

Legislative History for Connecticut Act

HB 7208	PA 475	<u>FAX</u>	1987
House	5535-5536, 10266-10281		(18)
Senate	4876-4877, 4925-4926		(4)
Environment	1416-1417		(2)
			24

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1987

VOL. 30
PART 15
5270-5646

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House of Representatives

Thursday, May 7, 1987

REP. MILLERICK: (22nd)

Mr. Speaker, I have with me today a young lady from Plainville High School. We are having Career Day in Plainville, and this young lady is accompanying me on my rounds today. I would like everyone to meet Denise Mitera, and would they please give her the usual welcome?

(applause)

Thank you.

SPEAKER STOLBERG:

Further announcements or points of personal privilege?

CLERK:

Good morning. House of Representatives, May 7th. Please, turn to page 3, Calandar 300, Substitute for House Bill 7208, AN ACT DEFINING THE TRANSFEROR OF A HAZARDOUS WASTE ESTABLISHMENT. Favorable Report of the Committee on Environment.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER STOLBERG:

Representative Frankel?

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REP. FRANKEL: (121st)

May this item be referred to the Committee on
Judiciary?

SPEAKER STOLBERG:

Motion is to refer to the Committee on Judiciary.

Is there objection? Is there objection? Seeing no
objection, it is so ordered.

CLERK:

Please turn to page 5, Calendar 474, Substitute
for House Bill 7211, AN ACT CONCERNING STRUCTURES AND
DREDGING AND JURISDICTION OF THE COMMISSIONER OF EN-
VIRONMENTAL PROTECTION ALONG TIDAL, COASTAL AND
NAVIGABLE WATERS. Favorable Report of the Committee
on Planning and Development.

SPEAKER STOLBERG:

Very good reading, Clerk Ritter.

Representative Frankel.

REP. FRANKEL: (121st)

Thank you, Mr. Speaker. May this item be
referred to the Committee on Judiciary?

SPEAKER STOLBERG:

Motion is to refer to the Committee on Judiciary.

Is there objection? Is there objection? Seeing no

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Total Number Voting.....142
 Necessary for Adoption.....72
 Those voting Yea.....142
 Those voting Nay.....0
 Those absent and not Voting.....9

DEPUTY SPEAKER LAVINE:

The Bill is passed.

CLERK:

Page 29 , Calendar 300, Substitute for House Bill
7208, AN ACT DEFINING THE TRANSFEROR OF A HAZARDOUS WASTE
 ESTABLISHMENT, Favorable Report of the Committee on
 Judiciary.

REP. BERTINUSON: (57th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Bertinuson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. I move acceptance of the
 Joint Committee's Favorable Report and passage of the
 Bill.

DEPUTY SPEAKER LAVINE:

The motion is on acceptance and passage. Will you

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remark?

REP. BERTINUSON: (57th)

Yes, Mr. Speaker, the Clerk has an amendment: LCO 8156, and I would ask if he would be able to call and I be allowed to summarize?

DEPUTY SPEAKER LAVINE:

The Clerk will please call LCO 8156, Designated House Amendment "A".

CLERK:

LCO 8156, Designated House "A", offered by Representative Bertinuson, et al.

DEPUTY SPEAKER LAVINE:

The Representative is seeking permission to summarize. Is there objection? Hearing none, you may proceed.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. What this amendment does ...and the amendment will become the Bill, is to say that if an industrial property is transferred under the negative declaration process, which now is in our statutes, that property then cannot be subjected to the priority lien or the super lien as we've come to call it, that is also in

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our statutes.

The amendment as well, expands the number of industries that are covered by the negative declaration process. It provides a voluntary process for service stations to go through the negative declaration and requires...provides the commissioner to develop regulations and also to study the feasibility of certifying environmental auditors.

And I move its adoption.

DEPUTY SPEAKER LAVINE:

The motion is for adoption. Will you remark further?

REP. BERTINUSON: (57th)

Yes, thank you Mr. Speaker. I think this proposal before us is an excellent compromise and solution to some of the problems that have been surrounding the whole issue of the super lien or the priority lien since it was adopted.

It retains the protection that we intended with the priority lien in that it requires a close watch on transfers of property by lending institutions. However, it removes the uncertainty that has been there with the priority lien in most cases of industrial transfer, which

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now will come under the negative declaration and hence, will not be subject to the priority lien.

I hope that all of my colleagues will join in supporting this amendment.

DEPUTY SPEAKER LAVINE:

Will you remark further?

REP. NANIA: (63rd)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Nania.

REP. NANIA: (63rd)

I just got a copy of this. But I'm looking on the second page in lines 106 and 107 and I have a question, through you, Mr. Speaker, to the Representative.

DEPUTY SPEAKER LAVINE:

Will you proceed, sir.

REP. NANIA: (63rd)

The way that particular paragraph is set up, it sets up certain circumstances under which the lien shall not be placed. Items 2 and 3: item 2 says there has been no spill on the real estate, and item 3 says any spill has been cleaned up.

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Now, I guess you can't have both. And my question to you is: does that mean 2 or 3? Through you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Representative Bertinuson.

REP. BERTINUSON: (57th)

Through you, Mr. Speaker. That language, Representative Nania tracks the current language in the negative declaration which covers...which is a mandatory process. We're now making it a voluntary process for service stations and the negative declaration actually can take 3 different forms.

It can state that there never has been any spill on the property. That there has been a spill and it has been cleaned up. Or there has been a spill and it is not currently cleaned up and that's when we require a plan to be filed as to how it will be cleaned up and that plan to be approved.

So that's the same language that is on the books now for the industrial transfer process.

DEPUTY SPEAKER LAVINE:

Representative Nania.

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REP. NANIA: (63rd)

Thank you, Mr. Speaker. I believe the Representative is right but the problem is that the first part of that sentence says a lien pursuant to section such and such, shall not be placed against real estate provided the transfer certifies one, two, three. There's no or; and I guess my problem is, and for purpose of legislative intent, I would like the Representative to agree either that there was no spill or there was a spill that was cleaned up and that those conditions are not cumulative but in the alternative.

DEPUTY SPEAKER LAVINE:

Representative Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, through you, I think Representative Nania is correct. I think there should be an or there, and I think that that's the kind of correction that... that that is indeed the intent. Any one of those conditions.

REP. NANIA: (63rd)

Thank you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

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Will you remark further? Will you remark further.
If not, I will try your minds. All in favor of the
amendment, will signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

All opposed, nay. The amendment is adopted and
ruled technical.

The following is House Amendment Schedule "A":

Strike everything after the enacting clause and
insert the following in lieu thereof:

"Section 1. Section 22a-134 of the general statutes
is repealed and the following is substituted in lieu
thereof:

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

(1) "Transfer of establishment" means the transfer
of any operations which involve the generation, recycling,
reclamation, reuse, transportation, treatment, storage,
handling or disposal of hazardous waste, or any other
transaction or proceeding through which an establishment
undergoes a change in ownership, including, but not
limited to, sale of stock in the form of a statutory
merger or consolidation, sale of the controlling share
of the assets, the conveyance of real property, change of
corporate reorganization not substantially affecting the
ownership of the establishment;

(2) "Commissioner" means the commissioner of en-
vironmental protection or his designated agent;

(3) "Establishment" means (A) any establishment which
generates ON OR AFTER MAY 1, 1967, GENERATED more than
one hundred kilograms of hazardous waste per month or
which recycles, reclaims, reuses, stores, handles,

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treats, transports or disposes RECYCLED, RECLAIMED, REUSED, STORED, HANDLED, TREATED, TRANSPORTED OR DISPOSED of hazardous waste [which is] generated by another person or municipality OR (B) A DRY CLEANING ESTABLISHMENT OR FURNITURE STRIPPING ESTABLISHMENT, AUTO BODY REPAIR SHOP OR PAINTING SHOP OPERATING ON OR AFTER MAY 1, 1967;

(4) "Hazardous waste" means any waste material defined as hazardous waste in section 22a-115, except that sewage and sewage sludge shall not be considered to be hazardous waste for the purposes of this section and sections 22a-134a to 22a-134d, inclusive;

(5) "Negative declaration" means a written declaration on a form prescribed by the commissioner stating (1) that there has been no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste on-site, or that any such discharge, spillage, uncontrolled loss, seepage or filtration has been cleaned up in accordance with procedures approved by the commissioner or determined by him to pose no threat to human health or safety or the environment which would warrant containment and removal or other mitigation measures and (2) that any hazardous waste which remains on-site is being managed in accordance with this chapter and chapter 446k and regulations adopted thereunder;

(6) "SERVICE STATION" MEANS A RETAIL OPERATION INVOLVING THE RESALE OF MOTOR VEHICLE FUEL INCLUDING, BUT NOT LIMITED TO, GASOLINE, DIESEL FUEL AND KEROSENE;

(7) "TRANSFER OF A SERVICE STATION" MEANS A TRANSFER, AS DEFINED IN THIS SECTION, OF A SERVICE STATION OR ANY OTHER TRANSACTION OR PROCEEDING WHEREBY A SERVICE STATION, OR ANY PART THEREOF, UNDERGOES A CHANGE IN OWNERSHIP, INCLUDING, BUT NOT LIMITED TO, A SALE OF STOCK IN THE FORM OF A STATUTORY MERGER OR CONSOLIDATION, A SALE OF THE CONTROLLING SHARE OF ASSETS, THE CONVEYANCE OF REAL PROPERTY OR A CHANGE OF CORPORATE IDENTITY OR FINANCIAL REORGANIZATION, BUT EXCLUDING CORPORATE REORGANIZATION NOT SUBSTANTIALLY AFFECTING THE OWNERSHIP OF THE SERVICE STATION.

Sec. 2. Section 22a-134a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall transfer an establishment except in accordance with the provisions of section 22a-134 to 22a-134d, inclusive, AS AMENDED BY THIS ACT.

(b) Prior to transferring an establishment, the owner or operator shall submit a negative declaration to the transferee and shall, within fifteen days after the transfer, submit a copy of such declaration to the commissioner.

(c) If the owner or operator is unable to submit a negative declaration, prior to the transfer the transferee or other part to the transfer shall certify to the commissioner that to the extent necessary to minimize or mitigate a threat to human health or the environment, he shall contain, remove or otherwise mitigate the effects of any discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste on-site in accordance with procedures and a time schedule approved by the commissioner pursuant to an order, stipulated judgement or consent agreement.

(d) A LIEN PURSUANT TO SECTION 22a-452a, AS AMENDED BY SECTION 3 OF THIS ACT, SHALL NOT BE PLACE AGAINST REAL ESTATE ON WHICH A SERVICE STATION WAS TRANSFERRED AND IN OPERATION ON OR AFTER MAY 1, 1967, PROVIDED THE TRANSFEROR CERTIFIES TO THE TRANSFEREE THAT 9L) THE SERVICE STATION, OR ANY PART THEREOF, COMPLIES WITH REGULATIONS ADOPTED BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION PURSUANT TO SUBSECTION (d) OF SECTION 22a-449 CONCERNING DESIGN, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF UNDERGROUND FACILITIES STORING OIL OR PETROLEUM LIQUIDS, (2) THERE HAS BEEN NO SPILL ON THE REAL ESTATE, (3) ANY SPILL HAS BEEN CLEANED UP IN ACCORDANCE WITH PROCEDURES APPROVED BY THE COMMISSIONER OR THAT THE COMMISSIONER HAS DETERMINED THAT SUCH SPILL DOES NOT POSE A THREAT TO HUMAN HEALTH OR SAFETY OR TO THE ENVIRONMENT WHICH WOULD WARRANT CONTAINMENT OR REMOVAL OR OTHER MITIGATION MEASURES AND (4) ANY HAZARDOUS WASTE OR OIL OR PETROLEUM LIQUID REMAINING ON THE REAL ESTATE IS BEING MANAGED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 445 and 446k AND REGULATIONS ADOPTED THEREUNDER.

(e) THE COMMISSIONER MAY ADOPT REGULATIONS

IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 54 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

Sec. 3. Section 22a-452a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) On and after June 3, 1985, any amount paid by the commissioner of environmental protection pursuant to subsection (b) of section 22a-451 to contain and remove or mitigate the effects of a spill shall be a lien against the real estate [of the person causing such spill] ON WHICH THE SPILL OCCURRED OR FROM WHICH IT EMANATED in accordance with the provisions of this section, EXCEPT THAT SUCH LIEN AGAINST REAL ESTATE WHICH HAS BEEN TRANSFERRED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 22a-134 to 22a-134d, INCLUSIVE, AS AMENDED BY THIS ACT, SHALL NOT HAVE PRIORITY OVER ANY PREVIOUS TRANSFER OR ENCUMBRANCE.

(b) A lien pursuant to this section shall not be effective unless (1) a certificate of lien is filed in the land records of each town in which the real estate is located, describing the real estate, the amount of the lien, the name of the owner as grantor [and the name of the person causing the spill, if known,] and (2) the commissioner mails a copy of the certificate to such persons and to all other persons of record holding an interest in such real estate over which the commissioner's lien is entitled to priority. UPON PRESENTATION OF A CERTIFICATE OF LIEN, THE TOWN CLERK SHALL ENDORSE THEREON HIS IDENTIFICATION AND THE DATE AND TIME OF RECEIPT AND FORTHWITH RECORD IT IN ACCORDANCE WITH SECTION 42a-9-409.

(c) SUCH EXCEPT AS PROVIDED IN SUBSECTION (a), SUCH lien shall take precedence over all transfers and encumbrances recorded on or after June 3, 1985, in any manner affecting such interest in such real estate or any part of it on which the spill occurred or from which the spill emanated, or real estate which has been included, within the preceding three years, in the property description of such real estate and is contiguous to such real estate. This subsection shall not apply to real estate which consists exclusively of residential real estate ;

including but not limited to, residential units in any common interest community, as defined in section 47-202.

(d) In the case of all other real estate, including real estate which consists exclusively of residential real estate, including but not limited to residential units in any common interest community, as defined in section 47-202, the lien shall take precedence over any transfer or encumbrance recorded after the commissioner files with the town clerk notice of intent to file a lien on the land records in the town in which the real estate is located.

(e) When any amount with respect to which a lien has been recorded under the provisions of this section has been paid or reduced, the commissioner, upon request of any interested party, shall issue a certificate may SHALL be recorded in the same office in which the lien was recorded. THE TOWN CLERK SHALL NOTE THE RECORDING OF THE CERTIFICATE OF DISCHARGE UPON THE ORIGINAL NOTICE OF LIEN. Any action for reduction or discharge of such lien or any appeal therefrom shall be in accordance with the provisions of sections 49-35a to 49-35c, inclusive, except that the forms prescribed in section 49-35a shall be modified as the court deems appropriate. Any action for the foreclosure of such lien shall be brought by the attorney general in the name of the state in the superior court for the judicial district in which the property subject to such lien is situated, or, if such property is located in two or more judicial districts, in the superior court for any one such judicial district, and the court may limit the time for redemption or order the sale of such property or make such other or further degree as it judges equitable.

Sec. 4. The commissioner of environmental protection shall study the feasibility of certifying or licensing persons who perform environmental audits of property which owner or operator is required to file a negative declaration under section 22a-134a of the general statutes. Such study shall be submitted to the general assembly on or before February 1, 1988, and shall include (1) the scope of audits, (2) the extent of certification or licensing necessary, (3) legal constraints and liabilities, (4)

projected costs and cost effectiveness and (5) legislation necessary to implement such program.

Sec. 5. Section 22a-131 of the general statutes is repealed and the following is substituted in lieu thereof:

Any person who violates any provision of the state's hazardous waste program [which has been approved in accordance with the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.)] shall be assessed a civil penalty of not more than twenty-five thousand dollars for each day such violation continues. The attorney general, upon complaint of the commissioner, shall institute a civil action to recover such penalty. Any amount recovered shall be deposited in the general fund and credited to the emergency spill response fund established by section 22a-451.

Sec. 6. Subsection (a) of section 22a-6b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The commissioner of environmental protection is authorized to adopt a schedule or schedules establishing the amounts, or the ranges of amounts of the civil penalties which may become due under this section. Such schedule or schedules shall be adopted by the commissioner after public hearings pursuant to section 22a-6, and may be amended from time to time in the same manner as for adoption. The civil penalties established for each violation shall be of such amount as to insure immediate and continued compliance with applicable laws, regulations, orders and permits. Such civil penalties shall not exceed the following amounts:

(1) For failure to file any registration, plan, report or record, or any application for a permit, for failure to obtain any certification, for failure to display any registration, permit or order, or file any other information required pursuant to any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 22a-5, 22a-6, 22a-7, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346, 22a-457, 22a-358, 22a-359, 22a-361, 22a-362, 22a-383, 22a-384, 22a-385, 22a-387, 22a-401 to 22a-406, inclusive,

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22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-455, 22a-458, 22a-461, 22a-462 or 22a-471 or any regulation, order or permit adopted or issued thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than one thousand dollars for said violation and in addition no more than one hundred dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) of this section assessing the civil penalty for such violation;

(2) For deposit, placement, removal, disposal, discharge or emission of any material or substance or electromagnetic radiation or the causing of, engaging in or maintaining of any condition or activity in violation of any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, chapter 441, section 22a-5, 22a-6, 22a-7, 22a-32, 22a-39, 22a-69, 22a-74, 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-358, 22a-401 to 22a-405 inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-455, 22a-458, 22a-461, 22a-462 or 22a-471 or any regulation adopted thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and in addition no more than one thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) assessing the civil penalty for such violation;

(3) For violation of the terms of any final order of the commissioner, except final orders under subsection (e) of this section and emergency orders and cease and desist orders as set forth in subdivision (4) of this subsection, for violation of the terms of any permit issued by the commission, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and

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no more than one thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) of this section assessing the civil penalty for such violation;

(4) For violation of any emergency order or cease and desist order of the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation and in addition no more than five thousand dollars for each day during which such violation continues after receipt of a final order of the commissioner under subsection (c) assessing the civil penalty for such violation;

(5) For failure to make an immediate report required pursuant to subdivision (3) of subsection (a) of section 22-135, or a report required by the department pursuant to subsection (b) of section 22a-135, no more than twenty-five thousand dollars;

(6) For violation of any provision of the state's hazardous waste program, approved in accordance with the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), no more than twenty-five thousand dollars per day;

(7) For wilful violation of any condition imposed pursuant to section 24-2a which leads to the destruction of, or harm to, any rare, threatened or endangered species, no more than ten thousand dollars.

Sec. 7. This act shall take effect from its passage, except that sections 1 to 4, inclusive, shall take effect October 1, 1987."

SPEAKER STOLBERG:

Will you comment further on the bill?

Representative Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I would now move for passage

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of the bill as amended.

SPEAKER STOLBERG:

Will you remark further? If not, staff and guests will come to the Well of the House and the machine will be open.

CLERK:

The House of Representatives is voting by roll. Members please return to the Chamber. The House of Representatives is currently voting by roll call. Members please return to the Chamber.

SPEAKER STOLBERG:

Will you please check the board and see that your vote is properly cast. If so, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

House Bill 7208 as amended by House "A":

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not Voting	7

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SPEAKER STOLBERG:

The bill is passed. Are there introductions or points of personal privilege. Representative Polinsky.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. Seated in the gallery is another one of my 4th grade classess. These young people come from our Southwest School from Waterford and every year that school sends up their 4th grade class. I'm very proud to have them here and if they stand, I'm sure everybody in the Chamber will give them our usual warm welcome.

(Applause)

SPEAKER STOLBERG:

Are there other points of personal privilege or introductions? Representative DeZinno.

REP. DEZINNO: (84th)

Thank you, Mr. Speaker. Sir, for notice, tonight at 6:00 we are going forth with our Roma Pasta dinner. It will be approxide, we'll have a tossed salad, we'll have ziti, we'll have meatballs, the bread, the whole gamet. Even got apples. So

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placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar 837, File 374, Substitute for House Bill
No. 7208, AN ACT DEFINING TRANSFEROR OF A HAZARDOUS WASTE
ESTABLISHMENT, as amended by House Amendment Schedule "A".
Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Meotti.

SENATOR MEOTTI:

Thank you, Mr. President. I move acceptance of the
Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR MEOTTI:

Yes, Mr. President. House Amendment Schedule "A"
essentially becomes the bill in this case. It deals with
the negative declaration statute involving the transfer of
properties likely to be affected by the hazardous wastes
and deals with an issue that I'm sure many Members of the
Circle are familiar and that's the issue concerning the
state's Super Lien against real estate cleaned of hazardous

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waste material with state funds and what this amendment does is strike a delicate balance between protecting the state's interest in recouping the funds which would be spent on cleaning up this property and also in dealing with some of the uncertainties and difficulties faced by businesses, particularly small businesses such as service stations and dry cleaners and the like, which they have had in the mortgage markets in the state and getting financing for purchase acquisition of that property and it uses an existing and workable program, the Negative Declaration Program, applies to these properties in which they are examined and certified that things are under proper management in terms of the hazardous waste regulations of the state and we think that this bill will go a long way towards rectifying some of the problems and preserving the highest standards of safety and proper recompense for the state for expenses dealt to clean up hazardous waste areas.

THE CHAIR:

Further remarks? Senator Meotti.

SENATOR MEOTTI;

I ask that this be placed on the Consent Calendar.

THE CHAIR;

Without objection, so ordered,

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Mr. President.

THE CHAIR:

Are there any corrections, additions or deletions?
The machine is open. Please cast your vote. Senator
Powers. The machine is closed. The Clerk please tally the
vote.

The result of the vote:

35 Yea

0 Nay

The second Consent Calendar is adopted.

THE CHAIR: (The President in the Chair.)

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I move for suspension of the rules
for immediate transmittal of those items going to the House.

THE CHAIR:

Without objection, so ordered. The Senate will stand
at ease.

THE CHAIR: (The President Pro Tempore in the Chair.)

Senator O'Leary.

SENATOR O'LEARY:

Mr. President, we're awaiting an amendment. We're
awaiting a Conference Committee Report. We're going to

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return to the Chamber. An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

The items before us, will the Clerk please read off the Consent Calendar items that are currently before us.

THE CLERK:

Beginning on Page 1, Calendar 441, Substitute for Senate Bill 989.

Calendar Page 5, Calendar No. 836, Substitute for House Bill 7638; Calendar 837, Substitute for House Bill 7208; Calendar 838, Substitute for House Bill 7211; Calendar 839, Substitute for House Bill 7362.

Calendar Page 8, Calendar No. 554, Substitute for Senate Bill 1162; Calendar 480, Senate Bill 670.

Calendar Page 9, Calendar No. 551, Substitute for Senate Bill 1210; Calendar 579, Substitute for Senate Bill 123.

Calendar Page 10, Calendar No. 587, Substitute for Senate Bill 249.

Calendar Page 11, Calendar No. 404, Substitute for House Bill 7314; Calendar 520, Substitute for House Bill 7201. That completes the second Consent Calendar,

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REP. MUSHINSKY: (continued)

Do you think you can handle the extra work? You know, considering the problems you have had with EPA prior to this on....work load and number of staff?

DR. HITCHCOCK: Yes, we do it now. All that money, we have never had any problems with the PCB programs, in fact, we were one of the first states... They took five state initially that they felt could do a good job on PCB 's and we are one of those of five, as we have initially...

Essentially, we do all the cases...

REP. MUSHINSKY: But you don't get the fine...

MR. GAFFEY: That's right. The State doesn't get the funds, yet we do all the work.

] REP. MUSHINSKY: Oh, okay.

Cassette 2 DR. HITCHCOCK: The next one is House Bill 7208, declining the transfer of a hazardous waste establishment. You may recall that the transfer bill requires any facility that handles or stores treated hazardous waste has to...when they transfer it, they have to give written notice to the person buying it as to whether any hazardous materials are still in the ground, and so on.

This has been an excellent bill with a relatively low cost to the State. It is kind of self-enforcing. However...and so we are strongly in favor of the bill. I think it is one of the better bills, one of the better laws we have had. However, there has been a few minor things that do need correcting in the bill. One is, it changes the wording to include those companies...not those companies that are now producing waste...but those companies that have produced waste in the past.

The second would be a new definition to define who

DR. HITCHCOCK: (continued)

the transferer is In a sense, when the bill first passed, we just felt that this was fairly straight-forward. If you owned the property and the buildings, you transferred it; you have to clear it with the transfer bill. However, what we found is that there are cases where the land is owned by one person, a building handling hazardous waste is owned by a second person, other buildings on the same property are owned by a third person, and the operator of the hazardous waste operation is a fourth person. Then the question is: everybody is pointing to everybody else as the responsible party.

So, this would change it so that any owner of the land or the building is a responsible party for the transfer. It also makes it clear that any approval There is three different things they can do: one, they can say that there has never been any pesticide...or any hazardous waste dumped on site. Second, it is there, but it has been cleaned up; and the third is that it is there now, and we are going to clean it up.

What has happened, we find people have been coming in saying: well, it is cleaned up, and you told us back in 1982 that it was cleaned up. We have no record; they have no record. They claim that there was an oral agreement. So, this just makes it clear that it has to be written approval by the Commissioner, rather than just oral assurances.

House Bill 7277 authorizing Hazardous Waste Management Service to accept federal funds. I have kind of mixed feelings on this bill. If the Hazardous Waste Management Services wishes to obtain outside funding, it should be supported, but if this bill is going to put the Service in competition with the DEP for federal dollars, then I feel that it should be defeated. So, I would suggest that this be amended more clearly to reflect the purposes of the Service, rather than