



805 Brook Street, Building 4, Rocky Hill, CT 06067-3405
p: 860.571.7136 f: 860.571.7150 www.cerc.com

Testimony of Robert W. Santy, President of the Connecticut Economic Resource Center, Inc., before the Commerce Committee in support of HB 6526, An Act Concerning Brownfield Remediation and Development as an Economic Driver

I strongly urge the Committee to act favorable on HB 6526, particularly because of the important changes in section 17 concerning liability for developers of brownfields properties. Over 10 years ago the Clean Sites Coalition held a policy conference in this building, co-sponsored by this Committee and the Environment Committee. The Conference marked the end of more than a year of discussions between DEP, DECD and brownfields practitioners designed to improve Connecticut's approach to brownfields redevelopment. The participants addressed issues in three major areas: financing, regulatory unreasonableness and liability relief. Since that time, and thanks to the leadership of this committee, we have made great progress – though the legislation you are hearing today recognizes that there still is work to be done.

The liability issue has been particularly difficult. Brownfields redevelopers have not caused the environmental contamination on a potential development site. Yet, they take on the liability for and expense of the clean-up of the property in an effort to bring it back into productive use. They do so under a remediation plan and schedule and strict regulations to ensure the protection of public health and safety. Yet, under current law, they may continue to be responsible for environmental issues that migrate to other properties and for new unanticipated issues that arise well after their clean-up is complete. This broadly defined liability is a major reason more brownfields are not redeveloped in Connecticut.

Section 17 of this bill is well crafted to address this liability issue under appropriately rigorous guidelines. It provides timetables for both the remediation and the regulatory review. Under the provisions the DEP will provide the redeveloper with a Notice of Completion of Remedy and a no further action letter. This in turn provides an important assurance to a brownfields redeveloper that there will be an end to the regulatory review and some certainty that the development can move forward with out unreasonable delay, or the prospect of unreasonable re-opening of remediation issues.

Others will testify in more depth about some important proposed amendments with which I concur. These deal with the limit on the program to 20 properties at any given time, and to eligibility criteria based on certain economic development guidelines. I also recommend that the definitions of an economic development agency included in the bill be clarified to included regional economic development organizations created by two or more municipalities.

Thank you for the opportunity to present this testimony.

Robert W. Santy
President and CEO

Board Members and Utility Funding Partners

▶The Connecticut Light and Power Company ▶The United Illuminating Company ▶Nauke Gas Services Company ▶Connecticut Natural Gas ▶The Southern Connecticut Gas Company
▶AT&T ▶Aquarion Water Company ▶The Connecticut Water Company ▶Verizon ▶Connecticut Municipal Electric Energy Cooperative ▶Webster Bank ▶Wriggin & Dana
▶Dept. of Economic and Community Development ▶Dept. of Public Utility Control ▶Office of Consumer Counsel ▶University of Connecticut