



General Assembly

Bill No. 7001

September Special Session, 2020

LCO No. 4340



Referred to Committee on No Committee

Introduced by:

REP. ARESIMOWICZ, 30th Dist.

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. RITTER M., 1st Dist.

**AN ACT REVISING PROVISIONS OF THE TRANSFER ACT AND
AUTHORIZING THE DEVELOPMENT AND IMPLEMENTATION OF A
RELEASE-BASED REMEDIATION PROGRAM.**

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2 statutes is repealed and the following is substituted in lieu thereof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 from passage*):

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 19 of
8 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
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
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
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) Any conveyance of an establishment which, prior to July 1, 1997,
95 had been developed solely for residential use and such use has not
96 changed;

97 (P) 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) Any conveyance of a parcel in connection with the acquisition of

103 properties to effectuate the development of the overall project, as
104 defined in section 32-651;

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

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

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

115 (U) Acquisition of an establishment by any governmental or quasi-
116 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)] (V) 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
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 (W) 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 any applicable provisions of
143 the general statutes, 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)] ~~(X)~~ 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
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)] (Y) 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 (Z) 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.

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:

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
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) "Certifying party" means, in the case of a Form III or Form IV, a
282 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) "Party associated with the transfer of an establishment" means (A)

290 the present or past owner or operator of the establishment, (B) the owner
291 of the real property on which the establishment is located, (C) the
292 transferor, transferee, lender, guarantor or indemnitor, (D) the business
293 entity which operates or operated the establishment, or (E) the state;

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

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

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

318 (11) "Form II" means a written certification by the transferor of an
319 establishment on a form prescribed and provided by the commissioner
320 that the parcel has been investigated in accordance with prevailing

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

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

353 (13) "Form IV" means a written certification signed by one or more

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

375 (14) "Person" means person, as defined in section 22a-2;

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

381 (16) "Licensed environmental professional" means an environmental
382 professional licensed pursuant to section 22a-133v;

383 (17) "Environmental condition assessment form" means a form
384 prescribed and provided by the commissioner, prepared under the

385 supervision of a licensed environmental professional, and executed by
386 (A) the certifying party under sections 22a-134 to 22a-134e, inclusive, or
387 (B) the owner of the property under section 22a-133x which form
388 describes the environmental conditions at the parcel;

389 (18) "Pollution" means pollution, as defined in section 22a-423;

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

396 (20) "Vehicle" means any motorized device for conveying persons or
397 objects except for an aircraft, boat, railroad car or engine, or farm tractor;

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

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

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

412 (24) "Hazardous substance" means hazardous substance, as defined
413 in Section 101 of the Comprehensive Environmental Response,

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

419 (25) "Sediment" means unconsolidated material occurring in a
420 stream, pond, wetland estuary or other water body;

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

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

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

445 (29) "Connecticut brownfield land bank" has the same meaning as
446 provided in section 32-760.

447 Sec. 2. Subsections (g) to (m), inclusive, of section 22a-134a of the 2020
448 supplement to the general statutes are repealed and the following is
449 substituted in lieu thereof (*Effective from passage*):

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

478 commissioner may determine at any time that the commissioner's
479 review and written approval is necessary and in such case shall notify
480 the certifying party that the commissioner's review and written
481 approval is necessary. Such certifying party shall investigate the parcel
482 and remediate the establishment in accordance with the schedule or the
483 schedule specified by the commissioner.

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

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

508 (D) A certifying party who submits an interim verification shall, until
509 the remediation standards for groundwater are achieved, operate and

510 maintain the long-term remedy for groundwater in accordance with the
511 remedial action plan, the interim verification and any approvals by the
512 commissioner, prevent exposure to the groundwater plume and submit
513 annual status reports to the commissioner.

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

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

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

542 date, such interim verification shall be invalid and shall not be
543 recognized by the commissioner.

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

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

573 (C) The commissioner may request additional information during an

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

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

603 (h) (1) If the commissioner notifies the certifying party to a Form III
604 or Form IV that the commissioner's review and written approval of the
605 investigation of the parcel and remediation of the establishment is
606 required, such certifying party shall, not later than thirty days after the

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

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

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

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

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

673 provision of sections 22a-134 to 22a-134e, inclusive, and sections 22a-
674 134h and 22a-134i, including, but not limited to, any person who fails to
675 file a form, improperly files a Form I, Form II, Form III or Form IV or the
676 certifying party to a Form III or Form IV to take any actions necessary
677 to prevent or abate any pollution at, or emanating from, the subject
678 establishment. Any person to whom such an order is issued may appeal
679 such order in accordance with the procedures set forth in sections 22a-
680 436 and 22a-437.

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

685 (l) Notwithstanding any other provisions of this section, no person
686 shall be required to comply with the provisions of sections 22a-134 to
687 22a-134e, inclusive, and sections 22a-134h and 22a-134i when
688 transferring real property (1) (A) for which a Form I or Form II has been
689 filed for the transfer of the parcel on or after October 1, 1995, or (B) for
690 which parcel a Form III or Form IV has been filed and which has been
691 remediated and such remediation has been approved in writing by the
692 commissioner or has been verified in writing in accordance with this
693 section by a licensed environmental professional that an investigation
694 has been performed in accordance with prevailing standards and
695 guidelines and that the remediation has been performed in accordance
696 with the remediation standards, and (2) at which no activities described
697 in subdivision (3) of section 22a-134 have been conducted since (A) the
698 date of [such approval or verification] the commissioner's approval of
699 the remediation, (B) the date to which the verification applies, as
700 designated on the form submitted to the commissioner in connection
701 with a Form III or Form IV verification, or (C) the date on which the
702 Form I or Form II was filed.

703 (m) Failure of the commissioner to notify any party in accordance
704 with the provisions of this section in no way limits the ability of the

705 commissioner to enforce the provisions of sections 22a-134 to 22a-134e,
706 inclusive, and sections 22a-134h and 22a-134i.

707 Sec. 3. Section 22a-134i of the general statutes is repealed and the
708 following is substituted in lieu thereof (*Effective from passage*):

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

738 fails to record such notice, the commissioner may record or require an
739 individual or entity authorized to act on behalf of the common interest
740 community to record on the land records in the municipality where the
741 common interest community is located a notice that contains the
742 information required by subdivision (3) of this subsection.

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

765 [(c) Each time a seller conveys to a purchaser a unit in a common
766 interest community that is an establishment, the seller shall provide a
767 notice to the purchaser that summarizes (1) the status of the
768 environmental condition of the common interest community, (2) any
769 investigation or remediation activities, and (3) any environmental land
770 use restrictions. Such notice requirement applies to all such

771 conveyances, including those conveyances otherwise excepted from the
772 requirement for delivery of a public offering statement or of a resale
773 certificate under subsection (b) of section 47-262 and section 47-270.]

774 Sec. 4. Subsection (a) of section 47-270 of the general statutes is
775 repealed and the following is substituted in lieu thereof (*Effective from*
776 *passage*):

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

804 the unit or the common interest community or termination of the
805 common interest community; (10) in a cooperative, an accountant's
806 statement, if any was prepared, as to the deductibility for federal income
807 tax purposes by the unit owner of real property taxes and interest paid
808 by the association; (11) if the association is unincorporated, the name of
809 the statutory agent for service of process filed with the Secretary of the
810 State pursuant to section 47-244a; (12) a statement describing any
811 pending sale or encumbrance of common elements; (13) a statement
812 disclosing the effect on the unit to be conveyed of any restrictions on the
813 owner's right to use or occupy the unit or to lease the unit to another
814 person; (14) a statement disclosing the number of units whose owners
815 are at least sixty days' delinquent in paying their common charges on a
816 specified date within sixty days of the date of the statement; (15) a
817 statement disclosing the number of foreclosure actions brought by the
818 association during the past twelve months and the number of such
819 actions pending on a specified date within sixty days of the date of the
820 statement; (16) a statement disclosing (A) the most recent fiscal period
821 within the five years preceding the date on which the certificate is being
822 furnished for which an independent certified public accountant
823 reported on a financial statement, and (B) whether such report on a
824 financial statement was a compilation, review or audit; [and] (17) any
825 established maintenance standards adopted by the association pursuant
826 to subsection (e) of section 47-257; (18) a copy of any notice recorded on
827 land records pursuant to subsection (a) of section 22a-134i; and (19) a
828 statement that provides the volume and page number from the
829 applicable municipal land records of any environmental use restriction,
830 as defined in section 22a-133n, that encumbers the parcel or any portion
831 of the parcel on which the common interest community is located.

832 Sec. 5. Section 47-264 of the general statutes is repealed and the
833 following is substituted in lieu thereof (*Effective from passage*):

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

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

840 (2) A general description of the common interest community,
841 including to the extent known, the types, number and declarant's
842 schedule of commencement and completion of construction of buildings
843 and amenities that the declarant anticipates including in the common
844 interest community;

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

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

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

865 (6) Any services not reflected in the budget that the declarant
866 provides, or expenses that he pays and which he expects may become at

867 any subsequent time a common expense of the association and the
868 projected common expense assessment attributable to each of those
869 services or expenses for the association and for each type of unit;

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

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

876 (9) A description of any financing offered or arranged by the
877 declarant;

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

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

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

894 (13) A statement that any deposit made in connection with the
895 purchase of a unit will be held in an escrow account until closing and

896 will be returned to the purchaser if the purchaser cancels the contract
897 pursuant to section 47-269, together with the name and address of the
898 escrow agent;

899 (14) Any restraints on alienation of any portion of the common
900 interest community and any restrictions (A) on use, occupancy and
901 alienation of the units, and (B) on the amount for which a unit may be
902 sold or on the amount that may be received by a unit owner on sale,
903 condemnation or casualty loss to the unit or to the common interest
904 community, or on termination of the common interest community;

905 (15) A description of the insurance coverage provided for the benefit
906 of unit owners;

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

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

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

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

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

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

927 (22) A statement, if it is determined that the residential common
928 interest community, of which the unit is a part, is an establishment
929 subject to the requirements of sections 22a-134 to 22a-134e, inclusive,
930 and sections 22a-134h and 22a-134i, that summarizes (A) the status of
931 the environmental condition of the common interest community, (B)
932 any investigation or remediation activities, and (C) any environmental
933 use restriction placed or required to be placed on such residential
934 common interest community as a result of such investigation and
935 remediation. The determination under this subdivision shall be based
936 solely upon actual knowledge, a notice on the land records or, if there is
937 no such notice, an inquiry to the Department of Energy and
938 Environmental Protection of whether a Form I, Form II, Form III or Form
939 IV, as defined in section 22a-134, was submitted to the Department of
940 Energy and Environmental Protection for the residential common
941 interest community of which the unit is a part.

942 (b) A declarant promptly shall amend the public offering statement
943 to report any material change in the information required to be included
944 in the public offering statement.

945 Sec. 6. Subsection (a) of section 22a-134a of the 2020 supplement to
946 the general statutes is repealed and the following is substituted in lieu
947 thereof (*Effective from passage*):

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

956 provisions of sections 22a-134 to 22a-134e, inclusive, and sections 22a-
957 134h and 22a-134i.

958 Sec. 7. Subsection (a) of section 22a-134b of the general statutes is
959 repealed and the following is substituted in lieu thereof (*Effective from*
960 *passage*):

961 (a) Failure of the transferor to comply with any of the provisions of
962 sections 22a-134 to 22a-134e, inclusive, and sections 22a-134h and 22a-
963 134i entitles the transferee to recover damages from the transferor, and
964 renders the transferor of the establishment strictly liable, without regard
965 to fault, for all remediation costs and for all direct and indirect damages.

966 Sec. 8. Section 22a-134c of the general statutes is repealed and the
967 following is substituted in lieu thereof (*Effective from passage*):

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

973 Sec. 9. Section 22a-134d of the general statutes is repealed and the
974 following is substituted in lieu thereof (*Effective from passage*):

975 Any person who violates any provision of sections 22a-134a to 22a-
976 134e, inclusive, and sections 22a-134h and 22a-134i or regulations issued
977 in accordance with the provisions of said sections shall be assessed a
978 civil penalty or shall be fined in accordance with section 22a-438.

979 Sec. 10. Section 22a-133r of the general statutes is repealed and the
980 following is substituted in lieu thereof (*Effective from passage*):

981 In the event that a court of competent jurisdiction finds for any reason
982 that an environmental [land] use restriction or notice of activity and use
983 limitation is void or without effect for any reason, the owner of the
984 subject land, in accordance with a schedule prescribed by the

985 commissioner, shall promptly abate pollution thereon consistently with
986 standards adopted under section 22a-133k for remediation of land used
987 for residential or recreational purposes.

988 Sec. 11. Subsection (b) of section 22a-133aa of the general statutes is
989 repealed and the following is substituted in lieu thereof (*Effective from*
990 *passage*):

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

1018 accordance with section 22a-133o or there has been a failure to comply
1019 with the provisions of such a restriction, (6) for a property subject to the
1020 brownfield plan and remediation schedule, the commissioner does not
1021 approve a detailed written plan for remediation, or (7) the prospective
1022 buyer or owner fails to pay the fee, including the failure to pay in
1023 accordance with any payment schedule pursuant to subsection (c) of
1024 this section.

1025 Sec. 12. Subsection (d) of section 22a-133bb of the general statutes is
1026 repealed and the following is substituted in lieu thereof (*Effective from*
1027 *passage*):

1028 (d) Any covenant entered into under this section shall release claims
1029 said commissioner may have which are related to pollution or
1030 contamination on or emanating from the property, which contamination
1031 resulted from a discharge, spillage, uncontrolled loss, seepage or
1032 filtration on such property prior to the effective date of the covenant.
1033 Such covenant shall provide that the commissioner will not take any
1034 action to require remediation of the parcel or any other action related to
1035 such discharge, spillage, uncontrolled loss, seepage or filtration unless
1036 (1) such property is not remediated in accordance with the detailed
1037 written plan submitted to the commissioner and incorporated by
1038 reference in such covenant, (2) prior to completion of remediation in
1039 accordance with such plan, the commissioner finds that there is
1040 substantial noncompliance with such plan and there has not been a good
1041 faith effort to substantially comply therewith, (3) remediation of the
1042 property in accordance with such plan did not comply with standards
1043 adopted by the commissioner pursuant to section 22a-133k which were
1044 in effect as of the date of the covenant, or (4) if required by the standards
1045 adopted by the commissioner pursuant to section 22a-133k, an
1046 environmental use restriction has not been recorded in accordance with
1047 section 22a-133o or if the provisions of an environmental [land] use
1048 restriction were not complied with.

1049 Sec. 13. Subsection (b) of section 22a-133ee of the general statutes is

1050 repealed and the following is substituted in lieu thereof (*Effective from*
1051 *passage*):

1052 (b) This section shall not relieve any such liability where (1) an owner
1053 failed to file or comply with the provisions of an environmental [land]
1054 use restriction created pursuant to section 22a-133o for such real
1055 property or with the conditions of a variance for the real property that
1056 was approved by the commissioner in accordance with regulations
1057 adopted pursuant to section 22a-133k, or (2) the commissioner, at any
1058 time, determines that an owner provided information that the owner
1059 knew or had reason to know was false or misleading or otherwise failed
1060 to satisfy all of the requirements of subsection (a) of this section. Nothing
1061 in this section shall be construed to relieve an owner of any liability for
1062 pollution or sources of pollution on or emanating from such property
1063 that occurred or were created after the owner took title to such property.
1064 Nothing in this section shall be construed to hold an innocent
1065 landowner, as defined in section 22a-452d, who meets the requirements
1066 of this section liable to this state for costs or damages in an amount
1067 greater than the amount that an innocent landowner may be held liable
1068 pursuant to section 22a-432.

1069 Sec. 14. Subparagraph (C) of subdivision (9) of subsection (j) of
1070 section 32-769 of the general statutes is repealed and the following is
1071 substituted in lieu thereof (*Effective from passage*):

1072 (C) The Commissioner of Energy and Environmental Protection shall
1073 not conduct an audit of a verification or interim verification for the
1074 eligible property or a portion of the eligible property pursuant to this
1075 subdivision after one hundred eighty days from receipt of such
1076 verification, plus any additional time permitted pursuant to
1077 subparagraph (B) of this subdivision, unless (i) said commissioner has
1078 reason to believe that a verification was obtained through the submittal
1079 of materially inaccurate or erroneous information, or otherwise
1080 misleading information material to the verification or that material
1081 misrepresentations were made in connection with the submittal of the

1082 verification, (ii) any post-verification monitoring or operations and
1083 maintenance is required as part of a verification and has not been done,
1084 (iii) a verification that relies upon an environmental [land] use
1085 restriction was not recorded on the land records of the municipality in
1086 which such land is located in accordance with section 22a-133o and
1087 applicable regulations, (iv) said commissioner determines that there has
1088 been a violation of law material to the verification, or (v) said
1089 commissioner determines that information exists indicating that the
1090 remediation may have failed to prevent a substantial threat to public
1091 health or the environment for releases on the property.

1092 Sec. 15. (NEW) (*Effective from passage*) For the purposes of this section
1093 and sections 16 to 23, inclusive, of this act:

1094 (1) "Commissioner" means the Commissioner of Energy and
1095 Environmental Protection;

1096 (2) "Brownfields program" means the brownfields liability relief
1097 program established pursuant to section 32-764 of the general statutes,
1098 the abandoned brownfields program authorized by section 32-769 of the
1099 general statutes, the brownfield remediation and revitalization program
1100 authorized by section 32-769 of the general statutes, or the municipal
1101 brownfield liability relief program authorized by section 22a-133ii of the
1102 general statutes;

1103 (3) "Land and waters of the state" means all waters, as defined in
1104 section 22a-423 of the general statutes, and any land surface, including
1105 improved or unimproved surfaces, soils or subsurface strata;

1106 (4) "Municipality" has the same meaning as provided in section 22a-
1107 423 of the general statutes;

1108 (5) "Person" means any individual, partnership, association, firm,
1109 limited liability company, corporation or other entity, the federal
1110 government, the state or any instrumentality or subdivision of the state,
1111 including any municipality, and any officer or governing or managing

1112 body of any partnership, association, firm or corporation or any member
1113 or manager of a limited liability company;

1114 (6) "Release" means any spilling, leaking, pumping, pouring,
1115 emitting, emptying, discharging, injecting, escaping, leaching, dumping
1116 or disposing into or onto the land and waters of the state, not authorized
1117 under title 22a of the general statutes, of oil or petroleum or chemical
1118 liquids or solids, liquid or gaseous products or hazardous waste as
1119 defined in section 22a-448 of the general statutes. "Release" does not
1120 include automotive exhaust or the application of fertilizer or pesticides
1121 consistent with their labeling;

1122 (7) "Remediation" means determining the nature and extent of a
1123 release, in accordance with prevailing standards and guidelines, and the
1124 containment, removal and mitigation of such release, and includes, but
1125 is not limited to, the reduction of pollution by monitored natural
1126 attenuation;

1127 (8) "Report" means to notify the commissioner of a release in
1128 accordance with the provisions of sections 16 to 19, inclusive, of this act
1129 and in the manner specified by the commissioner; and

1130 (9) "Verification" means the written opinion of a licensed
1131 environmental professional on a form prescribed by the commissioner
1132 that the remediation of a release satisfies the standards established in
1133 regulations adopted pursuant to this act.

1134 Sec. 16. (NEW) (*Effective from passage*) No person shall create or
1135 maintain a release to the land and waters of the state in violation of any
1136 provision of sections 17 to 21, inclusive, of this act.

1137 Sec. 17. (NEW) (*Effective from passage*) (a) Any person who creates or
1138 maintains a release to the land and waters of the state on or after the
1139 date when regulations are first adopted pursuant to section 19 of this act
1140 shall, upon discovery of such release: (1) Report the release, if such a
1141 report is required by the regulations adopted pursuant to section 19 of

1142 this act, and (2) remediate any release to the standards identified in
1143 regulations adopted pursuant to section 19 of this act. If any person fails
1144 to comply with the provisions of this section and section 19 of this act,
1145 such person shall be liable for any costs incurred by the commissioner
1146 in accordance with section 22a-451 of the general statutes, or costs
1147 incurred by any other person who contains or removes or otherwise
1148 mitigates the effects of such release in accordance with section 22a-452
1149 of the general statutes.

1150 (b) A release shall not be deemed discovered if the only evidence of
1151 such release is data available or generated before the date when
1152 regulations are first adopted pursuant to section 19 of this act.

1153 (c) On any parcel required to be investigated and remediated
1154 pursuant to sections 22a-134 to 22a-134e, inclusive, of the general
1155 statutes, and sections 22a-134h to 22a-134i, inclusive, of the general
1156 statutes:

1157 (1) Only releases that occurred prior to the filing of a Form I, Form II,
1158 Form III or Form IV but that were not discovered until (A) after the date
1159 of the commissioner's approval of the remediation, or (B) the date to
1160 which the verification applies, as designated on the form submitted to
1161 the commissioner in connection with a Form III or Form IV verification,
1162 or (C) the date on which the Form I or Form II was filed shall be subject
1163 to the requirements of sections 16 to 23, inclusive, of this act;

1164 (2) Any release that occurs after the filing of a Form I, Form II, Form
1165 III or Form IV shall be subject to the requirements of sections 16 to 23,
1166 inclusive, of this act, except that when a Phase II investigation has been
1167 completed after the filing of a Form III or Form IV, only releases which
1168 occur after the date of the Phase II investigation shall be subject to the
1169 requirements of sections 16 to 23, inclusive, of this act; and

1170 (3) For the purposes of this subsection, "parcel", "Form I", "Form II",
1171 "Form III" and "Form IV" have the same meanings as provided in section
1172 22a-134 of the general statutes.

1173 (d) On any brownfield site accepted into a brownfields program:

1174 (1) Releases that are discovered before the date on which the
1175 remediation requirements of the applicable brownfields program are
1176 fully satisfied shall continue to be subject to the applicable brownfields
1177 program and shall not be subject to sections 16 to 23, inclusive, of this
1178 act;

1179 (2) Releases that are discovered after but which occur prior to the date
1180 on which the remediation requirements of the applicable brownfields
1181 program are fully satisfied shall continue to be subject to such program
1182 and shall not be subject to sections 16 to 23, inclusive, of this act. Nothing
1183 in sections 16 to 23, inclusive, of this act shall be construed to affect any
1184 liability protection afforded by any applicable brownfields program or
1185 a covenant not to sue entered into by the commissioner;

1186 (3) Releases that occur after the date on which the requirements of the
1187 applicable brownfields program are fully satisfied shall be subject to
1188 sections 16 to 23, inclusive, of this act. Liability for any such releases
1189 shall remain subject to the provisions of section 21 of this act concerning
1190 liability protection afforded or a covenant not to sue entered into by the
1191 commissioner.

1192 (e) Within available resources, the department shall provide a
1193 publicly accessible Internet database that contains all reports and
1194 verifications submitted as required by this section. Such database shall
1195 provide for the electronic submission of reports and verifications and
1196 search functionality. If such a system is not available at the time
1197 regulations are first adopted pursuant to section 19 of this act, the
1198 department shall file an update on its progress for publication in the
1199 Environmental Monitor.

1200 Sec. 18. (NEW) (*Effective from passage*) (a) (1) If the commissioner finds
1201 that any person created or maintained a release to the land and waters
1202 of the state on or after the date when regulations are first adopted
1203 pursuant to section 19 of this act, the commissioner may order such

1204 person to take the necessary steps to comply with the provisions of
1205 sections 16 to 19, inclusive, of this act. Each order issued under this
1206 section shall be served by certified mail, return receipt requested, or by
1207 service by a state marshal or indifferent person. If the order is served by
1208 a state marshal or indifferent person, a true copy of the order shall be
1209 served, and the original, with a return of such service endorsed thereon,
1210 shall be filed with the commissioner. The order shall be deemed to be
1211 issued upon service or upon deposit in the mail. Any order issued
1212 pursuant to this section shall state the basis on which it is issued and
1213 shall specify a reasonable time for compliance.

1214 (2) Any person who receives an order pursuant to this section shall
1215 have the right to a hearing. Unless a person who receives an order files
1216 a written request for a hearing before the commissioner within thirty
1217 days after the date of issuance, such order shall become final. A request
1218 for a hearing shall be a condition precedent to any appeal of such order.

1219 (3) The provisions of section 22a-434 of the general statutes regarding
1220 filing an order on the land records, notice and a certificate of compliance
1221 or revocation shall apply to any order that becomes final under this
1222 subsection.

1223 (b) If two or more persons are issued the same order pursuant to
1224 subsection (a) of this section or are responsible for a violation of any
1225 provision of sections 16 to 19, inclusive, of this act or any regulation or
1226 order adopted or issued under sections 16 to 19, inclusive, of this act,
1227 such persons shall be jointly and severally liable under this subsection.

1228 (c) If any person violates any provision of sections 16 to 19, inclusive,
1229 of this act or any regulation or order adopted or issued under sections
1230 16 to 19, inclusive, of this act, the commissioner may request the
1231 Attorney General to bring an action in the superior court for the judicial
1232 district of Hartford to enjoin such person from such violation and to
1233 order remedial measures to prevent, control or abate such violation. All
1234 actions brought by the Attorney General pursuant to the provisions of

1235 this section shall have precedence in the order of trial as provided in
1236 section 52-191 of the general statutes.

1237 (d) Any person who violates any provision of sections 16 to 19,
1238 inclusive, of this act shall be liable for the penalties provided in section
1239 22a-438 of the general statutes, provided any provisions of said section
1240 concerning a continuing violation shall not apply to a person or
1241 municipality during the time when a hearing on an order issued
1242 pursuant to this section or an appeal is pending. The Attorney General,
1243 upon complaint of the commissioner, shall institute a civil action in the
1244 superior court for the judicial district of Hartford to recover such
1245 penalty.

1246 (e) Any person who violates any provision of sections 16 to 19,
1247 inclusive, of this act shall be liable for the penalties provided in
1248 subsections (b) and (c) of section 22a-438 of the general statutes.

1249 (f) The commissioner may, pursuant to section 22a-6b of the general
1250 statutes, adopt a schedule for administrative civil penalties for
1251 violations of the provisions of sections 16 to 19, inclusive, of this act.

1252 (g) Whenever the commissioner finds, after investigation, that any
1253 person is creating or maintaining a release to the land and waters of the
1254 state in violation of the requirements of sections 16 to 19, inclusive, of
1255 this act, and such violations are substantial and continuous and it
1256 appears prejudicial to the interest of the people of the state to delay
1257 action, the commissioner may, without prior hearing, issue a cease and
1258 desist order, in writing, to such person to discontinue creating or
1259 maintaining such release. The provisions of subsections (b) to (d),
1260 inclusive, of section 22a-7 of the general statutes shall apply to any order
1261 issued pursuant to this subsection.

1262 Sec. 19. (NEW) (*Effective from passage*) (a) The commissioner shall
1263 adopt, amend or repeal regulations, in accordance with the provisions
1264 of chapter 54 of the general statutes, as are necessary and proper to carry
1265 out the purposes of sections 15 to 23, inclusive, of this act.

1266 (b) The commissioner, or his or her designee, shall co-chair and
1267 convene, in conjunction with the Commissioner of Economic and
1268 Community Development, or his or her designee, a working group in
1269 the department for the purpose of providing advice and feedback for
1270 regulations to be adopted by the commissioner in accordance with the
1271 provisions of this section. The Commissioner of Economic and
1272 Community Development, or his or her designee, shall serve as co-chair
1273 of such working group. The membership of the working group shall
1274 include: (1) The chairpersons and ranking members of the joint standing
1275 committees of the General Assembly having cognizance of matters
1276 relating to the environment and commerce; (2) environmental
1277 transaction attorneys; (3) commercial real estate brokers; (4) licensed
1278 environmental professionals; (5) representatives from the Connecticut
1279 Manufacturers' Collaborative; (6) representatives of environmental
1280 advocacy groups; (7) representatives of the Environmental
1281 Professionals Organization of Connecticut; (8) municipal
1282 representatives; (9) representatives from the brownfields working
1283 group established pursuant to section 32-770 of the general statutes; (10)
1284 representatives of the Connecticut Conference of Municipalities and the
1285 Connecticut Council of Small Towns; (11) representatives of the Council
1286 on Environmental Quality; and (12) any other interested members of the
1287 public designated by the commissioner. The commissioner shall
1288 convene monthly meetings of such working group until such time as
1289 regulations are adopted pursuant to this section.

1290 (c) Such regulations shall include, but need not be limited to,
1291 provisions regarding (1) reporting requirements for any releases
1292 required to be reported pursuant to sections 16 to 19, inclusive, of this
1293 act, including, but not limited to, reportable quantities and
1294 concentrations above which a release shall be reported in accordance
1295 with said sections; (2) procedures and deadlines for remediation,
1296 including public participation; (3) standards for remediation for any
1297 release to the land and waters of the state, including environmental use
1298 restrictions, as defined in section 22a-133o of the general statutes; (4)

1299 verification and commissioner's audit of remediation; (5) supervision of
1300 remediation based on pollutant type, concentration or volume, or based
1301 on the imminence of harm to public health; and (6) any required fees.

1302 (d) In any regulation adopted pursuant to subsection (a) of this
1303 section, the commissioner shall specify tiers of releases based on risk, as
1304 determined by the commissioner, and that, based on the tier to which
1305 such release is assigned, certain releases may be remediated under the
1306 supervision of a licensed environmental professional, without the
1307 supervision of the commissioner, and may be remediated without being
1308 verified. Tiers of releases shall be specified based on: (1) The existence,
1309 source, nature and extent of a release; (2) the nature and extent of danger
1310 to public health, safety, welfare and the environment, both immediate
1311 and over time; (3) the magnitude and complexity of the actions
1312 necessary to assess, contain or remove the release; (4) the extent to which
1313 the proposed remediation will not remove the release, in its entirety,
1314 from the land and waters of the state but will instead leave behind
1315 pollutants to be managed using a risk mitigation approach authorized
1316 by regulations adopted pursuant to this section; and (5) the extent to
1317 which the oversight of the commissioner is necessary to ensure
1318 compliance with the provisions of sections 16 to 19, inclusive, of this act.

1319 (e) (1) In any regulation adopted pursuant to subsection (a) of this
1320 section, the commissioner shall specify the types of releases to be
1321 reported and the timeframe for such reporting. When specifying the
1322 types of releases that shall be reported and the timeframes for reporting
1323 releases, the commissioner shall consider the factors specified in
1324 subdivisions (1), (2), (3) and (5) of subsection (b) of this section.

1325 (2) Such regulations may exempt the requirement for a report if
1326 remediation can be accomplished through containment, removal or
1327 mitigation of a release upon discovery and in a manner and by a
1328 timeframe specified in the regulations adopted pursuant to subsection
1329 (a) of this section, provided such regulations shall specify that certain
1330 records be maintained by the person performing a cleanup and a

1331 schedule for the retention of such records.

1332 (3) Such regulations may require any such report be made in a
1333 timeframe commensurate with the severity of the risk posed by such
1334 release, with the shortest reporting time corresponding to releases that
1335 pose an imminent or substantial threat to human health or the
1336 environment, including, but not limited to, residential areas, parks and
1337 schools, or releases that exist near drinking water supplies or that
1338 present a higher risk to human health or the environment. Such
1339 regulations shall permit a longer timeframe for a report of a release that
1340 does not pose an imminent or significant threat to human health or the
1341 environment.

1342 (4) Such regulations shall provide for a process to amend or retract
1343 release reports that were reported in error.

1344 (5) No release required to be reported by regulations adopted
1345 pursuant to section 22a-450 of the general statutes shall also be required
1346 to be reported by regulations adopted pursuant to subsection (a) of this
1347 section.

1348 (f) In establishing standards for remediation adopted pursuant to
1349 subsection (a) of this section, the commissioner shall (1) consider the
1350 standards for remediation set forth in regulations adopted pursuant to
1351 section 22a-133k of the general statutes; (2) give preference to cleanup
1352 methods that are permanent, if feasible; (3) provide flexibility, when
1353 appropriate, for licensed environmental professionals to establish and
1354 implement risk-based alternative cleanup standards developed in
1355 consideration of site use, exposure assumptions, geologic and
1356 hydrogeologic conditions and physical and chemical properties of each
1357 substance that comprise a release; (4) consider any factor the
1358 commissioner deems appropriate, including, but not limited to,
1359 groundwater classification of the site; and (5) provide for standards of
1360 remediation less stringent than those required for residential land use
1361 for polluted properties that (A) are located in areas classified as GB or

1362 GC under the standards adopted by the commissioner for classification
1363 of groundwater, (B) have historically been used for industrial or
1364 commercial purposes, and (C) are not subject to an order issued by the
1365 commissioner regarding such release, consent order or stipulated
1366 judgment regarding such release, provided an environmental use
1367 restriction is executed for any such property subsequent to the remedial
1368 action, in accordance with the provisions of section 22a-133aa of the
1369 general statutes, and such regulations specify the types of industrial or
1370 commercial land uses to which any such property may be put
1371 subsequent to such remedial action.

1372 (g) The regulations adopted pursuant to subsection (a) of this section
1373 regarding audits shall:

1374 (1) Authorize the commissioner to audit any verification;

1375 (2) Set goals for the number of audits to be conducted. Such goals
1376 shall be consistent with the requirements of section 20 of this act and
1377 shall, at a minimum, set a goal of auditing twenty per cent of
1378 verifications rendered for releases from at least one tier and set a goal of
1379 auditing verifications rendered for releases from the other tiers at a
1380 frequency that is based on the number of verifications submitted for
1381 releases in each tier;

1382 (3) Prioritize the auditing of higher risk releases that may jeopardize
1383 human health or the environment;

1384 (4) Utilize multiple levels of auditing. The levels of auditing may
1385 include:

1386 (A) Screening documents or forms submitted to the department;

1387 (B) Conducting a thorough evaluation of the verification, including,
1388 but not limited to, inspecting a property or requesting additional
1389 supporting information regarding an investigation or remediation of a
1390 release; and

1391 (C) Auditing focused on specific issues identified in screening
1392 documents or forms, conditions specific to a particular release or issues
1393 that present a higher risk to human health or the environment; and

1394 (5) Provide certain timeframes for commencing audits that shall be
1395 no later than one year after verification and provide opportunities to
1396 reopen a remediation when: (A) The commissioner has reason to believe
1397 that a verification was obtained through the submittal of materially
1398 inaccurate or erroneous information, or otherwise misleading
1399 information material to the verification, or that misrepresentations were
1400 made in connection with the submittal of the verification, (B) a
1401 verification is submitted pursuant to an order of the commissioner, in
1402 accordance with section 18 of this act, (C) any post-verification
1403 monitoring, or operations and maintenance, is required as part of a
1404 verification and which is not completed, (D) a verification that relies
1405 upon an environmental land use restriction was not recorded on the
1406 land records of the municipality in which such land is located in
1407 accordance with section 22a-133o of the general statutes and applicable
1408 regulations, (E) the commissioner determines that there has been a
1409 violation of the provisions of sections 16 to 19, inclusive, of this act, or
1410 (F) the commissioner determines that information exists indicating that
1411 the remediation may have failed to prevent a substantial threat to public
1412 health or the environment.

1413 (h) In adopting the regulations prescribed by this section, the
1414 commissioner shall incorporate the requirements of other cleanup
1415 provisions of the general statutes to assure consistency, clarity and
1416 efficiency in the application of remediation requirements contained in
1417 the general statutes and other applicable provisions of the regulations
1418 of Connecticut state agencies by the commissioner and members of the
1419 regulated community.

1420 Sec. 20. (NEW) (*Effective from passage*) (a) The commissioner shall
1421 audit a sufficient number of verifications submitted pursuant to
1422 regulations adopted pursuant to section 19 of this act to ensure the

1423 protection of human health and the environment and a high frequency
1424 of compliance with the regulations adopted pursuant to section 19 of
1425 this act.

1426 (b) Beginning two years after the date regulations are first adopted
1427 pursuant to section 19 of this act, and annually thereafter, the
1428 commissioner shall provide to the Governor and the joint standing
1429 committees of the General Assembly having cognizance of matters
1430 relating to the environment and commerce a report regarding the
1431 auditing of verifications submitted during the previous year pursuant
1432 to regulations adopted pursuant to section 19 of this act. Such report
1433 shall also be published on the department's Internet web site. Any such
1434 report shall include, but not be limited to, the number of releases
1435 reported, the number of verifications submitted, the number of audits
1436 conducted, the results of the audits conducted and any
1437 recommendations for improving the auditing of verifications. Such
1438 recommendations may include, but need not be limited to, staffing
1439 levels or the adequacy of such audits.

1440 Sec. 21. (NEW) (*Effective from passage*) (a) The provisions of sections
1441 16 to 19, inclusive, of this act shall have no effect upon nor be interpreted
1442 or construed as changing any covenant not to sue entered into pursuant
1443 to section 22a-133aa or 22a-133bb of the general statutes, any liability
1444 protection afforded under sections 22a-133ee or 32-764 of the general
1445 statutes, or any liability protections granted pursuant to any
1446 brownfields program.

1447 (b) Notwithstanding any provision of the general statutes, and except
1448 as provided in this section, no owner of real property shall be liable for
1449 any costs or damages to any person other than this state, any other state
1450 or the federal government, with respect to any release on or emanating
1451 from such owner's real property that occurred or existed prior to such
1452 owner taking title to such property, provided:

1453 (1) Such owner did not create the release on such property and is not

1454 responsible for the creation of such release pursuant to any other
1455 provision of the general statutes;

1456 (2) Such owner is not affiliated with any person responsible for such
1457 release through any direct or indirect familial relationship, or any
1458 contractual, corporate or financial relationship other than that by which
1459 such owner's interest in the property was conveyed or financed; and

1460 (3) The release on such owner's real property has been remediated in
1461 accordance with the regulations adopted pursuant to section 19 of this
1462 act, as demonstrated in a verification prepared by a licensed
1463 environmental professional and the commissioner has approved in
1464 writing, or has determined not to audit, such verification. Remediation
1465 undertaken to meet the criteria of this section shall satisfy any
1466 requirements to provide public notice, or notice to nearby property
1467 owners, specified in regulations adopted pursuant to section 19 of this
1468 act.

1469 (c) This section shall not relieve any such liability where (1) any
1470 owner of a parcel on which a release was remediated has failed to
1471 comply with the requirements regarding the filing of an environmental
1472 use restriction or failed to comply with the provisions of an
1473 environmental use restriction created pursuant to section 22a-133o of
1474 the general statutes for such real property or with the conditions of a
1475 variance for the real property that was approved by the commissioner
1476 in accordance with regulations adopted pursuant to section 19 of this
1477 act, or (2) the commissioner, at any time, determines that an owner
1478 provided information that the owner knew or had reason to know was
1479 false or misleading or otherwise failed to satisfy all of the requirements
1480 of subsection (a) of this section. Nothing in this section shall be
1481 construed to relieve an owner of any liability for releases on or
1482 emanating from such property that occurred or were created after the
1483 owner took title to such property. Nothing in this section shall be
1484 construed to hold an innocent landowner, as defined in section 22a-452d
1485 of the general statutes, who meets the requirements of this section liable

1486 to this state for costs or damages in an amount greater than the amount
 1487 that an innocent landowner may be held liable pursuant to section 22a-
 1488 432 of the general statutes.

1489 Sec. 22. (NEW) (*Effective from passage*) Nothing contained in sections
 1490 16 to 21, inclusive, of this act shall be construed to infringe upon or
 1491 otherwise limit any liability limitations or protections for persons
 1492 provided for under any provision of the general statutes. Nothing
 1493 contained in this act shall be construed to authorize the use or
 1494 application of the innocent landowner defense, established pursuant to
 1495 section 22a-452d of the general statutes, to the provisions of sections 16
 1496 to 21, inclusive, of this act.

1497 Sec. 23. (NEW) (*Effective from passage*) Nothing contained in sections
 1498 16 to 22, inclusive, of this act shall be construed to affect the authority of
 1499 the Commissioner of Energy and Environmental Protection pursuant to
 1500 any other statute or regulation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-134
Sec. 2	<i>from passage</i>	22a-134a(g) to (m)
Sec. 3	<i>from passage</i>	22a-134i
Sec. 4	<i>from passage</i>	47-270(a)
Sec. 5	<i>from passage</i>	47-264
Sec. 6	<i>from passage</i>	22a-134a(a)
Sec. 7	<i>from passage</i>	22a-134b(a)
Sec. 8	<i>from passage</i>	22a-134c
Sec. 9	<i>from passage</i>	22a-134d
Sec. 10	<i>from passage</i>	22a-133r
Sec. 11	<i>from passage</i>	22a-133aa(b)
Sec. 12	<i>from passage</i>	22a-133bb(d)
Sec. 13	<i>from passage</i>	22a-133ee(b)
Sec. 14	<i>from passage</i>	32-769(j)(9)(C)
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section

Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section