



# House of Representatives

**File No. 984**

General Assembly

January Session, 2025

**(Reprint of File No. 559)**

Substitute House Bill No. 7085  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 29, 2025

**AN ACT CONCERNING A REVIEW OF AND A TRANSITION TO 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 Section 22a-134tt of the general statutes is repealed and the  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] jointly with the Commissioner of Economic  
9 and Community Development, or his or her designee, a working group  
10 in 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] co-  
16 chairperson of such working group [. The] and may consult with a  
17 member of the brownfields working group established pursuant to  
18 section 32-770 in implementing the provisions of this subsection.

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

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

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

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

75 (5) (A) After the adoption of regulations pursuant to this section, the  
76 working group shall meet at least quarterly until February 1, 2030, to (i)  
77 advise the Commissioners of Energy and Environmental Protection and  
78 Economic and Community Development on issues related to the  
79 implementation and efficacy of the release-based cleanup program, (ii)

80 provide feedback regarding the implementation and efficacy of the  
81 release-based cleanup program, and (iii) review and make  
82 recommendations regarding the laws and regulations relating to  
83 release-based remediation.

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

105 (C) The working group shall evaluate the lower bounds provisions of  
106 the regulations adopted pursuant to this section. Such evaluation shall  
107 include, but need not be limited to: (i) Whether additional lower bounds  
108 provisions for volatile organic substances or releases discovered in  
109 groundwater are necessary based on available data regarding the  
110 number and type of such releases in the release-based cleanup program,  
111 the concentration at which such releases were discovered and the risk  
112 to human health and the environment presented by such releases; (ii)  
113 the impact of pollutant mobility criteria adopted pursuant to this section

114 on the lower bounds provisions; (iii) any associated financial impact to  
115 homeowners as a result of the lower bounds provisions; (iv) whether  
116 modifications to the lower bounds provisions may be needed to balance  
117 the protection of human health and the cost to homeowners; (v) the  
118 differences between such regulations and similar regulations in  
119 neighboring states; and (vi) the frequency and types of testing required  
120 to determine if a release is below the lower bounds criteria.

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

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

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

137 (c) Such regulations shall include, but need not be limited to,  
138 provisions regarding (1) reporting requirements for any releases  
139 required to be reported pursuant to sections 22a-134qq to 22a-134tt,  
140 inclusive, as amended by this act, including, but not limited to,  
141 reportable quantities and concentrations above which a release shall be  
142 reported in accordance with said sections; (2) procedures and deadlines  
143 for remediation, including public participation; (3) standards for  
144 remediation for any release to the land and waters of the state, including  
145 environmental use restrictions, as defined in section 22a-133o; (4)

146 verification and commissioner's audit of remediation; (5) supervision of  
147 remediation based on pollutant type, concentration or volume, or based  
148 on the imminence of harm to public health; and (6) any required fees.

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

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

173 (2) Such regulations may exempt the requirement for a report if  
174 remediation can be accomplished through containment, removal or  
175 mitigation of a release upon discovery and in a manner and by a  
176 timeframe specified in the regulations adopted pursuant to subsection  
177 (a) of this section, provided such regulations shall specify that certain  
178 records be maintained by the person performing a cleanup and a

179 schedule for the retention of such records.

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

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

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

195 (f) In establishing standards for remediation adopted pursuant to  
196 subsection (a) of this section, the commissioner shall (1) consider the  
197 standards for remediation set forth in regulations adopted pursuant to  
198 section 22a-133k; (2) give preference to cleanup methods that are  
199 permanent, if feasible; (3) provide flexibility, when appropriate, for  
200 licensed environmental professionals to establish and implement risk-  
201 based alternative cleanup standards developed in consideration of site  
202 use, exposure assumptions, geologic and hydrogeologic conditions and  
203 physical and chemical properties of each substance that comprise a  
204 release; (4) consider any factor the commissioner deems appropriate,  
205 including, but not limited to, groundwater classification of the site; and  
206 (5) provide for standards of remediation less stringent than those  
207 required for residential land use for polluted properties that (A) are  
208 located in areas classified as GB or GC under the standards adopted by  
209 the commissioner for classification of groundwater, (B) have historically  
210 been used for industrial or commercial purposes, and (C) are not subject

211 to an order issued by the commissioner regarding such release, consent  
212 order or stipulated judgment regarding such release, provided an  
213 environmental use restriction is executed for any such property  
214 subsequent to the remedial action, in accordance with the provisions of  
215 section 22a-133aa, and such regulations specify the types of industrial  
216 or commercial land uses to which any such property may be put  
217 subsequent to such remedial action.

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

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

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

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

230 (4) Utilize multiple levels of auditing. The levels of auditing may  
231 include:

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

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

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



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

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

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

268 (NEW) (30) "Portion" means (A) a defined geographic area  
269 constituting a part of a parcel; or (B) a release, provided the nature and  
270 extent of such release has been determined by an investigation  
271 performed in accordance with prevailing standards and guidelines;

272 (NEW) (31) "Release" has the same meaning as provided in section  
273 22a-134pp; and

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

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

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

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

293 (c) Prior to transferring an establishment, the transferor shall submit  
294 to the transferee a complete Form I or a Form II and, no later than ten  
295 days after the transfer, shall submit a copy of such Form I or Form II to  
296 the commissioner. The commissioner shall notify the transferor no later  
297 than ninety days after the submission of such Form I or Form II if the  
298 commissioner deems the Form I or Form II incomplete. If the transferor  
299 is unable to submit a Form I or a Form II to the transferee, the transferor  
300 shall, prior to the transfer, submit a complete Form III or Form IV  
301 prepared and signed by a party associated with the transfer to the  
302 transferee and, no later than ten days after the transfer, shall submit a  
303 copy of such Form III or Form IV to the commissioner. If no other party

304 associated with the transfer of an establishment prepares and signs the  
305 proper form as a certifying party, the transferor shall have the obligation  
306 for such preparation and signing.

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

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

334 (f) In determining whether review and approval of the remediation  
335 by the commissioner will be required, or whether a licensed  
336 environmental professional may verify that the remediation has been

337 performed in accordance with the remediation standards, the  
338 commissioner shall consider: (1) The potential risk to human health and  
339 the environment posed by any discharge, spillage, uncontrolled loss,  
340 seepage or filtration of hazardous waste or a hazardous substance at the  
341 establishment; (2) the degree of environmental investigation at the  
342 parcel; (3) the proximity of the establishment to significant natural  
343 resources; (4) the character of the land uses surrounding the  
344 establishment; (5) the complexity of the environmental condition of the  
345 establishment; and (6) any other factor the commissioner deems  
346 relevant.

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

371 the commissioner that the remediation has been initiated, and shall  
372 submit to the commissioner a remedial action plan approved in writing  
373 by a licensed environmental professional in a form prescribed by the  
374 commissioner. Notwithstanding any other provision of this section, the  
375 commissioner may determine at any time that the commissioner's  
376 review and written approval is necessary and in such case shall notify  
377 the certifying party that the commissioner's review and written  
378 approval is necessary. Such certifying party shall investigate the parcel  
379 and remediate the establishment in accordance with the schedule or the  
380 schedule specified by the commissioner.

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

387 (C) For a certifying party that submits a Form III or Form IV after  
388 October 1, 2009, not later than eight years after the date of receipt of the  
389 notice that the Form III or Form IV is complete, unless the commissioner  
390 has specified a later date in writing, the certifying party shall achieve  
391 the remediation standards for the establishment sufficient to support a  
392 final or interim verification and shall submit to the commissioner such  
393 final or interim verification by a licensed environmental professional.  
394 Any such final verification may include and rely upon a verification for  
395 a portion of the establishment submitted pursuant to subdivision (2) of  
396 this subsection. Verifications shall be submitted on a form prescribed by  
397 the commissioner. The certifying party may request a verification or  
398 interim verification filing extension. The commissioner shall grant a  
399 reasonable extension if the certifying party demonstrates to the  
400 commissioner's satisfaction that: (i) Such certifying party has made  
401 reasonable progress toward investigation and remediation of the  
402 establishment; and (ii) despite best efforts, circumstances beyond the  
403 control of the certifying party have significantly delayed the  
404 remediation of the establishment.

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

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

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

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

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

460 (B) The commissioner may conduct an audit of any verification or  
461 interim verification submitted pursuant to this section, but shall not  
462 commence an audit of a final verification of an entire establishment  
463 submitted pursuant to subdivision (1) of this subsection if more than  
464 one year has passed since the date of the commissioner's receipt of such  
465 final verification unless an exception listed in subparagraph (D) of this  
466 subdivision applies. If the commissioner commences an audit of such  
467 final verification, the commissioner shall complete such audit not later  
468 than three years after the commissioner's receipt of such final  
469 verification subject to such audit, unless an exception listed in  
470 subparagraph (D) of this subdivision applies. Upon completion of an  
471 audit, the commissioner shall send written audit findings to the

472 certifying party and the licensed environmental professional who  
473 verified. The one-year time frame for commencing an audit of a final  
474 verification of an entire establishment and the three-year time frame for  
475 completion of such an audit shall apply to any final verification received  
476 by the commissioner on or after October 1, 2019.

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

487 (D) The commissioner may commence an audit of a final verification  
488 of an entire establishment pursuant to this subdivision after the  
489 applicable time frame established in subparagraph (A) or (B) of this  
490 subdivision, and need not complete any such audit within three years,  
491 if (i) the commissioner has reason to believe that a verification was  
492 obtained through the submittal of materially inaccurate or erroneous  
493 information, or otherwise misleading information material to the  
494 verification or that misrepresentations were made in connection with  
495 the submittal of the verification, (ii) a verification is submitted pursuant  
496 to an order of the commissioner pursuant to subsection (j) of this section,  
497 (iii) any post-verification monitoring, or operations and maintenance, is  
498 required as part of a verification and which has not been done, (iv) a  
499 verification that relies upon an environmental use restriction was not  
500 recorded on the land records of the municipality in which such land is  
501 located in accordance with section 22a-133o and applicable regulations,  
502 (v) the commissioner determines that there has been a violation of  
503 sections 22a-134 to 22a-134e, inclusive, as amended by this act, or  
504 sections 22a-134h and 22a-134i, or (vi) the commissioner determines that  
505 information exists indicating that the remediation may have failed to



506 prevent a substantial threat to public health or the environment.

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

532 (2) A certifying party may complete the remediation of a portion of  
533 an establishment and request that the commissioner determine that the  
534 requirements of this subsection have been satisfied for any such portion  
535 of the establishment. If the commissioner determines that any such  
536 remediation is complete, the certifying party shall be deemed to have  
537 satisfied the requirements of this subsection for any such portion of an  
538 establishment. Any determination by the commissioner that  
539 remediation at the entire establishment has been completed may include

540 and rely upon any determination made pursuant to this subdivision that  
541 remediation is complete at a portion of an establishment. If any portion  
542 of an establishment for which the commissioner determines that  
543 remediation is complete pursuant to this subdivision is transferred or  
544 conveyed or undergoes a change in ownership before remediation of the  
545 entire establishment is complete that would not otherwise be subject to  
546 the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by  
547 this act, and sections 22a-134h and 22a-134i, the certifying party shall  
548 provide notice to the commissioner of such transfer, conveyance or  
549 change in ownership not later than thirty days after any such transfer,  
550 conveyance or change in ownership.

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

566 (j) The commissioner may issue an order to any person who fails to  
567 comply with any provision of sections 22a-134 to 22a-134e, inclusive, as  
568 amended by this act, and sections 22a-134h and 22a-134i, including, but  
569 not limited to, any person who fails to file a form, or files an incomplete  
570 or incorrect form or to any person who fails to carry out any activities to  
571 which that person agreed in a Form III or Form IV. If no form is filed or  
572 if an incomplete or incorrect form is filed for a transfer of an  
573 establishment, the commissioner may issue an order to the transferor,

574 the transferee, or both, requiring a filing. The commissioner may also  
575 request that the Attorney General bring an action in the superior court  
576 for the judicial district of Hartford to enjoin any person who fails to  
577 comply with any provision of sections 22a-134 to 22a-134e, inclusive, as  
578 amended by this act, and sections 22a-134h and 22a-134i, including, but  
579 not limited to, any person who fails to file a form, improperly files a  
580 Form I, Form II, Form III or Form IV or the certifying party to a Form III  
581 or Form IV to take any actions necessary to prevent or abate any  
582 pollution at, or emanating from, the subject establishment. Any person  
583 to whom such an order is issued may appeal such order in accordance  
584 with the procedures set forth in sections 22a-436 and 22a-437.

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

590 (l) Notwithstanding any other provisions of this section, no person  
591 shall be required to comply with the provisions of sections 22a-134 to  
592 22a-134e, inclusive, as amended by this act, and sections 22a-134h and  
593 22a-134i when transferring real property (1) (A) for which a Form I or  
594 Form II has been filed for the transfer of the parcel on or after October  
595 1, 1995, or (B) for which parcel a Form III or Form IV has been filed and  
596 which has been remediated and such remediation has been approved in  
597 writing by the commissioner or has been verified in writing in  
598 accordance with this section by a licensed environmental professional  
599 that an investigation has been performed in accordance with prevailing  
600 standards and guidelines and that the remediation has been performed  
601 in accordance with the remediation standards, and (2) at which no  
602 activities described in subdivision (3) of section 22a-134 have been  
603 conducted since (A) the date of the commissioner's approval of the  
604 remediation, (B) the date to which the verification applies, as designated  
605 on the form submitted to the commissioner in connection with a Form  
606 III or Form IV verification, or (C) the date on which the Form I or Form  
607 II was filed.

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

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

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

625 (2) The commissioner may conduct an audit of such report but shall  
626 not commence an audit of such report if more than ninety days has  
627 passed since the date of the commissioner's receipt of such report. If the  
628 commissioner commences an audit of such report, the commissioner  
629 shall complete such audit not later than one year after the  
630 commissioner's receipt of such report. Upon completion of an audit, the  
631 commissioner may accept or reject the report. The commissioner shall  
632 send the determination and any written audit findings to the certifying  
633 party who submitted the report and the licensed environmental  
634 professional who prepared the report.

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

640 as amended by this act.

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

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

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

659 (4) (A) If a certifying party has submitted a release remediation  
660 closure report for each release catalogued in a report submitted  
661 pursuant to subdivision (1) of this subsection, such certifying party may  
662 request that the commissioner issue a letter indicating that such  
663 certifying party has no further obligations under this section.

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

670 (5) If (A) one or more certifying parties has investigated the entire

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

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

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

692 (b) A release shall not be deemed discovered if the only evidence of  
693 such release is data available or generated before the effective date  
694 [when] of regulations [are first] adopted pursuant to section 22a-134tt,  
695 as amended by this act.

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

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

703 amended by this act.

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

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

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

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

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



*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

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

House "A" strikes the underlying bill and its associated fiscal impact and replaces it with the fiscal impact described above.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 7085 (as amended by House "A")\*****AN ACT CONCERNING A REVIEW OF THE RELEASE-BASED  
CLEANUP PROGRAM AND RELATED REGULATIONS.****TABLE OF CONTENTS:**[SUMMARY](#)[§ 1 — RELEASE-BASED CLEANUP REGULATIONS WORKING  
GROUP AND EVALUATION](#)

*Requires the working group established to advise DEEP on developing RBCRs to continue meeting after the regulations are adopted to evaluate the release-based cleanup program's implementation and review and make recommendations on related laws and regulations, including lower bounds provisions; requires the DEEP and DECD commissioners to (1) convene the group quarterly until February 1, 2030, and (2) report on the working group's findings and recommendations twice to the Commerce and Environment committees*

[§§ 2 & 3 — REMEDIATING TRANSFER ACT PROPERTIES UNDER  
THE RBCRS](#)

*Establishes conditions under which a property covered by the Transfer Act may be remediated under the RBCRs' requirements*

[§ 4 — EXEMPTION OF RELEASES DISCOVERED BEFORE MARCH 1,  
2026, FROM RBCRS' REQUIREMENTS](#)

*Exempts release data available or created before the RBCRs take effect on March 1, 2026, from triggering the release-based requirements*

[§ 5 — PROHIBITION ON REOPENING A REMEDIATION ON CERTAIN  
RESIDENTIAL PROPERTIES](#)

*Prohibits the DEEP commissioner from reopening a property's remediation if she determines that there is a violation of the release-based remediation law if the property is used only as an owner-occupied single-family home*

[§ 6 — RESIDENTIAL ACTIVITY RESTRICTIONS](#)

*Restricts residential activity on a residential property where a release is discovered if certain conditions are met, allowing the RBCRs' criteria for industrial or commercial property to be used when determining certain remediation requirements*

[BACKGROUND](#)

## SUMMARY

This bill makes various changes to laws regarding the remediation of hazardous waste to transition the state from its transfer-based approach to property remediation (the Transfer Act) to a release-based approach under recently adopted release-based cleanup regulations (RBCRs; see BACKGROUND). A section-by-section analysis follows.

\*House Amendment "A" replaces the underlying bill with similar provisions and in doing so (1) specifies how the working group must evaluate the RBCRs and requires the group to continue meeting after the commissioner adopts implementing regulations, (2) adds provisions to incorporate the RBCRs into the Transfer Act's remediation process, and (3) creates a process for residential activity restrictions under the RBCRs.

EFFECTIVE DATE: October 1, 2025, except upon passage for the provisions on the working group and the applicability of the RBCRs to releases discovered before March 1, 2026.

## § 1 — RELEASE-BASED CLEANUP REGULATIONS WORKING GROUP AND EVALUATION

*Requires the working group established to advise DEEP on developing RBCRs to continue meeting after the regulations are adopted to evaluate the release-based cleanup program's implementation and review and make recommendations on related laws and regulations, including lower bounds provisions; requires the DEEP and DECD commissioners to (1) convene the group quarterly until February 1, 2030, and (2) report on the working group's findings and recommendations twice to the Commerce and Environment committees*

The bill requires the existing working group established to advise the Department of Energy and Environmental Protection (DEEP) commissioner on developing RBCRs to continue meeting after the regulations are adopted. The bill clarifies that the Department of Economic and Community Development (DECD) commissioner (1) must jointly lead the working group with the DEEP commissioner and (2) may consult a representative from the brownfields working group while carrying out this group's duties. It also specifies the number of representatives to serve as members from each stakeholder group currently represented on the working group. It simultaneously adds

members representing Connecticut's business and industry and banking industry associations, two and one respectively.

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

1. evaluate the release-based cleanup program's implementation and efficacy and give related advice and feedback to the DEEP and DECD commissioners and
2. review and make recommendations on the laws and regulations related to release-based remediation, including the regulations' lower bounds provisions.

The bill specifies data the working group must consider and requires it to seek public comment and stakeholder input while conducting its review and developing its recommendations. It also allows the working group to review and assess any DEEP-issued RBCRs guidance documents and recommend whether the documents should be adopted as regulations.

The DEEP and DECD commissioners must report to the Commerce and Environment committees on the working group's findings and recommendations twice, first by February 1, 2028, and then by February 1, 2030.

### ***Working Group Membership***

Current law indicates various stakeholder groups and organizations that must be represented in the working group's membership but does not specify a required number of total members or representatives from each. Beginning when the RBCRs take effect (i.e. March 1, 2026), the bill does the following:

1. generally retains the stakeholder groups that make up the working group's membership under current law but specifies the number of representatives for each, and

2. adds (a) representatives from Connecticut's business and industry and banking industry associations and (b) two members mutually agreed upon by the DEEP and DECD commissioners, one selected by each commissioner.

In total, the working group will have 25 members, including 15 stakeholder representatives, the eight chairs and ranking members of the Commerce and Environment committees, and the DEEP and DECD commissioners or their designees.

### ***RBCRs Evaluation***

**Data.** The bill specifies data the working group must consider when completing its RBCRs evaluation, including the:

1. total number and type of releases reported;
2. number and type of releases reported on residential properties and the status of these releases, including the timeframe and effort needed to complete remediation;
3. percentage of releases discovered through multiple lines of evidence;
4. number of remediation verifications and certificates submitted;
5. duration between the discovery and remediation of a release;
6. types and number of releases assigned to a tier for long-term cleanup management;
7. percentage of releases assigned to a group at the time of tiering;
8. number of audits conducted;
9. number of enforcement actions taken, including the number and amount of assessed fines and penalties;
10. expedited closure processes, if any, for heating oil spills at owner-occupied single-family homes;

11. number of sites remaining to be remediated under the Transfer Act and any identified compliance barriers; and
12. cost of compliance for releases on parcels with owner-occupied single-family homes and one- to four-family homes.

**Lower Bounds Provisions.** The bill requires the working group to evaluate the RBCRs' lower bounds provisions (i.e. standards regarding the minimum amount of a substance that is considered a release requiring remediation). The group must consider the following:

1. whether, based on available data regarding the (a) number and type of such releases in the release-based cleanup program, (b) concentration at which such releases were discovered, and (c) releases' risk to human health and the environment, additional lower bounds provisions for volatile organic substances or releases discovered in groundwater are necessary;
2. the impact of the RBCRs' pollutant mobility criteria on lower bounds;
3. the lower bounds provisions' financial impact to homeowners, if any;
4. if modifications to the lower bounds provisions may be needed to balance the protection of human health and the cost to homeowners;
5. differences between Connecticut's RBCRs and similar regulations in neighboring states; and
6. the frequency and types of testing required to determine if a release is below the lower bounds criteria.

## **§§ 2 & 3 — REMEDIATING TRANSFER ACT PROPERTIES UNDER THE RBCRS**

*Establishes conditions under which a property covered by the Transfer Act may be remediated under the RBCRs' requirements*

***Procedural Requirements for Remediating Transfer Act Properties Under the RBCRs***

The bill establishes conditions under which a property covered by the Transfer Act may be remediated under the RBCRs' requirements and the certifying party may receive a letter from DEEP indicating that it has no further obligations under the Transfer Act's remediation requirements.

***Cataloguing the Releases.*** Specifically, the bill authorizes any certifying party who has investigated a Transfer Act establishment and certified a Form III or Form IV (i.e. submitted specified filings under the Transfer Act) for the property according to prevailing standards and guidelines to submit a licensed environmental professional (LEP)-prepared report to the commissioner that catalogues each release the investigation discovered. (Under existing law, a "certifying party" is responsible for investigating and remediating a parcel covered by the Transfer Act.)

After receiving the LEP report, the bill allows the DEEP commissioner to audit it, but she must start the audit within 90 days after receiving the report and complete it within one year of the same date. Once she completes the audit, she can either accept or reject the LEP report. She must send her determination and any written audit findings to the respective certifying party and LEP.

***Addressing the Releases.*** The bill allows the certifying party to address each of the catalogued releases (1) 90 days after submitting the report or (2) when the commissioner accepts the report, whichever is later. If the catalogued release will be addressed according to the RBCRs, the certifying party must, within one year after submitting the report, (1) submit a release remediation closure report for each of the releases or (2) assign them to the appropriate cleanup tier as specified under the RBCRs. Releases may be grouped for their tier assignments.

A "release remediation closure report" is a report verified by an LEP that demonstrates compliance with the RBCRs. Under the RBCRs, the

closure report indicates that the cleanup standards have been satisfied and no further action is required regarding the release (Conn. Agencies Regs., § 22a-134tt-12).

**Opting Out.** The bill allows a certifying party, within one year after submitting the LEP report, to voluntarily opt to have the catalogued releases remediated under the Transfer Act requirements rather than the RBCRs. To do so, the certifying party must notify the commissioner of his or her decision in writing.

**DEEP Transfer Act Letter.** Once the certifying party has submitted a release remediation closure report for each of the catalogued releases, he or she may ask the DEEP commissioner to issue a letter indicating that the certifying party has no further obligations under the Transfer Act's remediation requirements. The commissioner must issue this letter if she determines that a release remediation closure report has been submitted for each catalogued release and (1) she accepted the report or (2) any audit period specified in the RBCRs has expired. The commissioner must also issue this letter, subject to the same requirements, if:

1. one or more certifying parties investigated the entire parcel on which one or more establishments is or was located;
2. the certifying parties submitted a report cataloguing the releases, as described above; and
3. a release remediation closure report was submitted for each of these releases.

### **Form III or Form IV Verifications**

The bill allows a parcel owner to submit a Form III or Form IV verification even if the owner is not a certifying party. It also allows any certifying party to use this verification to demonstrate compliance with the Transfer Act, as long as at least one year has passed since the owner submitted the verification and the DEEP commissioner has not started an audit or has completed it.



**Transfer Act Verification for a Portion of an Establishment**

Under the Transfer Act, a certifying party may satisfy specified remediation requirements (i.e. Form III or Form IV) by submitting an LEP's verification for any portion of an establishment for which the certifying party has completed remediation. Under the bill, an LEP-verified release remediation closure report for the release, or for each of the releases if there is more than one release on the establishment, is considered a verification for these purposes.

**§ 4 — EXEMPTION OF RELEASES DISCOVERED BEFORE MARCH 1, 2026, FROM RBCRS' REQUIREMENTS**

*Exempts release data available or created before the RBCRs take effect on March 1, 2026, from triggering the release-based requirements*

Current law specifies that, on its own, release data available or created before the RBCRs' adoption do not trigger the release-based requirements. The bill instead ties this exemption to release data available or created before the RBCRs take effect (i.e. March 1, 2026). In doing so, it exempts from the RBCRs' requirements any release identified during environmental investigations from the RBCRs' adoption date (i.e. May 6, 2025) to March 1, 2026.

**§ 5 — PROHIBITION ON REOPENING A REMEDIATION ON CERTAIN RESIDENTIAL PROPERTIES**

*Prohibits the DEEP commissioner from reopening a property's remediation if she determines that there is a violation of the release-based remediation law if the property is used only as an owner-occupied single-family home*

The existing release-based remediation law and RBCRs establish circumstances under which a remediation may be reopened, including if the DEEP commissioner determines that there is a violation of the release-based remediation law. The bill prohibits the DEEP commissioner from reopening a property's remediation on this basis if it is only used for an owner-occupied single-family home.

**§ 6 — RESIDENTIAL ACTIVITY RESTRICTIONS**

*Restricts residential activity on a residential property where a release is discovered if certain conditions are met, allowing the RBCRs' criteria for industrial or commercial property to be used when determining certain remediation requirements*

The RBCRs establish remediation standards specific to the type of property on which a release occurs (e.g., residential vs. commercial or industrial property). The bill, if certain criteria are met, restricts residential activity on a residential property where a release is discovered until the release is remediated and, in doing so, allows the RBCRs' criteria for industrial or commercial property to be used to calculate RBCRs exemptions or determine if remediation obligations, including those regarding characterization, are met.

Under the bill, residential activity must be considered restricted when a release is discovered if (1) the parcel on which the release is discovered must not be available or used for residential activity and (2) the person who created or is maintaining the release notifies the commissioner of the restriction within 30 days after the release is discovered. Notification to the commissioner must:

1. identify the release's date and approximate location,
2. describe the current use of the parcel where the release was discovered,
3. contain certification from the owner that a) no residential activity is being conducted on the parcel and b) residential activity will be restricted, and
4. be verified by an LEP.

A person who created or is maintaining a release must inspect the parcel for residential activity and submit an updated notification to the commissioner annually until the release is remediated.

The bill specifies that an imposed residential activity restriction does not relieve a person from complying with the RBCRs' requirement to record an environmental use restriction. If a release is exempt from the RBCRs because residential activity has been restricted under this bill's provisions, an environmental use restriction must be recorded within 30 months after the release's discovery. If the environmental use restriction

is not recorded, the residential activity restriction does not apply, and the release must be remediated to the RBCRs' standards for residential activity.

## **BACKGROUND**

### ***RBCRs***

The DEEP commissioner, with advice and feedback from a working group of agency officials, legislative leaders, and stakeholder members, developed RBCRs, which the Regulations Review Committee approved on April 22, 2025. Under existing law, the adoption of these regulations transitions the state from the Transfer Act to a release-based approach. The regulations were adopted May 6, 2025, and take effect March 1, 2026.

### ***Related Public Act***

Public Act 25-6 makes changes related to the state's transition from the Transfer Act to a release-based remediation approach, including making the new approach effective when the RBCRs take effect, rather than on their adoption date, and creating a new voluntary parcel-wide remediation program.

## **COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea    20    Nay   0    (03/20/2025)