



General Assembly

February Session, 2000

Amendment

LCO No. 4646

Offered by:

REP. SAMOWITZ, 129th Dist.

To: Subst. House Bill No. 5577

File No. 588

Cal. No. 451

"An Act Concerning Brownfields Redevelopment."

1 Strike lines 52 to 92, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Sec. 3. (NEW) (a) Any brownfield redeveloper who acquires real
4 property shall not be liable for any cleanup and removal costs or
5 damages pursuant to any other statutory or civil common law, to any
6 person, other than the state or federal government, harmed by any
7 release or resulting contamination, on or from the real property,
8 provided all the following conditions are met:

9 (1) The brownfield redeveloper acquired the real property after the
10 release at the real property;

11 (2) The brownfield redeveloper did not cause the release or establish
12 or create a facility or condition at or on such real property which
13 reasonably can be expected to have created a source of pollution to the
14 waters of the state for purposes of section 22a-432 of the general
15 statutes;

16 (3) The brownfield redeveloper is not affiliated with any person
17 responsible for the release or for creating a source of pollution on the
18 real property through any direct or indirect familial relationship or any
19 contractual, corporate, or financial relationship other than that by
20 which such brownfield redeveloper's interest in the property was
21 conveyed or financed;

22 (4) The brownfield redeveloper gave notice of the release to the
23 Commissioner of Environmental Protection upon discovery of such
24 release;

25 (5) Within thirty days after acquisition of the property, the
26 brownfield redeveloper commenced remediation of the property in
27 accordance with a remedial action plan and schedule approved by the
28 commissioner or, if the commissioner so authorizes in writing, by a
29 licensed environmental professional;

30 (6) The Commissioner of Environmental Protection or, if the
31 commissioner has so authorized, a licensed environmental
32 professional, has approved a report that demonstrates that
33 remediation of any release on or emanating from the real property was
34 completed in accordance with the regulations adopted pursuant to
35 section 22a-133k of the general statutes.

36 (b) The provisions of this subsection shall not relieve any
37 brownfield redeveloper of any liability:

38 (1) For a release that occurs at the real property after the brownfield
39 redeveloper acquired the real property;

40 (2) For any action that the brownfield redeveloper takes that
41 negligently aggravates or contributes to the pollution caused by a
42 release on the real property;

43 (3) If the brownfield redeveloper fails to comply with an
44 environmental land use restriction recorded on the real property or
45 fails to maintain any engineering controls on the property or to

46 otherwise comply with the requirements of the regulations adopted
47 pursuant to section 22a-133k of the general statutes.

48 Sec. 4. This act shall take effect from its passage."