



General Assembly

Substitute Bill No. 1432

January Session, 2007

* SB01432PD 050207 *

**AN ACT CONCERNING GLOBAL WARMING AND BROWNFIELDS
REMEDiation AND DEVELOPMENT.**

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

1 Section 1. Section 4a-67d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The fleet average for cars or light duty trucks purchased by the
4 state shall: (1) On and after October 1, 2001, have a United States
5 Environmental Protection Agency estimated highway gasoline mileage
6 rating of at least thirty-five miles per gallon and on and after January 1,
7 2003, have a United States Environmental Protection Agency estimated
8 highway gasoline mileage rating of at least forty miles per gallon, (2)
9 comply with the requirements set forth in 10 CFR 490 concerning the
10 percentage of alternative-fueled vehicles required in the state motor
11 vehicle fleet, and (3) obtain the best achievable mileage per pound of
12 carbon dioxide emitted in its class. The alternative-fueled vehicles
13 purchased by the state to comply with said requirements shall be
14 capable of operating on natural gas or electricity or any other system
15 acceptable to the United States Department of Energy that operates on
16 fuel that is available in the state.

17 (b) Notwithstanding any other provisions of this section, (1) on and
18 after January 1, 2008, any car or light duty truck purchased by the state
19 shall have an efficiency rating that is in the top third of all vehicles in

20 such purchased vehicle's class and fifty per cent of such cars and light
21 duty trucks shall be an alternative fueled, hybrid electric or plug-in
22 electric vehicle, and (2) on and after January 1, 2010, any car or light
23 duty truck purchased by the state shall have an efficiency rating that is
24 in the top third of all vehicles in such purchased vehicle's class and be
25 an alternative fueled, hybrid electric or plug-in electric vehicle.

26 [(b)] (c) The provisions of [subsection (a)] subsections (a) and (b) of
27 this section shall not apply to cars or light duty trucks purchased for
28 law enforcement or other special use purposes as designated by the
29 Department of Administrative Services.

30 [(c)] (d) As used in this section, the terms "car" and "light duty
31 truck" shall be as defined in the United States Department of Energy
32 Publication DOE/CE -0019/8, or any successor publication.

33 Sec. 2. Section 16a-32a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective from passage*):

35 The Office of Policy and Management shall amend the state plan of
36 conservation and development adopted pursuant to this chapter to
37 include therein a goal for reducing carbon dioxide emissions within
38 this state in accordance with the state's agreement with the Climate
39 Change Action Plan adopted by the Conference of New England
40 Governors and Canadian Premiers. [Said office, in consultation with
41 the Department of Environmental Protection, shall submit a report to
42 the General Assembly on or before the thirtieth day following May 22,
43 1995, on or before May 1, 1996, and annually thereafter, which details
44 the net amount of carbon dioxide emitted annually within this state.
45 Subsequent to the May 1, 2000, submittal, said report shall be
46 submitted every three years with the first such report due May 1,
47 2003.]

48 Sec. 3. (*Effective from passage*) On or before February 1, 2008, the
49 Connecticut Academy of Science and Engineering, in consultation with
50 the state Department of Environmental Protection, shall submit a

51 written report regarding the expected effects of climate change on
52 Connecticut and including recommendations on what the state should
53 do to prepare for such effects to the joint standing committee of the
54 General Assembly having cognizance of matters relating to the
55 environment in accordance with the provisions of section 11-4a of the
56 general statutes.

57 Sec. 4. (NEW) (*Effective from passage*) The Commissioner of
58 Environmental Protection shall study the potential for integrating
59 motorized fleets into the cap and trade mechanism of the Northeast
60 Regional Greenhouse Gas Initiative, and not later than January 1, 2008,
61 the commissioner shall submit a written recommendation concerning
62 what legislative action would be necessary to include transportation
63 sources of climate change gases into regional cap and trade agreements
64 to the joint standing committee of the General Assembly having
65 cognizance of matters relating to the environment in accordance with
66 the provisions of section 11-4a of the general statutes.

67 Sec. 5. (NEW) (*Effective October 1, 2007*) The Commissioner of
68 Environmental Protection shall study the availability of energy
69 efficient lamps such as compact fluorescent lamps, halogen lamps and
70 high-intensity discharge lamps at competitive prices for consumers
71 and compile a list of inefficient incandescent lamps. Not later than
72 April 1, 2008, the commissioner shall give notice of the preliminary
73 draft of such list. Such notice shall: (1) Be posted on the Department of
74 Environmental Protection's Internet web site, (2) be published in one
75 or more newspapers having a general circulation in the state, and (3)
76 contain when, where and how interested parties may present their
77 views on the preliminary draft. The commissioner may revise such list
78 based upon written or oral comments received in response to the
79 preliminary draft. Not later than sixty-five days after the publication of
80 the notice of the preliminary draft and not less than twenty days before
81 publishing the final list on the department's Internet web site, the
82 commissioner shall reach a decision on the content of the final list.
83 The commissioner shall submit the final list to the joint standing

84 committee of the General Assembly having cognizance of matters
85 relating to the environment along with a statement of the reasons for
86 the final decision and shall mail to all persons who have submitted
87 written comments in response to the preliminary draft a copy of such
88 final list and statement.

89 Sec. 6. Section 12-81 of the general statutes is amended by adding
90 subdivision (77) as follows (*Effective July 1, 2007, and applicable to*
91 *assessment years commencing on or after July 1, 2007*):

92 (NEW) (77) Any hybrid passenger car, as defined in subdivision
93 (115) of section 12-412, purchased on or after July 1, 2007.

94 Sec. 7. Section 12-217 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2007*):

96 (a) (1) In arriving at net income as defined in section 12-213, whether
97 or not the taxpayer is taxable under the federal corporation net income
98 tax, there shall be deducted from gross income, (A) all items deductible
99 under the Internal Revenue Code effective and in force on the last day
100 of the income year except (i) any taxes imposed under the provisions
101 of this chapter which are paid or accrued in the income year and in the
102 income year commencing January 1, 1989, and thereafter, any taxes in
103 any state of the United States or any political subdivision of such state,
104 or the District of Columbia, imposed on or measured by the income or
105 profits of a corporation which are paid or accrued in the income year,
106 and (ii) deductions for depreciation, which shall be allowed as
107 provided in subsection (b) of this section, and (B) additionally, in the
108 case of a regulated investment company, the sum of (i) the exempt-
109 interest dividends, as defined in the Internal Revenue Code, and (ii)
110 expenses, bond premium, and interest related to tax-exempt income
111 that are disallowed as deductions under the Internal Revenue Code,
112 and (C) in the case of a taxpayer maintaining an international banking
113 facility as defined in the laws of the United States or the regulations of
114 the Board of Governors of the Federal Reserve System, as either may
115 be amended from time to time, the gross income attributable to the

116 international banking facility, provided, no expense or loss attributable
117 to the international banking facility shall be a deduction under any
118 provision of this section, and (D) additionally, in the case of all
119 taxpayers, all dividends as defined in the Internal Revenue Code
120 effective and in force on the last day of the income year not otherwise
121 deducted from gross income, including dividends received from a
122 DISC or former DISC as defined in Section 992 of the Internal Revenue
123 Code and dividends deemed to have been distributed by a DISC or
124 former DISC as provided in Section 995 of said Internal Revenue Code,
125 other than thirty per cent of dividends received from a domestic
126 corporation in which the taxpayer owns less than twenty per cent of
127 the total voting power and value of the stock of such corporation, and
128 (E) additionally, in the case of all taxpayers, the value of any capital
129 gain realized from the sale of any land, or interest in land, to the state,
130 any political subdivision of the state, or to any nonprofit land
131 conservation organization where such land is to be permanently
132 preserved as protected open space or to a water company, as defined
133 in section 25-32a, where such land is to be permanently preserved as
134 protected open space or as Class I or Class II water company land.

135 (2) No deduction shall be allowed for (A) expenses related to
136 dividends which are allowable as a deduction or credit under the
137 Internal Revenue Code, and (B) federal taxes on income or profits,
138 losses of other calendar or fiscal years, retroactive to include all
139 calendar or fiscal years beginning after January 1, 1935, interest
140 received from federal, state and local government securities, if any
141 such deductions are allowed by the federal government.

142 (3) Notwithstanding any provision of this section to the contrary, no
143 dividend received from a real estate investment trust shall be
144 deductible under this section by the recipient unless the dividend is:
145 (A) Deductible under Section 243 of the Internal Revenue Code; or (B)
146 received by a qualified dividend recipient from a qualified real estate
147 investment trust and, as of the last day of the period for which such
148 dividend is paid, persons, not including the qualified dividend

149 recipient or any person that is either a related person to, or an
150 employee or director of, the qualified dividend recipient, have
151 outstanding cash capital contributions to the qualified real estate
152 investment trust that, in the aggregate, exceed five per cent of the fair
153 market value of the aggregate real estate assets, valued as of the last
154 day of the period for which such dividend is paid, then held by the
155 qualified real estate investment trust. For purposes of this section, a
156 "related person" is as defined in subdivision (7) of subsection (a) of
157 section 12-217m, "real estate assets" is as defined in Section 856 of the
158 Internal Revenue Code, a "qualified dividend recipient" means a
159 dividend recipient who has invested in a qualified real estate
160 investment trust prior to April 1, 1997, and a "qualified real estate
161 investment trust" means an entity that both was incorporated and had
162 contributed to it a minimum of five hundred million dollars worth of
163 real estate assets prior to April 1, 1997, and that elects to be a real estate
164 investment trust under Section 856 of the Internal Revenue Code prior
165 to April 1, 1998.

166 (4) Notwithstanding anything in this section to the contrary, (A) any
167 excess of the deductions provided in this section for any income year
168 commencing on or after January 1, 1973, over the gross income for
169 such year or the amount of such excess apportioned to this state under
170 the provisions of section 12-218, shall be an operating loss of such
171 income year and shall be deductible as an operating loss carry-over for
172 operating losses incurred prior to income years commencing January
173 1, 2000, in each of the five income years following such loss year, and
174 for operating losses incurred in income years commencing on or after
175 January 1, 2000, in each of the twenty income years following such loss
176 year, provided the portion of such operating loss which may be
177 deducted as an operating loss carry-over in any income year following
178 such loss year shall be limited to the lesser of (i) any net income greater
179 than zero of such income year following such loss year, or in the case
180 of a company entitled to apportion its net income under the provisions
181 of section 12-218, the amount of such net income which is apportioned
182 to this state pursuant thereto, or (ii) the excess, if any, of such

183 operating loss over the total of such net income for each of any prior
184 income years following such loss year, such net income of each of such
185 prior income years following such loss year for such purposes being
186 computed without regard to any operating loss carry-over from such
187 loss year allowed by this subparagraph and being regarded as not less
188 than zero, and provided, further, the operating loss of any income year
189 shall be deducted in any subsequent year, to the extent available
190 therefor, before the operating loss of any subsequent income year is
191 deducted, and (B) any net capital loss, as defined in the Internal
192 Revenue Code effective and in force on the last day of the income year,
193 for any income year commencing on or after January 1, 1973, shall be
194 allowed as a capital loss carry-over to reduce, but not below zero, any
195 net capital gain, as so defined, in each of the five following income
196 years, in order of sequence, to the extent not exhausted by the net
197 capital gain of any of the preceding of such five following income
198 years, and (C) any net capital losses allowed and carried forward from
199 prior years to income years beginning on or after January 1, 1973, for
200 federal income tax purposes by companies entitled to a deduction for
201 dividends paid under the Internal Revenue Code other than
202 companies subject to the gross earnings taxes imposed under chapters
203 211 and 212, shall be allowed as a capital loss carry-over.

204 (5) This section shall not apply to a life insurance company as
205 defined in the Internal Revenue Code effective and in force on the last
206 day of the income year. For purposes of this section, the unpaid loss
207 reserve adjustment required for nonlife insurance companies under the
208 provisions of Section 832(b)(5) of the Internal Revenue Code of 1986, or
209 any subsequent corresponding internal revenue code of the United
210 States, as from time to time amended, shall be applied without making
211 the adjustment in Subparagraph (B) of said Section 832(b)(5).

212 (b) For purposes of determining net income under this section, the
213 deduction allowed for depreciation shall be determined as provided
214 under the Internal Revenue Code of 1986, or any subsequent
215 corresponding internal revenue code of the United States, as from time

216 to time amended, provided in making such determination, the
217 provisions of Section 168(k) of said code shall not apply.

218 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of
219 this section, "net income", in the case of an S corporation, means the
220 percentage of the nonseparately computed income or loss, as defined
221 in Section 1366(a)(2) of the Internal Revenue Code, of such S
222 corporation, without separate state adjustment pursuant to section
223 12-233 or 12-226a for the compensation of any officer or employee, to
224 which shall be added (A) any taxes imposed under the provisions of
225 this chapter which are paid or accrued in the income year and (B) any
226 taxes in any state of the United States or any political subdivision of
227 such state, or the District of Columbia, imposed on or measured by the
228 income or profits of a corporation which are paid or accrued in the
229 income year as provided in subdivision (2) of this subsection.

230 (2) For income years commencing prior to January 1, 1997, "net
231 income" means one hundred per cent of the amount computed under
232 subdivision (1) of this subsection; for income years commencing on or
233 after January 1, 1997, and prior to January 1, 1998, "net income" means
234 ninety per cent of the amount computed under subdivision (1) of this
235 subsection; for income years commencing on or after January 1, 1998,
236 and prior to January 1, 1999, "net income" means seventy-five per cent
237 of the amount computed under subdivision (1) of this subsection; for
238 income years commencing on or after January 1, 1999, and prior to
239 January 1, 2000, "net income" means fifty-five per cent of the amount
240 computed under subdivision (1) of this subsection; for income years
241 commencing on or after January 1, 2000, and prior to January 1, 2001,
242 "net income" means thirty per cent of the amount computed under
243 subdivision (1) of this subsection; for income years commencing on or
244 after January 1, 2001, net income of S corporations as computed under
245 subdivision (1) of this subsection shall not be subject to the tax under
246 this chapter. Any S corporation subject to the tax on net income as
247 provided in this section shall be eligible for any credit against the tax
248 otherwise available to taxpayers under this chapter only to the extent

249 and in the same percentage as net income of such S corporation is
250 subject to taxation under this chapter, except that any S corporation
251 with an income year commencing on or after January 1, 1999, but
252 before December 31, 2000, shall be eligible for the entire credit
253 available under sections 8-395, 12-633, 12-634, 12-635 and 12-635a.

254 (d) Notwithstanding the provisions of subsections (a) and (b) of this
255 section, "net income" shall not include: (1) Twenty per cent of the total
256 proceeds received from the sale of greenhouse gas emission credits on
257 or after January 1, 2008, (2) forty per cent of the total proceeds received
258 from such sale on or after January 1, 2009, (3) sixty per cent of the total
259 proceeds received from such sale on or after January 1, 2010, (4) eighty
260 per cent of the total proceeds received from such sale on or after
261 January 1, 2011, and (5) any proceeds from the sale of greenhouse gas
262 emission credits on or after January 1, 2012.

263 ~~[(d)]~~ (e) The commissioner may adopt regulations in accordance
264 with chapter 54, relating to mergers or consolidations of corporations
265 providing for the deduction, by the surviving or new corporation
266 provided for in the plan of consolidation, of operating losses that were
267 incurred by a merging or consolidating corporation, respectively,
268 before the merger or consolidation, respectively. Such regulations may
269 follow the provisions of the Internal Revenue Code of 1986, or any
270 subsequent corresponding internal revenue code of the United States,
271 as from time to time amended, or the regulations thereunder.

272 Sec. 8. Subsection (e) of section 22a-134a of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective July*
274 *1, 2007*):

275 (e) (1) No later than thirty days after receipt of a Form III or Form
276 IV, the commissioner shall notify the certifying party whether the form
277 is complete or incomplete. Within forty-five days of receipt of a
278 complete Form III or IV, the commissioner shall notify the certifying
279 party in writing whether review and approval of the remediation by
280 the commissioner will be required, or whether a licensed

281 environmental professional may verify that the investigation has been
282 performed in accordance with prevailing standards and guidelines and
283 that the remediation has been performed in accordance with the
284 remediation standards. Any person who submitted a Form III to the
285 commissioner prior to October 1, 1995, may submit an environmental
286 condition assessment form to the commissioner. The commissioner
287 shall, within forty-five days of receipt of such form, notify the
288 certifying party whether approval of the remediation by the
289 commissioner will be required or whether a licensed environmental
290 professional may verify that the remediation has been performed in
291 accordance with the remediation standards.

292 (2) (A) When a licensed environmental professional verifies that the
293 remediation has been performed in accordance with the remediation
294 standards, such verifications shall be deemed approved by the
295 commissioner unless, within twelve months of such verification, the
296 commissioner determines, in the commissioner's sole discretion, that
297 an audit of such verification or remedial action is necessary to assess
298 whether remedial action beyond that indicated in such verification is
299 necessary for the protection of human health or the environment. Such
300 an audit shall be completed within twenty-four months of the
301 submittal of the verification. At the completion of the audit, the
302 commissioner shall approve the verification, disapprove the
303 verification or request additional information from the party
304 submitting the verification.

305 (B) If the commissioner requests additional information pursuant to
306 subparagraph (A) of this subdivision and such information has not
307 been provided to the commissioner within ninety days of the deadline
308 for completing the audit, the commissioner shall extend the period for
309 completing the audit by up to one hundred eighty days. The
310 commissioner shall make any such requests for information in writing.
311 Upon evaluating the additional information, the commissioner shall
312 approve or disapprove the verification.

313 (C) If the commissioner disapproves the verification pursuant to

314 either subparagraph (A) or (B) of this subdivision, the commissioner
315 shall give reasons for such disapproval, in writing, and such certifying
316 party may appeal such disapproval to the Superior Court pursuant to
317 section 4-183. Before approving a final verification, the commissioner
318 may enter into a memorandum of understanding with the certifying
319 party with regard to any further remedial action or monitoring
320 activities on or at such property that the commissioner deems
321 necessary for the protection of human health or the environment.

322 (D) The deadlines for the conduct of an audit pursuant to this
323 subdivision shall not apply to (i) properties for which the department
324 finds that the submitted verification was obtained through the
325 submittal of fraudulent information or that intentional
326 misrepresentations were made to the department in connection with
327 the submittal of the verification, or (ii) those sites that are currently
328 subject to an order of the department.

329 Sec. 9. Subsection (g) of section 22a-133v of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective July*
331 *1, 2007*):

332 (g) The board may conduct investigations concerning the conduct of
333 any licensed environmental professional. The commissioner may
334 conduct audits of any actions authorized by law to be performed by a
335 licensed environmental professional. The board shall authorize the
336 commissioner to (1) revoke [or suspend] the license of any
337 environmental professional; [or to] (2) suspend the license of any
338 environmental professional; (3) impose any other sanctions less severe
339 than revocation or suspension that the board deems appropriate; or (4)
340 deny an application for such licensure if the board, after providing
341 such professional with notice and an opportunity to be heard
342 concerning such revocation, suspension, other sanction or denial, finds
343 that such professional has submitted false or misleading information to
344 the board or has engaged in professional misconduct including,
345 without limitation, knowingly or recklessly making a false verification
346 of a remediation under section 22a-134a, or violating any provision of

347 this section or regulations adopted hereunder. The board shall make
348 available to the public a list of any sanctions, license suspensions or
349 license revocations. Any sanction imposed under this subsection shall
350 not include the imposition of any civil fine or civil penalty.

351 Sec. 10. Subsection (d) of section 25-68d of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective July*
353 *1, 2007*):

354 (d) Any state agency proposing an activity or critical activity within
355 or affecting the floodplain may apply to the commissioner for
356 exemption from the provisions of subsection (b) of this section. Such
357 application shall include a statement of the reasons why such agency is
358 unable to comply with said subsection and any other information the
359 commissioner deems necessary. The commissioner, [at least thirty days
360 before approving, approving with conditions or denying any such
361 application, shall publish once in a newspaper having a substantial
362 circulation in the affected area notice of: (1) The name of the applicant;
363 (2) the location and nature of the requested exemption; (3) the tentative
364 decision on the application; and (4) additional information the
365 commissioner deems necessary to support the decision to approve,
366 approve with conditions or deny the application. There shall be a
367 comment period following the public notice during which period
368 interested persons and municipalities may submit written comments.
369 After the comment period, the commissioner shall make a final
370 determination to either approve the application, approve the
371 application with conditions or deny the application. The commissioner
372 may hold a public hearing prior to approving, approving with
373 conditions or denying any application if in the discretion of the
374 commissioner the public interest will be best served thereby, and the
375 commissioner shall hold a public hearing upon receipt of a petition
376 signed by at least twenty-five persons. Notice of such hearing shall be
377 published at least thirty days before the hearing in a newspaper
378 having a substantial circulation in the area affected. The commissioner
379 may approve or approve with conditions such exemption if the

380 commissioner determines that (A)] after public notice of the
381 application and an opportunity for a public hearing in accordance with
382 the provisions of chapter 54, may approve such exemption if the
383 commissioner determines that (1) the agency has shown that the
384 activity or critical activity is in the public interest, will not injure
385 persons or damage property in the area of such activity or critical
386 activity, complies with the provisions of the National Flood Insurance
387 Program, and, in the case of a loan or grant, the recipient of the loan or
388 grant has been informed that increased flood insurance premiums may
389 result from the activity or critical activity, or [(B)] (2) in the case of a
390 flood control project, such project meets the criteria of [subparagraph
391 (A) of this subdivision] subdivision (1) of this subsection and is more
392 cost-effective to the state and municipalities than a project constructed
393 to or above the base flood or base flood for a critical activity. Any
394 activity that is a redevelopment subject to environmental remediation
395 regulations adopted pursuant to section 22a-133k located in an area
396 identified as a regional center, neighborhood conservation area,
397 growth area or rural community center in the State Plan of
398 Conservation and Development pursuant to chapter 297 shall be
399 considered to be in the public interest. Following approval for
400 exemption for a flood control project, the commissioner shall provide
401 notice of the hazards of a flood greater than the capacity of the project
402 design to each member of the legislature whose district will be affected
403 by the project and to the following agencies and officials in the area to
404 be protected by the project: The planning and zoning commission, the
405 inland wetlands agency, the director of civil defense, the conservation
406 commission, the fire department, the police department, the chief
407 elected official and each member of the legislative body, and the
408 regional planning agency. Notice shall be given to the general public
409 by publication in a newspaper of general circulation in each
410 municipality in the area in which the project is to be located.

411 Sec. 11. Section 12-63e of the general statutes is repealed and the
412 following is substituted in lieu thereof (*Effective July 1, 2007*):

413 (a) Notwithstanding the provisions of this chapter, when
414 determining the value of any property, except residential property, for
415 purpose of the assessment for property taxes, the assessors of a
416 municipality shall not reduce the value of any property due to any
417 polluted or environmentally hazardous condition existing on such
418 property if such condition was caused by the owner of such property
419 or if a successor in title to such owner acquired such property after any
420 notice of the existence of any such condition was filed on the land
421 records in the town where the property is located. For purposes of this
422 section, an owner shall be deemed to have caused the polluted or
423 environmentally hazardous condition if the Department of
424 Environmental Protection, the United States Environmental Protection
425 Agency or a court of competent jurisdiction has determined that such
426 owner caused such condition or a portion of it.

427 (b) If any owner of such property or if any successor in title to such
428 owner who acquired such property after any notice of the existence of
429 any such condition was filed on the land records in the town where the
430 property is located (1) enters into an agreement with the department to
431 voluntarily remediate such property, (2) files such agreement on the
432 land records of the town where such property is located, and (3) has
433 developed an approved remedial action plan for the property, the
434 provisions of subsection (a) of this section shall not apply. In such
435 instances, the assessors of a municipality may reduce the value of any
436 property due to any polluted of environmentally hazardous condition
437 existing on such property. The assessors of a municipality may also
438 raise the value of any property after remediation is completed to take
439 into account the removal of such pollution or environmentally
440 hazardous condition.

441 Sec. 12. (NEW) (*Effective July 1, 2007*) (a) For purposes of this section,
442 (1) "eligible property owner" means a person who is an existing
443 property owner who is in good general standing with the Department
444 of Environmental Protection, demonstrates an inability to pay, and
445 cannot retain or expand jobs due to the expense associated with the

446 investigation and remediation of contamination of a property; (2)
447 "eligible developer" means a person who did not cause or contribute to
448 the discharge, spillage, uncontrolled loss, seepage or filtration of such
449 hazardous substance, material or waste and who is not a member,
450 officer, manager, director, shareholder, subsidiary, successor of,
451 related to, or affiliated with, directly or indirectly, the person who is
452 otherwise liable under section 22a-432, 22a-433, 22a-451 or 22a-452 of
453 the general statutes; (3) "brownfield remediation agreement" means an
454 agreement entered into by and between the Commissioner of
455 Environmental Protection and an eligible property owner or developer
456 for the investigation and remediation of a brownfield site; (4)
457 "brownfield site" means any abandoned or underutilized site where
458 redevelopment and reuse has not occurred due to the presence or
459 pollution on the soil or groundwater that requires remediation prior to
460 or in conjunction with the restoration, redevelopment and reuse of the
461 property; (5) "Commissioner" means the Commissioner of
462 Environmental Protection; and (6) "person" shall have the same
463 meaning as in section 22-2 of the general statutes.

464 (b) On or before January 1, 2008, the commissioner shall prepare a
465 brownfield remediation agreement that shall be available to any
466 eligible developer who voluntarily elects to investigate and remediate
467 a property for purposes of development, redevelopment or reuse. The
468 brownfield remediation agreement shall (1) set forth deadlines for
469 completion of the site investigation, remedial activities and the
470 submittal of a verification by a licensed environmental professional or
471 approval by the commissioner of the completion of the remedial
472 activities; (2) provide for a covenant not to sue under subsection (b) of
473 section 22a-133aa of the general statutes without fee; (3) exempt the
474 eligible developer from remediation of contamination that has
475 migrated off-site as of the date the eligible developer acquired its
476 ownership interest in the property; (4) exempt the eligible developer
477 from natural resources damage claims that may arise under state or
478 common law; and (5) protect the eligible developer from remediation
479 orders provided the eligible developer is following the remedial action

480 plan and has not provided intentional, fraudulent or negligent
481 misrepresentations to the commissioner.

482 (c) At the request of the eligible developer, the commissioner shall
483 execute the agreement with the eligible developer prior to the eligible
484 developer initiating any investigation or remediation activities on the
485 brownfield property. The brownfield remediation agreement shall be
486 assignable to any subsequent eligible developer, provided that the
487 subsequent eligible developer agrees in writing to its terms. In such
488 event, the prior eligible developer is released from its investigation and
489 remedial obligations under the brownfield remediation agreement but
490 remains subject to the protections provided in subsection (b) of this
491 section. Once a brownfield site is subject to a brownfield remediation
492 agreement, the provisions of section 22a-134 to 22a-134ee, inclusive, of
493 the general statutes do not apply, unless the eligible developer creates
494 an establishment on the brownfield site and a new release has
495 occurred.

496 (d) On or before January 1, 2008, the commissioner shall prepare a
497 brownfield remediation agreement that shall be available to any
498 eligible owner who voluntarily elects to investigate and remediate a
499 property for purposes of development, redevelopment or reuse. The
500 brownfield remediation agreement shall (1) set forth deadlines for
501 completion of the site investigation, remedial activities, and the
502 submittal of a verification by a licensed environmental professional or
503 approval by the commissioner of the completion of the remedial
504 activities; (2) provide for a covenant not to sue under subsection (b) of
505 section 22a-133aa of the general statutes without fee; and (3) protect
506 the eligible owner from remediation orders provided said eligible
507 owner is following the remedial action plan and has not provided
508 intentional, fraudulent or negligent misrepresentations to the
509 commissioner. To qualify for the brownfield remediation agreement
510 pursuant to this subsection, the eligible owner shall demonstrate a
511 limited ability to pay the necessary costs of remediation and agree to
512 remain in Connecticut for no less than ten years.

513 Sec. 13. (NEW) (*Effective July 1, 2007*) On or before June 1, 2009, the
 514 Commissioner of Environmental Protection shall adopt regulations, in
 515 accordance with the provisions of chapter 54 of the general statutes,
 516 identifying locations that were subject to urban fill and areas in the
 517 state where filling historically occurred. Such regulations shall also set
 518 forth remediation standards consistent with the urban or filling history
 519 of the property and adjacent properties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-67d
Sec. 2	<i>from passage</i>	16a-32a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>July 1, 2007, and applicable to assessment years commencing on or after July 1, 2007</i>	12-81
Sec. 7	<i>October 1, 2007</i>	12-217
Sec. 8	<i>July 1, 2007</i>	22a-134a(e)
Sec. 9	<i>July 1, 2007</i>	22a-133v(g)
Sec. 10	<i>July 1, 2007</i>	25-68d(d)
Sec. 11	<i>July 1, 2007</i>	12-63e
Sec. 12	<i>July 1, 2007</i>	New section
Sec. 13	<i>July 1, 2007</i>	New section

PD *Joint Favorable Subst.*