



General Assembly

Substitute Bill No. 7085

January Session, 2025



**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 Section 22a-134tt of the general statutes is repealed and the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:		
Section 1	<i>from passage</i>	22a-134tt

CE *Joint Favorable Subst.*