



Substitute House Bill No. 7085

Public Act No. 25-54

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

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

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 Section 22a-134tt of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(b) (1) The commissioner, or his or her designee, shall co-chair and convene, [in conjunction] jointly with the Commissioner of Economic and Community Development, or his or her designee, a working group in the department for the purpose of providing advice and feedback for regulations to be adopted by the commissioner in accordance with the provisions of this section and, after the adoption of such regulations, to evaluate the implementation and efficacy of the release-based cleanup program. The Commissioner of Economic and Community Development, or his or her designee, shall serve as [co-chair] co-chairperson of such working group [. The] and may consult with a

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member of the brownfields working group established pursuant to section 32-770 in implementing the provisions of this subsection.

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

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

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representatives, one from a municipality with a population of not less than seventy thousand and one from a municipality with a population of not more than seventy thousand, (vii) two representatives from the brownfields working group established pursuant to section 32-770, (viii) two representatives of an association representing business and industry in the state, and (ix) one representative of an association representing the banking industry in the state; (C) one member selected by the Commissioner of Energy and Environmental Protection who is mutually agreed to by the Commissioner of Economic and Community Development; and (D) one member selected by the Commissioner of Economic and Community Development who is mutually agreed to by the Commissioner of Energy and Environmental Protection.

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

(5) (A) After the adoption of regulations pursuant to this section, the working group shall meet at least quarterly until February 1, 2030, to (i) advise the Commissioners of Energy and Environmental Protection and Economic and Community Development on issues related to the

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

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

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

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

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

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

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

(c) Such regulations shall include, but need not be limited to, provisions regarding (1) reporting requirements for any releases required to be reported pursuant to sections 22a-134qq to 22a-134tt,

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inclusive, as amended by this act, including, but not limited to, reportable quantities and concentrations above which a release shall be reported in accordance with said sections; (2) procedures and deadlines for remediation, including public participation; (3) standards for remediation for any release to the land and waters of the state, including environmental use restrictions, as defined in section 22a-133o; (4) verification and commissioner's audit of remediation; (5) supervision of remediation based on pollutant type, concentration or volume, or based on the imminence of harm to public health; and (6) any required fees.

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

(e) (1) In any regulation adopted pursuant to subsection (a) of this section, the commissioner shall specify the types of releases to be reported and the timeframe for such reporting. When specifying the types of releases that shall be reported and the timeframes for reporting

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releases, the commissioner shall consider the factors specified in subdivisions (1), (2), (3) and (5) of subsection [(b)] (d) of this section.

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

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

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

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

(f) In establishing standards for remediation adopted pursuant to subsection (a) of this section, the commissioner shall (1) consider the standards for remediation set forth in regulations adopted pursuant to section 22a-133k; (2) give preference to cleanup methods that are permanent, if feasible; (3) provide flexibility, when appropriate, for

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licensed environmental professionals to establish and implement risk-based alternative cleanup standards developed in consideration of site use, exposure assumptions, geologic and hydrogeologic conditions and physical and chemical properties of each substance that comprise a release; (4) consider any factor the commissioner deems appropriate, including, but not limited to, groundwater classification of the site; and (5) provide for standards of remediation less stringent than those required for residential land use for polluted properties that (A) are located in areas classified as GB or GC under the standards adopted by the commissioner for classification of groundwater, (B) have historically been used for industrial or commercial purposes, and (C) are not subject to an order issued by the commissioner regarding such release, consent order or stipulated judgment regarding such release, provided an environmental use restriction is executed for any such property subsequent to the remedial action, in accordance with the provisions of section 22a-133aa, and such regulations specify the types of industrial or commercial land uses to which any such property may be put subsequent to such remedial action.

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

(1) Authorize the commissioner to audit any verification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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an establishment and shall not be required to comply with the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this act, and sections 22a-134h and 22a-134i.

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

(c) Prior to transferring an establishment, the transferor shall submit to the transferee a complete Form I or a Form II and, no later than ten days after the transfer, shall submit a copy of such Form I or Form II to the commissioner. The commissioner shall notify the transferor no later than ninety days after the submission of such Form I or Form II if the commissioner deems the Form I or Form II incomplete. If the transferor is unable to submit a Form I or a Form II to the transferee, the transferor shall, prior to the transfer, submit a complete Form III or Form IV prepared and signed by a party associated with the transfer to the transferee and, no later than ten days after the transfer, shall submit a copy of such Form III or Form IV to the commissioner. If no other party associated with the transfer of an establishment prepares and signs the proper form as a certifying party, the transferor shall have the obligation for such preparation and signing.

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

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

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

(g) (1) (A) Except as provided in subsection (h) of this section, the certifying party to a Form III shall, not later than seventy-five days after

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the receipt of the notice that such form is complete or such later date as may be approved in writing by the commissioner, submit a schedule for the investigation of the parcel and remediation of the establishment. Such schedule shall, unless a later date is specified in writing by the commissioner, provide that the investigation shall be completed within two years of the date of receipt of such notice, remediation shall be initiated not later than three years after the date of receipt of such notice and remediation shall be completed sufficient to support either a verification or interim verification within a time frame set forth in subparagraphs (B) and (C) of this subdivision. The schedule shall also include a schedule for providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. Not later than two years after the date of the receipt of the notice that the Form III is complete, unless the commissioner has specified a later day, in writing, the certifying party shall submit to the commissioner documentation, approved in writing by a licensed environmental professional and in a form prescribed by the commissioner, that the investigation has been completed in accordance with prevailing standards and guidelines. Not later than three years after the date of the receipt of the notice that the Form III is complete, unless the commissioner has specified a later day in writing, the certifying party shall notify the commissioner in a form prescribed by the commissioner that the remediation has been initiated, and shall submit to the commissioner a remedial action plan approved in writing by a licensed environmental professional in a form prescribed by the commissioner. Notwithstanding any other provision of this section, the commissioner may determine at any time that the commissioner's review and written approval is necessary and in such case shall notify the certifying party that the commissioner's review and written approval is necessary. Such certifying party shall investigate the parcel and remediate the establishment in accordance with the schedule or the schedule specified by the commissioner.

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

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

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

(E) The certifying party to a Form IV shall submit with the Form IV a

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schedule for the groundwater monitoring and recording of an environmental use restriction, as applicable.

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

(B) Any certifying party who submits an interim verification for a portion of an establishment on or before December 31, 2014, shall not be required to record any environmental use restriction, in accordance with section 22a-133o, prior to submitting such interim verification, provided such certifying party shall record such environmental use restriction, in

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accordance with section 22a-133o, on or before September 1, 2015, or a later date as approved, in writing, by the commissioner. If such environmental use restriction is not recorded on or before September 1, 2015, or such later date, such interim verification shall be invalid and shall not be recognized by the commissioner.

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

(B) The commissioner may conduct an audit of any verification or interim verification submitted pursuant to this section, but shall not commence an audit of a final verification of an entire establishment submitted pursuant to subdivision (1) of this subsection if more than one year has passed since the date of the commissioner's receipt of such final verification unless an exception listed in subparagraph (D) of this subdivision applies. If the commissioner commences an audit of such final verification, the commissioner shall complete such audit not later than three years after the commissioner's receipt of such final verification subject to such audit, unless an exception listed in subparagraph (D) of this subdivision applies. Upon completion of an audit, the commissioner shall send written audit findings to the certifying party and the licensed environmental professional who verified. The one-year time frame for commencing an audit of a final

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verification of an entire establishment and the three-year time frame for completion of such an audit shall apply to any final verification received by the commissioner on or after October 1, 2019.

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

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

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information exists indicating that the remediation may have failed to prevent a substantial threat to public health or the environment.

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

(2) A certifying party may complete the remediation of a portion of an establishment and request that the commissioner determine that the requirements of this subsection have been satisfied for any such portion of the establishment. If the commissioner determines that any such

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remediation is complete, the certifying party shall be deemed to have satisfied the requirements of this subsection for any such portion of an establishment. Any determination by the commissioner that remediation at the entire establishment has been completed may include and rely upon any determination made pursuant to this subdivision that remediation is complete at a portion of an establishment. If any portion of an establishment for which the commissioner determines that remediation is complete pursuant to this subdivision is transferred or conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this act, and sections 22a-134h and 22a-134i, the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days after any such transfer, conveyance or change in ownership.

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

(j) The commissioner may issue an order to any person who fails to

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

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

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

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

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

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

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

(2) The commissioner may conduct an audit of such report but shall not commence an audit of such report if more than ninety days has passed since the date of the commissioner's receipt of such report. If the

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commissioner commences an audit of such report, the commissioner shall complete such audit not later than one year after the commissioner's receipt of such report. Upon completion of an audit, the commissioner may accept or reject the report. The commissioner shall send the determination and any written audit findings to the certifying party who submitted the report and the licensed environmental professional who prepared the report.

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

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

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

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

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assignment.

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

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

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

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

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did commence an audit, such audit has been completed.

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

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

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

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

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

(b) For the purposes of determining the applicability of and compliance with regulations adopted pursuant to section 22a-134tt of the general statutes, as amended by this act, residential activity shall be considered to be restricted upon the discovery of a release until the

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remediation of such release to the standards adopted pursuant to section 22a-134tt of the general statutes, as amended by this act, is complete, provided such parcel is not available for or used for any residential activity and, not more than thirty days after discovery of a release, the person who created or is maintaining the release notifies the commissioner of such restriction.

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

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

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

Governor's Action:

Approved June 10, 2025