



General Assembly

**Amendment**

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LCO No. 9508



Offered by:

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To: Subst. House Bill No. 7085

File No. 559

Cal. No. 348

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 22a-134tt of the general statutes is repealed and the  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

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

9 (b) (1) The commissioner, or his or her designee, shall co-chair and  
10 convene, [in conjunction] jointly with the Commissioner of Economic  
11 and Community Development, or his or her designee, a working group  
12 in the department for the purpose of providing advice and feedback for

13 regulations to be adopted by the commissioner in accordance with the  
14 provisions of this section and, after the adoption of such regulations, to  
15 evaluate the implementation and efficacy of the release-based cleanup  
16 program. The Commissioner of Economic and Community  
17 Development, or his or her designee, shall serve as [co-chair] co-  
18 chairperson of such working group [. The] and may consult with a  
19 member of the brownfields working group established pursuant to  
20 section 32-770 in implementing the provisions of this subsection.

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

37 (3) On and after the effective date of the regulations adopted  
38 pursuant to this section, the membership of the working group shall  
39 include: (A) The chairpersons and ranking members of the joint  
40 standing committees of the General Assembly having cognizance of  
41 matters relating to the environment and commerce; (B) fifteen members  
42 mutually selected and agreed upon by the Commissioners of Energy  
43 and Environmental Protection and Economic and Community  
44 Development, consisting of (i) two environmental transaction attorneys,  
45 (ii) two representatives of a professional organization representing

46 residential and commercial real estate brokers, (iii) one licensed  
47 environmental professional, (iv) one representative of an environmental  
48 advocacy group, (v) two representatives of the Environmental  
49 Professionals Organization of Connecticut, (vi) two municipal  
50 representatives, one from a municipality with a population of not less  
51 than seventy thousand and one from a municipality with a population  
52 of not more than seventy thousand, (vii) two representatives from the  
53 brownfields working group established pursuant to section 32-770, (viii)  
54 two representatives of an association representing business and  
55 industry in the state, and (ix) one representative of an association  
56 representing the banking industry in the state; (C) one member selected  
57 by the Commissioner of Energy and Environmental Protection who is  
58 mutually agreed to by the Commissioner of Economic and Community  
59 Development; and (D) one member selected by the Commissioner of  
60 Economic and Community Development who is mutually agreed to by  
61 the Commissioner of Energy and Environmental Protection.

62 (4) The commissioner shall convene monthly meetings of such  
63 working group until such time as regulations are adopted pursuant to  
64 this section. Not less than sixty days before posting notice on the  
65 eRegulations System pursuant to section 4-168, the commissioner shall  
66 provide a draft of such regulations to the members of the working group  
67 and allow members of the working group to provide advice and  
68 feedback on such draft. The members of the working group shall  
69 provide such advice and feedback not later than thirty days after the  
70 date on which such members receive such draft. Not less than fifteen  
71 days before posting such notice on the eRegulations System pursuant to  
72 section 4-168, the commissioner shall convene at least one monthly  
73 meeting of the working group after providing a draft of such  
74 regulations. The commissioner shall provide a revised draft for review  
75 by such members prior to posting notice on the eRegulations System  
76 pursuant to section 4-168.

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

79 advise the Commissioners of Energy and Environmental Protection and  
80 Economic and Community Development on issues related to the  
81 implementation and efficacy of the release-based cleanup program, (ii)  
82 provide feedback regarding the implementation and efficacy of the  
83 release-based cleanup program, and (iii) review and make  
84 recommendations regarding the laws and regulations relating to  
85 release-based remediation.

86 (B) The working group shall consider and develop recommendations  
87 regarding relevant available data. Such relevant available data shall  
88 include, but need not be limited to, data concerning the following: (i)  
89 Number and type of releases reported; (ii) number and type of releases  
90 reported on properties used for residential purposes, including the  
91 status of reported releases and the timeframe and effort needed to close  
92 such releases; (iii) percentage of releases discovered through multiple  
93 lines of evidence; (iv) number of verifications and certifications  
94 submitted; (v) duration between discovery of a release and remediation  
95 to the standards adopted pursuant to this section; (vi) types and  
96 numbers of releases assigned to a tier for management of a long term  
97 cleanup; (vii) percentage of releases assigned to a group at the time of  
98 tiering; (viii) number of audits conducted; (ix) number of enforcement  
99 actions taken; (x) number and amount of fines and penalties assessed;  
100 (xi) any expedited closure process applicable to owner-occupied single  
101 family homes for any heating oil spill; (xii) number of sites remaining to  
102 be remediated pursuant to the provisions of sections 22a-134 to 22a-  
103 134e, inclusive, as amended by this act, and any identified barriers to  
104 achieving compliance therewith; and (xiii) extent to which data is  
105 available, the cost of compliance for releases on parcels where owner-  
106 occupied single family homes and one-to-four family homes are located.

107 (C) The working group shall evaluate the lower bounds provisions of  
108 the regulations adopted pursuant to this section. Such evaluation shall  
109 include, but need not be limited to: (i) Whether additional lower bounds  
110 provisions for volatile organic substances or releases discovered in  
111 groundwater are necessary based on available data regarding the

112 number and type of such releases in the release-based cleanup program,  
113 the concentration at which such releases were discovered and the risk  
114 to human health and the environment presented by such releases; (ii)  
115 the impact of pollutant mobility criteria adopted pursuant to this section  
116 on the lower bounds provisions; (iii) any associated financial impact to  
117 homeowners as a result of the lower bounds provisions; (iv) whether  
118 modifications to the lower bounds provisions may be needed to balance  
119 the protection of human health and the cost to homeowners; (v) the  
120 differences between such regulations and similar regulations in  
121 neighboring states; and (vi) the frequency and types of testing required  
122 to determine if a release is below the lower bounds criteria.

123 (D) The working group may review and assess any guidance  
124 document that the Department of Energy and Environmental Protection  
125 issues concerning the regulations adopted pursuant to this section and  
126 make a recommendation on whether any such guidance document  
127 should be adopted as a regulation in accordance with the provisions of  
128 chapter 54.

129 (E) The working group shall provide an opportunity for public  
130 comment and seek input from stakeholders while conducting the  
131 review and developing its recommendations under this subdivision.

132 (F) Not later than February 1, 2028, and February 1, 2030, the  
133 Commissioners of Energy and Environmental Protection and Economic  
134 and Community Development shall submit a report on the findings and  
135 recommendations of the working group regarding the release-based  
136 cleanup program, in accordance with the provisions of section 11-4a, to  
137 the joint standing committees of the General Assembly having  
138 cognizance of matters relating to the environment and commerce.

139 (c) Such regulations shall include, but need not be limited to,  
140 provisions regarding (1) reporting requirements for any releases  
141 required to be reported pursuant to sections 22a-134qq to 22a-134tt,  
142 inclusive, as amended by this act, including, but not limited to,  
143 reportable quantities and concentrations above which a release shall be

144 reported in accordance with said sections; (2) procedures and deadlines  
145 for remediation, including public participation; (3) standards for  
146 remediation for any release to the land and waters of the state, including  
147 environmental use restrictions, as defined in section 22a-133o; (4)  
148 verification and commissioner's audit of remediation; (5) supervision of  
149 remediation based on pollutant type, concentration or volume, or based  
150 on the imminence of harm to public health; and (6) any required fees.

151 (d) In any regulation adopted pursuant to subsection (a) of this  
152 section, the commissioner shall specify tiers of releases based on risk, as  
153 determined by the commissioner, and that, based on the tier to which  
154 such release is assigned, certain releases may be remediated under the  
155 supervision of a licensed environmental professional, without the  
156 supervision of the commissioner, and may be remediated without being  
157 verified. Tiers of releases shall be specified based on: (1) The existence,  
158 source, nature and extent of a release; (2) the nature and extent of danger  
159 to public health, safety, welfare and the environment, both immediate  
160 and over time; (3) the magnitude and complexity of the actions  
161 necessary to assess, contain or remove the release; (4) the extent to which  
162 the proposed remediation will not remove the release, in its entirety,  
163 from the land and waters of the state but will instead leave behind  
164 pollutants to be managed using a risk mitigation approach authorized  
165 by regulations adopted pursuant to this section; and (5) the extent to  
166 which the oversight of the commissioner is necessary to ensure  
167 compliance with the provisions of sections 22a-134qq to 22a-134tt,  
168 inclusive, as amended by this act.

169 (e) (1) In any regulation adopted pursuant to subsection (a) of this  
170 section, the commissioner shall specify the types of releases to be  
171 reported and the timeframe for such reporting. When specifying the  
172 types of releases that shall be reported and the timeframes for reporting  
173 releases, the commissioner shall consider the factors specified in  
174 subdivisions (1), (2), (3) and (5) of subsection [(b)] (d) of this section.

175 (2) Such regulations may exempt the requirement for a report if  
176 remediation can be accomplished through containment, removal or

177 mitigation of a release upon discovery and in a manner and by a  
178 timeframe specified in the regulations adopted pursuant to subsection  
179 (a) of this section, provided such regulations shall specify that certain  
180 records be maintained by the person performing a cleanup and a  
181 schedule for the retention of such records.

182 (3) Such regulations may require any such report be made in a  
183 timeframe commensurate with the severity of the risk posed by such  
184 release, with the shortest reporting time corresponding to releases that  
185 pose an imminent or substantial threat to human health or the  
186 environment, including, but not limited to, residential areas, parks and  
187 schools, or releases that exist near drinking water supplies or that  
188 present a higher risk to human health or the environment. Such  
189 regulations shall permit a longer timeframe for a report of a release that  
190 does not pose an imminent or significant threat to human health or the  
191 environment.

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

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

197 (f) In establishing standards for remediation adopted pursuant to  
198 subsection (a) of this section, the commissioner shall (1) consider the  
199 standards for remediation set forth in regulations adopted pursuant to  
200 section 22a-133k; (2) give preference to cleanup methods that are  
201 permanent, if feasible; (3) provide flexibility, when appropriate, for  
202 licensed environmental professionals to establish and implement risk-  
203 based alternative cleanup standards developed in consideration of site  
204 use, exposure assumptions, geologic and hydrogeologic conditions and  
205 physical and chemical properties of each substance that comprise a  
206 release; (4) consider any factor the commissioner deems appropriate,  
207 including, but not limited to, groundwater classification of the site; and  
208 (5) provide for standards of remediation less stringent than those

209 required for residential land use for polluted properties that (A) are  
210 located in areas classified as GB or GC under the standards adopted by  
211 the commissioner for classification of groundwater, (B) have historically  
212 been used for industrial or commercial purposes, and (C) are not subject  
213 to an order issued by the commissioner regarding such release, consent  
214 order or stipulated judgment regarding such release, provided an  
215 environmental use restriction is executed for any such property  
216 subsequent to the remedial action, in accordance with the provisions of  
217 section 22a-133aa, and such regulations specify the types of industrial  
218 or commercial land uses to which any such property may be put  
219 subsequent to such remedial action.

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

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

223 (2) Set goals for the number of audits to be conducted. Such goals  
224 shall be consistent with the requirements of section 22a-134uu, as  
225 amended by this act, and shall, at a minimum, set a goal of auditing  
226 twenty per cent of verifications rendered for releases from at least one  
227 tier and set a goal of auditing verifications rendered for releases from  
228 the other tiers at a frequency that is based on the number of verifications  
229 submitted for releases in each tier;

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

232 (4) Utilize multiple levels of auditing. The levels of auditing may  
233 include:

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

235 (B) Conducting a thorough evaluation of the verification, including,  
236 but not limited to, inspecting a property or requesting additional  
237 supporting information regarding an investigation or remediation of a  
238 release; and



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

242 (5) Provide certain timeframes for commencing audits that shall be  
243 no later than one year after verification and provide opportunities to  
244 reopen a remediation when: (A) The commissioner has reason to believe  
245 that a verification was obtained through the submittal of materially  
246 inaccurate or erroneous information, or otherwise misleading  
247 information material to the verification, or that misrepresentations were  
248 made in connection with the submittal of the verification, (B) a  
249 verification is submitted pursuant to an order of the commissioner, in  
250 accordance with section 22a-134ss, (C) any post-verification monitoring,  
251 or operations and maintenance, is required as part of a verification and  
252 which is not completed, (D) a verification that relies upon an  
253 environmental land use restriction was not recorded on the land records  
254 of the municipality in which such land is located in accordance with  
255 section 22a-133o and applicable regulations, (E) the commissioner  
256 determines that there has been a violation of the provisions of sections  
257 22a-134qq to 22a-134tt, inclusive, as amended by this act, or (F) the  
258 commissioner determines that information exists indicating that the  
259 remediation may have failed to prevent a substantial threat to public  
260 health or the environment.

261 (h) In adopting the regulations prescribed by this section, the  
262 commissioner shall incorporate the requirements of other cleanup  
263 provisions of the general statutes to assure consistency, clarity and  
264 efficiency in the application of remediation requirements contained in  
265 the general statutes and other applicable provisions of the regulations  
266 of Connecticut state agencies by the commissioner and members of the  
267 regulated community.

268 Sec. 2. Section 22a-134 of the general statutes is amended by adding  
269 subdivisions (30) to (32), inclusive, as follows (*Effective October 1, 2025*):

270 (NEW) (30) "Portion" means (A) a defined geographic area

271 constituting a part of a parcel; or (B) a release, provided the nature and  
272 extent of such release has been determined by an investigation  
273 performed in accordance with prevailing standards and guidelines;

274 (NEW) (31) "Release" has the same meaning as provided in section  
275 22a-134pp; and

276 (NEW) (32) "Release remediation closure report" means a report,  
277 verified by a licensed environmental professional, demonstrating  
278 compliance with regulations adopted pursuant to section 22a-134tt, as  
279 amended by this act.

280 Sec. 3. Section 22a-134a of the general statutes is repealed and the  
281 following is substituted in lieu thereof (*Effective October 1, 2025*):

282 (a) No person shall transfer an establishment except in accordance  
283 with the provisions of sections 22a-134 to 22a-134e, inclusive, as  
284 amended by this act, and sections 22a-134h and 22a-134i.  
285 Notwithstanding any provision of sections 22a-134 to 22a-134e,  
286 inclusive, as amended by this act, and sections 22a-134h and 22a-134i a  
287 person appointed by the Superior Court or any other court to sell,  
288 convey or partition real property or a person appointed as a trustee in  
289 bankruptcy shall not be deemed a party associated with the transfer of  
290 an establishment and shall not be required to comply with the  
291 provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this  
292 act, and sections 22a-134h and 22a-134i.

293 (b) The commissioner may adopt regulations, in accordance with the  
294 provisions of chapter 54, to implement the provisions of this section.

295 (c) Prior to transferring an establishment, the transferor shall submit  
296 to the transferee a complete Form I or a Form II and, no later than ten  
297 days after the transfer, shall submit a copy of such Form I or Form II to  
298 the commissioner. The commissioner shall notify the transferor no later  
299 than ninety days after the submission of such Form I or Form II if the  
300 commissioner deems the Form I or Form II incomplete. If the transferor  
301 is unable to submit a Form I or a Form II to the transferee, the transferor

302 shall, prior to the transfer, submit a complete Form III or Form IV  
303 prepared and signed by a party associated with the transfer to the  
304 transferee and, no later than ten days after the transfer, shall submit a  
305 copy of such Form III or Form IV to the commissioner. If no other party  
306 associated with the transfer of an establishment prepares and signs the  
307 proper form as a certifying party, the transferor shall have the obligation  
308 for such preparation and signing.

309 (d) The certifying party to a Form I, Form II, Form III or Form IV shall  
310 (1) upon receipt of a written request from the commissioner, provide to  
311 the commissioner copies of all technical plans, reports and other  
312 supporting documentation relating to the investigation of the parcel or  
313 remediation of the establishment as specified in the commissioner's  
314 written request, and (2) simultaneously submit with the submission of  
315 a Form I, Form III or Form IV to the commissioner a complete  
316 environmental condition assessment form and shall certify to the  
317 commissioner, in writing, that the information contained in such form  
318 is correct and accurate to the best of the certifying party's knowledge  
319 and belief.

320 (e) Not later than thirty days after receipt of a Form III or Form IV,  
321 the commissioner shall notify the certifying party whether the form is  
322 complete or incomplete. The certifying party shall use a licensed  
323 environmental professional to verify the investigation and remediation,  
324 unless not later than seventy-five days after receipt of a complete Form  
325 III or IV the commissioner notifies the certifying party, in writing, that  
326 review and approval of the remediation by the commissioner shall be  
327 required. Any person who submitted a Form III to the commissioner  
328 prior to October 1, 1995, may submit an environmental condition  
329 assessment form to the commissioner. The commissioner shall, not later  
330 than forty-five days after receipt of such form, notify the certifying party  
331 whether approval of the remediation by the commissioner will be  
332 required or whether a licensed environmental professional may verify  
333 that the investigation was performed in accordance with prevailing  
334 standards and guidelines and the remediation has been performed in

335 accordance with the remediation standards.

336 (f) In determining whether review and approval of the remediation  
337 by the commissioner will be required, or whether a licensed  
338 environmental professional may verify that the remediation has been  
339 performed in accordance with the remediation standards, the  
340 commissioner shall consider: (1) The potential risk to human health and  
341 the environment posed by any discharge, spillage, uncontrolled loss,  
342 seepage or filtration of hazardous waste or a hazardous substance at the  
343 establishment; (2) the degree of environmental investigation at the  
344 parcel; (3) the proximity of the establishment to significant natural  
345 resources; (4) the character of the land uses surrounding the  
346 establishment; (5) the complexity of the environmental condition of the  
347 establishment; and (6) any other factor the commissioner deems  
348 relevant.

349 (g) (1) (A) Except as provided in subsection (h) of this section, the  
350 certifying party to a Form III shall, not later than seventy-five days after  
351 the receipt of the notice that such form is complete or such later date as  
352 may be approved in writing by the commissioner, submit a schedule for  
353 the investigation of the parcel and remediation of the establishment.  
354 Such schedule shall, unless a later date is specified in writing by the  
355 commissioner, provide that the investigation shall be completed within  
356 two years of the date of receipt of such notice, remediation shall be  
357 initiated not later than three years after the date of receipt of such notice  
358 and remediation shall be completed sufficient to support either a  
359 verification or interim verification within a time frame set forth in  
360 subparagraphs (B) and (C) of this subdivision. The schedule shall also  
361 include a schedule for providing public notice of the remediation prior  
362 to the initiation of such remediation in accordance with subsection (i) of  
363 this section. Not later than two years after the date of the receipt of the  
364 notice that the Form III is complete, unless the commissioner has  
365 specified a later day, in writing, the certifying party shall submit to the  
366 commissioner documentation, approved in writing by a licensed  
367 environmental professional and in a form prescribed by the

368 commissioner, that the investigation has been completed in accordance  
369 with prevailing standards and guidelines. Not later than three years  
370 after the date of the receipt of the notice that the Form III is complete,  
371 unless the commissioner has specified a later day in writing, the  
372 certifying party shall notify the commissioner in a form prescribed by  
373 the commissioner that the remediation has been initiated, and shall  
374 submit to the commissioner a remedial action plan approved in writing  
375 by a licensed environmental professional in a form prescribed by the  
376 commissioner. Notwithstanding any other provision of this section, the  
377 commissioner may determine at any time that the commissioner's  
378 review and written approval is necessary and in such case shall notify  
379 the certifying party that the commissioner's review and written  
380 approval is necessary. Such certifying party shall investigate the parcel  
381 and remediate the establishment in accordance with the schedule or the  
382 schedule specified by the commissioner.

383 (B) For a certifying party that submitted a Form III or Form IV before  
384 October 1, 2009, when remediation of the entire establishment is  
385 complete, the certifying party shall achieve the remediation standards  
386 for the establishment sufficient to support a final verification and shall  
387 submit to the commissioner a final verification by a licensed  
388 environmental professional.

389 (C) For a certifying party that submits a Form III or Form IV after  
390 October 1, 2009, not later than eight years after the date of receipt of the  
391 notice that the Form III or Form IV is complete, unless the commissioner  
392 has specified a later date in writing, the certifying party shall achieve  
393 the remediation standards for the establishment sufficient to support a  
394 final or interim verification and shall submit to the commissioner such  
395 final or interim verification by a licensed environmental professional.  
396 Any such final verification may include and rely upon a verification for  
397 a portion of the establishment submitted pursuant to subdivision (2) of  
398 this subsection. Verifications shall be submitted on a form prescribed by  
399 the commissioner. The certifying party may request a verification or  
400 interim verification filing extension. The commissioner shall grant a

401 reasonable extension if the certifying party demonstrates to the  
402 commissioner's satisfaction that: (i) Such certifying party has made  
403 reasonable progress toward investigation and remediation of the  
404 establishment; and (ii) despite best efforts, circumstances beyond the  
405 control of the certifying party have significantly delayed the  
406 remediation of the establishment.

407 (D) A certifying party who submits an interim verification shall, until  
408 the remediation standards for groundwater are achieved, operate and  
409 maintain the long-term remedy for groundwater in accordance with the  
410 remedial action plan, the interim verification and any approvals by the  
411 commissioner, prevent exposure to the groundwater plume and submit  
412 annual status reports to the commissioner.

413 (E) The certifying party to a Form IV shall submit with the Form IV a  
414 schedule for the groundwater monitoring and recording of an  
415 environmental use restriction, as applicable.

416 (2) (A) Notwithstanding the date the Form III or Form IV was  
417 submitted, if a certifying party completes the remediation for a portion  
418 of an establishment, such party may submit a verification or an interim  
419 verification by a licensed environmental professional for any such  
420 portion of an establishment. The certifying party shall be deemed to  
421 have satisfied the requirements of this subsection for that portion of the  
422 establishment covered by any such verification or interim verification.  
423 If any portion of an establishment for which a verification or interim  
424 verification is submitted pursuant to this subdivision is transferred or  
425 conveyed or undergoes a change in ownership before remediation of the  
426 entire establishment is complete that would not otherwise be subject to  
427 the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by  
428 this act, and sections 22a-134h and 22a-134i, the certifying party shall  
429 provide notice to the commissioner of such transfer, conveyance or  
430 change in ownership not later than thirty days after any such transfer,  
431 conveyance or change in ownership. If the portion of the establishment  
432 is a release for which a release remediation closure report has been  
433 verified by a licensed environmental professional, such release

434 remediation closure report shall be considered a verification of such  
435 portion. If the portion of the establishment is a defined geographic area  
436 constituting a part of a parcel that contains more than one release, and  
437 a licensed environmental professional has verified a release remediation  
438 closure report for each such release, such release remediation closure  
439 reports shall be considered a verification of such portion.

440 (B) Any certifying party who submits an interim verification for a  
441 portion of an establishment on or before December 31, 2014, shall not be  
442 required to record any environmental use restriction, in accordance with  
443 section 22a-133o, prior to submitting such interim verification, provided  
444 such certifying party shall record such environmental use restriction, in  
445 accordance with section 22a-133o, on or before September 1, 2015, or a  
446 later date as approved, in writing, by the commissioner. If such  
447 environmental use restriction is not recorded on or before September 1,  
448 2015, or such later date, such interim verification shall be invalid and  
449 shall not be recognized by the commissioner.

450 (3) (A) The commissioner may conduct an audit of any verification or  
451 interim verification submitted pursuant to this section, but shall not  
452 conduct an audit of a final verification of an entire establishment  
453 submitted pursuant to subdivision (1) of this subsection after three years  
454 have passed since the date of the commissioner's receipt of such final  
455 verification unless an exception listed in subparagraph (D) of this  
456 subdivision applies. Upon completion of an audit, the commissioner  
457 shall send written audit findings to the certifying party and the licensed  
458 environmental professional who verified. The three-year time frame for  
459 an audit of a final verification of an entire establishment shall apply to  
460 such final verifications received by the commissioner after October 1,  
461 2007, and before October 1, 2019.

462 (B) The commissioner may conduct an audit of any verification or  
463 interim verification submitted pursuant to this section, but shall not  
464 commence an audit of a final verification of an entire establishment  
465 submitted pursuant to subdivision (1) of this subsection if more than  
466 one year has passed since the date of the commissioner's receipt of such

467 final verification unless an exception listed in subparagraph (D) of this  
468 subdivision applies. If the commissioner commences an audit of such  
469 final verification, the commissioner shall complete such audit not later  
470 than three years after the commissioner's receipt of such final  
471 verification subject to such audit, unless an exception listed in  
472 subparagraph (D) of this subdivision applies. Upon completion of an  
473 audit, the commissioner shall send written audit findings to the  
474 certifying party and the licensed environmental professional who  
475 verified. The one-year time frame for commencing an audit of a final  
476 verification of an entire establishment and the three-year time frame for  
477 completion of such an audit shall apply to any final verification received  
478 by the commissioner on or after October 1, 2019.

479 (C) The commissioner may request additional information during an  
480 audit. If such information has not been provided to the commissioner  
481 within ninety days of the commissioner's request for such information  
482 or any longer time as the commissioner may determine in writing, the  
483 commissioner may either (i) suspend the audit, which for a final  
484 verification shall suspend the running of the three-year audit time frame  
485 for completing the audit until such time as the commissioner receives  
486 all the information requested, or (ii) complete the audit based upon the  
487 information provided in the verification before the request for  
488 additional information.

489 (D) The commissioner may commence an audit of a final verification  
490 of an entire establishment pursuant to this subdivision after the  
491 applicable time frame established in subparagraph (A) or (B) of this  
492 subdivision, and need not complete any such audit within three years,  
493 if (i) the commissioner has reason to believe that a verification was  
494 obtained through the submittal of materially inaccurate or erroneous  
495 information, or otherwise misleading information material to the  
496 verification or that misrepresentations were made in connection with  
497 the submittal of the verification, (ii) a verification is submitted pursuant  
498 to an order of the commissioner pursuant to subsection (j) of this section,  
499 (iii) any post-verification monitoring, or operations and maintenance, is



500 required as part of a verification and which has not been done, (iv) a  
501 verification that relies upon an environmental use restriction was not  
502 recorded on the land records of the municipality in which such land is  
503 located in accordance with section 22a-133o and applicable regulations,  
504 (v) the commissioner determines that there has been a violation of  
505 sections 22a-134 to 22a-134e, inclusive, as amended by this act, or  
506 sections 22a-134h and 22a-134i, or (vi) the commissioner determines that  
507 information exists indicating that the remediation may have failed to  
508 prevent a substantial threat to public health or the environment.

509 (h) (1) If the commissioner notifies the certifying party to a Form III  
510 or Form IV that the commissioner's review and written approval of the  
511 investigation of the parcel and remediation of the establishment is  
512 required, such certifying party shall, not later than thirty days after the  
513 receipt of such notice or such later date as may be approved in writing  
514 by the commissioner, submit for the commissioner's review and written  
515 approval a proposed schedule for: (A) Investigating the parcel and  
516 remediating the establishment; (B) submitting to the commissioner  
517 scopes of work, technical plans, technical reports and progress reports  
518 related to such investigation and remediation; and (C) providing public  
519 notice of the remediation prior to the initiation of such remediation in  
520 accordance with subsection (i) of this section. Upon the commissioner's  
521 approval of such schedule, such certifying party shall, in accordance  
522 with the approved schedule, submit scopes of work, technical plans,  
523 technical reports and progress reports to the commissioner for the  
524 commissioner's review and written approval. Such certifying party shall  
525 perform all actions identified in the approved scopes of work, technical  
526 plans, technical reports and progress reports in accordance with the  
527 approved schedule. The commissioner may approve in writing any  
528 modification proposed in writing by such certifying party to such  
529 schedule or investigation and remediation. The commissioner may, at  
530 any time, notify such certifying party in writing that the commissioner's  
531 review and written approval is not required and that a licensed  
532 environmental professional may verify that the remediation has been  
533 performed in accordance with the remediation standards.

534 (2) A certifying party may complete the remediation of a portion of  
535 an establishment and request that the commissioner determine that the  
536 requirements of this subsection have been satisfied for any such portion  
537 of the establishment. If the commissioner determines that any such  
538 remediation is complete, the certifying party shall be deemed to have  
539 satisfied the requirements of this subsection for any such portion of an  
540 establishment. Any determination by the commissioner that  
541 remediation at the entire establishment has been completed may include  
542 and rely upon any determination made pursuant to this subdivision that  
543 remediation is complete at a portion of an establishment. If any portion  
544 of an establishment for which the commissioner determines that  
545 remediation is complete pursuant to this subdivision is transferred or  
546 conveyed or undergoes a change in ownership before remediation of the  
547 entire establishment is complete that would not otherwise be subject to  
548 the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by  
549 this act, and sections 22a-134h and 22a-134i, the certifying party shall  
550 provide notice to the commissioner of such transfer, conveyance or  
551 change in ownership not later than thirty days after any such transfer,  
552 conveyance or change in ownership.

553 (i) The certifying party to a Form III or Form IV shall (1) publish notice  
554 of the remediation, in accordance with the schedule submitted pursuant  
555 to this section, in a newspaper having a substantial circulation in the  
556 area affected by the establishment, (2) notify the director of health of the  
557 municipality where the establishment is located of the remediation, and  
558 (3) either (A) erect and maintain for at least thirty days in a legible  
559 condition a sign not less than six feet by four feet on the establishment,  
560 which sign shall be clearly visible from the public highway, and shall  
561 include the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT  
562 THIS SITE. FOR FURTHER INFORMATION CONTACT:" and include  
563 a telephone number for an office from which any interested person may  
564 obtain additional information about the remediation, or (B) mail notice  
565 of the remediation to each owner of record of property which abuts the  
566 parcel, at the address for such property on the last-completed grand list  
567 of the municipality where the establishment is located.

568 (j) The commissioner may issue an order to any person who fails to  
569 comply with any provision of sections 22a-134 to 22a-134e, inclusive, as  
570 amended by this act, and sections 22a-134h and 22a-134i, including, but  
571 not limited to, any person who fails to file a form, or files an incomplete  
572 or incorrect form or to any person who fails to carry out any activities to  
573 which that person agreed in a Form III or Form IV. If no form is filed or  
574 if an incomplete or incorrect form is filed for a transfer of an  
575 establishment, the commissioner may issue an order to the transferor,  
576 the transferee, or both, requiring a filing. The commissioner may also  
577 request that the Attorney General bring an action in the superior court  
578 for the judicial district of Hartford to enjoin any person who fails to  
579 comply with any provision of sections 22a-134 to 22a-134e, inclusive, as  
580 amended by this act, and sections 22a-134h and 22a-134i, including, but  
581 not limited to, any person who fails to file a form, improperly files a  
582 Form I, Form II, Form III or Form IV or the certifying party to a Form III  
583 or Form IV to take any actions necessary to prevent or abate any  
584 pollution at, or emanating from, the subject establishment. Any person  
585 to whom such an order is issued may appeal such order in accordance  
586 with the procedures set forth in sections 22a-436 and 22a-437.

587 (k) Notwithstanding the exemptions provided in section 22a-134a, as  
588 amended by this act, nothing contained in sections 22a-134 to 22a-134e,  
589 inclusive, as amended by this act, and sections 22a-134h and 22a-134i  
590 shall be construed as creating an innocent landowner defense for  
591 purposes of section 22a-452d.

592 (l) Notwithstanding any other provisions of this section, no person  
593 shall be required to comply with the provisions of sections 22a-134 to  
594 22a-134e, inclusive, as amended by this act, and sections 22a-134h and  
595 22a-134i when transferring real property (1) (A) for which a Form I or  
596 Form II has been filed for the transfer of the parcel on or after October  
597 1, 1995, or (B) for which parcel a Form III or Form IV has been filed and  
598 which has been remediated and such remediation has been approved in  
599 writing by the commissioner or has been verified in writing in  
600 accordance with this section by a licensed environmental professional

601 that an investigation has been performed in accordance with prevailing  
602 standards and guidelines and that the remediation has been performed  
603 in accordance with the remediation standards, and (2) at which no  
604 activities described in subdivision (3) of section 22a-134 have been  
605 conducted since (A) the date of the commissioner's approval of the  
606 remediation, (B) the date to which the verification applies, as designated  
607 on the form submitted to the commissioner in connection with a Form  
608 III or Form IV verification, or (C) the date on which the Form I or Form  
609 II was filed.

610 (m) Failure of the commissioner to notify any party in accordance  
611 with the provisions of this section in no way limits the ability of the  
612 commissioner to enforce the provisions of sections 22a-134 to 22a-134e,  
613 inclusive, as amended by this act, and sections 22a-134h and 22a-134i.

614 (n) Notwithstanding any other provision of this section, the execution  
615 of a Form III or a Form IV shall not require a certifying party to  
616 investigate or remediate any release or potential release of pollution at  
617 the parcel that occurs after the completion of a Phase II investigation, as  
618 defined in the Connecticut Department of Energy and Environmental  
619 Protection's Site Characterization Guidance Document, or from and  
620 after the date such Form III or Form IV was filed with the commissioner,  
621 whichever is later.

622 (o) (1) Any certifying party who has investigated the establishment  
623 for which it has certified a Form III or Form IV in accordance with  
624 prevailing standards and guidelines may submit to the commissioner a  
625 report, prepared by a licensed environmental professional, that  
626 catalogues each release discovered by such investigation.

627 (2) The commissioner may conduct an audit of such report but shall  
628 not commence an audit of such report if more than ninety days has  
629 passed since the date of the commissioner's receipt of such report. If the  
630 commissioner commences an audit of such report, the commissioner  
631 shall complete such audit not later than one year after the  
632 commissioner's receipt of such report. Upon completion of an audit, the

633 commissioner may accept or reject the report. The commissioner shall  
634 send the determination and any written audit findings to the certifying  
635 party who submitted the report and the licensed environmental  
636 professional who prepared the report.

637 (3) (A) Not less than ninety days after submission of a report pursuant  
638 to subdivision (1) of this subsection, or upon acceptance of a report  
639 audited pursuant to subdivision (2) of this subsection, whichever is  
640 later, a certifying party may address each release catalogued by the  
641 report as specified by regulations adopted pursuant to section 22a-134tt,  
642 as amended by this act.

643 (B) If a release catalogued in the report will be addressed as specified  
644 by regulations adopted pursuant to section 22a-134tt, as amended by  
645 this act, not more than one year following submission of a report  
646 pursuant to subdivision (1) of this subsection, a certifying party shall  
647 submit a release remediation closure report for each release catalogued  
648 in the report or shall assign each catalogued release to the appropriate  
649 cleanup tier as specified by regulations adopted pursuant to section 22a-  
650 134tt, as amended by this act.

651 (C) Not later than one year after the date of submission of a report  
652 pursuant to subdivision (1) of this subsection, a certifying party may  
653 voluntarily opt, upon submission of written notice of such party's  
654 decision to the commissioner, to have releases catalogued in such report  
655 remediated pursuant to the requirements of this section and not the  
656 requirements specified in the regulations adopted pursuant to section  
657 22a-134tt, as amended by this act.

658 (D) If more than one release is assigned to a cleanup tier pursuant to  
659 this subsection, such releases may be grouped for the purposes of tier  
660 assignment.

661 (4) (A) If a certifying party has submitted a release remediation  
662 closure report for each release catalogued in a report submitted  
663 pursuant to subdivision (1) of this subsection, such certifying party may

664 request that the commissioner issue a letter indicating that such  
665 certifying party has no further obligations under this section.

666 (B) The commissioner shall issue such a letter if the commissioner  
667 determines that a release remediation closure report has been submitted  
668 for each release catalogued in such report and (i) such report has been  
669 accepted by the commissioner, or (ii) any audit period specified in  
670 regulations adopted pursuant to section 22a-134tt, as amended by this  
671 act, has expired.

672 (5) If (A) one or more certifying parties has investigated the entire  
673 parcel on which one or more establishments is or was located, (B) such  
674 certifying parties have submitted a report cataloguing such releases  
675 pursuant to this subsection, and (C) a release remediation closure report  
676 has been submitted for each release catalogued, the commissioner shall  
677 issue a letter indicating that there are no remaining obligations on such  
678 parcel under this section, provided the commissioner determines a  
679 release remediation closure report has been submitted for each release  
680 catalogued on such parcel and such release remediation closure reports  
681 have been accepted by the commissioner or any audit period specified  
682 in regulations adopted pursuant to section 22a-134tt, as amended by this  
683 act, has expired.

684 (p) The owner of a parcel may submit a Form III or Form IV  
685 verification, even if the owner of such parcel is not a certifying party.  
686 Any certifying party may use such Form III or Form IV verification to  
687 demonstrate compliance with the requirements of this section, provided  
688 more than one year has passed since the verification was submitted and  
689 the commissioner has not commenced an audit, or, if the commissioner  
690 did commence an audit, such audit has been completed.

691 Sec. 4. Subsection (b) of section 22a-134rr of the general statutes is  
692 repealed and the following is substituted in lieu thereof (*Effective from*  
693 *passage*):

694 (b) A release shall not be deemed discovered if the only evidence of

695 such release is data available or generated before the effective date  
696 [when] of regulations [are first] adopted pursuant to section 22a-134tt,  
697 as amended by this act.

698 Sec. 5. Section 22a-134uu of the general statutes is amended by  
699 adding subsection (c) as follows (*Effective October 1, 2025*):

700 (NEW) (c) If the only use of a parcel where a release has been  
701 discovered and remediated is for an owner-occupied, single-family  
702 home, the commissioner shall not reopen such remediation on the basis  
703 of a determination by the commissioner that there has been a violation  
704 of the provisions of sections 22a-134qq to 22a-134tt, inclusive, as  
705 amended by this act.

706 Sec. 6. (NEW) (*Effective October 1, 2025*) (a) For the purposes of this  
707 section, "residential activity" means any activity at a (1) place intended  
708 for people to live, including, but not limited to, a residence, dwelling,  
709 house, apartment, condominium, nursing home or dormitory; (2)  
710 preschool, primary school, secondary school, day care center,  
711 playground or outdoor recreational area; or (3) hospital, solely for the  
712 purposes of compliance with the volatilization criteria specified in the  
713 regulations adopted pursuant to section 22a-134tt of the general  
714 statutes, as amended by this act.

715 (b) For the purposes of determining the applicability of and  
716 compliance with regulations adopted pursuant to section 22a-134tt of  
717 the general statutes, as amended by this act, residential activity shall be  
718 considered to be restricted upon the discovery of a release until the  
719 remediation of such release to the standards adopted pursuant to  
720 section 22a-134tt of the general statutes, as amended by this act, is  
721 complete, provided such parcel is not available for or used for any  
722 residential activity and, not more than thirty days after discovery of a  
723 release, the person who created or is maintaining the release notifies the  
724 commissioner of such restriction.

725 (c) A notification submitted pursuant to subsection (b) of this section

726 shall: (1) Identify the date and approximate location of the release; (2)  
727 describe the current land use of the parcel on which the release was  
728 discovered; (3) contain a certification by the owner of the parcel that no  
729 residential activity is being conducted on the parcel and that residential  
730 activity will be restricted; and (4) be verified by a licensed  
731 environmental professional. The person who created or is maintaining  
732 a release shall inspect such parcel for residential activity annually, and  
733 an updated notification shall be submitted to the commissioner  
734 annually until the release has been remediated to the standards for  
735 remediation adopted pursuant to section 22a-134tt of the general  
736 statutes, as amended by this act.

737 (d) A residential activity restriction imposed pursuant to this section  
738 shall not relieve any person of the requirement to record an  
739 environmental use restriction to demonstrate compliance with  
740 standards for remediation adopted pursuant to section 22a-134tt of the  
741 general statutes, as amended by this act. If a release is exempt from the  
742 requirements of regulations adopted pursuant to section 22a-134tt of the  
743 general statutes, as amended by this act, based on the restriction of  
744 residential activity pursuant to this section, an environmental use  
745 restriction shall be recorded not more than thirty months after discovery  
746 of such release or such interim residential use restriction shall not apply  
747 and such release shall be remediated to the standards for remediation in  
748 regulations adopted pursuant to section 22a-134tt of the general  
749 statutes, as amended by this act.

750 (e) Notwithstanding the requirements of regulations adopted  
751 pursuant to section 22a-134tt of the general statutes, as amended by this  
752 act, if residential activity is restricted pursuant to this section, the  
753 industrial or commercial criteria specified in the regulations adopted  
754 pursuant to section 22a-134tt of the general statutes, as amended by this  
755 act, shall be the applicable criteria for the purposes of calculating any  
756 exemption or satisfying any obligation, including any obligation  
757 regarding characterization, imposed by such regulations."



This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22a-134tt
Sec. 2	<i>October 1, 2025</i>	22a-134(30) to (32)
Sec. 3	<i>October 1, 2025</i>	22a-134a
Sec. 4	<i>from passage</i>	22a-134rr(b)
Sec. 5	<i>October 1, 2025</i>	22a-134uu(c)
Sec. 6	<i>October 1, 2025</i>	New section