Agency Legislative Proposal – 2025 Session
Document Name: DEEP – Minor Revisions to DEEP Statutes

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Legislative Liaison	Megan Andrews Legislative Liaison Megan.M.Andrews@ct.gov 203.767.4386 Harrison Nantz Deputy Chief of Staff Harrison.Nantz@ct.gov
Division Requesting This Proposal	Bureau of Central Services, Bureau of Air Management - Radiation Division, Bureau of Natural Resources, Office of the Commissioner - Office of Land Acquisition and Management
Drafter	Annie Decker, Andrew Hoskins, Caleb Hamel, Jeff Semancik, Justin Davis, Tracy Babbidge, Paul Farrell, Emma Cimino, John Gallalee, Brendan Schain

Title of Proposal	AAC Minor Revisions to DEEP Statutes
Statutory Reference, if any	**Sec. 1** – § 22a-6 **Sec. 2** – § 16a-101 and § 22a-151 **Sec. 3** - § 26-159a **Sec. 4** - § 26-142b **Sec. 5** - § Sec. 22a-202 subsection (d) as amended by Public Act 24-81 **Sec. 6** - § 26-314 **Sec. 7** - § 22a-27s **Sec. 8** - § 22a-27t **Sec. 9** - § 26-157f

	Sec. 10 - § 22a-241
Brief Summary and Statement of Purpose	To make minor revisions to the general statutes relevant to the Department of Energy and Environmental Protection.
How does this proposal relate to the agency's mission?	The Department is responsible for, among other things, protecting the state's air, water, land and other natural resources, for minimizing the environmental impact of energy production, and for conserving land for the public's use and enjoyment. These revisions are consistent with the efficient administration of these laws to support the Department's multifaceted mission.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section 1. Increases DEEP's current expenditure thresholds for construction, maintenance, and repair projects on lands under its custody and control from $500,000 and $1,000,000 to $1,000,000 and $3,000,000. This update aligns with thresholds provided for other state agencies during the 2023 legislative session.

Section 2. Maintains required compatibility of Connecticut General Statutes with the Atomic Energy Act as amended by Public Law 118-67 (2024) by incorporating changes to definitions therein.

Section 3. Eliminates expiration dates for recreational or commercial fishing rules declared under authority of CGS section 26-159a to achieve compliance with interstate fishery management plans.

Section 4. Modifies criteria for temporary limited access commercial fishing licenses. The goal is to (1) define the term "temporary incapacity," (2) reinstitute a previously eliminated time limits on transfers to ensure license transfers under this provision are temporary and not de facto permanent transfers, and (3) clarify processes pertinent to temporary and permanent license transfers.

Section 5. To amend the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program to correct a typo and to prioritize the issuance of increased incentives to income qualified Connecticut residents.

Section 6. Repeals the Natural Area Preserves Advisory Committee. This committee is defunct and has not convened in years.

Section 7. Repeals the Face of Connecticut Steering Committee. This committee is defunct and has not convened in years.

Section 8. Repeals the Face of Connecticut Account, a nonlapsing account within the general fund that was never funded.

Section 9. Repeals the Lobster Restoration Advisory Committee. This committee is defunct and has not convened in years.

Section 10. Repeals the Municipal Solid Waste Recycling Program and Advisory Council. This council and program were established in the 1980s to produce a plan concerning solid waste management in Connecticut. Funds previously allocated and identified for a once separate and dedicated account under this section have been spent or eliminated and the council has been defunct since the early 1990's. Subsequent legislation has been enacted revising CGS 22a-228 requiring DEEP to update the state's solid waste management plan, enact and revise regulations around disposal, diversion and recycling and providing grants to municipalities and regional organizations to support diversion and recycling programs and infrastructure. DEEP has worked with stakeholders and municipalities to convene the Solid Waste Advisory Committee, the Hazardous Waste Advisory Committee and the Connecticut Coalition for Sustainable Materials Management which all provide cooperative efforts to reduce waste generation, improve recycling and organics diversion and identify innovation solutions.

BACKGROUND

Origin of Proposal [X] New Proposal [X] Resubmission

Section 1: Resubmission of concepts from 2024 session's SB 290.
Section 2: New.
Section 3: New.
Section 4: New.
Section 5: New.
Section 6: New.
Section 7: New.
Section 8: New.
Section 9. New.
Section 10. New.

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	**Section 1**: In 2022, legislation passed increasing from $2 million to $3 million the cost of capital projects at various agencies including the CT State Colleges and Universities, the Military Department, the Judicial Department, DCF, and DMHAS. **Section 2**: Yes. The federal Atomic Energy Act of 1954 (AEA) (42 USC 2014) was amended in 2024 by Public Law 118-67, codifying the permanent separation of fusion energy regulations from nuclear fission ones. The federal law streamlined the implementation of commercial fusion by codifying the U.S. Nuclear Regulatory Commission's (NRC) unanimous, bipartisan decision to regulate fusion energy systems under an NRC's byproduct materials process. The federal Act amended the AEA to add a new definition of "fusion machines" as particle accelerators and revise the

	definition of "byproduct material" to include material produced by a fusion machine. Connecticut statutes must remain compatible with the AEA per CGS § 16a-100. To do so, these proposed changes are required to definitions in CGS. **Section 3:** No. **Section 4:** No. **Section 5:** No. **Section 6:** No. **Section 7:** No. **Section 8:** No. **Section 9:** No. **Section 10:** No.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	**Section 1:** No. **Section 2**: Other states are in progress of making similar changes. Under the National Materials Program for regulation of source, byproduct and special nuclear materials, NRC Agreement States (39 existing Agreement States and 3 states pursuing Agreements, including Connecticut) must implement necessary changes to maintain compatibility within 3 years. The NRC has reviewed the proposed changes and concurred that they are adequate to maintain compatibility. **Section 3:** No.

	Section 4: Other regional states have provisions allowing for temporary commercial license transfer due to medical hardship, with similar limitations/conditions on such transfer. **Section 5:** The proposal is consistent with the approach taken by other states who are refocusing their EV incentive programs on lower income residents as EV sales increase. **Section 6:** No. **Section 7**: No. **Section 8**: No. **Section 9:** No. **Section 10:** No.
Have certain constituencies called for this proposal?	**Section 1:** No. **Section 2**: The fusion industry supported the changes incorporated by Public Law 118-67. **Section 3:** No. **Section 4:** No. **Section 5:** DEEP has had discussions with the Black and Puerto Rican Caucus, as well as equity advocates through CEEJAC, who have expressed a desire to see greater access to EV incentives for low to moderate income residents. **Section 6**: No, although the Office of Public Accounts has recommended that DEEP pursue legislation to address

	defunct committees, boards and commissions established by statute. **Section 7**: No, although the Office of Public Accounts has recommended that DEEP pursue legislation to address defunct committees, boards and commissions established by statute. **Section 8**: No, although the Office of Public Accounts has recommended that DEEP pursue legislation to address defunct committees, boards and commissions established by statute. This account was never funded and was supposed to have been steered by one such defunct committee. **Section 9**: No, although the Office of Public Accounts has recommended that DEEP pursue legislation to address defunct committees, boards and commissions established by statute. **Section 10**: No, although the Office of Public Accounts has recommended that DEEP pursue legislation to address defunct committees, boards and commissions established by statute. This statute created an advisory council with the task of producing a solid waste and recycling plan for the state. The council did so and has been disbanded since.

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

1. Agency Name	**Section 1:** Department of Administrative Services
Agency Contact (name, title)	**Section 1:** Amanda Bellagamba, Legislative Liaison
Date Contacted	10/4
Status	**[ ] Approved** **[X] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	**Section 1:** No fiscal impact is anticipated as no changes in project costs are expected. **Section 2**: There are no active fusion licensees in the state. So, there is no direct impact. This provides regulatory certainty for any future development of fusion technology. Public Law No. 118-67 requires the NRC top work with Agreement States to implement necessary regulations and guidance to support the changes to the

	AEA. NRC will provide training to state personnel on fusion as part of the National Materials Program. **Section 3:** Minor cost savings to DEEP via elimination of requirement to promulgate multiple fishery declarations annually. **Section 4:** No fiscal impact. **Section 5:** No fiscal impact. **Section 6:** No fiscal impact. **Section 7:** There is no fiscal impact associated with this proposed amendment. **Section 8**: No fiscal impact. **Section 9**: No fiscal impact. **Section 10**: No fiscal impact.
Municipal (Include any municipal mandate that can be found within legislation)	**Section 1:** No impact to municipalities. **Section 2**: No impact to municipalities. Regulation of byproduct material is currently under jurisdiction of Agreement States and NRC. **Section 3:** No impact to municipalities. **Section 4:** No impact to municipalities. **Section 5:** No impact to municipalities from this change other than potential indirect benefit from increased personal property / motor vehicle tax revenue from EVs

	that would not otherwise be purchased due to CHEAPR program. **Section 6:** No impact to municipalities. **Section 7:** No impact to municipalities. **Section 8**: No impact to municipalities. **Section 9**: No impact to municipalities. **Section 10**: No impact to municipalities.
Federal	**Section 1:** Not applicable. **Section 2**: The proposed changes implement statutory changes to maintain compatibility with changes to federal law. Implementation and associated federal fiscal impacts of Public Law No 118-67 are independent of the proposed changes to CGS. **Section 3:** Not applicable. **Section 4:** Not applicable. **Section 5:** Not applicable. **Section 6:** Not applicable. **Section 7:** Not applicable. **Section 8:** Not applicable. **Section 9**: Not applicable.

	Section 10: Not applicable.
Additional notes	**Section 1:** The proposal adjusts the types of projects and project dollar thresholds that allow DEEP to independently or with DAS's approval administer construction projects. Various other state agencies, including the Military Department, Judicial Branch, CT State Universities and Colleges, and the Department of Children & Families, and Department of Mental Health and Addiction Services thresholds during the 2023 Session in Public Act 23-205, Sections 105 & 106.

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

Section 1: No

Section 2: There are no active fusion licensees or license applicants in the state. So, there is no direct impact. This provides regulatory certainty for any future development of fusion technology.

Section 3: Not applicable.

Section 4: Not applicable.

Section 5: CHEAPR metrics are closely tracked and available at CHEAPR - Program Statistics (ct.gov).

Section 6: Not applicable.

Section 7: Not applicable.

Section 8: Not Applicable.

Section 9: Not applicable.

Section 10: Not applicable.

ANYTHING ELSE WE SHOULD KNOW?

Section 2: On June 18, in a bipartisan 88-2 vote, the Senate passed S.870, the Fire Grants and Safety Act, which included the Fusion Energy Act, legislation that codifies the permanent separation of fusion energy regulations from nuclear fission. The legislation streamlines the implementation of commercial fusion by codifying the Nuclear Regulatory Commission's (NRC) unanimous, bipartisan decision to regulate fusion energy systems under NRC's byproduct materials process. This distinction will allow for a more streamlined deployment route for fusion energy, crucial to ensuring the United States' position as a global leader in commercial fusion development.

The proposed changes do not impact Millstone Power Station the existing nuclear power facility in the state which, as a fission reactor, remains under regulatory jurisdiction of the US NRC.

Section 3: DEEP Marine Fisheries Program currently uses declaration authority provided by RCSA Sec. 26-159a-22 to promulgate fishery rules required to achieve compliance with federal interstate fishery management plans, such compliance being required by federal law (Magnuson-Stevens Act, Atlantic Coastal Fisheries Cooperative Management Act). Declarations under this authority have a 120-day expiration, requiring the Marine Fisheries Program to promulgate new declarations multiple times annually, even if the prevailing rules are not changing. This proposal is intended to create efficiencies by eliminating the arbitrary 120-day expiration period.

Section 4: CGS section 26-124b was modified last session to eliminate the previous 12-month cap on duration of temporary license transfer due to medical hardship, in favor of allowing such temporary transfers to be effective for an indefinite period. Following this change, the Marine Fisheries program has received multiple requests for temporary license transfer due to medical hardship from licensees after informing said licensees that their license did not qualify for permanent transfer. To prevent use of the temporary transfer provision as a means to circumvent rules governing permanent license transfer, the Marine Fisheries program wishes to implement a rule whereby all temporary transfers will expire at the end of a calendar year (renewable in subsequent year by re-application) and provide a definition of "temporary incapacity" in the statute to make clear the conditions that qualify an individual for temporary license transfer. The proposed amendment also adds language to the statute clarifying the process required to obtain a temporary license transfer. Finally, the amendment also clarifies the internal Marine Fisheries program policy used to assess licenses for permanent transfer by specifying that fishing activity must be "license specific" to qualify a license for transfer (i.e., the fishing must have been conducted by the specific fishing gear(s) authorized by the license in question).

Section 5: This statutory change is necessary to properly align our efforts to prioritize and center environmental justice as part of our statewide efforts to reduce emissions from the transportation sector. The issuance of increased incentives to income qualified Connecticut residents and increased deployment of clean vehicles is a central component of DEEP's clean air strategy.

Section 6: The Natural Area Preserves Advisory Committee has been defunct for years. The purpose for which it was created is being achieved through other means.

Section 7: The Face of Connecticut Steering Committee has been defunct for years.

Section 8: The Face of Connecticut account was never sufficiently funded and has lain empty for years.

Section 9: The Lobster Restoration Advisory Committee has been defunct for years.

Section 10: The Municipal Solid Waste Recycling Program and Advisory Council were created to achieve a specific goal, which was achieved. The council has been defunct for years. The purpose of the council and program are being achieved through other means.

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 22a-6 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the department's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the department. The commissioner shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the department; (4) in accordance with regulations adopted by the department, require, issue, renew, revoke, modify or deny permits, under such conditions as the commissioner may prescribe, governing all sources of pollution in Connecticut within the department's jurisdiction; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the department and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit administered, adopted or enforced by the department, provided any information relating to secret processes or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation, hearing or otherwise shall be kept confidential and shall not be disclosed except that, notwithstanding the provisions of subdivision (5) of subsection (b) of section 1-210, such information may be disclosed by the commissioner to the United States Environmental Protection Agency and the Nuclear Regulatory Commission pursuant to the federal Freedom of Information Act of 1976, (5 USC 552) and regulations adopted thereunder

or, if such information is submitted after June 4, 1986, to any person pursuant to the federal Clean Water Act (33 USC 1251 et seq.); (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) construct or repair or contract for the construction or repair of any [dam or flood and erosion control system] service road, trail, greenway, bridge, dam, flood prevention, climate resilience and erosion control system, as defined in section 25-85, or other civil or natural resource infrastructure under the department's control and management; [,] (10) make or contract for the making of any alteration, repair or addition to any other real asset under the department's control and management, including rented or leased premises, involving an expenditure of [five hundred thousand] one million dollars or less, [and,] provided, not later than July 1, 2028, and annually thereafter, the Commissioner of Administrative Services shall adjust such threshold expenditures by the percentage change in the Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index as calculated by the United States Department of Labor, over the preceding calendar year, rounded to the nearest multiple of one hundred dollars, and shall post such adjusted dollar amounts on the Internet web site of the Department of Administrative Services; (11) with prior approval of the Commissioner of Administrative Services, make or contract for the making of any alteration, repair or addition to such other real asset under the department's control and management involving an expenditure of more than [five hundred thousand] one million dollars but not more than [one] three million dollars, provided not later than July 1, 2028, and annually thereafter, the Commissioner of Administrative Services shall adjust such threshold expenditures by the percentage change in the Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index as calculated by the United States Department of Labor, over the preceding calendar year, rounded to the nearest multiple of one hundred dollars, and shall post such adjusted dollar amounts on the Internet web site of the Department of Administrative Services; [(10)] (12) in consultation with affected town and watershed organizations, enter into a lease agreement with a private entity owning a facility to allow the private entity to generate hydroelectricity provided the project meets the certification standards of the Low Impact Hydropower Institute; [(11)] (13) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of the search, duplication and review of records requested under the Freedom of Information

Act, as defined in section 1-200, and the reasonable cost of reviewing and acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval required pursuant to subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC 1341). Such costs may include, but are not limited [to] to, the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment. Payment of a fee for monitoring compliance with the terms or conditions of a permit shall be at such time as the commissioner deems necessary and is required for an approval to remain valid; and [(12)] (14) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of responding to requests for information concerning the status of real estate with regard to compliance with environmental statutes, regulations, permits or orders. Such fee shall be paid by the person requesting such information at the time of the request. Funds not exceeding two hundred thousand dollars received by the commissioner pursuant to subsection (g) of section 22a-174, during the fiscal year ending June 30, 1985, shall be deposited in the General Fund and credited to the appropriations of the Department of Energy and Environmental Protection in accordance with the provisions of section 4-86, and such funds shall not lapse until June 30, 1986. In any action brought against any employee of the department acting within the scope of delegated authority in performing any of the above-listed duties, the employee shall be represented by the Attorney General.

Section 2. Section 16a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 16a-101. (Formerly Sec. 19-405). Definitions. As used in this chapter:

(1) "Atomic energy" has the same meaning as provided in 42 USC 2014, as amended from

time to time;

(2) "By-product material" means each of the following: (A) Any radioactive material, other than special nuclear material, that is yielded in or made radioactive by exposure to radiation which is incidental to the process of producing or utilizing special nuclear material; (B) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes but excluding any underground ore bodies depleted by such solution extraction processes; (C) any discrete source of radium-226 that is produced, extracted or converted after extraction for use for a commercial, medical or research activity; (D) any material that: (i) was made radioactive by use of a particle accelerator, including by use of a fusion machine; and, (ii) if made radioactive by use of a particle accelerator that is not a fusion machine, that is produced, extracted or converted after extraction for use for a commercial, medical or research activity; and (E) any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in a commercial, medical or research activity, if the United States Nuclear Regulatory Commission determines that the source would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety;

(3) "Fusion machine" has the same meaning as provided in 42 USC 2014, as amended from time to time;

([3]4) "Production facility" has the same meaning as provided in 42 USC 2014, as amended from time to time;

([4]5) "Special nuclear material" means: (A) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material if the United States Nuclear Regulatory Commission determines the material to be such special nuclear material, but does not include source material; or (B) any material artificially enriched by any elements, isotopes or materials listed in subparagraph (A) of this subdivision not including source materials;

([5]6) "Utilization facility" has the same meaning as provided in 42 USC 2014, as amended from time to time;

([6]7) "Radioactive material" means any solid, liquid or gas that emits ionizing radiation spontaneously;

([7]8) "Source material" means each of the following: (A) Uranium, thorium or any combination of said elements, in any physical or chemical form; (B) any other material if the United States Nuclear Regulatory Commission determines the material to be source material; and (C) ores that contain uranium, thorium or any combination of said elements in a concentration by weight of 0.05 per cent or more, or in such lower concentration if the United States Nuclear Regulatory Commission determines the material in such concentration to be source material;

([8]9) "Naturally occurring radioactive material" means material that contains radionuclides that are naturally present in the environment in materials, including, but not limited to, rocks, soil, minerals, natural gas, petroleum and ground or surface water;

([9]10) "Discrete source" means a radionuclide that was processed such that its concentration within a material was purposely increased for use for commercial, medical or research activities.

Section 22a-151 of the general statutes is repealed and the following is substituted in lieu thereof *(Effective from passage)*:

(1) "By-product material" means each of the following: (A) Any radioactive material, other than special nuclear material, that is yielded in or made radioactive by exposure to radiation which is incidental to the process of producing or utilizing special nuclear material; (B) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes but excluding any underground ore bodies depleted by such solution extraction processes; (C) any discrete source of radium-226 that is produced, extracted or converted after extraction for use for a commercial, medical or research activity; (D) any material that: (i) was made radioactive by use of a particle accelerator, including by use of a fusion machine; and, (ii) if made radioactive by use of a particle accelerator that is not a fusion machine, that was made radioactive by use of a particle accelerator and that is produced, extracted or converted after extraction for use for a commercial, medical or research activity; and (E) any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in a commercial, medical or research activity, if the United States Nuclear Regulatory Commission determines that the source would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety;

(2) ''Fusion machine'' has the same meaning as provided in 42 USC 2014, as amended from

time to time;

([2]3) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultra violet light. The Commissioner of Energy and Environmental Protection shall be empowered to make regulations amending or modifying this definition;

([3]4) "General license" means a license effective pursuant to regulations promulgated by the Commissioner of Energy and Environmental Protection without the filing of an application for, or issuance of a licensing document for, the transfer, transport, acquisition, ownership, possession or use of quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

([4]5) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, transport, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

([5]6) "Person" means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, other than any federal agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of any of the foregoing, other than the United States Nuclear Regulatory Commission or any successor thereto, and other than agencies of the government of the United States licensed by the United States Nuclear Regulatory Commission or any successor thereto;

([6]7) "Registration" means registration in conformance with the requirements of section 22a-148. The issuance of a specific license pursuant to sections 22a-151 to 22a-158, inclusive, shall be deemed to satisfy fully any registration requirements set forth in said section;

([7]8) "Source material" means each of the following: (A) Uranium, thorium or any combination of said elements, in any physical or chemical form; (B) any other material if the United States Nuclear Regulatory Commission determines the material to be source material; and (C) ores that contain uranium, thorium or any combination of said elements in a concentration by weight of 0.05 per cent or more, or in such lower concentration if the United States Nuclear Regulatory Commission determines the material in such concentration to be source material;

([8]9) "Special nuclear material" means:

(A) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material if the United States Nuclear Regulatory Commission determines the material to be such special nuclear material, but does not include source material; or (B) any material artificially enriched by any elements, isotopes or materials listed in subparagraph (A) of this subdivision not including source materials;

([9]10) "Radioactive materials" means any solid, liquid or gas that emits ionizing radiation spontaneously;

([10]11) "Commissioner" means the Commissioner of Energy and Environmental Protection or the commissioner's designee or agent;

([11]12) "Naturally occurring radioactive material" means material that contains radionuclides that are naturally present in the environment in materials, including, but not limited to, rocks, soil, minerals, natural gas, petroleum and ground or surface water;

([12]13) "Discrete source" means a radionuclide that was processed such that its concentration within a material was purposely increased for use for commercial, medical or research activities.

([13]14) "Sources of ionizing radiation" means, collectively, radioactive materials and radiation generating equipment.

Section 3. Section 26-159a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 26-159a. Regulations concerning certain sport and commercial fishing in the marine district and possession of certain species. Penalty. To establish and manage populations of marine and anadromous finfish and marine arthropods and to facilitate the establishment of unified coast-wide regulations in accordance with the provisions of fishery management plans developed pursuant to the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or other regional fishery management authorities, the Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 governing possession of such species, sport fishing and commercial fishing by

persons fishing for such species in the waters of this state or landing such species in this state, regardless of where such species were taken. Such regulations may: (1) Establish the open and closed seasons; (2) establish hours, days or periods during the open season when fishing shall not be permitted in designated waters or areas for all or limited species by all or limited methods; (3) establish legal lengths; (4) prescribe the legal methods of sport fishing for all or limited species; (5) establish for sport fishing the daily creel limit, the season creel limit and the possession limit; (6) restrict sport fishing from boats and other floating devices and sport fishing from designated areas; (7) determine the species which may be taken by commercial fishing methods, provided striped bass, Atlantic salmon, other anadromous salmon, brown trout, rainbow trout and brook trout may only be taken by angling and, if taken in the waters of this state, shall not be sold, bartered, exchanged or offered for sale, barter or exchange; (8) prescribe the legal methods of commercial fishing; (9) determine the specifications, materials and dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear, long lines, set lines and other commercial fishing gear used in the waters of this state; (10) regulate the use and marking of commercial fishing gear, including boats used to conduct activities authorized pursuant to section 26-142a; (11) determine the number and size of finfish and marine arthropods which may be taken by commercial fishermen; (12) determine the total number and pounds of finfish and marine arthropods, by species, which may be taken by commercial fishing methods or for commercial purposes during a calendar year or lesser period; (13) prohibit the landing of protected species; (14) for a fishing derby or tournament, require that such activity be registered and that an accurate report of all fish tagged, marked and taken, time spent on an area and any other data required by the commissioner for management purposes be returned within a specified period of time. Any person who violates any regulation concerning sport fishing adopted in accordance with the provisions of chapter 54 and this section shall have committed an infraction and may pay the fine by mail or plead not guilty under the provisions of section 51-164n. Notwithstanding any language in this section or in any regulation to the contrary, any declaration made under this section related to interstate fishery management plans shall remain in effect until expressly superseded by a new declaration or regulation.

Section 4: Section 26-142b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "active" with regard to a principal commercial fishing license, general commercial fishing license or commercial lobster pot fishing license means that

the license has been renewed in the current year; "temporary incapacitation" means that a reported physical or mental injury or illness will affect an individual for a limited period of time.

(b) Notwithstanding any other provision of law, the Commissioner of Energy and Environmental Protection may reissue an active principal commercial fishing license, general commercial fishing license or commercial lobster pot fishing license in the event the license holder is temporarily incapacitated and unable to operate a vessel or perform other necessary functions associated with commercial fishing or in the event a license holder is unable to conduct commercial fishing due to exigencies related to medical care of an immediate family member. The license holder shall submit a written request to the Commissioner and provide either a medical note from a treating practitioner confirming temporary incapacitation of the license holder or note from a treating practitioner of the immediate family member requiring medical care. Such temporary license may only be issued to a member of such license holder's immediate family or to a member of such license holder's crew, as designated by such license holder, for the **[**duration of such license holder's incapacity or exigencies related to medical care of an immediate family member of such license holder**]** remainder of the calendar year in which the temporary license is issued. The license holder may then renew the license and reapply for temporary transfer should the temporary incapacity or need for medical care of an immediate family member continue. Such temporary license shall be subject to the provisions of section 26-142a. Landings during the period of such temporary license reissue may be used to satisfy the requirements for license transfer in subsection (c) of this section, provided the licensee met all such requirements for transfer at the time of such temporary reissue.

(c) The commissioner may authorize the transfer of an active principal commercial fishing license, general commercial fishing license or commercial lobster pot fishing license, issued pursuant to subsection (f) of section 26-142a, provided: (1) For purposes of an active resident-held principal or general commercial fishing license or commercial lobster pot fishing license: (A) The person receiving the license in such transfer is a resident of this state, and (B) the person transferring the license held the license and landed regulated species or owned a vessel that landed regulated species under the privilege of a quota-managed species endorsement associated with the license in at least five of the eight calendar years preceding the transfer request and such license specific landings were reported to the commissioner, pursuant to section 26- 157b, for not less than thirty fishing days in each year, or (2) for purposes of an active nonresident-held principal or general commercial fishing license or commercial lobster pot fishing license: The person transferring the license held the license and landed regulated species or owned a vessel that landed regulated species under the privilege of a quota-managed species

endorsement associated with the license in at least five of the eight calendar years preceding the transfer request and such license specific landings were reported to the commissioner, pursuant to section 26-157b, for not less than thirty fishing days in each year. Such landings shall be verified by seafood dealer reports submitted pursuant to section 26-157b. The recipient of a transferred commercial lobster pot fishing license or principal commercial fishing license shall be limited to the number of lobster pots allocated to such license, except a transferee who currently holds a commercial lobster pot fishing license, issued pursuant to subsection (f) of section 26-142a, shall be limited to the number of pots allocated to such person's currently held commercial lobster pot fishing license or principal commercial fishing license or to the transferred license, whichever is greater. The length of any commercial fishing vessel used by the recipient of a transferred license to fish with a trawl net in the waters of this state shall be not more than twenty per cent greater than the length of the largest vessel used by the person transferring the license during such qualifying period.

(d) (1) In the event of the death of the holder of an active principal commercial fishing license, general commercial fishing license or commercial lobster pot fishing license, the commissioner may authorize the transfer of such license pursuant to subsection (c) of this section, for a period of two years from the date of death of such license holder.

(2) If the deceased license holder held such license for a period of less than five complete calendar years, the commissioner may authorize the transfer of such license (A) subject to the provisions of this section, and (B) provided the deceased license holder landed regulated species or owned a vessel that landed regulated species under the privilege of a quota-managed species endorsement associated with the license in each calendar year during which the deceased license holder held the license for six months or longer, and (C) provided such landings were reported to the commissioner by the deceased license holder, pursuant to section 26-157b, for not less than thirty fishing days in each year.

(e) Upon transfer of a license, the original license holder shall become ineligible to obtain a renewal of that license. Such original license holder may acquire a new license through a subsequent license transfer.

(f) A transfer of a license under this section shall not be made while a commercial fishery license, registration or vessel permit held by the transferor or transferee is under suspension and a transfer shall not be authorized for any transferee who has had a commercial fishery license, registration or vessel permit revoked or suspended within the preceding twelve months.

Section 5. Section 22a-202 subsection (d), as amended by sec. 54 of Public Act 24-81 of the 2024 supplement to the general statutes, is repealed and the following is substituted in lieu thereof: *(Effective from passage)*:

(d) On and after July 1, 2022, the Commissioner of Energy and Environmental Protection shall establish and administer a program to provide rebates or vouchers to residents, municipalities, businesses, nonprofit organizations and tribal entities located in this state when such residents, municipalities, businesses, organizations or tribal entities purchase or lease a new or used battery electric vehicle, plug-in hybrid electric vehicle or fuel cell electric vehicle. The commissioner, in consultation with the advisory board, shall establish and revise, as necessary, appropriate rebate levels, voucher amounts and maximum income eligibility for [such] prioritized rebates or vouchers. The commissioner shall prioritize the granting of rebates or vouchers to residents [of environmental justice communities, residents having] (1) with household incomes at or below three hundred per cent of the federal poverty level, or (2) [and residents] who participate in state and federal assistance programs, including, but not limited to, the state-administered federal Supplemental Nutrition Assistance Program, state-administered federal Low Income Home Energy Assistance Program, a Head Start program established pursuant to section 10-16n or assistance provided by Operation Fuel, Incorporated. Any such rebate or voucher awarded to income qualified residents [to a resident of an environmental justice community] shall be in an amount not less than two hundred per cent [more than] of the standard rebate level or voucher amount. After prioritizing income-qualified residents, the commissioner may also prioritize the granting of rebates or vouchers to residents of environmental justice communities over residents from non-environmental justice areas, which incentives may be offered to such residents of environmental justice communities at a level lower than that provided to income-qualified residents. An eligible municipality, business, nonprofit organization or tribal entity may receive not more than ten rebates or vouchers a year, within available funds, and not more than a total of twenty rebates or vouchers, except the commissioner may issue additional rebates or vouchers to an eligible business or nonprofit organization that operates a fleet of motor vehicles exclusively in an environmental justice community. On and after July 1, 2022, and until June 30, 2027, inclusive, a battery electric vehicle, plug-in hybrid electric vehicle or fuel cell electric vehicle that is eligible for a rebate or voucher under the program shall have a base manufacturer's suggested retail price of not more than fifty thousand dollars.

Section 6. Section 26-314 of the general statues is repealed. *(Effective from passage)*

Section 7. Section 22-27s of the general statues is repealed. *(Effective from passage)*

Section 8. Section 26-27t of the general statutes is repealed. *(Effective from passage)*

Section 9. Section 26-157f of the general statutes is repealed. *(Effective from passage)*

Section 10. Section 22a-241 of the general statutes is repealed. *(Effective from passage)*

Agency Legislative Proposal – 2025 Session
Document Name: DEEP – Release Based

Document Name	DECD/ DEEP – Release Based

Legislative Liaison	Megan Andrews Legislative Liaison Megan.M.Andrews@ct.gov 203.767. 4386 Harrison Nantz Deputy Chief of Staff Harrison.Nantz@ct.gov
Division Requesting This Proposal	Bureau of Water Protection & Land Reuse, Bureau of Materials Management and Compliance Assurance
Drafter	Brendan Schain, Legal Director (Environmental Quality Branch)

Title of Proposal	Conforming Adjustments to Support the Transition to a Release Based Cleanup Program
Statutory Reference, if any	**Sec. 1 and Sec. 2 –** §22a-134rr **Sec. 3 –** 22a-6u **Sec. 4 –** 22a-133y
Brief Summary and Statement of Purpose	The Department of Energy and Environmental Protection (DEEP), in partnership with the Department of Economic and Community Development (DECD), provided Notice of Intent to adopt the Release Based Cleanup Regulations ("RBCRs") on July 26, 2024. When adopted, these regulations will transition the state to a release-based approach to the remediation of new and existing pollution to the land and waters of the state. The RBCRs are proposed pursuant to section 22a-134tt of the General Statutes, and will have the

	effect of sunsetting the Connecticut Property Transfer Act (General Statutes §§ 22a-134a to 22a-134e, inclusive, and sections 22a-134h and 22a-134i) by preventing new parcels from entering the Transfer Act, although sites currently in the Transfer Act would be required to complete remediation. The statutory adjustments proposed here are necessary to provide for a smooth transition to this new cleanup framework.
How does this proposal relate to the agency's mission?	The remediation of new and existing pollution to the land and waters of the state is a core agency function. The transition to a release-based cleanup program is a generational opportunity to improve both environmental and economic outcomes by sunsetting the property transfer act and aligning Connecticut's cleanup framework with the cleanup framework in 48 other states.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section 1 and Section 2 make clarifying changes to the language of General Statutes §§ 22a-134rr (part of Chapter 445b, the release based cleanup statutes) and 22a-134 (part of the Property Transfer Act). The current statutory language sunsets the Transfer Act upon adoption of the Release Based Cleanup Regulations ("RBCRs"). Members of the statutorily created Release Based Cleanup Working Group (Working Group) have suggested, and DEEP and DECD agree, that a period of time between the adoption of the proposed RBCRs and their effective date will be necessary. This period will ensure that the market is not "surprised" by the transition (negatively affecting transactions in progress) and will ensure that DEEP has sufficient time to prepare necessary forms and guidance and make other programmatic changes necessary for the smooth transition to the new program. Therefore, references to the date of adoption of the regulations are adjusted in each of the two sections to the effective date of the RBCRs, and, in turn, the regulations that implement this program will set an effective date far enough out to accomplish the goals identified herein.

Section 3 adjusts the scope of General Statutes § 22a-6u, the significant environmental hazard notification statute. Currently, that statute applies to releases identified on all sites that present an immediate risk to human health and the environment. The proposed RBCRs incorporate key elements of § 22a-6u as a part of the release-based cleanup program. For releases subject to those regulations, the provisions of § 22a-6u are no longer needed. However, on parcels not subject to the requirements of the RBCRs, such as parcels enrolled in the state's brownfields programs, the significant environmental hazard notification provisions in § 22a-6u remain necessary. The new subsection added to § 22a-6u provides that, after the effective date of the RBCRs, the provisions of § 22a-6u will apply only to releases identified on parcels that are NOT subject to the RBCRs.

Section 4 replaces the existing "voluntary cleanup program" created by General Statutes § 22a-133y with a new "voluntary parcel-wide cleanup program" designed to work in conjunction with the RBCRs. The existing voluntary cleanup program provides an alternative to the Transfer Act and will no longer be usable once the RBCRs become effective. The proposed statutory adjustments provide a framework for and would give certain incentives to those who choose to do a parcel-wide investigation and cleanup, including additional time, reduced fees, and liability protection.

BACKGROUND

Origin of Proposal [X] New Proposal [ ] Resubmission

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	Yes. In the September 2020 special session, the General Assembly adopted Public Act 20-9, which provided for the transition to a release-based cleanup framework upon adopting the RBCRs. The statutory changes proposed here are necessary to support that transition. Some proposed changes are to language adopted by PA 20-9 of the September Special Session itself, with the benefit of more discussion and insight.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Connecticut is one of only two states with a property transfer act. This proposal and the transition it facilitates will align Connecticut with 48 other states that take a release-based approach.
Have certain constituencies called for this proposal?	Yes. Since December 2020, DEEP and DECD have met monthly with a large group of stakeholders in the statutorily created Release Based Cleanup Working Group. Members of this working group – including environmental transaction attorneys, licensed environmental professionals, environmental advocates, and municipal officials – have discussed the need for the proposed changes to provide clarity and a smooth transition to a release based cleanup program. The length of the transition period is subject to public comment and legislative approval through the adoption of the RBCRs. Members of the Release Based Cleanup Working Group agree that a period of time between the adoption and effective date of the RBCRs is necessary to provide certainty in the marketplace and can be expected to support the clarification made by sections 1 and 2 of this proposal.

	Members of that group and the Department also agree that a parcel-wide cleanup option—section 4 of this proposal—is critical to the success of the RBCRs. The Department continues to discuss the details of this approach with those stakeholders. Members of the statutorily created Brownfields Working Group have called for clarification regarding the future of the significant environmental hazard notification statute as applied to sites in brownfields programs. The proposal in section 3 – to preserve the status quo on those brownfields sites – will provide the requested clarity.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

Agency Name	DECD
Agency Contact (name, title)	Matthew Pugliese, Deputy Commissioner
Date Contacted	Collaborating since 2020
Status	**[X] Approved** **[X] Talks Ongoing**
Open Issues, if any	DECD will continue to be involved in the development and administration of the RBCRs and is therefore affected by this proposal.

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

The underlying regulations that are moving in tandem with these statutory proposals are what will have an impact on state agencies—i.e., on all agencies that have new spills or that discover historical releases after the RBCRs are adopted that are not otherwise obligated to be remediated under the Transfer Act or by any certain regulatory or statutory timeframe. But this legislative proposal itself does not have that impact. An evaluation of these impacts can be found in the fiscal note for the proposed regulations, (eRegulations tracking number: PR2024-025)

INSERT FULLY DRAFTED BILL HERE

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

(a) Any person who creates or maintains a release to the land and waters of the state on or after the date when regulations are first effective after being adopted pursuant to section 22a-134tt shall, upon discovery of such release: (1) Report the release, if such a report is required by the regulations adopted pursuant to section 22a-134tt, and (2) remediate any release to the standards identified in regulations adopted pursuant to section 22a-134tt. If any person fails to comply with the provisions of this section and section 22a-134tt, such person shall be liable for any costs incurred by the commissioner in accordance with section 22a-451, or costs incurred by any other person who contains or removes or otherwise mitigates the effects of such release in accordance with section 22a-452.

Sec 2. Subdivision (1) of section 22a-134 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of this section and sections 22a-134a to 22a-134e, inclusive, and sections 22a-134h and 22a-134i:

(1) "Transfer of establishment" means any transaction or proceeding, on or before the effective date of regulations [are] adopted pursuant to section 22a-134tt, through which an establishment undergoes a change in ownership, but does not mean:

(A) Conveyance or extinguishment of an easement;

(B) Conveyance of an establishment through (i) a foreclosure, as defined in subsection (b) of section 22a-452f, (ii) foreclosure of a municipal tax lien pursuant to section 12-181, (iii) a tax warrant sale pursuant to section 12-157, (iv) a transfer of title to a municipality by deed in lieu of foreclosure, (v) an exercise of eminent domain by a municipality or pursuant to section 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or purchase pursuant to a resolution by the legislative body of a municipality authorizing the acquisition through eminent domain for establishments that also meet the definition of a brownfield, as defined in section 32-760, or (vi) a subsequent transfer by such municipality that has acquired the property pursuant

to any mechanism described in subparagraphs (B)(i) to (B)(iii), inclusive, of this subdivision or pursuant to the remedial action and redevelopment municipal grant program established in section 32-763, provided (I) the party acquiring the property from the municipality did not establish, create or contribute to the contamination at the establishment and is not affiliated with any person who established, created or contributed to such contamination or with any person who is or was an owner or certifying party for the establishment, and (II) on or before the date the party acquires the property from the municipality, such party or municipality enters and subsequently remains in the voluntary remediation program administered by the commissioner pursuant to section 22a-133x and remains in compliance with schedules and approvals issued by the commissioner. For purposes of this subparagraph, subsequent transfer by a municipality includes any transfer to, from or between a municipality, municipal economic development agency or entity created or operating under chapter 130 or 132, a nonprofit economic development corporation formed to promote the common good, general welfare and economic development of a municipality that is funded, either directly or through in-kind services, in part by a municipality, a nonstock corporation or limited liability company controlled or established by a municipality, municipal economic development agency or entity created or operating under chapter 130 or 132, or a Connecticut brownfield land bank;

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

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

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

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

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

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

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

(J) The transfer of stock, securities or other ownership interests representing fifty per cent or less of the ownership of the entity that owns or operates the establishment;

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

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

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

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

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

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

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

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

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

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

(U) Acquisition of an establishment by any governmental or quasi-governmental condemning authority;

(V) Conveyance of a unit in a residential common interest community;

(W) Acquisition and all subsequent transfers of an establishment (i) that is in the abandoned brownfield cleanup program established pursuant to section 32-768 or the brownfield remediation and revitalization program established pursuant to section 32-769, provided such establishment is in compliance with any applicable provisions of the general statutes, or (ii) by a Connecticut brownfield land bank, provided such establishment was entered into a remediation or liability relief program under section 22a-133x, 22a-133y, 32-768 or 32-769 and the transferor of such establishment is in compliance with such program at the time of transfer of such establishment or has completed the requirements of such program;

(X) Any transfer of title from a municipality to a nonprofit organization or from any entity to a nonprofit organization, as ordered or approved by a bankruptcy court;

(Y) Conveyance from the Department of Transportation to the Connecticut Airport Authority of any properties comprising (i) Bradley International Airport and all related improvements and facilities now in existence and as hereafter acquired, added, extended, improved and equipped, including any property or facilities purchased with funds of, or revenues derived from, Bradley International Airport, and any other property or facilities allocated by the state, the Connecticut Airport Authority or otherwise to Bradley International Airport, (ii) the state-owned and operated general aviation airports, including Danielson Airport, Groton/New London Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and Windham Airport and any such other airport as may be owned, operated or managed by the Connecticut Airport Authority and designated as general aviation airports, (iii) any other airport as may be owned, operated or managed by the Connecticut Airport Authority, and (iv) any airport site or any part thereof, including, but not limited to, any restricted landing areas and any air navigation facilities; or

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

Sec. 3. Section 22a-6u of the general statutes is amended by adding subsection (p) as follows (*Effective October 1, 2025)*:

(NEW) (p) On and after the effective date of regulations adopted pursuant to section 22a-134tt, the requirements of this section shall apply only to releases that, pursuant to subsections (c) and (d) of section 22a-134rr, are not subject to the requirements of 22a-134qq to 22a-134xx, inclusive.

Sec. 4 Section 22a-133y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) [On and after January 1, 1996,] Before the effective date of regulations adopted pursuant to section 22a-134tt, any licensed environmental professional licensed by the State Board of Examiners of Environmental Professionals pursuant to section 22a-133v may, pursuant to a voluntary site remediation conducted in accordance with subsections (a) to (e) of this section, conduct a Phase II environmental site assessment or a Phase III investigation, prepare a Phase III remedial action plan, supervise remediation or submit a final remedial action report to the Commissioner of Energy and Environmental Protection in accordance with the standards provided for remediation in the regulations adopted by the commissioner under section 22a-133k for any real property which has been subject to a spill and which meets the following criteria: (1) Such property is located in an area classified as GB or GC under the standards adopted by the commissioner for classification of groundwater contamination; and (2) such property is not the subject of any order issued by the commissioner regarding such spill, consent order or stipulated judgment regarding such spill. Any such professional employed by a municipality may enter, without liability, upon any property within such municipality for the purpose of performing an environmental site assessment or investigation if the owner of such property is unknown or such property is encumbered by a lien for taxes due to such municipality. Nothing in this subsection shall affect the ability of any person, firm or corporation to provide any of the services enumerated in this subsection in connection with the remediation of contaminated real property other than as provided for a voluntary site remediation conducted pursuant to subsections (a) to (e) of this section.

(b) Following any Phase II environmental site assessment or a Phase III investigation for any

such property, any Phase III remedial action plan prepared for purposes of a voluntary site remediation under subsections (a) to (e) of this section shall be prepared by a licensed environmental professional in accordance with the standards for such property adopted by the commissioner under section 22a-133k. Prior to commencement of remedial action taken pursuant to such plan, the owner of the property shall submit such plan to the commissioner and shall: (1) Publish notice of the remedial action in a newspaper having a substantial circulation in the town where the property is located; (2) notify the director of health of the municipality where the parcel is located; 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 property, 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 remedial action; or (B) mail notice of the remedial action to each owner of record of property which abuts such property, at the address on the last-completed grand list of the relevant town. The commissioner may review such plan and may advise such owner as to the adequacy of such plan. The remedial action shall be conducted under the supervision of a licensed environmental professional. The commissioner shall expedite the process for issuing any permits required under this title for such action. The final remedial action report shall be submitted by a licensed environmental professional. In preparing such report, the licensed environmental professional shall render an opinion, in accordance with the standard of care provided for in subsection (c) of section 22a-133w, that the action taken to contain, remove or mitigate the spill is in accordance with the remediation standards for such property adopted by the commissioner under section 22a-133k. The owner of the property shall maintain all records relating to such remedial action for a period of not less than ten years and shall make such records available to the commissioner at any time upon his request.

(c) Any final remedial action report submitted to the commissioner for such a property by a licensed environmental professional shall be deemed approved unless, within sixty days of such submittal, the commissioner determines, in his sole discretion, that an audit of such remedial action is necessary to assess whether remedial action beyond that which is indicated in such report is necessary for the protection of human health or the environment. Such an audit shall be conducted within six months of such determination. After completing such audit, the commissioner may disapprove the report provided he shall give his reasons therefor in writing and further provided such owner may appeal such disapproval to the superior court in

accordance with the provisions of section 4-183. Prior to approving a final remedial action report, the commissioner may enter into a memorandum of understanding with the owner of such property with regard to any further remedial action or monitoring activities on or at such property which the commissioner deems necessary for the protection of human health or the environment.

(d) Upon the approval of such report, the owner of the property shall execute and record an environmental use restriction in accordance with the provisions of section 22a-133o, unless a licensed environmental professional presents evidence, satisfactory to the commissioner, that the remediation has achieved a standard sufficient to render such a restriction unnecessary and the commissioner issues a written finding that such restriction is not necessary. Approval of a final remedial action report pursuant to subsections (a) to (e) of this section shall be sufficient to support the filing of a Form II, as defined in section 22a-134.

(e) Nothing in this section shall relieve any person of any obligation to comply with sections 22a-134 to 22a-134e, inclusive.

(f) On or after the effective date of regulations adopted pursuant to section 22a-134tt of the General Statutes, any licensed environmental professional licensed by the State Board of Examiners of Environmental Professionals pursuant to section 22a-133v may, pursuant to prevailing standards and guidelines, conduct a parcel-wide Phase II environmental site assessment and a parcel-wide Phase III investigation, for any parcel of real property which has, or which may have been, subject to a release as such term is defined in section 22a-134pp for the purposes of entering such parcel into a voluntary parcel-wide remediation program pursuant to subsections (f) to (k) of this section, except as provided by subsection (g) of this section. Any such professional employed by a municipality may enter, without liability, upon any property within such municipality for the purpose of performing an environmental site assessment or investigation if the owner of such property is unknown or such property is encumbered by a lien for taxes due to such municipality, or as otherwise provided for in section 22a-133e. Nothing in subsections (f) to (k) of this section shall affect the ability of any person, firm, or corporation to provide any of the services enumerated in this subsection in connection with the remediation of contaminated real property other than as provided for a voluntary parcel-wide remediation conducted pursuant to subsections (f) to (k) of this section.

(g) A parcel shall be eligible for voluntary parcel-wide remediation pursuant to subsections (f) to (k) of this section if such parcel is not subject to sections 22a-134a to 22a-134e, inclusive,

and sections 22a-134h and 22a-134i of the General Statutes; the parcel is not the subject of any order issued by the commissioner regarding one or more releases, or a consent order or stipulated judgement regarding one or more releases; and a parcel-wide Phase II environmental site assessment is initiated before the discovery of a release on a parcel subject to the requirements of chapter 445b for which a release remediation closure report has not previously been prepared, or not more than sixty days following the discovery of a release on a parcel for which a release closure report has not previously been prepared, provided any immediate actions otherwise required by the regulations adopted pursuant to section 22a-134tt are completed within a timeframe and in the manner required by such regulations.

(h) Each release identified by a parcel-wide Phase II environmental assessment conducted pursuant to subsection (g) of this section through multiple lines of evidence or the laboratory analysis of samples taken from the land and waters of the state shall be determined to be discovered for the purposes of section 22a-134tt of the General Statutes, and any regulations adopted thereunder. Not later than the earliest deadline to report any release discovered pursuant to subsection (g) of this section set out in regulations adopted pursuant to section 22a-134tt of the General Statutes, the environmental professional shall provide notice to the commissioner, on a form prescribed by the commissioner, of the intent to enter the voluntary parcel wide cleanup program. Such form shall include, but not be limited to, the date of the initiation of the Phase II environmental site assessment, a description of the investigation conducted, and the identification of each release discovered.

(i) Each release discovered pursuant to subsection (h) of this section shall be subject to the requirements of chapter 445b and the regulations adopted pursuant to section 22a-134tt, provided that, notwithstanding the requirements of such regulations for each release for which immediate action is not required by regulations adopted pursuant to section 22a-134tt:

(1) For each release discovered pursuant to subsection (g) of this section, any investigation or characterization required to assign the release to a cleanup tier shall be completed and submitted to the commissioner not more than two years after the initiation of the parcel-wide Phase II environmental site assessment. The commissioner may audit such submission and, if the commissioner determines that the investigation or characterization is inadequate, may specify a schedule for the completion of additional investigation or characterization. If such additional investigation or characterization is not completed on such schedule, the commissioner may subject each release discovered pursuant to subsections (g) and (h) of this section to the requirements of chapter 445b;

(2) Upon completion of tier characterization, each release discovered pursuant to subsections (g) and (h) of this section shall be grouped together for the purposes of assignment to the cleanup tier for the purposes of regulations adopted pursuant to section 22a-134tt. Such releases shall be assigned to the environmental professional supervised cleanup tier with the longest timeline for remediation;

(3) To the extent each release discovered pursuant to subsection (g) and (h) of this section is subject to any fee assessed by regulations adopted pursuant to section 22a-134tt, releases grouped together pursuant to subdivision (2) of this subsection shall be considered a single release for the purpose of calculating the fee assessed; and

(4) Any deadline for remediation of releases grouped together pursuant to subdivision (2) of this subsection imposed by regulations adopted pursuant to section 22a-134tt shall be extended by one year.

(j) Any parcel remediated pursuant to the requirements of subsections (f) to (k) of this section shall be eligible for a covenant not to sue pursuant to section 22a-133aa, provided a detailed written plan for remediation of the property, in accordance with standards adopted by said commissioner pursuant to section 22a-134tt, has been approved by the commissioner.

(k) The commissioner shall expedite the process for issuing any permits required under this title for parcel-wide remediation.