bill No. 7085

LCO No. 5551



Referred to Committee on COMMERCE

Introduced by:
(CE)

***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 Section 22a-134tt of the general statutes is repealed and the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 effective date of such
13 regulations, to evaluate the implementation and efficacy of the release-
14 based cleanup program. The Commissioner of Economic and
15 Community Development, or his or her designee, shall serve as co-chair

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

32 (2) The commissioner shall convene monthly meetings of [such] the
 33 working group convened pursuant to subdivision (1) of this subsection
 34 until such time as regulations are adopted pursuant to this section. Not
 35 less than sixty days before posting notice on the eRegulations System
 36 pursuant to section 4-168, the commissioner shall provide a draft of such
 37 regulations to the members of the working group and allow members
 38 of the working group to provide advice and feedback on such draft. The
 39 members of the working group shall provide such advice and feedback
 40 not later than thirty days after the date on which such members receive
 41 such draft. Not less than fifteen days before posting such notice on the
 42 eRegulations System pursuant to section 4-168, the commissioner shall
 43 convene at least one monthly meeting of the working group after
 44 providing a draft of such regulations. The commissioner shall provide a
 45 revised draft for review by such members prior to posting notice on the
 46 eRegulations System pursuant to section 4-168.

47 (3) (A) After the effective date of regulations adopted in accordance
 48 with the provisions of this section, the working group convened

49 pursuant to subdivision (1) of this subsection shall meet at least
50 quarterly until February 1, 2030, to (i) advise the commissioner on issues
51 related to the implementation and efficacy of the release-based cleanup
52 program, (ii) provide feedback regarding the implementation and
53 efficacy of the release-based cleanup program, and (iii) review and make
54 recommendations regarding the laws and regulations relating to
55 release-based remediation of hazardous waste.

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

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

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

77 (d) In any regulation adopted pursuant to subsection (a) of this
78 section, the commissioner shall specify tiers of releases based on risk, as
79 determined by the commissioner, and that, based on the tier to which

80 such release is assigned, certain releases may be remediated under the
81 supervision of a licensed environmental professional, without the
82 supervision of the commissioner, and may be remediated without being
83 verified. Tiers of releases shall be specified based on: (1) The existence,
84 source, nature and extent of a release; (2) the nature and extent of danger
85 to public health, safety, welfare and the environment, both immediate
86 and over time; (3) the magnitude and complexity of the actions
87 necessary to assess, contain or remove the release; (4) the extent to which
88 the proposed remediation will not remove the release, in its entirety,
89 from the land and waters of the state but will instead leave behind
90 pollutants to be managed using a risk mitigation approach authorized
91 by regulations adopted pursuant to this section; and (5) the extent to
92 which the oversight of the commissioner is necessary to ensure
93 compliance with the provisions of sections 22a-134qq to 22a-134tt,
94 inclusive.

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

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

109 (3) Such regulations may require any such report be made in a
110 timeframe commensurate with the severity of the risk posed by such
111 release, with the shortest reporting time corresponding to releases that

112 pose an imminent or substantial threat to human health or the
113 environment, including, but not limited to, residential areas, parks and
114 schools, or releases that exist near drinking water supplies or that
115 present a higher risk to human health or the environment. Such
116 regulations shall permit a longer timeframe for a report of a release that
117 does not pose an imminent or significant threat to human health or the
118 environment.

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

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

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

144 section 22a-133aa, and such regulations specify the types of industrial
145 or commercial land uses to which any such property may be put
146 subsequent to such remedial action.

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

149 (1) Authorize the commissioner to audit any verification;

150 (2) Set goals for the number of audits to be conducted. Such goals
151 shall be consistent with the requirements of section 22a-134uu and shall,
152 at a minimum, set a goal of auditing twenty per cent of verifications
153 rendered for releases from at least one tier and set a goal of auditing
154 verifications rendered for releases from the other tiers at a frequency
155 that is based on the number of verifications submitted for releases in
156 each tier;

157 (3) Prioritize the auditing of higher risk releases that may jeopardize
158 human health or the environment;

159 (4) Utilize multiple levels of auditing. The levels of auditing may
160 include:

161 (A) Screening documents or forms submitted to the department;

162 (B) Conducting a thorough evaluation of the verification, including,
163 but not limited to, inspecting a property or requesting additional
164 supporting information regarding an investigation or remediation of a
165 release; and

166 (C) Auditing focused on specific issues identified in screening
167 documents or forms, conditions specific to a particular release or issues
168 that present a higher risk to human health or the environment; and

169 (5) Provide certain timeframes for commencing audits that shall be
170 no later than one year after verification and provide opportunities to
171 reopen a remediation when: (A) The commissioner has reason to believe

172 that a verification was obtained through the submittal of materially
 173 inaccurate or erroneous information, or otherwise misleading
 174 information material to the verification, or that misrepresentations were
 175 made in connection with the submittal of the verification, (B) a
 176 verification is submitted pursuant to an order of the commissioner, in
 177 accordance with section 22a-134ss, (C) any post-verification monitoring,
 178 or operations and maintenance, is required as part of a verification and
 179 which is not completed, (D) a verification that relies upon an
 180 environmental land use restriction was not recorded on the land records
 181 of the municipality in which such land is located in accordance with
 182 section 22a-133o and applicable regulations, (E) the commissioner
 183 determines that there has been a violation of the provisions of sections
 184 22a-134qq to 22a-134tt, inclusive, or (F) the commissioner determines
 185 that information exists indicating that the remediation may have failed
 186 to prevent a substantial threat to public health or the environment.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	22a-134tt

Statement of Purpose:

To review the transition to a release-based cleanup program.

[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.]