



General Assembly

**Amendment**

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LCO No. 9196



Offered by:

REP. MESKERS, 150<sup>th</sup> Dist.

SEN. HARTLEY, 15<sup>th</sup> Dist.

REP. ANISKOVICH, 35<sup>th</sup> Dist.

SEN. MARTIN, 31<sup>st</sup> Dist.

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 Section 22a-134tt of the general statutes is repealed and the  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) fourteen  
42 members mutually selected and agreed upon by the Commissioners of  
43 Energy 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, and  
54 (viii) two representatives of an association representing business and  
55 industry in the state; (C) one member selected by the Commissioner of  
56 Energy and Environmental Protection who is mutually agreed to by the  
57 Commissioner of Economic and Community Development; and (D) one  
58 member selected by the Commissioner of Economic and Community  
59 Development who is mutually agreed to by the Commissioner of  
60 Energy and Environmental Protection.

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

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

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

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

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

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

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

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

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

138 (c) Such regulations shall include, but need not be limited to,  
139 provisions regarding (1) reporting requirements for any releases  
140 required to be reported pursuant to sections 22a-134qq to 22a-134tt,  
141 inclusive, as amended by this act, including, but not limited to,  
142 reportable quantities and concentrations above which a release shall be  
143 reported in accordance with said sections; (2) procedures and deadlines

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

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

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

174 (2) Such regulations may exempt the requirement for a report if  
175 remediation can be accomplished through containment, removal or  
176 mitigation of a release upon discovery and in a manner and by a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

334 accordance with the remediation standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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