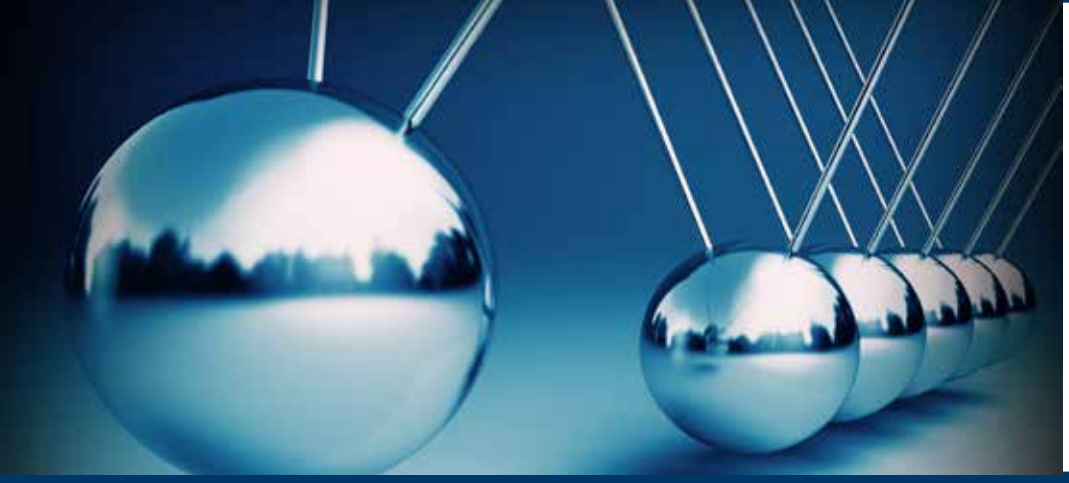

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ENVIRONMENTAL GROUP NEWS

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Significant Environmental Hazard Reporting Law Changes Taking Effect SOON!

In 2013, Public Act 13-308, entitled "*An Act Implementing the Recommendations of the State of Connecticut Brownfield Working Group and Concerning Brownfield Liability Relief, Notification Requirements for Certain Contaminated Properties and the Use of Notice of Activity and Use Limitations*," made changes to Connecticut's significant environmental hazard reporting law, changing the contamination reporting thresholds and, in some cases, imposing an affirmative duty to abate or mitigate contamination. These changes become effective on July 1, 2015 and are expected to expand the number of sites requiring remediation.

Connecticut General Statutes Section 22a-6u currently requires an environmental professional to notify his or her client, as well as the owner of the parcel, if he or she determines that specified pollution or contamination exists on a parcel. The statute then requires the owner of the parcel, and in some cases the professional's client, to notify the Commissioner of the Department of Energy and Environmental Protection (DEEP) of the contamination within a certain time period after the owner becomes aware of the contamination. DEEP may then require an owner to submit a plan to abate the hazard, or to undertake specific actions.

As of July 1st, the circumstances under which an owner must report significant environmental hazards will expand. In some instances, the law lowers the contamination thresholds that trigger the notice requirements. For example, the law previously required notice from owners of parcels causing pollution of groundwater within 15 feet below certain buildings by a volatile organic substance at or above 30 times the industrial/commercial volatilization criterion for the substance. Public Act 13-308 lowers the threshold to 10 times that criterion and expands the requirement to contamination within fifteen feet "of" the buildings, instead of "below." Owners of parcels with contamination of soil at or above 15 times the industrial/commercial direct exposure criterion for a newly enumerated list of metals or within a specified distance of non-industrial/non-commercial facilities now must also provide notice. Owners of parcels causing contamination of bodies of water with nonaqueous phase liquid, at any level, must take quick action.

If you have any questions about the issues addressed here, or any other environmental matters, please feel free to contact:

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In addition to providing notice, owners of land contaminated by significant environmental hazards may now be required to conduct receptor surveys, determine the presence of water supplies on adjacent parcels of land, seek access to sample drinking water supply wells on other parcels, sample and analyze other water supplies, and conduct confirmatory sampling of test results, all within short time constraints. Owners will also be prompted to submit reports with proposals for action to identify, monitor, abate, eliminate, mitigate, and prevent further exposure to contaminants.

If you own or plan to purchase or sell land that already required notice to DEEP under this statute or if you avoided notice due to the previous contamination thresholds, you may be affected when these amendments take effect on July 1, 2015.

If you have any questions on any of the issues addressed here, please contact Sarah P. Kowalczyk at 860.240.6068/ skowalczyk@murthalaw.com or any member of our Environmental Practice Group.