



Substitute Senate Bill No. 1030

Public Act No. 19-75

AN ACT CONCERNING THE TRANSFER OF HAZARDOUS WASTE ESTABLISHMENTS.

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

Section 1. Subdivision (3) of section 22a-134 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(3) "Establishment" means any real property at which or any business operation from which (A) on or after November 19, 1980, there was generated [, except as the result of (i) remediation of polluted soil, groundwater or sediment, or (ii) the removal or abatement of building materials,] more than one hundred kilograms of hazardous waste in any one month, (B) hazardous waste generated at a different location was recycled, reclaimed, reused, stored, handled, treated, transported or disposed of, (C) the process of dry cleaning was conducted on or after May 1, 1967, (D) furniture stripping was conducted on or after May 1, 1967, or (E) a vehicle body repair facility was located on or after May 1, 1967. [;] "Establishment" does not include any real property or any business operation from which more than one hundred kilograms of hazardous waste was generated in any one month solely as a result of either:

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

(ii) One or more of the following:

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

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

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

(IV) The complete cessation of a business operation, provided the waste is removed not later than ninety days after such cessation and such cessation is supported by facts reasonably established at the time of such cessation;

Sec. 2. Subdivision (3) of subsection (g) of section 22a-134a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(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 [(C)] (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-

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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 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.

~~[(B)]~~ ~~(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.

~~[(C)]~~ ~~(D)~~ The commissioner ~~[shall not conduct]~~ may commence an

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audit of a final verification of an entire establishment pursuant to this subdivision after [three years from receipt of such verification pursuant to this subdivision unless] 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 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, (v) the commissioner determines that there has been a violation of sections 22a-134 to 22a-134e, inclusive, as amended by this act, or (vi) the commissioner determines that information exists indicating that the remediation may have failed to prevent a substantial threat to public health or the environment.

Sec. 3. (*Effective from passage*) (a) The chairpersons of the joint standing committees of the General Assembly having cognizance of matters relating to commerce and the environment shall convene a working group to examine and develop recommendations regarding potential legislative changes to sections 22a-134 to 22a-134e, inclusive, of the general statutes, as amended by this act.

(b) The working group shall be comprised of (1) the chairpersons of said joint standing committees, or the chairpersons' designees, (2) the Commissioner of Energy and Environmental Protection, or the commissioner's designee, (3) the Commissioner of Economic and

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Community Development, or the commissioner's designee, (4) environmental transaction attorneys, (5) commercial real estate brokers, and (6) licensed environmental professionals. The working group may also include members of said joint standing committees. The chairpersons of such joint standing committees shall select the environmental transaction attorneys, commercial real estate brokers, licensed environmental professionals and members of such joint standing committees to participate in the working group as provided for in this subsection.

(c) The chairpersons of the joint standing committees of the General Assembly having cognizance of matters relating to commerce and the environment shall select the chairperson of the working group. The chairperson of the working group shall schedule the first meeting of the working group, which shall be held not later than sixty days after the effective date of this section. The working group shall meet at least monthly thereafter, until it submits its report pursuant to subsection (d) of this section.

(d) On or before February 1, 2020, the working group shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to commerce and environment regarding its findings and recommendations. The working group shall terminate on the date that it submits such report or on February 1, 2020, whichever is later.