



General Assembly

January Session, 2025

***Raised Bill No. 1404***

LCO No. 5403



Referred to Committee on COMMERCE

Introduced by:  
(CE)

***AN ACT CONCERNING CONFORMING ADJUSTMENTS TO SUPPORT  
THE TRANSITION TO A RELEASE-BASED CLEANUP PROGRAM.***

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

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2 repealed and the following is substituted in lieu thereof (*Effective from*  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

4 (a) Any person who creates or maintains a release to the land and  
5 waters of the state on or after the date when regulations are [first  
6 adopted] effective after adoption pursuant to section 22a-134tt shall,  
7 upon discovery of such release: (1) Report the release, if such a report is  
8 required by the regulations adopted pursuant to section 22a-134tt, and  
9 (2) remediate any release to the standards identified in regulations  
10 adopted pursuant to section 22a-134tt. If any person fails to comply with  
11 the provisions of this section and section 22a-134tt, such person shall be  
12 liable for any costs incurred by the commissioner in accordance with  
13 section 22a-451, or costs incurred by any other person who contains or  
14 removes or otherwise mitigates the effects of such release in accordance  
15 with section 22a-452.

16       Sec. 2. Subdivision (1) of section 22a-134 of the general statutes is  
17 repealed and the following is substituted in lieu thereof (*Effective from*  
18 *passage*):

19       (1) "Transfer of establishment" means any transaction or proceeding,  
20 on or before the effective date of regulations [are] adopted pursuant to  
21 section 22a-134tt, through which an establishment undergoes a change  
22 in ownership, but does not mean:

23       (A) Conveyance or extinguishment of an easement;

24       (B) Conveyance of an establishment through (i) a foreclosure, as  
25 defined in subsection (b) of section 22a-452f, (ii) foreclosure of a  
26 municipal tax lien pursuant to section 12-181, (iii) a tax warrant sale  
27 pursuant to section 12-157, (iv) a transfer of title to a municipality by  
28 deed in lieu of foreclosure, (v) an exercise of eminent domain by a  
29 municipality or pursuant to section 8-128, 8-169e or 8-193 or by  
30 condemnation pursuant to section 32-224 or purchase pursuant to a  
31 resolution by the legislative body of a municipality authorizing the  
32 acquisition through eminent domain for establishments that also meet  
33 the definition of a brownfield, as defined in section 32-760, or (vi) a  
34 subsequent transfer by such municipality that has acquired the property  
35 pursuant to any mechanism described in subparagraphs (B)(i) to (B)(iii),  
36 inclusive, of this subdivision or pursuant to the remedial action and  
37 redevelopment municipal grant program established in section 32-763,  
38 provided (I) the party acquiring the property from the municipality did  
39 not establish, create or contribute to the contamination at the  
40 establishment and is not affiliated with any person who established,  
41 created or contributed to such contamination or with any person who is  
42 or was an owner or certifying party for the establishment, and (II) on or  
43 before the date the party acquires the property from the municipality,  
44 such party or municipality enters and subsequently remains in the  
45 voluntary remediation program administered by the commissioner  
46 pursuant to section 22a-133x and remains in compliance with schedules  
47 and approvals issued by the commissioner. For purposes of this  
48 subparagraph, subsequent transfer by a municipality includes any

49 transfer to, from or between a municipality, municipal economic  
50 development agency or entity created or operating under chapter 130 or  
51 132, a nonprofit economic development corporation formed to promote  
52 the common good, general welfare and economic development of a  
53 municipality that is funded, either directly or through in-kind services,  
54 in part by a municipality, a nonstock corporation or limited liability  
55 company controlled or established by a municipality, municipal  
56 economic development agency or entity created or operating under  
57 chapter 130 or 132, or a Connecticut brownfield land bank;

58 (C) Conveyance of a deed in lieu of foreclosure to a lender, as defined  
59 in and that qualifies for the secured lender exemption pursuant to  
60 subsection (b) of section 22a-452f;

61 (D) Conveyance of a security interest, as defined in subdivision (7) of  
62 subsection (b) of section 22a-452f;

63 (E) Termination of a lease and conveyance, assignment or execution  
64 of a lease for a period less than ninety-nine years including conveyance,  
65 assignment or execution of a lease with options or similar terms that will  
66 extend the period of the leasehold to ninety-nine years, or from the  
67 commencement of the leasehold, ninety-nine years, including  
68 conveyance, assignment or execution of a lease with options or similar  
69 terms that will extend the period of the leasehold to ninety-nine years,  
70 or from the commencement of the leasehold;

71 (F) Any change in ownership approved by the Probate Court;

72 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
73 executor or administrator under the terms of a testamentary trust or  
74 will, or by intestate succession;

75 (H) Corporate reorganization not substantially affecting the  
76 ownership of the establishment;

77 (I) The issuance of stock or other securities of an entity which owns  
78 or operates an establishment;

79       (J) The transfer of stock, securities or other ownership interests  
80 representing fifty per cent or less of the ownership of the entity that  
81 owns or operates the establishment;

82       (K) Any conveyance of an interest in an establishment where the  
83 transferor is the sibling, spouse, child, parent, grandparent, child of a  
84 sibling or sibling of a parent of the transferee;

85       (L) Conveyance of an interest in an establishment to a trustee of an  
86 inter vivos trust created by the transferor solely for the benefit of one or  
87 more siblings, spouses, children, parents, grandchildren, children of a  
88 sibling or siblings of a parent of the transferor;

89       (M) Any conveyance of a portion of a parcel upon which portion no  
90 establishment is or has been located and upon which there has not  
91 occurred a discharge, spillage, uncontrolled loss, seepage or filtration of  
92 hazardous waste, provided either the area of such portion is not greater  
93 than fifty per cent of the area of such parcel or written notice of such  
94 proposed conveyance and an environmental condition assessment form  
95 for such parcel is provided to the commissioner sixty days prior to such  
96 conveyance;

97       (N) Conveyance of a service station, as defined in subdivision (5) of  
98 this section;

99       (O) Any conveyance of an establishment which, prior to July 1, 1997,  
100 had been developed solely for residential use and such use has not  
101 changed;

102       (P) Any conveyance of an establishment to any entity created or  
103 operating under chapter 130 or 132, or to an urban rehabilitation agency,  
104 as defined in section 8-292, or to a municipality under section 32-224, or  
105 to Connecticut Innovations, Incorporated or any subsidiary of the  
106 corporation;

107       (Q) Any conveyance of a parcel in connection with the acquisition of  
108 properties to effectuate the development of the overall project, as

109 defined in section 32-651;

110 (R) The conversion of a general or limited partnership to a limited  
111 liability company;

112 (S) The transfer of general partnership property held in the names of  
113 all of its general partners to a general partnership which includes as  
114 general partners immediately after the transfer all of the same persons  
115 as were general partners immediately prior to the transfer;

116 (T) The transfer of general partnership property held in the names of  
117 all of its general partners to a limited liability company which includes  
118 as members immediately after the transfer all of the same persons as  
119 were general partners immediately prior to the transfer;

120 (U) Acquisition of an establishment by any governmental or quasi-  
121 governmental condemning authority;

122 (V) Conveyance of a unit in a residential common interest  
123 community;

124 (W) Acquisition and all subsequent transfers of an establishment (i)  
125 that is in the abandoned brownfield cleanup program established  
126 pursuant to section 32-768 or the brownfield remediation and  
127 revitalization program established pursuant to section 32-769, provided  
128 such establishment is in compliance with any applicable provisions of  
129 the general statutes, or (ii) by a Connecticut brownfield land bank,  
130 provided such establishment was entered into a remediation or liability  
131 relief program under section 22a-133x, 22a-133y, as amended by this act,  
132 32-768 or 32-769 and the transferor of such establishment is in  
133 compliance with such program at the time of transfer of such  
134 establishment or has completed the requirements of such program;

135 (X) Any transfer of title from a municipality to a nonprofit  
136 organization or from any entity to a nonprofit organization, as ordered  
137 or approved by a bankruptcy court;

138 (Y) Conveyance from the Department of Transportation to the

139 Connecticut Airport Authority of any properties comprising (i) Bradley  
140 International Airport and all related improvements and facilities now in  
141 existence and as hereafter acquired, added, extended, improved and  
142 equipped, including any property or facilities purchased with funds of,  
143 or revenues derived from, Bradley International Airport, and any other  
144 property or facilities allocated by the state, the Connecticut Airport  
145 Authority or otherwise to Bradley International Airport, (ii) the state-  
146 owned and operated general aviation airports, including Danielson  
147 Airport, Groton/New London Airport, Hartford Brainard Airport,  
148 Waterbury-Oxford Airport and Windham Airport and any such other  
149 airport as may be owned, operated or managed by the Connecticut  
150 Airport Authority and designated as general aviation airports, (iii) any  
151 other airport as may be owned, operated or managed by the Connecticut  
152 Airport Authority, and (iv) any airport site or any part thereof,  
153 including, but not limited to, any restricted landing areas and any air  
154 navigation facilities; or

155 (Z) The change in the name of a limited liability company as an  
156 amendment to such company's certificate of organization, pursuant to  
157 section 34-247a.

158 Sec. 3. Section 22a-6u of the general statutes is amended by adding  
159 subsection (p) as follows (*Effective October 1, 2025*):

160 (NEW) (p) On and after the effective date of regulations adopted  
161 pursuant to section 22a-134tt, the requirements of this section shall  
162 apply only to releases that, pursuant to subsections (c) and (d) of section  
163 22a-134rr, are not subject to the requirements of sections 22a-134qq to  
164 22a-134xx, inclusive, and any hazard required to be reported by a  
165 municipality or Connecticut brownfield land bank pursuant to  
166 subsection (b) of section 22a-133dd.

167 Sec. 4. Section 22a-133y of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective from passage*):

169 (a) [On and after January 1, 1996] Before the effective date of  
170 regulations adopted pursuant to section 22a-134tt, any licensed

171 environmental professional licensed by the State Board of Examiners of  
172 Environmental Professionals pursuant to section 22a-133v may,  
173 pursuant to a voluntary site remediation conducted in accordance with  
174 subsections (a) to (e), inclusive, of this section, conduct a Phase II  
175 environmental site assessment or a Phase III investigation, prepare a  
176 Phase III remedial action plan, supervise remediation or submit a final  
177 remedial action report to the Commissioner of Energy and  
178 Environmental Protection in accordance with the standards provided  
179 for remediation in the regulations adopted by the commissioner under  
180 section 22a-133k for any real property which has been subject to a spill  
181 and which meets the following criteria: (1) Such property is located in  
182 an area classified as GB or GC under the standards adopted by the  
183 commissioner for classification of groundwater contamination; and (2)  
184 such property is not the subject of any order issued by the commissioner  
185 regarding such spill, consent order or stipulated judgment regarding  
186 such spill. Any such professional employed by a municipality may  
187 enter, without liability, upon any property within such municipality for  
188 the purpose of performing an environmental site assessment or  
189 investigation if the owner of such property is unknown or such property  
190 is encumbered by a lien for taxes due to such municipality. Nothing in  
191 this subsection shall affect the ability of any person, firm or corporation  
192 to provide any of the services enumerated in this subsection in  
193 connection with the remediation of contaminated real property other  
194 than as provided for a voluntary site remediation conducted pursuant  
195 to this section.

196 (b) Following any Phase II environmental site assessment or a Phase  
197 III investigation for any such property, any Phase III remedial action  
198 plan prepared for purposes of a voluntary site remediation under  
199 subsections (a) to (e), inclusive, of this section shall be prepared by a  
200 licensed environmental professional in accordance with the standards  
201 for such property adopted by the commissioner under section 22a-133k.  
202 Prior to commencement of remedial action taken pursuant to such plan,  
203 the owner of the property shall submit such plan to the commissioner  
204 and shall: (1) Publish notice of the remedial action in a newspaper

205 having a substantial circulation in the town where the property is  
206 located; (2) notify the director of health of the municipality where the  
207 parcel is located; and (3) either (A) erect and maintain for at least thirty  
208 days in a legible condition a sign not less than six feet by four feet on the  
209 property, which sign shall be clearly visible from the public highway,  
210 and shall include the words "ENVIRONMENTAL CLEAN-UP IN  
211 PROGRESS AT THIS SITE. FOR FURTHER INFORMATION  
212 CONTACT:" and include a telephone number for an office from which  
213 any interested person may obtain additional information about the  
214 remedial action; or (B) mail notice of the remedial action to each owner  
215 of record of property which abuts such property, at the address on the  
216 last-completed grand list of the relevant town. The commissioner may  
217 review such plan and may advise such owner as to the adequacy of such  
218 plan. The remedial action shall be conducted under the supervision of a  
219 licensed environmental professional. The commissioner shall expedite  
220 the process for issuing any permits required under this title for such  
221 action. The final remedial action report shall be submitted by a licensed  
222 environmental professional. In preparing such report, the licensed  
223 environmental professional shall render an opinion, in accordance with  
224 the standard of care provided for in subsection (c) of section 22a-133w,  
225 that the action taken to contain, remove or mitigate the spill is in  
226 accordance with the remediation standards for such property adopted  
227 by the commissioner under section 22a-133k. The owner of the property  
228 shall maintain all records relating to such remedial action for a period  
229 of not less than ten years and shall make such records available to the  
230 commissioner at any time upon his request.

231 (c) Any final remedial action report submitted to the commissioner  
232 for such a property by a licensed environmental professional shall be  
233 deemed approved unless, within sixty days of such submittal, the  
234 commissioner determines, in his sole discretion, that an audit of such  
235 remedial action is necessary to assess whether remedial action beyond  
236 that which is indicated in such report is necessary for the protection of  
237 human health or the environment. Such an audit shall be conducted  
238 within six months of such determination. After completing such audit,



239 the commissioner may disapprove the report provided he shall give his  
240 reasons therefor in writing and further provided such owner may  
241 appeal such disapproval to the superior court in accordance with the  
242 provisions of section 4-183. Prior to approving a final remedial action  
243 report, the commissioner may enter into a memorandum of  
244 understanding with the owner of such property with regard to any  
245 further remedial action or monitoring activities on or at such property  
246 which the commissioner deems necessary for the protection of human  
247 health or the environment.

248 (d) Upon the approval of such report, the owner of the property shall  
249 execute and record an environmental use restriction in accordance with  
250 the provisions of section 22a-133o, unless a licensed environmental  
251 professional presents evidence, satisfactory to the commissioner, that  
252 the remediation has achieved a standard sufficient to render such a  
253 restriction unnecessary and the commissioner issues a written finding  
254 that such restriction is not necessary. Approval of a final remedial action  
255 report pursuant to subsections (a) to (e), inclusive, of this section shall  
256 be sufficient to support the filing of a Form II, as defined in section 22a-  
257 134, as amended by this act.

258 (e) Nothing in this section shall relieve any person of any obligation  
259 to comply with sections 22a-134 to 22a-134e, inclusive, as amended by  
260 this act.

261 (f) On or after the effective date of regulations adopted pursuant to  
262 section 22a-134tt, any licensed environmental professional licensed by  
263 the State Board of Examiners of Environmental Professionals pursuant  
264 to section 22a-133v may, pursuant to prevailing standards and  
265 guidelines, conduct a parcel-wide Phase II environmental site  
266 assessment and a parcel-wide Phase III investigation, for any parcel of  
267 real property which has, or which may have been, subject to a release,  
268 as defined in section 22a-134pp, for the purposes of entering such parcel  
269 into a voluntary parcel-wide remediation program pursuant to  
270 subsections (f) to (k), inclusive, of this section, except as provided by  
271 subsection (g) of this section. Any such professional employed by a

272 municipality may enter, without liability, upon any property within  
273 such municipality for the purpose of performing an environmental site  
274 assessment or investigation if the owner of such property is unknown  
275 or such property is encumbered by a lien for taxes due to such  
276 municipality, or as otherwise provided for pursuant to section 22a-133e.  
277 Nothing in subsections (f) to (k), inclusive, of this section shall affect the  
278 ability of any person, firm or corporation to provide any of the services  
279 described in this subsection in connection with the remediation of  
280 contaminated real property other than as provided for a voluntary  
281 parcel-wide remediation conducted pursuant to subsections (f) to (k),  
282 inclusive, of this section.

283     (g) A parcel shall be eligible for voluntary parcel-wide remediation  
284 pursuant to subsections (f) to (k), inclusive, of this section if such parcel  
285 is not subject to sections 22a-134a to 22a-134e, inclusive, and sections  
286 22a-134h and 22a-134i, the parcel is not the subject of any order issued  
287 by the commissioner regarding one or more releases, or a consent order  
288 or stipulated judgment regarding one or more releases, and a parcel-  
289 wide Phase II environmental site assessment is initiated before the  
290 discovery of a release on a parcel subject to the requirements of chapter  
291 445b for which a release remediation closure report has not previously  
292 been prepared, or not more than sixty days following the discovery of a  
293 release on a parcel for which a release remediation closure report has  
294 not previously been prepared, provided any immediate actions  
295 otherwise required by the regulations adopted pursuant to section 22a-  
296 134tt are completed within a time frame and in the manner required by  
297 such regulations.

298     (h) Each release identified by a parcel-wide Phase II environmental  
299 assessment conducted pursuant to subsection (g) of this section through  
300 multiple lines of evidence or the laboratory analysis of samples taken  
301 from the land and waters of the state shall be determined to be  
302 discovered for the purposes of section 22a-134tt and any regulations  
303 adopted pursuant to said section. Not later than the earliest deadline to  
304 report any release discovered pursuant to subsection (g) of this section,  
305 as established in regulations adopted pursuant to section 22a-134tt, the

306 environmental professional shall provide notice to the commissioner, on  
307 a form prescribed by the commissioner, of the intent to enter the  
308 voluntary parcel-wide cleanup program. Such form shall include, but  
309 not be limited to, the date of the initiation of the Phase II environmental  
310 site assessment, a description of the investigation conducted and the  
311 identification each release discovered.

312 (i) Each release discovered pursuant to subsection (h) of this section  
313 shall be subject to the requirements of chapter 445b and the regulations  
314 adopted pursuant to section 22a-134tt, provided:

315 (1) For each release discovered pursuant to subsection (g) of this  
316 section, any investigation or characterization required to assign the  
317 release to a cleanup tier shall be completed and submitted to the  
318 commissioner not more than two years after the initiation of the parcel-  
319 wide Phase II environmental site assessment. The commissioner may  
320 audit such submission and, if the commissioner determines that the  
321 investigation or characterization is inadequate, may specify a schedule  
322 for the completion of additional investigation or characterization. If  
323 such additional investigation or characterization is not completed in  
324 accordance with such schedule, the commissioner may subject each  
325 release discovered pursuant to subsections (g) and (h) of this section to  
326 the requirements of chapter 445b;

327 (2) Upon completion of tier characterization, each release discovered  
328 pursuant to subsections (g) and (h) of this section shall be grouped  
329 together for the purpose of assignment to cleanup tier in accordance  
330 with regulations adopted pursuant to section 22a-134tt. Such releases  
331 shall be assigned to the environmental professional supervised cleanup  
332 tier with the longest timeline for remediation;

333 (3) To the extent each release discovered pursuant to subsections (g)  
334 and (h) of this section is subject to any fee assessed by regulations  
335 adopted pursuant to section 22a-134tt, releases grouped together  
336 pursuant to subdivision (2) of this subsection shall be considered a  
337 single release for the purpose of calculating the fee assessed; and

338     (4) Any deadline for remediation of releases grouped together  
 339     pursuant to subdivision (2) of this subsection that is established by  
 340     regulations adopted pursuant to section 22a-134tt shall be extended by  
 341     one year.

342     (j) Any parcel remediated pursuant to the requirements of  
 343     subsections (f) to (k), inclusive, of this section shall be eligible for a  
 344     covenant not to sue pursuant to section 22a-133aa, provided a detailed  
 345     written plan for remediation of the property, in accordance with  
 346     standards adopted by the commissioner pursuant to section 22a-134tt,  
 347     has been approved by the commissioner.

348     (k) The commissioner shall expedite the process for issuing any  
 349     permits required under this title for parcel-wide remediation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-134rr(a)
Sec. 2	<i>from passage</i>	22a-134(1)
Sec. 3	<i>October 1, 2025</i>	22a-6u(p)
Sec. 4	<i>from passage</i>	22a-133y

Section 1	<i>from passage</i>	22a-134rr(a)
Sec. 2	<i>from passage</i>	22a-134(1)
Sec. 3	<i>October 1, 2025</i>	22a-6u(p)
Sec. 4	<i>from passage</i>	22a-133y

***CE***         *Joint Favorable*