



Working Draft

General Assembly

February Session, 2020

Bill No.

LCO No. 3962

Referred to Committee on

Introduced by:

***AN ACT CONCERNING VARIOUS REVISIONS TO THE PROPERTY
TRANSFER LAW AND SPILL-BASED REMEDIATION OF CERTAIN
HAZARDOUS WASTE.***

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

1 Section 1. Section 22a-134 of the 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

4 For the purposes of this section and sections 22a-134a to [22a-134d]
5 22a-134e, inclusive, and sections 22a-134h and 22a-134i:

6 (1) "Transfer of establishment" means any transaction or proceeding,
7 on or before the date regulations are adopted pursuant to section *TBD*
8 of this act, through which an establishment undergoes a change in
9 ownership, but does not mean:

10 (A) Conveyance or extinguishment of an easement;

11 (B) Conveyance of an establishment through (i) a foreclosure, as
12 defined in subsection (b) of section 22a-452f, (ii) foreclosure of a

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13 municipal tax lien [or through] pursuant to section 12-181, (iii) a tax
14 warrant sale pursuant to section 12-157, (iv) a transfer of title to a
15 municipality by deed in lieu of foreclosure, (v) an exercise of eminent
16 domain by a municipality or pursuant to section 8-128, 8-169e or 8-193
17 or by condemnation pursuant to section 32-224 or purchase pursuant to
18 a resolution by the legislative body of a municipality authorizing the
19 acquisition through eminent domain for establishments that also meet
20 the definition of a brownfield, as defined in section 32-760, or (vi) a
21 subsequent transfer by such municipality that has [foreclosed on the
22 property, foreclosed municipal tax liens or that has acquired title to the
23 property through section 12-157, or is within the pilot program
24 established in subsection (c) of section 32-9cc of the general statutes,
25 revision of 1958, revised to January 1, 2013, or] acquired the property
26 pursuant to any mechanism described in subparagraphs (B)(i) to (B)(iii),
27 inclusive, of this subdivision or pursuant to the remedial action and
28 redevelopment municipal grant program established in section 32-763,
29 [or has acquired such property through the exercise of eminent domain
30 by a municipality or pursuant to section 8-128, 8-169e or 8-193 or by
31 condemnation pursuant to section 32-224 or a resolution adopted in
32 accordance with this subparagraph,] provided [(i)] (I) the party
33 acquiring the property from the municipality did not establish, create or
34 contribute to the contamination at the establishment and is not affiliated
35 with any person who established, created or contributed to such
36 contamination or with any person who is or was an owner or certifying
37 party for the establishment, and [(ii)] (II) on or before the date the party
38 acquires the property from the municipality, such party or municipality
39 enters and subsequently remains in the voluntary remediation program
40 administered by the commissioner pursuant to section 22a-133x and
41 remains in compliance with schedules and approvals issued by the
42 commissioner. For purposes of this subparagraph, subsequent transfer
43 by a municipality includes any transfer to, from or between a
44 municipality, municipal economic development agency or entity
45 created or operating under chapter 130 or 132, a nonprofit economic
46 development corporation formed to promote the common good, general

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47 welfare and economic development of a municipality that is funded,
48 either directly or through in-kind services, in part by a municipality, a
49 nonstock corporation or limited liability company controlled or
50 established by a municipality, municipal economic development agency
51 or entity created or operating under chapter 130 or 132, or a Connecticut
52 brownfield land bank;

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

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

58 (E) Termination of a lease and conveyance, assignment or execution
59 of a lease for a period less than ninety-nine years including conveyance,
60 assignment or execution of a lease with options or similar terms that will
61 extend the period of the leasehold to ninety-nine years, or from the
62 commencement of the leasehold, ninety-nine years, including
63 conveyance, assignment or execution of a lease with options or similar
64 terms that will extend the period of the leasehold to ninety-nine years,
65 or from the commencement of the leasehold;

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

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

70 (H) Corporate reorganization not substantially affecting the
71 ownership of the establishment;

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

74 (J) The transfer of stock, securities or other ownership interests
75 representing [less than forty] fifty per cent or less of the ownership of

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76 the entity that owns or operates the establishment;

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

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

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

92 [(N) Conveyance of a service station, as defined in subdivision (5) of
93 this section;]

94 [(O)] (N) Any conveyance of an establishment which, prior to July 1,
95 1997, had been developed solely for residential use and such use has not
96 changed;

97 [(P)] (O) Any conveyance of an establishment to any entity created or
98 operating under chapter 130 or 132, or to an urban rehabilitation agency,
99 as defined in section 8-292, or to a municipality under section 32-224, or
100 to Connecticut Innovations, Incorporated or any subsidiary of the
101 corporation;

102 [(Q)] (P) Any conveyance of a parcel in connection with the
103 acquisition of properties to effectuate the development of the overall
104 project, as defined in section 32-651;

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105 [(R)] (Q) The conversion of a general or limited partnership to a
106 limited liability company;

107 [(S)] (R) The transfer of general partnership property held in the
108 names of all of its general partners to a general partnership which
109 includes as general partners immediately after the transfer all of the
110 same persons as were general partners immediately prior to the transfer;

111 [(T)] (S) The transfer of general partnership property held in the
112 names of all of its general partners to a limited liability company which
113 includes as members immediately after the transfer all of the same
114 persons as were general partners immediately prior to the transfer;

115 [(U)] (T) Acquisition of an establishment by any governmental or
116 quasi-governmental condemning authority;

117 [(V)] Conveyance of any real property or business operation that
118 would qualify as an establishment solely as a result of (i) the generation
119 of more than one hundred kilograms of universal waste in a calendar
120 month, (ii) the storage, handling or transportation of universal waste
121 generated at a different location, or (iii) activities undertaken at a
122 universal waste transfer facility, provided any such real property or
123 business operation does not otherwise qualify as an establishment; there
124 has been no discharge, spillage, uncontrolled loss, seepage or filtration
125 of a universal waste or a constituent of universal waste that is a
126 hazardous substance at or from such real property or business
127 operation; and universal waste is not also recycled, treated, except for
128 treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2)
129 or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at such real property or
130 business operation;]

131 [(W)] (U) Conveyance of a unit in a residential common interest
132 community; [in accordance with section 22a-134i;]

133 [(X)] Acquisition of an establishment that is in the abandoned
134 brownfield cleanup program established pursuant to section 32-768 and

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135 all subsequent transfers of the establishment, provided the
136 establishment is undergoing remediation or is remediated in accordance
137 with subsection (f) of section 32-768;]

138 (V) Acquisition and all subsequent transfers of an establishment (i)
139 that is in the abandoned brownfield cleanup program established
140 pursuant to section 32-768 or the brownfield remediation and
141 revitalization program established pursuant to section 32-769, provided
142 such establishment is in compliance with the requirements of such
143 program, as applicable, or (ii) by a Connecticut brownfield land bank,
144 provided such establishment was entered into a remediation or liability
145 relief program under section 22a-133x, 22a-133y, 32-768 or 32-769 and
146 the transferor of such establishment is in compliance with such program
147 at the time of transfer of such establishment or has completed the
148 requirements of such program;

149 [(Y)] (W) Any transfer of title from [a bankruptcy court or] a
150 municipality to a nonprofit organization or from any entity to a
151 nonprofit organization, as ordered or approved by a bankruptcy court;

152 [(Z) Acquisition of an establishment that is in the brownfield
153 remediation and revitalization program and all subsequent transfers of
154 the establishment, provided the establishment is in compliance with the
155 brownfield investigation plan and remediation schedule, the
156 commissioner has issued a no audit letter or successful audit closure
157 letter in response to a verification or interim verification submitted
158 regarding the remediation of such establishment under the brownfield
159 remediation and revitalization program, or a one-hundred-eighty-day
160 period has expired since a verification or interim verification submitted
161 regarding the remediation of such establishment under the brownfield
162 remediation and revitalization program without an audit decision from
163 the Commissioner of Energy and Environmental Protection;

164 (AA) Conveyance of an establishment in connection with the
165 acquisition of properties to effectuate the development of a project

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166 certified and approved pursuant to section 32-9v, provided any such
167 property is investigated and remediated in accordance with section 22a-
168 133y;]

169 [(BB)] (X) Conveyance from the Department of Transportation to the
170 Connecticut Airport Authority of any properties comprising (i) Bradley
171 International Airport and all related improvements and facilities now in
172 existence and as hereafter acquired, added, extended, improved and
173 equipped, including any property or facilities purchased with funds of,
174 or revenues derived from, Bradley International Airport, and any other
175 property or facilities allocated by the state, the Connecticut Airport
176 Authority or otherwise to Bradley International Airport, (ii) the state-
177 owned and operated general aviation airports, including Danielson
178 Airport, Groton/New London Airport, Hartford Brainard Airport,
179 Waterbury-Oxford Airport and Windham Airport and any such other
180 airport as may be owned, operated or managed by the Connecticut
181 Airport Authority and designated as general aviation airports, (iii) any
182 other airport as may be owned, operated or managed by the Connecticut
183 Airport Authority, and (iv) any airport site or any part thereof,
184 including, but not limited to, any restricted landing areas and any air
185 navigation facilities; or

186 [(CC) Conveyance of an establishment to a Connecticut brownfield
187 land bank and all subsequent transfers of such establishment, provided
188 (i) such establishment was entered into a remediation or liability relief
189 program under section 22a-133x, 22a-133y, 32-768, or 32-769, and the
190 conveyor or transferor of such establishment is in compliance with such
191 program at the time of transfer of such establishment, and (ii) none of
192 the activities described in subdivision (3) of this section were conducted
193 at such establishment after the date such establishment was entered into
194 such remediation or liability relief program;]

195 (Y) The change in the name of a limited liability company as an
196 amendment to such company's certificate of organization, pursuant to
197 section 34-247a.

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198 (2) "Commissioner" means the Commissioner of Energy and
199 Environmental Protection or the designated agent of the commissioner;

200 (3) "Establishment" means any real property at which or any business
201 operation from which (A) on or after November 19, 1980, there was
202 generated more than one hundred kilograms of hazardous waste in any
203 one month, (B) hazardous waste generated at a different location was
204 recycled, reclaimed, reused, stored, handled, treated, transported or
205 disposed of, (C) the process of dry cleaning was conducted on or after
206 May 1, 1967, (D) furniture stripping was conducted on or after May 1,
207 1967, or (E) a vehicle body repair facility was located on or after May 1,
208 1967. For the purposes of subparagraph (A) of this subdivision,
209 "hazardous waste" does not include universal waste. For the purposes
210 of filing a Form I, Form II, Form III or Form IV after October 1, 2020, if a
211 property or business operation is an establishment, such establishment
212 includes the entire parcel or parcels on which any such establishment is
213 located, except as otherwise provided in this subdivision. If a property
214 is or has been leased to two or more tenants or is or was simultaneously
215 occupied by the owner of such property and a tenant, "establishment"
216 means the areas on which the business operation is or was located,
217 including the entire portion of the property leased to such business
218 operation and any other area of such property used or occupied by such
219 business operation. If a property is a commercial or industrial unit in a
220 common interest community, "establishment" means the unit, the
221 limited common elements under exclusive use of the unit owner on
222 which the establishment is or was operated and any portion of the
223 common area used or occupied by such unit owner. If a business
224 operation is an establishment, such establishment includes the real
225 property on which such business operation is or was located and the
226 entire portion of such property used or occupied by such business
227 operation. "Establishment" does not include any real property or any
228 business operation from which more than one hundred kilograms of
229 hazardous waste was generated in any one month solely as a result of
230 either:

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231 (i) The one-time generation of hazardous waste in any one month, as
232 a result of either the first time such waste was generated or such a one-
233 time generation since the last time a Form I, Form II, Form III or Form
234 IV was required to be submitted; or

235 (ii) One or more of the following:

236 (I) Remediation of polluted soil, groundwater or sediment;

237 (II) The removal or abatement of building materials or removal of
238 materials used for maintaining or operating a building;

239 (III) The removal of unused chemicals or materials as a result of the
240 emptying or clearing out of a building, provided such removal is
241 supported by facts reasonably established at the time of such removal;
242 or

243 (IV) The complete cessation of a business operation, provided the
244 waste is removed not later than ninety days after such cessation and
245 such cessation is supported by facts reasonably established at the time
246 of such cessation. "Establishment" does not include any real property or
247 business operation that qualifies as an establishment solely as a result of
248 the generation of more than one hundred kilograms of universal waste
249 in a calendar month, the storage, handling or transportation of universal
250 waste generated at a different location, or activities undertaken at a
251 universal waste transfer facility, provided any such real property or
252 business operation does not otherwise qualify as an establishment; there
253 has been no discharge, spillage, uncontrolled loss, seepage or filtration
254 of a universal waste or a constituent of universal waste that is a
255 hazardous substance at or from such real property or business
256 operation; and universal waste is not also recycled, treated, except for
257 treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2)
258 or 40 CFR 273.33(a)(2) or (c)(2), or disposed of at such real property or
259 business operation. When transferring real property or a business that
260 comprises the entire establishment, such real property or business shall
261 not be an establishment if the conditions set forth in subdivisions (1) and

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262 (2) of subsection (l) of section 22a-134a apply to such real property or
263 business, and the time for the commissioner to conduct an audit
264 pursuant to subdivision (3) of subsection (g) of section 22a-134a passed
265 without the commissioner requiring any further action or the
266 commissioner issued a no audit letter or a successful audit closure letter
267 pursuant to subdivision (3) of subsection (g) of section 22a-134a;

268 (4) "Hazardous waste" means any waste which is (A) hazardous
269 waste identified in accordance with Section 3001 of the federal Resource
270 Conservation and Recovery Act of 1976, 42 USC 6901 et seq., (B)
271 hazardous waste identified by regulations adopted by the
272 Commissioner of Energy and Environmental Protection, or (C)
273 polychlorinated biphenyls in concentrations greater than fifty parts per
274 million except that sewage, sewage sludge and lead paint abatement
275 wastes shall not be considered to be hazardous waste for the purposes
276 of this section and sections 22a-134a to 22a-134d, inclusive;

277 [(5) "Service station" means a retail operation involving the resale of
278 motor vehicle fuel including, but not limited to, gasoline, diesel fuel and
279 kerosene and which operation does not otherwise meet the definition of
280 an establishment;]

281 [(6)] (5) "Certifying party" means, in the case of a Form III or Form IV,
282 a person associated with the transfer of an establishment who signs a
283 Form III or Form IV and who agrees to investigate the parcel in
284 accordance with prevailing standards and guidelines and to remediate
285 pollution caused by any release at the establishment in accordance with
286 the remediation standards and, in the case of a Form I or Form II, a
287 transferor of an establishment who signs the certification on a Form I or
288 II;

289 [(7)] (6) "Party associated with the transfer of an establishment"
290 means (A) the present or past owner or operator of the establishment,
291 (B) the owner of the real property on which the establishment is located,
292 (C) the transferor, transferee, lender, guarantor or indemnitor, (D) the

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293 business entity which operates or operated the establishment, or (E) the
294 state;

295 [(8)] (7) "Remediation standards" means regulations adopted by the
296 commissioner pursuant to section 22a-133k;

297 [(9)] (8) "Parcel" means piece, parcel or tract of land which constitutes
298 an establishment, as defined in subdivision (3) of this section, or on
299 which is or was located any business operation which constitutes an
300 establishment;

301 [(10)] (9) "Form I" means a written certification by the transferor of an
302 establishment on a form prescribed and provided by the commissioner
303 that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration
304 of hazardous waste or a hazardous substance has occurred at the
305 establishment which certification is based on an investigation of the
306 parcel in accordance with prevailing standards and guidelines, or (B) no
307 discharge spillage, uncontrolled loss, seepage or filtration of hazardous
308 waste has occurred at the establishment based upon an investigation of
309 the parcel in accordance with the prevailing standards and guidelines
310 and the commissioner has determined, in writing, or a licensed
311 environmental professional has verified, in writing, that any discharge,
312 spillage, uncontrolled loss, seepage or filtration of a hazardous
313 substance has been remediated in accordance with the remediation
314 standards and that since any such written approval or verification,
315 including any approval or verification for a portion of an establishment,
316 no discharge, spillage, uncontrolled loss, seepage or filtration of
317 hazardous waste or hazardous substances has occurred at any portion
318 of the establishment;

319 [(11)] (10) "Form II" means a written certification by the transferor of
320 an establishment on a form prescribed and provided by the
321 commissioner that the parcel has been investigated in accordance with
322 prevailing standards and guidelines and that (A) any pollution caused
323 by a discharge, spillage, uncontrolled loss, seepage or filtration of

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324 hazardous waste or a hazardous substance which has occurred from the
325 establishment has been remediated in accordance with the remediation
326 standards and that the remediation has been approved in writing by the
327 commissioner or has been verified pursuant to section 22a-133x or
328 [section] 22a-134a₂ in writing₂ attached to such form by a licensed
329 environmental professional to have been performed in accordance with
330 the remediation standards and that since any such written approval or
331 verification, including any approval or verification for a portion of an
332 establishment, no discharge, spillage, uncontrolled loss, seepage or
333 filtration of hazardous waste or hazardous substances has occurred at
334 any portion of the establishment, (B) the commissioner has determined
335 in writing or a licensed environmental professional has verified
336 pursuant to section 22a-133x or [section] 22a-134a₂ in writing, attached
337 to the form that no remediation is necessary to achieve compliance with
338 the remediation standards, or (C) a Form IV verification was previously
339 submitted to the commissioner and, since the date of the submission of
340 the Form IV, no discharge, spillage, uncontrolled loss, seepage or
341 filtration of hazardous waste or a hazardous substance has occurred at
342 the establishment, which certification is based on an investigation of the
343 parcel in accordance with prevailing standards and guidelines;

344 [(12)] (11) "Form III" means a written certification signed by a
345 certifying party on a form prescribed and provided by the
346 commissioner, which certification states that (A) a discharge, spillage,
347 uncontrolled loss, seepage or filtration of hazardous waste or a
348 hazardous substance has occurred at the establishment or the
349 environmental conditions at the establishment are unknown, and (B)
350 that the person signing the certification agrees to investigate the parcel
351 in accordance with prevailing standards and guidelines and to
352 remediate pollution caused by any release of a hazardous waste or
353 hazardous substance from the establishment in accordance with the
354 remediation standards;

355 [(13)] (12) "Form IV" means a written certification signed by one or
356 more certifying parties on a form prescribed and provided by the

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357 commissioner and which is accompanied by a written determination by
358 the commissioner or by a verification by a licensed environmental
359 professional pursuant to section 22a-134a or 22a-133x, which
360 certification states and is accompanied by documentation
361 demonstrating that the parcel has been investigated in accordance with
362 prevailing standards and guidelines and that (A) there has been a
363 discharge, spillage, uncontrolled loss, seepage or filtration of hazardous
364 waste or a hazardous substance on the establishment, and (B) all actions
365 to remediate any pollution caused by any release at the establishment
366 have been taken in accordance with the remediation standards except
367 [postremediation] groundwater monitoring [, natural attenuation
368 monitoring] or the recording of an environmental [land] use restriction,
369 and (C) the person or persons signing the certification agree, in
370 accordance with the representations made in the form, to conduct
371 [postremediation] groundwater monitoring [or natural attenuation
372 monitoring] in accordance with the remediation standards and if further
373 investigation and remediation are necessary to take further action to
374 investigate the establishment in accordance with prevailing standards
375 and guidelines and to remediate the establishment in accordance with
376 the remediation standards;

377 [(14)] (13) "Person" means person, as defined in section 22a-2;

378 [(15)] (14) "Remediate" means to contain, remove or abate pollution,
379 potential sources of pollution and substances in soil or sediment which
380 pose an unacceptable risk to human health or the environment and
381 includes, but is not limited to, the reduction of pollution by natural
382 attenuation;

383 [(16)] (15) "Licensed environmental professional" means an
384 environmental professional licensed pursuant to section 22a-133v;

385 [(17)] (16) "Environmental condition assessment form" means a form
386 prescribed and provided by the commissioner, prepared under the
387 supervision of a licensed environmental professional, and executed by

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388 (A) the certifying party under sections 22a-134 to 22a-134e, inclusive, or
389 (B) the owner of the property under section 22a-133x which form
390 describes the environmental conditions at the parcel;

391 [(18)] (17) "Pollution" means pollution, as defined in section 22a-423;

392 [(19)] (18) "Verification" means the rendering of a written opinion by
393 a licensed environmental professional on a form prescribed by the
394 commissioner that an investigation of the parcel has been performed in
395 accordance with prevailing standards and guidelines and that the
396 establishment has been remediated in accordance with the remediation
397 standards;

398 [(20)] (19) "Vehicle" means any motorized device for conveying
399 persons or objects except for an aircraft, boat, railroad car or engine, or
400 farm tractor;

401 [(21)] (20) "Business operation" means any business that has, or any
402 series of substantially similar businesses that have, operated
403 continuously or with only brief interruption on the same parcel, either
404 with a single owner or successive owners;

405 [(22)] (21) "Corporate reorganization not substantially affecting the
406 ownership of an establishment" means implementation of a business
407 plan to restructure a corporation through a merger, spin-off or other
408 plan or reorganization under which the direct owner of the
409 establishment does not change;

410 [(23)] (22) "Form IV verification" means the rendering of a written
411 opinion by a licensed environmental professional, after a Form IV has
412 been filed, that [postremediation] groundwater monitoring [, natural
413 attenuation] or the recording of an environmental [land] use restriction
414 has been completed in accordance with the Form IV;

415 [(24)] (23) "Hazardous substance" means hazardous substance, as
416 defined in Section 101 of the Comprehensive Environmental Response,

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417 Compensation, and Liability Act of 1980, 42 USC 9601, or a petroleum
418 product or by-product for which there are remediation standards
419 adopted pursuant to section 22a-133k or for which such remediation
420 standards have a process for calculating the numeric criteria of such
421 substance;

422 [(25)] (24) "Sediment" means unconsolidated material occurring in a
423 stream, pond, wetland estuary or other water body;

424 [(26)] (25) "Universal waste" means batteries, pesticides, thermostats,
425 lamps and used electronics regulated as a universal waste under
426 regulations adopted pursuant to subsection (c) of section 22a-449.
427 "Universal waste" does not mean (A) batteries, pesticides, thermostats
428 and lamps that are not covered under 40 CFR Part 273, or (B) used
429 electronics that are not regulated as a universal waste under regulations
430 adopted pursuant to subsection (c) of section 22a-449;

431 [(27)] (26) "Universal waste transfer facility" means any facility
432 related to transportation, including loading docks, parking areas,
433 storage areas and other similar areas where shipments of universal
434 waste are held during the normal course of transportation for ten days
435 or less;

436 [(28)] (27) "Interim verification" means a written opinion by a licensed
437 environmental professional, on a form prescribed by the commissioner,
438 that (A) the investigation has been performed in accordance with
439 prevailing standards and guidelines, (B) the remediation has been
440 completed in accordance with the remediation standards, except that,
441 for remediation standards for groundwater, the selected remedy is in
442 operation but has not achieved the remediation standards for
443 groundwater, (C) identifies the long-term remedy being implemented
444 to achieve groundwater standards, the estimated duration of such
445 remedy, and the ongoing operation and maintenance requirements for
446 continued operation of such remedy, and (D) there are no current
447 exposure pathways to the groundwater area that have not yet met the

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448 remediation standards; [.]

449 [(29)] (28) "Connecticut brownfield land bank" has the same meaning
450 as provided in section 32-760.

451 Sec. 2. Subsections (g) to (m), inclusive, of section 22a-134a of the 2020
452 supplement to the general statutes are repealed and the following is
453 substituted in lieu thereof (*Effective October 1, 2020*):

454 (g) (1) (A) Except as provided in subsection (h) of this section, the
455 certifying party to a Form III shall, not later than seventy-five days after
456 the receipt of the notice that such form is complete or such later date as
457 may be approved in writing by the commissioner, submit a schedule for
458 the investigation of the parcel and remediation of the establishment.
459 Such schedule shall, unless a later date is specified in writing by the
460 commissioner, provide that the investigation shall be completed within
461 two years of the date of receipt of such notice, remediation shall be
462 initiated not later than three years after the date of receipt of such notice
463 and remediation shall be completed sufficient to support either a
464 verification or interim verification within a time frame set forth in
465 subparagraphs (B) and (C) of this subdivision. The schedule shall also
466 include a schedule for providing public notice of the remediation prior
467 to the initiation of such remediation in accordance with subsection (i) of
468 this section. Not later than two years after the date of the receipt of the
469 notice that the Form III is complete, unless the commissioner has
470 specified a later day, in writing, the certifying party shall submit to the
471 commissioner documentation, approved in writing by a licensed
472 environmental professional and in a form prescribed by the
473 commissioner, that the investigation has been completed in accordance
474 with prevailing standards and guidelines. Not later than three years
475 after the date of the receipt of the notice that the Form III is complete,
476 unless the commissioner has specified a later day in writing, the
477 certifying party shall notify the commissioner in a form prescribed by
478 the commissioner that the remediation has been initiated, and shall
479 submit to the commissioner a remedial action plan approved in writing

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480 by a licensed environmental professional in a form prescribed by the
481 commissioner. Notwithstanding any other provision of this section, the
482 commissioner may determine at any time that the commissioner's
483 review and written approval is necessary and in such case shall notify
484 the certifying party that the commissioner's review and written
485 approval is necessary. Such certifying party shall investigate the parcel
486 and remediate the establishment in accordance with the schedule or the
487 schedule specified by the commissioner.

488 (B) For a certifying party that submitted a Form III or Form IV before
489 October 1, 2009, when remediation of the entire establishment is
490 complete, the certifying party shall achieve the remediation standards
491 for the establishment sufficient to support a final verification and shall
492 submit to the commissioner a final verification by a licensed
493 environmental professional.

494 (C) For a certifying party that submits a Form III or Form IV after
495 October 1, 2009, not later than eight years after the date of receipt of the
496 notice that the Form III or Form IV is complete, unless the commissioner
497 has specified a later date in writing, the certifying party shall achieve
498 the remediation standards for the establishment sufficient to support a
499 final or interim verification and shall submit to the commissioner such
500 final or interim verification by a licensed environmental professional.
501 Any such final verification may include and rely upon a verification for
502 a portion of the establishment submitted pursuant to subdivision (2) of
503 this subsection. Verifications shall be submitted on a form prescribed by
504 the commissioner. The certifying party may request a verification or
505 interim verification filing extension. The commissioner shall grant a
506 reasonable extension if the certifying party demonstrates to the
507 commissioner's satisfaction that: (i) Such certifying party has made
508 reasonable progress toward investigation and remediation of the
509 establishment; and (ii) despite best efforts, circumstances beyond the
510 control of the certifying party have significantly delayed the
511 remediation of the establishment.

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512 (D) A certifying party who submits an interim verification shall, until
513 the remediation standards for groundwater are achieved, operate and
514 maintain the long-term remedy for groundwater in accordance with the
515 remedial action plan, the interim verification and any approvals by the
516 commissioner, prevent exposure to the groundwater plume and submit
517 annual status reports to the commissioner.

518 (E) The certifying party to a Form IV shall submit with the Form IV a
519 schedule for the groundwater monitoring and recording of an
520 environmental [land] use restriction, as applicable.

521 (2) (A) Notwithstanding the date the Form III or Form IV was
522 submitted, if a certifying party completes the remediation for a portion
523 of an establishment, such party may submit a verification or an interim
524 verification by a licensed environmental professional for any such
525 portion of an establishment. The certifying party shall be deemed to
526 have satisfied the requirements of this subsection for that portion of the
527 establishment covered by any such verification or interim verification.
528 If any portion of an establishment for which a verification or interim
529 verification is submitted pursuant to this subdivision is transferred or
530 conveyed or undergoes a change in ownership before remediation of the
531 entire establishment is complete that would not otherwise be subject to
532 the provisions of sections 22a-134 to 22a-134e, inclusive, and sections
533 22a-134h and 22a-134i, the certifying party shall provide notice to the
534 commissioner of such transfer, conveyance or change in ownership not
535 later than thirty days after any such transfer, conveyance or change in
536 ownership.

537 (B) Any certifying party who submits an interim verification for a
538 portion of an establishment on or before December 31, 2014, shall not be
539 required to record any environmental [land] use restriction, in
540 accordance with section 22a-133o, prior to submitting such interim
541 verification, provided such certifying party shall record such
542 environmental [land] use restriction, in accordance with section 22a-
543 133o, on or before September 1, 2015, or a later date as approved, in

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544 writing, by the commissioner. If such environmental [land] use
545 restriction is not recorded on or before September 1, 2015, or such later
546 date, such interim verification shall be invalid and shall not be
547 recognized by the commissioner.

548 (3) (A) The commissioner may conduct an audit of any verification or
549 interim verification submitted pursuant to this section, but shall not
550 conduct an audit of a final verification of an entire establishment
551 submitted pursuant to subdivision (1) of this subsection after three years
552 have passed since the date of the commissioner's receipt of such final
553 verification unless an exception listed in subparagraph (D) of this
554 subdivision applies. Upon completion of an audit, the commissioner
555 shall send written audit findings to the certifying party and the licensed
556 environmental professional who verified. The three-year time frame for
557 an audit of a final verification of an entire establishment shall apply to
558 such final verifications received by the commissioner after October 1,
559 2007, and before October 1, 2019.

560 (B) The commissioner may conduct an audit of any verification or
561 interim verification submitted pursuant to this section, but shall not
562 commence an audit of a final verification of an entire establishment
563 submitted pursuant to subdivision (1) of this subsection if more than
564 one year has passed since the date of the commissioner's receipt of such
565 final verification unless an exception listed in subparagraph (D) of this
566 subdivision applies. If the commissioner commences an audit of such
567 final verification, the commissioner shall complete such audit not later
568 than three years after the commissioner's receipt of such final
569 verification subject to such audit, unless an exception listed in
570 subparagraph (D) of this subdivision applies. Upon completion of an
571 audit, the commissioner shall send written audit findings to the
572 certifying party and the licensed environmental professional who
573 verified. The one-year time frame for commencing an audit of a final
574 verification of an entire establishment and the three-year time frame for
575 completion of such an audit shall apply to any final verification received
576 by the commissioner on or after October 1, 2019.

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577 (C) The commissioner may request additional information during an
578 audit. If such information has not been provided to the commissioner
579 within ninety days of the commissioner's request for such information
580 or any longer time as the commissioner may determine in writing, the
581 commissioner may either (i) suspend the audit, which for a final
582 verification shall suspend the running of the three-year audit time frame
583 for completing the audit until such time as the commissioner receives
584 all the information requested, or (ii) complete the audit based upon the
585 information provided in the verification before the request for
586 additional information.

587 (D) The commissioner may commence an audit of a final verification
588 of an entire establishment pursuant to this subdivision after the
589 applicable time frame established in subparagraph (A) or (B) of this
590 subdivision, and need not complete any such audit within three years,
591 if (i) the commissioner has reason to believe that a verification was
592 obtained through the submittal of materially inaccurate or erroneous
593 information, or otherwise misleading information material to the
594 verification or that misrepresentations were made in connection with
595 the submittal of the verification, (ii) a verification is submitted pursuant
596 to an order of the commissioner pursuant to subsection (j) of this section,
597 (iii) any post-verification monitoring, or operations and maintenance, is
598 required as part of a verification and which has not been done, (iv) a
599 verification that relies upon an environmental [land] use restriction was
600 not recorded on the land records of the municipality in which such land
601 is located in accordance with section 22a-133o and applicable
602 regulations, (v) the commissioner determines that there has been a
603 violation of sections 22a-134 to 22a-134e, inclusive, or sections 22a-134h
604 and 22a-134i, or (vi) the commissioner determines that information
605 exists indicating that the remediation may have failed to prevent a
606 substantial threat to public health or the environment.

607 (h) (1) If the commissioner notifies the certifying party to a Form III
608 or Form IV that the commissioner's review and written approval of the
609 investigation of the parcel and remediation of the establishment is

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610 required, such certifying party shall, not later than thirty days after the
611 receipt of such notice or such later date as may be approved in writing
612 by the commissioner, submit for the commissioner's review and written
613 approval a proposed schedule for: (A) Investigating the parcel and
614 remediating the establishment; (B) submitting to the commissioner
615 scopes of work, technical plans, technical reports and progress reports
616 related to such investigation and remediation; and (C) providing public
617 notice of the remediation prior to the initiation of such remediation in
618 accordance with subsection (i) of this section. Upon the commissioner's
619 approval of such schedule, such certifying party shall, in accordance
620 with the approved schedule, submit scopes of work, technical plans,
621 technical reports and progress reports to the commissioner for the
622 commissioner's review and written approval. Such certifying party shall
623 perform all actions identified in the approved scopes of work, technical
624 plans, technical reports and progress reports in accordance with the
625 approved schedule. The commissioner may approve in writing any
626 modification proposed in writing by such certifying party to such
627 schedule or investigation and remediation. The commissioner may, at
628 any time, notify such certifying party in writing that the commissioner's
629 review and written approval is not required and that a licensed
630 environmental professional may verify that the remediation has been
631 performed in accordance with the remediation standards.

632 (2) A certifying party may complete the remediation of a portion of
633 an establishment and request that the commissioner determine that the
634 requirements of this subsection have been satisfied for any such portion
635 of the establishment. If the commissioner determines that any such
636 remediation is complete, the certifying party shall be deemed to have
637 satisfied the requirements of this subsection for any such portion of an
638 establishment. Any determination by the commissioner that
639 remediation at the entire establishment has been completed may include
640 and rely upon any determination made pursuant to this subdivision that
641 remediation is complete at a portion of an establishment. If any portion
642 of an establishment for which the commissioner determines that

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643 remediation is complete pursuant to this subdivision is transferred or
644 conveyed or undergoes a change in ownership before remediation of the
645 entire establishment is complete that would not otherwise be subject to
646 the provisions of sections 22a-134 to 22a-134e, inclusive, and sections
647 22a-134h and 22a-134i, the certifying party shall provide notice to the
648 commissioner of such transfer, conveyance or change in ownership not
649 later than thirty days after any such transfer, conveyance or change in
650 ownership.

651 (i) The certifying party to a Form III or Form IV shall (1) publish notice
652 of the remediation, in accordance with the schedule submitted pursuant
653 to this section, in a newspaper having a substantial circulation in the
654 area affected by the establishment, (2) notify the director of health of the
655 municipality where the establishment is located of the remediation, and
656 (3) either (A) erect and maintain for at least thirty days in a legible
657 condition a sign not less than six feet by four feet on the establishment,
658 which sign shall be clearly visible from the public highway, and shall
659 include the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT
660 THIS SITE. FOR FURTHER INFORMATION CONTACT:" and include
661 a telephone number for an office from which any interested person may
662 obtain additional information about the remediation, or (B) mail notice
663 of the remediation to each owner of record of property which abuts the
664 parcel, at the address for such property on the last-completed grand list
665 of the municipality where the establishment is located.

666 (j) The commissioner may issue an order to any person who fails to
667 comply with any provision of sections 22a-134 to 22a-134e, inclusive,
668 and sections 22a-134h and 22a-134i, including, but not limited to, any
669 person who fails to file a form, or files an incomplete or incorrect form
670 or to any person who fails to carry out any activities to which that person
671 agreed in a Form III or Form IV. If no form is filed or if an incomplete or
672 incorrect form is filed for a transfer of an establishment, the
673 commissioner may issue an order to the transferor, the transferee, or
674 both, requiring a filing. The commissioner may also request that the
675 Attorney General bring an action in the superior court for the judicial

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676 district of Hartford to enjoin any person who fails to comply with any
677 provision of sections 22a-134 to 22a-134e, inclusive, and sections 22a-
678 134h and 22a-134i, including, but not limited to, any person who fails to
679 file a form, improperly files a Form I, Form II, Form III or Form IV or the
680 certifying party to a Form III or Form IV to take any actions necessary
681 to prevent or abate any pollution at, or emanating from, the subject
682 establishment. Any person to whom such an order is issued may appeal
683 such order in accordance with the procedures set forth in sections 22a-
684 436 and 22a-437.

685 (k) Notwithstanding the exemptions provided in section 22a-134a,
686 nothing contained in sections 22a-134 to 22a-134e, inclusive, and
687 sections 22a-134h and 22a-134i shall be construed as creating an
688 innocent landowner defense for purposes of section 22a-452d.

689 (l) Notwithstanding any other provisions of this section, no person
690 shall be required to comply with the provisions of sections 22a-134 to
691 22a-134e, inclusive, and sections 22a-134h and 22a-134i when
692 transferring real property (1) (A) for which a Form I or Form II has been
693 filed for the transfer of the parcel on or after October 1, 1995, or (B) for
694 which parcel a Form III or Form IV has been filed and which has been
695 remediated and such remediation has been approved in writing by the
696 commissioner or has been verified in writing in accordance with this
697 section by a licensed environmental professional that an investigation
698 has been performed in accordance with prevailing standards and
699 guidelines and that the remediation has been performed in accordance
700 with the remediation standards, and (2) at which no activities described
701 in subdivision (3) of section 22a-134 have been conducted since (A) the
702 date of [such approval or verification] the commissioner's approval of
703 the remediation, (B) the date to which the verification applies, as
704 designated on the form submitted to the commissioner in connection
705 with a Form III or Form IV verification, or (C) the date on which the
706 Form I or Form II was filed.

707 (m) Failure of the commissioner to notify any party in accordance

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708 with the provisions of this section in no way limits the ability of the
709 commissioner to enforce the provisions of sections 22a-134 to 22a-134e,
710 inclusive, and sections 22a-134h and 22a-134i.

711 Sec. 3. Section 22a-134i of the general statutes is repealed and the
712 following is substituted in lieu thereof (*Effective October 1, 2020*):

713 (a) [Notwithstanding the provisions of this chapter, a conveyance of
714 a unit in a residential common interest community shall not be subject
715 to the requirements of sections 22a-134 to 22a-133e, inclusive, provided
716 the declarant for the residential common interest community of which
717 the unit is a part is a certifying party, as defined in section 22a-134, for
718 purposes of remediation of any establishment, as defined in section 22a-
719 134, within such community and provides to the Commissioner of
720 Energy and Environmental Protection a surety bond or other form of
721 financial assurance acceptable to the commissioner.] The conveyance of
722 a unit in a residential common interest community that is an
723 establishment, as defined in section 22a-134, shall not occur until the
724 declarant for the residential common interest community of which the
725 unit is a part or the declarant's immediate predecessor in title (1)
726 becomes a certifying party, as defined in section 22a-134 for the
727 purposes of investigation and remediation of the parcel on which such
728 community is located; (2) provides financial assurance pursuant to
729 subsection (b) of this section; and (3) records notice on the land records
730 in the municipality where the common interest community is located
731 that the parcel on which the common interest community is located is
732 being investigated and remediated pursuant to sections 22a-134 to 22a-
733 134e, inclusive. Such notice shall identify the volume and page number
734 of any recorded environmental use restriction, as defined in section 22a-
735 133o. If the declarant does not record such notice, the commissioner may
736 record or require an individual or entity authorized to act on behalf of
737 the common interest community to record on the land records in the
738 municipality where the common interest community is located a notice
739 which contained the information required by subdivision (3) of this
740 subsection.

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741 (b) The [surety bond or other form of] financial assurance required
742 pursuant to subsection (a) of this section shall (1) identify [both] the
743 [Department] Commissioner of Energy and Environmental Protection
744 [and the unit owners association for the common interest community as
745 beneficiaries, and] as the beneficiary, (2) be in an amount and in a form
746 approved by the commissioner that is [, at all times when the real
747 property comprising the common interest community is an
748 establishment,] equal to the cost of investigation and remediation of the
749 contaminants on the subject property, [. In calculating such remediation
750 costs, the amount of the bond or other form of financial assurance may
751 be reduced] subject to the standards specified in sections 22a-134 to 22a-
752 133e, inclusive, and (3) be used solely at the affected common interest
753 community for the benefit of the unit owners of such community. The
754 commissioner may reduce the amount of such financial assurance from
755 time to time as work [covered by the bond] is completed. [, may exclude]
756 Such financial assurance need not include the costs of any
757 improvements to the real estate not required to remediate the
758 contamination [, and may exclude] or the costs of remediation work
759 already completed or on parcels of real estate that may be added to the
760 common interest community by the exercise of development rights
761 pursuant to section 47-229.

762 [(c) Each time a seller conveys to a purchaser a unit in a common
763 interest community that is an establishment, the seller shall provide a
764 notice to the purchaser that summarizes (1) the status of the
765 environmental condition of the common interest community, (2) any
766 investigation or remediation activities, and (3) any environmental [land]
767 use restrictions. Such notice requirement applies to all such
768 conveyances, including those conveyances otherwise excepted from the
769 requirement for delivery of a public offering statement or of a resale
770 certificate under subsection (b) of section 47-262 and section 47-270.]

771 Sec. 4. Subsection (a) of section 47-270 of the general statutes is
772 repealed and the following is substituted in lieu thereof (*Effective October*
773 *1, 2020*):

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774 (a) Except in the case of a sale in which delivery of a public offering
775 statement is required under either this chapter or chapter 825, or unless
776 exempt under subsection (b) of section 47-262, a unit owner shall furnish
777 to a purchaser or such purchaser's attorney, before the earlier of
778 conveyance or transfer of the right to possession of a unit, a copy of the
779 declaration, other than any surveys and plans, the bylaws, the rules or
780 regulations of the association, and a certificate containing: (1) A
781 statement disclosing the effect on the proposed disposition of any right
782 of first refusal or other restraint on the free alienability of the unit held
783 by the association; (2) a statement setting forth the amount of the
784 periodic common expense assessment and any unpaid common
785 expense or special assessment currently due and payable from the
786 selling unit owner; (3) a statement of any other fees payable by the
787 owner of the unit being sold; (4) a statement of any capital expenditures
788 in excess of one thousand dollars approved by the executive board for
789 the current and next succeeding fiscal year; (5) a statement of the
790 amount of any reserves for capital expenditures; (6) the current
791 operating budget of the association; (7) a statement of any unsatisfied
792 judgments against the association and the existence of any pending suits
793 or administrative proceedings in which the association is a party,
794 including foreclosures but excluding other collection matters; (8) a
795 statement of the insurance coverage provided for the benefit of unit
796 owners, including any schedule of standard fixtures, improvements and
797 betterments in the units covered by the association's insurance that the
798 association prepared pursuant to subsection (b) of section 47-255; (9) a
799 statement of any restrictions in the declaration affecting the amount that
800 may be received by a unit owner on sale, condemnation, casualty loss to
801 the unit or the common interest community or termination of the
802 common interest community; (10) in a cooperative, an accountant's
803 statement, if any was prepared, as to the deductibility for federal income
804 tax purposes by the unit owner of real property taxes and interest paid
805 by the association; (11) if the association is unincorporated, the name of
806 the statutory agent for service of process filed with the Secretary of the
807 State pursuant to section 47-244a; (12) a statement describing any

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808 pending sale or encumbrance of common elements; (13) a statement
809 disclosing the effect on the unit to be conveyed of any restrictions on the
810 owner's right to use or occupy the unit or to lease the unit to another
811 person; (14) a statement disclosing the number of units whose owners
812 are at least sixty days' delinquent in paying their common charges on a
813 specified date within sixty days of the date of the statement; (15) a
814 statement disclosing the number of foreclosure actions brought by the
815 association during the past twelve months and the number of such
816 actions pending on a specified date within sixty days of the date of the
817 statement; (16) a statement disclosing (A) the most recent fiscal period
818 within the five years preceding the date on which the certificate is being
819 furnished for which an independent certified public accountant
820 reported on a financial statement, and (B) whether such report on a
821 financial statement was a compilation, review or audit; [and] (17) any
822 established maintenance standards adopted by the association pursuant
823 to subsection (e) of section 47-257; (18) a copy of any notice recorded on
824 land records pursuant to subsection (a) of section 22a-134i; and (19) a
825 statement that provides the volume and page number from the
826 applicable municipal land records of any environmental use restriction,
827 as defined in section 22a-133n, that encumbers the parcel or any portion
828 of the parcel on which the common interest community is located.

829 Sec. 5. Section 47-264 of the general statutes is repealed and the
830 following is substituted in lieu thereof (*Effective October 1, 2020*):

831 (a) Except as provided in subsection (b) of this section, a public
832 offering statement shall contain or fully and accurately disclose:

833 (1) The name and principal address of the declarant and of the
834 common interest community, and a statement that the common interest
835 community is either a condominium, cooperative or planned
836 community;

837 (2) A general description of the common interest community,
838 including to the extent known, the types, number and declarant's

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839 schedule of commencement and completion of construction of buildings
840 and amenities that the declarant anticipates including in the common
841 interest community;

842 (3) The number of units in the common interest community;

843 (4) Copies of the declaration, including any surveys and plans, and
844 any other recorded covenants, conditions, restrictions and reservations
845 created by the declarant affecting the common interest community; the
846 bylaws, and any rules or regulations of the association; any deeds,
847 contracts and leases to be signed by or delivered to purchasers at
848 closing, and copies of and a brief narrative description of any contracts
849 or leases that will or may be subject to cancellation by the association
850 under section 47-247;

851 (5) A projected budget for the association, either within or as an
852 exhibit to the public offering statement, for one year after the date of the
853 first conveyance to a purchaser, and thereafter the current budget of the
854 association, a statement of who prepared the budget, and a statement of
855 the budget's assumptions concerning occupancy and inflation factors.
856 The budget shall include, without limitation: (A) A statement of the
857 amount, or a statement that there is no amount, included in the budget
858 as a reserve for repairs and replacement; (B) a statement of any other
859 reserves; (C) the projected common expense assessment by category of
860 expenditures for the association; and (D) the projected monthly
861 common expense assessment for each type of unit;

862 (6) Any services not reflected in the budget that the declarant
863 provides, or expenses that he pays and which he expects may become at
864 any subsequent time a common expense of the association and the
865 projected common expense assessment attributable to each of those
866 services or expenses for the association and for each type of unit;

867 (7) Any initial or special fee due from the purchaser at closing,
868 together with a description of the purpose and method of calculating
869 the fee;

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870 (8) A brief narrative description of any liens, defects or encumbrances
871 on or affecting the title to the common interest community not otherwise
872 disclosed under subdivision (4) of this subsection;

873 (9) A description of any financing offered or arranged by the
874 declarant;

875 (10) The terms and significant limitations of any warranties provided
876 by the declarant, including statutory warranties and limitations on the
877 enforcement thereof or on damages;

878 (11) A statement that: (A) Within fifteen days after receipt of a public
879 offering statement a purchaser, before conveyance, may cancel any
880 contract for purchase of a unit from a declarant, and (B) if a declarant
881 fails to provide a public offering statement to a purchaser before
882 conveying a unit, that purchaser may recover from the declarant ten per
883 cent of the sales price of the unit plus ten per cent of the share,
884 proportionate to his common expense liability, of any indebtedness of
885 the association secured by security interests encumbering the common
886 interest community;

887 (12) A statement of any unsatisfied judgments or pending suits
888 against the association, and the status of any pending suits material to
889 the common interest community of which a declarant has actual
890 knowledge;

891 (13) A statement that any deposit made in connection with the
892 purchase of a unit will be held in an escrow account until closing and
893 will be returned to the purchaser if the purchaser cancels the contract
894 pursuant to section 47-269, together with the name and address of the
895 escrow agent;

896 (14) Any restraints on alienation of any portion of the common
897 interest community and any restrictions (A) on use, occupancy and
898 alienation of the units, and (B) on the amount for which a unit may be
899 sold or on the amount that may be received by a unit owner on sale,

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900 condemnation or casualty loss to the unit or to the common interest
901 community, or on termination of the common interest community;

902 (15) A description of the insurance coverage provided for the benefit
903 of unit owners;

904 (16) Any current or expected fees or charges to be paid by unit owners
905 for the use of the common elements and other facilities related to the
906 common interest community;

907 (17) The extent to which financial arrangements have been provided
908 for completion of all improvements that the declarant is obligated to
909 build pursuant to section 47-280;

910 (18) A brief narrative description of any zoning and other land use
911 requirements affecting the common interest community;

912 (19) All unusual and material circumstances, features and
913 characteristics of the common interest community and the units;

914 (20) In a cooperative, (A) either a statement that the unit owners will
915 be entitled, for federal, state and local income tax purposes, to a pass-
916 through of deductions for payments made by the association for real
917 property taxes and interest paid the holder of a security interest
918 encumbering the cooperative, or a statement that no assurances are
919 made in that regard, and (B) a statement as to the effect on every unit
920 owner if the association fails to pay real property taxes or payments due
921 the holder of a security interest encumbering the cooperative; [and]

922 (21) A description of any arrangement described in section 47-219a;
923 [.] and

924 (22) A statement, if it is determined that the residential common
925 interest community, of which the unit is a part, is an establishment
926 subject to the requirements of sections 22a-134 to 22a-134e, inclusive,
927 and sections 22a-134h and 22a-134i, that summarizes (A) the status of
928 the environmental condition of the common interest community, (B)

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929 any investigation or remediation activities, and (C) any environmental
930 use restriction placed or required to be placed on such residential
931 common interest community as a result of such investigation and
932 remediation. The determination under this subdivision shall be based
933 solely upon actual knowledge, a notice on the land records or, if there is
934 no such notice, an inquiry to the Department of Energy and
935 Environmental Protection of whether a Form I, Form II, Form III or Form
936 IV, as defined in section 22a-134, was submitted to the Department of
937 Energy and Environmental Protection for the residential common
938 interest community of which the unit is a part.

939 (b) A declarant promptly shall amend the public offering statement
940 to report any material change in the information required to be included
941 in the public offering statement.

942 Sec. 6. Subsection (a) of section 22a-134a of the 2020 supplement to
943 the general statutes is repealed and the following is substituted in lieu
944 thereof (*Effective October 1, 2020*):

945 (a) No person shall transfer an establishment except in accordance
946 with the provisions of sections 22a-134 to 22a-134e, inclusive, and
947 sections 22a-134h and 22a-134i. Notwithstanding any provision of
948 sections 22a-134 to 22a-134e, inclusive, and sections 22a-134h and 22a-
949 134i a person appointed by the Superior Court or any other court to sell,
950 convey or partition real property or a person appointed as a trustee in
951 bankruptcy shall not be deemed a party associated with the transfer of
952 an establishment and shall not be required to comply with the
953 provisions of sections 22a-134 to 22a-134e, inclusive, and sections 22a-
954 134h and 22a-134i.

955 Sec. 7. Subsection (a) of section 22a-134b of the general statutes is
956 repealed and the following is substituted in lieu thereof (*Effective October*
957 *1, 2020*):

958 (a) Failure of the transferor to comply with any of the provisions of
959 sections 22a-134 to 22a-134e, inclusive, and sections 22a-134h and 22a-

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960 134i entitles the transferee to recover damages from the transferor, and
961 renders the transferor of the establishment strictly liable, without regard
962 to fault, for all remediation costs and for all direct and indirect damages.

963 Sec. 8. Section 22a-134c of the general statutes is repealed and the
964 following is substituted in lieu thereof (*Effective October 1, 2020*):

965 The provisions of sections 22a-134 to 22a-134e, inclusive, and sections
966 22a-134h and 22a-134i shall not affect the authority of the commissioner
967 under any other statute or regulation, including, but not limited to, the
968 authority to issue any order to the transferor or transferee of an
969 establishment.

970 Sec. 9. Section 22a-134d of the general statutes is repealed and the
971 following is substituted in lieu thereof (*Effective October 1, 2020*):

972 Any person who violates any provision of sections 22a-134a to 22a-
973 134e, inclusive, and sections 22a-134h and 22a-134i or regulations issued
974 in accordance with the provisions of said sections shall be assessed a
975 civil penalty or shall be fined in accordance with section 22a-438.

976 Sec. 10. Section 22a-133r of the general statutes is repealed and the
977 following is substituted in lieu thereof (*Effective October 1, 2020*):

978 In the event that a court of competent jurisdiction finds for any reason
979 that an environmental [land] use restriction or notice of activity and use
980 limitation is void or without effect for any reason, the owner of the
981 subject land, in accordance with a schedule prescribed by the
982 commissioner, shall promptly abate pollution thereon consistently with
983 standards adopted under section 22a-133k for remediation of land used
984 for residential or recreational purposes.

985 Sec. 11. Subsection (b) of section 22a-133aa of the general statutes is
986 repealed and the following is substituted in lieu thereof (*Effective October*
987 *1, 2020*):

988 (b) Any covenant entered into under this section shall release only

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989 those claims said commissioner may have which are related to pollution
990 or contamination on or emanating from the property, which
991 contamination resulted from a discharge, spillage, uncontrolled loss,
992 seepage or filtration on such property prior to the effective date of the
993 covenant. Such covenant shall provide that the commissioner will not
994 take any action against the holder of the covenant to require remediation
995 of the parcel or any other action against such holder related to such
996 discharge, spillage, uncontrolled loss, seepage or filtration unless (1)
997 prior to the commissioner's approval of a detailed written plan for
998 remediation pursuant to a brownfields investigation plan and
999 remediation schedule, the commissioner finds that there is substantial
1000 noncompliance with such investigation plan and remediation schedule
1001 and there has not been a good faith effort to substantially comply
1002 therewith, (2) such property is not remediated in accordance with the
1003 detailed written plan approved by the commissioner and incorporated
1004 by reference in such covenant, (3) prior to completion of remediation in
1005 accordance with such plan, the commissioner finds that there is
1006 substantial noncompliance with any such plan and there has not been a
1007 good faith effort to substantially comply therewith, (4) remediation of
1008 the parcel in accordance with any detailed written plan for remediation
1009 did not comply with standards adopted by the commissioner pursuant
1010 to section 22a-133k which were in effect as of the effective date of either
1011 the covenant or the commissioner's approval of the detailed written plan
1012 for remediation, whichever is later, (5) if required by the standards
1013 adopted by the commissioner pursuant to section 22a-133k, an
1014 environmental [land] use restriction has not been recorded in
1015 accordance with section 22a-133o or there has been a failure to comply
1016 with the provisions of such a restriction, (6) for a property subject to the
1017 brownfield plan and remediation schedule, the commissioner does not
1018 approve a detailed written plan for remediation, or (7) the prospective
1019 buyer or owner fails to pay the fee, including the failure to pay in
1020 accordance with any payment schedule pursuant to subsection (c) of
1021 this section.

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1022 Sec. 12. Subsection (d) of section 22a-133bb of the general statutes is
1023 repealed and the following is substituted in lieu thereof (*Effective October*
1024 *1, 2020*):

1025 (d) Any covenant entered into under this section shall release claims
1026 said commissioner may have which are related to pollution or
1027 contamination on or emanating from the property, which contamination
1028 resulted from a discharge, spillage, uncontrolled loss, seepage or
1029 filtration on such property prior to the effective date of the covenant.
1030 Such covenant shall provide that the commissioner will not take any
1031 action to require remediation of the parcel or any other action related to
1032 such discharge, spillage, uncontrolled loss, seepage or filtration unless
1033 (1) such property is not remediated in accordance with the detailed
1034 written plan submitted to the commissioner and incorporated by
1035 reference in such covenant, (2) prior to completion of remediation in
1036 accordance with such plan, the commissioner finds that there is
1037 substantial noncompliance with such plan and there has not been a good
1038 faith effort to substantially comply therewith, (3) remediation of the
1039 property in accordance with such plan did not comply with standards
1040 adopted by the commissioner pursuant to section 22a-133k which were
1041 in effect as of the date of the covenant, or (4) if required by the standards
1042 adopted by the commissioner pursuant to section 22a-133k, an
1043 environmental use restriction has not been recorded in accordance with
1044 section 22a-133o or if the provisions of an environmental [land] use
1045 restriction were not complied with.

1046 Sec. 13. Subsection (b) of section 22a-133ee of the general statutes is
1047 repealed and the following is substituted in lieu thereof (*Effective October*
1048 *1, 2020*):

1049 (b) This section shall not relieve any such liability where (1) an owner
1050 failed to file or comply with the provisions of an environmental [land]
1051 use restriction created pursuant to section 22a-133o for such real
1052 property or with the conditions of a variance for the real property that
1053 was approved by the commissioner in accordance with regulations

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1054 adopted pursuant to section 22a-133k, or (2) the commissioner, at any
1055 time, determines that an owner provided information that the owner
1056 knew or had reason to know was false or misleading or otherwise failed
1057 to satisfy all of the requirements of subsection (a) of this section. Nothing
1058 in this section shall be construed to relieve an owner of any liability for
1059 pollution or sources of pollution on or emanating from such property
1060 that occurred or were created after the owner took title to such property.
1061 Nothing in this section shall be construed to hold an innocent
1062 landowner, as defined in section 22a-452d, who meets the requirements
1063 of this section liable to this state for costs or damages in an amount
1064 greater than the amount that an innocent landowner may be held liable
1065 pursuant to section 22a-432.

1066 Sec. 14. Subparagraph (C) of subdivision (9) of subsection (j) of
1067 section 32-769 of the general statutes is repealed and the following is
1068 substituted in lieu thereof (*Effective October 1, 2020*):

1069 (C) The Commissioner of Energy and Environmental Protection shall
1070 not conduct an audit of a verification or interim verification for the
1071 eligible property or a portion of the eligible property pursuant to this
1072 subdivision after one hundred eighty days from receipt of such
1073 verification, plus any additional time permitted pursuant to
1074 subparagraph (B) of this subdivision, unless (i) said commissioner has
1075 reason to believe that a verification was obtained through the submittal
1076 of materially inaccurate or erroneous information, or otherwise
1077 misleading information material to the verification or that material
1078 misrepresentations were made in connection with the submittal of the
1079 verification, (ii) any post-verification monitoring or operations and
1080 maintenance is required as part of a verification and has not been done,
1081 (iii) a verification that relies upon an environmental [land] use
1082 restriction was not recorded on the land records of the municipality in
1083 which such land is located in accordance with section 22a-133o and
1084 applicable regulations, (iv) said commissioner determines that there has
1085 been a violation of law material to the verification, or (v) said
1086 commissioner determines that information exists indicating that the

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1087 remediation may have failed to prevent a substantial threat to public
1088 health or the environment for releases on the property.

1089 Sec. 501. (NEW) (*Effective from passage*) For the purposes of this section
1090 and sections 502 to 509, inclusive, of this act:

1091 (1) "Commissioner" means the Commissioner of Energy and
1092 Environmental Protection;

1093 (2) "Brownfields program" means the abandoned brownfield
1094 program authorized by section 32-769 of the general statutes, the
1095 brownfield remediation and revitalization program authorized by
1096 section 32-769 of the general statutes, or the municipal brownfield
1097 liability relief program authorized by section 22a-133ii of the general
1098 statutes;

1099 (3) "Land and waters of the state" means all waters, as defined in
1100 section 22a-423 of the general statutes, and any land surface, including
1101 improved or unimproved surfaces, soils or subsurface strata;

1102 (4) "Person" means any individual, firm, partnership, association,
1103 syndicate, company, trust, corporation, nonstock corporation, limited
1104 liability company, metropolitan district, town, consolidated town and
1105 city, consolidated town and borough, city, borough, village, fire and
1106 sewer district, sewer district and each municipal organization having
1107 authority to levy and collect taxes or make charges for its authorized
1108 function, agency or political or administrative subdivision of the state,
1109 or other legal entity of any kind and any officer or governing or
1110 managing body of any partnership, association, firm or corporation or
1111 any member or manager of a limited liability company;

1112 (5) "Release" means any spilling, leaking, pumping, pouring,
1113 emitting, emptying, discharging, injecting, escaping, leaching, dumping
1114 or disposing into or onto the land and waters of the state, not authorized
1115 under title 22a of the general statutes, of oil or petroleum or chemical
1116 liquids or solids, liquid or gaseous products or hazardous waste as

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1117 defined in section 22a-448 of the general statutes. "Release" does not
1118 include the application of fertilizer or pesticides consistent with their
1119 labeling;

1120 (6) "Remediation" means determining the nature and extent of a
1121 release, in accordance with prevailing standards and guidelines, and the
1122 containment, removal and mitigation of such release, and includes, but
1123 is not limited to, the reduction of pollution by monitored natural
1124 attenuation;

1125 (7) "Report" means to notify the commissioner of a release in
1126 accordance with the provisions of sections 502 to 505, inclusive, of this
1127 act and in the manner specified by the commissioner; and

1128 (8) "Verification" means the written opinion of a licensed
1129 environmental professional on a form prescribed by the commissioner
1130 that the remediation of a release satisfies the standards established in
1131 regulations adopted pursuant to this act.

1132 Sec. 502. (NEW) (*Effective from passage*) No person shall create or
1133 maintain a release to the land and waters of the state in violation of any
1134 provision of this section and sections 503 to 507, inclusive, of this act.

1135 Sec. 503. (NEW) (*Effective from passage*) (a) Any person who creates or
1136 maintains a release to the land and waters of the state on or after the
1137 date when regulations are first adopted pursuant to section 505 of this
1138 act shall, upon discovery of such release: (1) Report the release, if such
1139 a report is required by the regulations adopted pursuant to section 505
1140 of this act, and (2) remediate any release to the standards identified in
1141 regulations adopted pursuant to section 505 of this act. If any person
1142 fails to comply with the provisions of this section and section 505 of this
1143 act, such person shall be liable for any costs incurred by the
1144 commissioner in accordance with section 22a-451 of the general statutes,
1145 or costs incurred by any other person who contains or removes or
1146 otherwise mitigates the effects of such release in accordance with section
1147 22a-452 of the general statutes.

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1148 (b) A release shall not be deemed discovered if the only evidence of
1149 such release is data available or generated before the date when
1150 regulations are first adopted pursuant to section 505 of this act.

1151 (c) On any parcel required to be investigated and remediated
1152 pursuant to sections 22a-134 to 22a-134e, inclusive, of the general
1153 statutes, and sections 22a-134h to 22a-134i, inclusive, of the general
1154 statutes:

1155 (1) Only releases that occurred prior to the filing of a Form I, Form II,
1156 Form III or Form IV but that were not discovered until (A) after the date
1157 of the commissioner's approval of the remediation, or (B) the date to
1158 which the verification applies, as designated on the form submitted to
1159 the commissioner in connection with a Form III or Form IV verification,
1160 or (C) the date on which the Form I or Form II was filed shall be subject
1161 to the requirements of sections 502 to 509, inclusive, of this act;

1162 (2) Any release that occurs after the filing of a Form I, Form II, Form
1163 III or Form IV shall be subject to the requirements of sections 502 to 509,
1164 inclusive, of this act, except that when a Phase II investigation has been
1165 completed after the filing of a Form III or Form IV, only releases which
1166 occur after the date of the Phase II investigation shall be subject to the
1167 requirements of sections 502 to 509, inclusive, of this act; and

1168 (3) For the purposes of this subsection, "parcel", "Form I", "Form II",
1169 "Form III" and "Form IV" have the same meanings as provided in section
1170 22a-134 of the general statutes.

1171 (d) The provisions of sections 502 to 509, inclusive, of this act shall
1172 not apply to any release on, or emanating from, a property that has been
1173 accepted into a brownfields program if such release occurred before
1174 such property was accepted into the brownfields program except that,
1175 a release that occurred before such property was accepted into the
1176 brownfields program, but was not discovered until after such property
1177 has fully satisfied the requirements of the brownfields program, shall be
1178 subject to the requirements of sections 502 to 509, inclusive, of this act.

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1179 The requirements of sections 502 to 509, inclusive, of this act shall apply
1180 to any release that occurs after such property is accepted into the
1181 brownfields program or if it cannot be determined when such release
1182 occurred.

1183 (e) Within available resources, the department shall provide a
1184 publicly accessible Internet database that contains all reports and
1185 verifications submitted as required by this section. Such database shall
1186 provide for the electronic submission of reports and verifications and
1187 search functionality. If such a system is not available at the time
1188 regulations are first adopted pursuant to section 505 of this act, the
1189 department shall file an update on its progress for publication in the
1190 Environmental Monitor.

1191 Sec. 504. (NEW) (*Effective from passage*) (a) (1) If the commissioner
1192 finds that any person created or maintained a release to the land and
1193 waters of the state on or after the date when regulations are first adopted
1194 pursuant to section 505 of this act, the commissioner may order such
1195 person to take the necessary steps to comply with the provisions of
1196 sections 502 to 505, inclusive, of this act. Each order issued under this
1197 section shall be served by certified mail, return receipt requested, or by
1198 service by a state marshal or indifferent person. If the order is served by
1199 a state marshal or indifferent person, a true copy of the order shall be
1200 served, and the original, with a return of such service endorsed thereon,
1201 shall be filed with the commissioner. The order shall be deemed to be
1202 issued upon service or upon deposit in the mail. Any order issued
1203 pursuant to this section shall state the basis on which it is issued and
1204 shall specify a reasonable time for compliance.

1205 (2) Any person who receives an order pursuant to this section shall
1206 have the right to a hearing. Unless a person who receives an order files
1207 a written request for a hearing before the commissioner within thirty
1208 days after the date of issuance, such order shall become final. A request
1209 for a hearing shall be a condition precedent to any appeal of such order.

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1210 (3) The provisions of section 22a-434 of the general statutes regarding
1211 filing an order on the land records, notice and a certificate of compliance
1212 or revocation shall apply to any order that becomes final under this
1213 subsection.

1214 (b) If two or more persons are issued the same order pursuant to
1215 subsection (a) of this section or are responsible for a violation of any
1216 provision of sections 502 to 505, inclusive, of this act or any regulation
1217 or order adopted or issued under sections 502 to 505, inclusive, of this
1218 act, such persons shall be jointly and severally liable under this
1219 subsection.

1220 (c) If any person violates any provision of sections 502 to 505,
1221 inclusive, of this act or any regulation or order adopted or issued under
1222 sections 502 to 505, inclusive, of this act, the commissioner may request
1223 the Attorney General to bring an action in the superior court for the
1224 judicial district of Hartford to enjoin such person from such violation
1225 and to order remedial measures to prevent, control or abate such
1226 violation. All actions brought by the Attorney General pursuant to the
1227 provisions of this section shall have precedence in the order of trial as
1228 provided in section 52-191 of the general statutes.

1229 (d) Any person who violates any provision of sections 502 to 505,
1230 inclusive, of this act shall be liable for the penalties provided in section
1231 22a-438 of the general statutes, provided any provisions of said section
1232 concerning a continuing violation shall not apply to a person or
1233 municipality during the time when a hearing on an order issued
1234 pursuant to this section or an appeal is pending. The Attorney General,
1235 upon complaint of the commissioner, shall institute a civil action in the
1236 superior court for the judicial district of Hartford to recover such
1237 penalty.

1238 (e) Any person who violates any provision of sections 502 to 505,
1239 inclusive, of this act shall be liable for the penalties provided in
1240 subsections (b) and (c) of section 22a-438 of the general statutes.

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1241 (f) The commissioner may, pursuant to section 22a-6b of the general
1242 statutes, adopt a schedule for administrative civil penalties for
1243 violations of the provisions of sections 502 to 505, inclusive, of this act.

1244 (g) Whenever the commissioner finds, after investigation, that any
1245 person is creating or maintaining a release to the land and waters of the
1246 state in violation of the requirements of sections 502 to 505, inclusive, of
1247 this act, and such violations are substantial and continuous and it
1248 appears prejudicial to the interest of the people of the state to delay
1249 action, the commissioner may, without prior hearing, issue a cease and
1250 desist order, in writing, to such person to discontinue creating or
1251 maintaining such release. The provisions of subsections (b) to (d),
1252 inclusive, of section 22a-7 of the general statutes shall apply to any order
1253 issued pursuant to this subsection.

1254 Sec. 505. (NEW) (*Effective from passage*) (a) The commissioner shall
1255 adopt regulations, in accordance with the provisions of chapter 54 of the
1256 general statutes, that the commissioner deems necessary for
1257 implementation, administration and enforcement of this section and
1258 sections 501 to 504, inclusive, of this act. Such regulations shall include,
1259 but need not be limited to, provisions regarding (1) reporting
1260 requirements for any releases required to be reported pursuant to
1261 sections 502 to 505, inclusive, of this act; (2) procedures and deadlines
1262 for remediation, including public participation; (3) standards for
1263 remediation for any release to the land and waters of the state, including
1264 environmental use restrictions, as defined in section 22a-133o of the
1265 general statutes; (4) verification and commissioner's audit of
1266 remediation; (5) supervision of remediation based on pollutant type,
1267 concentration or volume, or based on the imminence of harm to public
1268 health; and (6) any required fees.

1269 (b) In any regulation adopted pursuant to subsection (a) of this
1270 section, the commissioner shall specify tiers of releases based on risk, as
1271 determined by the commissioner, and that, based on the tier to which
1272 such release is assigned, certain releases may be remediated under the

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1273 supervision of a licensed environmental professional, without the
1274 supervision of the commissioner, and may be remediated without being
1275 verified. Tiers of releases shall be specified based on: (1) The existence,
1276 source, nature and extent of a release; (2) the nature and extent of danger
1277 to public health, safety, welfare and the environment, both immediate
1278 and over time; (3) the magnitude and complexity of the actions
1279 necessary to assess, contain or remove the release; (4) the extent to which
1280 the proposed remediation will not remove the release, in its entirety,
1281 from the land and waters of the state but will instead leave behind
1282 pollutants to be managed using a risk mitigation approach authorized
1283 by regulations adopted pursuant to this section; and (5) the extent to
1284 which the oversight of the commissioner is necessary to ensure
1285 compliance with the provisions of section 502 to 505, inclusive, of this
1286 act.

1287 (c) (1) In any regulation adopted pursuant to subsection (a) of this
1288 section, the commissioner shall specify the types of releases to be
1289 reported and the timeframe for such reporting. When specifying the
1290 types of releases that shall be reported and the timeframes for reporting
1291 releases, the commissioner shall consider the factors specified in
1292 subdivisions (1), (2), (3) and (5) of subsection (b) of this section.

1293 (2) Such regulations may exempt the requirement for a report if
1294 remediation can be accomplished through containment, removal or
1295 mitigation of a release upon discovery and in a manner and by a
1296 timeframe specified in the regulations adopted pursuant to subsection
1297 (a) of this section, provided such regulations shall specify that certain
1298 records be maintained by the person performing a cleanup and a
1299 schedule for the retention of such records.

1300 (3) Such regulations may require any such report be made in a
1301 timeframe commensurate with the severity of the risk posed by such
1302 release, with the shortest reporting time corresponding to releases that
1303 pose an imminent or substantial threat to human health or the
1304 environment, including, but not limited to, residential areas, parks and

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1305 schools, or releases that exist near drinking water supplies or that
1306 present a higher risk to human health or the environment. Such
1307 regulations shall permit a longer timeframe for a report of a release that
1308 does not pose an imminent or significant threat to human health or the
1309 environment.

1310 (4) Such regulations shall provide for a process to amend or retract
1311 release reports that were reported in error.

1312 (5) No release required to be reported by regulations adopted
1313 pursuant to section 22a-450 of the general statutes shall also be required
1314 to be reported by regulations adopted pursuant to subsection (a) of this
1315 section.

1316 (d) In establishing standards for remediation adopted pursuant to
1317 subsection (a) of this section, the commissioner shall (1) consider the
1318 standards for remediation set forth in regulations adopted pursuant to
1319 section 22a-133k of the general statutes; (2) give preference to clean-up
1320 methods that are permanent, if feasible; (3) consider any factor the
1321 commissioner deems appropriate, including, but not limited to,
1322 groundwater classification of the site; and (4) provide for standards of
1323 remediation less stringent than those required for residential land use
1324 for polluted properties that (A) are located in areas classified as GB or
1325 GC under the standards adopted by the commissioner for classification
1326 of groundwater contamination, (B) have historically been used for
1327 industrial or commercial purposes, and (C) are not subject to an order
1328 issued by the commissioner regarding such release, consent order or
1329 stipulated judgment regarding such release, provided an environmental
1330 use restriction is executed for any such property subsequent to the
1331 remedial action, in accordance with the provisions of section 22a-133aa
1332 of the general statutes, and such regulations specify the types of
1333 industrial or commercial land uses to which any such property may be
1334 put subsequent to such remedial action.

1335 (e) The regulations adopted pursuant to subsection (a) of this section

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1336 regarding audits shall:

1337 (1) Authorize the commissioner to audit any verification;

1338 (2) Set goals for the number of audits to be conducted. Such goals
1339 shall be consistent with the requirements of section 506 of this act and
1340 shall, at a minimum, set a goal of auditing twenty per cent of
1341 verifications rendered for releases from at least one tier and set a goal of
1342 auditing verifications rendered for releases from the other tiers at a
1343 frequency that is based on the number of verifications submitted for
1344 releases in each tier;

1345 (3) Prioritize the auditing of higher risk releases that may jeopardize
1346 human health or the environment;

1347 (4) Utilize multiple levels of auditing. The levels of auditing may
1348 include:

1349 (A) Screening documents or forms submitted to the department;

1350 (B) Conducting a thorough evaluation of the verification, including,
1351 but not limited to, inspecting a property or requesting additional
1352 supporting information regarding an investigation or remediation of a
1353 release; and

1354 (C) Auditing focused on specific issues identified in screening
1355 documents or forms, conditions specific to a particular release or issues
1356 that present a higher risk to human health or the environment; and

1357 (5) Provide certain timeframes for commencing audits that shall be
1358 no later than one year after verification and provide opportunities to
1359 reopen a remediation when: (i) The commissioner has reason to believe
1360 that a verification was obtained through the submittal of materially
1361 inaccurate or erroneous information, or otherwise misleading
1362 information material to the verification, or that misrepresentations were
1363 made in connection with the submittal of the verification, (ii) a
1364 verification is submitted pursuant to an order of the commissioner, in

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1365 accordance with section 504 of this act, (iii) any post-verification
1366 monitoring, or operations and maintenance, is required as part of a
1367 verification and which is not completed, (iv) a verification that relies
1368 upon an environmental land use restriction was not recorded on the
1369 land records of the municipality in which such land is located in
1370 accordance with section 22a-133o of the general statutes and applicable
1371 regulations, (v) the commissioner determines that there has been a
1372 violation of the provisions of sections 502 to 505, inclusive, of this act, or
1373 (vi) the commissioner determines that information exists indicating that
1374 the remediation may have failed to prevent a substantial threat to public
1375 health or the environment.

1376 Sec. 506. (NEW) (*Effective from passage*) (a) The commissioner shall
1377 audit a sufficient number of verifications submitted pursuant to
1378 regulations adopted pursuant to section 505 of this act to ensure the
1379 protection of human health and the environment and a high frequency
1380 of compliance with the regulations adopted pursuant to section 505 of
1381 this act.

1382 (b) Beginning two years after the date regulations are first adopted
1383 pursuant to section 505 of this act, and annually thereafter, the
1384 commissioner shall provide to the Governor a report regarding the
1385 auditing of verifications submitted during the previous year pursuant
1386 to regulations adopted pursuant to section 505 of this act. Such report
1387 shall also be published on the department's Internet web site. Any such
1388 report shall include, but not be limited to, the number of releases
1389 reported, the number of verifications submitted, the number of audits
1390 conducted, the results of the audits conducted and any
1391 recommendations for improving the auditing of verifications. Such
1392 recommendations may include, but need not be limited to, staffing
1393 levels or the adequacy of such audits.

1394 Sec. 507. (NEW) (*Effective from passage*) (a) The provisions of sections
1395 502 to 505 of this act shall have no effect upon nor be interpreted or
1396 construed as changing any covenant not to sue entered into pursuant to

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1397 section 22a-133aa or 22a-133bb of the general statutes or any liability
1398 protection afforded under section 22a-133ee of the general statutes.

1399 (b) Notwithstanding any provision of the general statutes, and except
1400 as provided in this section, no owner of real property shall be liable for
1401 any costs or damages to any person other than this state, any other state
1402 or the federal government, with respect to any release on or emanating
1403 from such owner's real property that occurred or existed prior to such
1404 owner taking title to such property, provided:

1405 (1) Such owner did not create the release on such property and is not
1406 responsible for the creation of such release pursuant to any other
1407 provision of the general statutes;

1408 (2) Such owner is not affiliated with any person responsible for such
1409 release through any direct or indirect familial relationship, or any
1410 contractual, corporate or financial relationship other than that by which
1411 such owner's interest in the property was conveyed or financed; and

1412 (3) The release on such owner's real property has been remediated in
1413 accordance with the regulations adopted pursuant to section 505 of this
1414 act, as demonstrated in a verification prepared by a licensed
1415 environmental professional and the commissioner has approved in
1416 writing, or has determined not to audit, such verification. Remediation
1417 undertaken to meet the criteria of this section shall satisfy any
1418 requirements to provide public notice, or notice to nearby property
1419 owners, specified in regulations adopted pursuant to section 505 of this
1420 act.

1421 (c) This section shall not relieve any such liability where (1) any
1422 owner of a parcel on which a release was remediated has failed to
1423 comply with the requirements regarding the filing of an environmental
1424 use restriction or failed to comply with the provisions of an
1425 environmental use restriction created pursuant to section 22a-133o of
1426 the general statutes for such real property or with the conditions of a
1427 variance for the real property that was approved by the commissioner

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1428 in accordance with regulations adopted pursuant to section 505 of this
1429 act, or (2) the commissioner, at any time, determines that an owner
1430 provided information that the owner knew or had reason to know was
1431 false or misleading or otherwise failed to satisfy all of the requirements
1432 of subsection (a) of this section. Nothing in this section shall be
1433 construed to relieve an owner of any liability for releases on or
1434 emanating from such property that occurred or were created after the
1435 owner took title to such property. Nothing in this section shall be
1436 construed to hold an innocent landowner, as defined in section 22a-452d
1437 of the general statutes, who meets the requirements of this section liable
1438 to this state for costs or damages in an amount greater than the amount
1439 that an innocent landowner may be held liable pursuant to section 22a-
1440 432 of the general statutes.

1441 Sec. 508. (NEW) (*Effective from passage*) Nothing contained in sections
1442 502 to 507, inclusive, of this act shall be construed to infringe upon or
1443 otherwise limit any liability limitations or protections for persons
1444 provided for under any provision of the general statutes. Nothing
1445 contained in this act shall be construed as creating an innocent
1446 landowner defense for purposes of section 22a-452d of the general
1447 statutes.

1448 Sec. 509. (NEW) (*Effective from passage*) Nothing contained in sections
1449 502 to 508, inclusive, of this act shall be construed to affect the authority
1450 of the Commissioner of Energy and Environmental Protection pursuant
1451 to any other statute or regulation.

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

Section 1	<i>October 1, 2020</i>	22a-134
Sec. 2	<i>October 1, 2020</i>	22a-134a(g) to (m)
Sec. 3	<i>October 1, 2020</i>	22a-134i
Sec. 4	<i>October 1, 2020</i>	47-270(a)
Sec. 5	<i>October 1, 2020</i>	47-264
Sec. 6	<i>October 1, 2020</i>	22a-134a(a)

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Sec. 7	<i>October 1, 2020</i>	22a-134b(a)
Sec. 8	<i>October 1, 2020</i>	22a-134c
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Sec. 10	<i>October 1, 2020</i>	22a-133r
Sec. 11	<i>October 1, 2020</i>	22a-133aa(b)
Sec. 12	<i>October 1, 2020</i>	22a-133bb(d)
Sec. 13	<i>October 1, 2020</i>	22a-133ee(b)
Sec. 14	<i>October 1, 2020</i>	32-769(j)(9)(C)
Sec. 501	<i>from passage</i>	New section
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>from passage</i>	New section
Sec. 504	<i>from passage</i>	New section
Sec. 505	<i>from passage</i>	New section
Sec. 506	<i>from passage</i>	New section
Sec. 507	<i>from passage</i>	New section
Sec. 508	<i>from passage</i>	New section
Sec. 509	<i>from passage</i>	New section