



General Assembly

January Session, 2011

**Amendment**

LCO No. 6372

**\*HB0652606372HDO\***

Offered by:

REP. BERGER, 73<sup>rd</sup> Dist.  
SEN. LEBEAU, 3<sup>rd</sup> Dist.  
REP. HADDAD, 54<sup>th</sup> Dist.  
REP. BECKER, 19<sup>th</sup> Dist.  
REP. JUTILA, 37<sup>th</sup> Dist.  
REP. O'BRIEN E., 61<sup>st</sup> Dist.  
REP. PERONE, 137<sup>th</sup> Dist.  
REP. VERRENGIA, 20<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. ZALASKI, 81<sup>st</sup> Dist.  
REP. SANTIAGO, 130<sup>th</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
REP. REYNOLDS, 42<sup>nd</sup> Dist.  
REP. BOUKUS, 22<sup>nd</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. CAMILLO, 151<sup>st</sup> Dist.  
REP. COUTU, 47<sup>th</sup> Dist.

REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. NOUJAIM, 74<sup>th</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
REP. BARAM, 15<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> Dist.  
REP. AYALA, 128<sup>th</sup> Dist.  
REP. CLEMONS, 124<sup>th</sup> Dist.  
REP. GROGINS, 129<sup>th</sup> Dist.  
REP. HENNESSY, 127<sup>th</sup> Dist.  
REP. STALLWORTH, 126<sup>th</sup> Dist.  
SEN. HARTLEY, 15<sup>th</sup> Dist.  
SEN. STILLMAN, 20<sup>th</sup> Dist.  
SEN. PRAGUE, 19<sup>th</sup> Dist.  
SEN. CRISCO, 17<sup>th</sup> Dist.  
SEN. FRANTZ, 36<sup>th</sup> Dist.  
SEN. KELLY, 21<sup>st</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.  
SEN. MUSTO, 22<sup>nd</sup> Dist.

To: Subst. House Bill No. 6526

File No. 469

Cal. No. 293

**"AN ACT CONCERNING BROWNFIELD REMEDIATION AND DEVELOPMENT AS AN ECONOMIC DRIVER."**

1 Strike everything after the enacting clause and substitute the

2 following in lieu thereof:

3 "Section 1. Section 32-9cc of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2011*):

5 (a) There is established, within the Department of Economic and  
6 Community Development, an Office of Brownfield Remediation and  
7 Development. In addition to the other powers, duties and  
8 responsibilities provided for in this chapter, the office shall promote  
9 and encourage the development and redevelopment of brownfields in  
10 the state. The Office of Brownfield Remediation and Development  
11 shall coordinate and cooperate with state and local agencies and  
12 individuals within the state on brownfield redevelopment initiatives,  
13 including program development and administration, community  
14 outreach, regional coordination and seeking federal funding  
15 opportunities.

16 (b) The office shall:

17 (1) Develop procedures and policies for streamlining the process for  
18 brownfield remediation and development;

19 (2) Identify existing and potential sources of funding for brownfield  
20 remediation and develop procedures for expediting the application for  
21 and release of such funds;

22 (3) Establish an office and maintain an informational Internet web  
23 site to provide assistance and information concerning the state's  
24 technical assistance, funding, regulatory and permitting programs;

25 (4) Provide a single point of contact for financial and technical  
26 assistance from the state and quasi-public agencies;

27 (5) Develop a common application to be used by all state and quasi-  
28 public entities providing financial assistance for brownfield  
29 assessment, remediation and development; [and]

30 (6) Identify and prioritize state-wide brownfield development

31 opportunities; and

32 (7) Develop and execute a communication and outreach program to  
33 educate municipalities, economic development agencies, property  
34 owners and potential property owners and other organizations and  
35 individuals with regard to state [policies and procedures] programs for  
36 brownfield remediation and redevelopment.

37 (c) Subject to the availability of funds, there shall be a state-funded  
38 [pilot] municipal brownfield grant program to identify brownfield  
39 remediation economic opportunities in [five] Connecticut  
40 municipalities annually. For each round of funding, the Commissioner  
41 of Economic and Community Development may select at least six  
42 municipalities, one of which shall have a population of less than fifty  
43 thousand, one of which shall have a population of more than fifty  
44 thousand but less than one hundred thousand, two of which shall have  
45 populations of more than one hundred thousand and [one] two of  
46 which shall be selected without regard to population. The  
47 Commissioner of Economic and Community Development shall  
48 designate [five pilot] municipalities in which untreated brownfields  
49 hinder economic development and shall make grants under such  
50 [pilot] program to these municipalities or economic development  
51 agencies associated with each of the [five] selected municipalities that  
52 are likely to produce significant economic development benefit for the  
53 designated municipality.

54 (d) The Department of Environmental Protection, the Connecticut  
55 Development Authority, the Office of Policy and Management and the  
56 Department of Public Health shall each designate one or more staff  
57 members to act as a liaison between their offices and the Office of  
58 Brownfield Remediation and Development. The Commissioners of  
59 Economic and Community Development, Environmental Protection  
60 and Public Health, the Secretary of the Office of Policy and  
61 Management and the executive director of the Connecticut  
62 Development Authority shall enter into a memorandum of  
63 understanding concerning each entity's responsibilities with respect to

64 the Office of Brownfield Remediation and Development. The Office of  
65 Brownfield Remediation and Development may [develop and] recruit  
66 two volunteers from the private sector, including a person from the  
67 Connecticut chapter of the National Brownfield Association, with  
68 experience in different aspects of brownfield remediation and  
69 development. Said volunteers may assist the Office of Brownfield  
70 Remediation and Development in [achieving the goals of this section]  
71 marketing the brownfields programs and redevelopment activities of  
72 the state.

73 (e) The Office of Brownfield Remediation and Development may  
74 call upon any other department, board, commission or other agency of  
75 the state to supply such reports, information and assistance as said  
76 office determines is appropriate to carry out its duties and  
77 responsibilities. Each officer or employee of such office, department,  
78 board, commission or other agency of the state is authorized and  
79 directed to cooperate with the Office of Brownfield Remediation and  
80 Development and to furnish such reports, information and assistance.

81 (f) Brownfield sites identified for funding under the [pilot] grant  
82 program established in subsection (c) of this section shall receive  
83 priority review status from the Department of Environmental  
84 Protection. Each property funded under this program shall be  
85 investigated in accordance with prevailing standards and guidelines  
86 and remediated in accordance with the regulations established for the  
87 remediation of such sites adopted by the Commissioner of  
88 Environmental Protection or pursuant to section 22a-133k, as amended  
89 by this act, and under the supervision of the department or a licensed  
90 environmental professional in accordance with the voluntary  
91 remediation program established in section 22a-133x. In either event,  
92 the department shall determine that remediation of the property has  
93 been fully implemented or that an audit will not be conducted upon  
94 submission of a report indicating that remediation has been verified by  
95 an environmental professional licensed in accordance with section 22a-  
96 133v. Not later than ninety days after submission of the verification  
97 report, the Commissioner of Environmental Protection shall notify the

98 municipality or economic development agency as to whether the  
99 remediation has been performed and completed in accordance with  
100 the remediation standards, whether an audit will not be conducted, or  
101 whether any additional remediation is warranted. For purposes of  
102 acknowledging that the remediation is complete, the commissioner or  
103 a licensed environmental professional may indicate that all actions to  
104 remediate any pollution caused by any release have been taken in  
105 accordance with the remediation standards and that no further  
106 remediation is necessary to achieve compliance except  
107 postremediation monitoring [.] or natural attenuation monitoring. [or  
108 the recording of an environmental land use restriction.]

109 (g) All relevant terms in this subsection, subsection (h) of this  
110 section [.] and sections 32-9dd to 32-9ff, inclusive, as amended by this  
111 act, [and section 11 of public act 06-184] shall be defined in accordance  
112 with the definitions in chapter 445. For purposes of subdivision (12) of  
113 subsection (a) of section 32-9t, this subsection, subsection (h) of this  
114 section [.] and sections 32-9dd to 32-9gg, inclusive, [and section 11 of  
115 public act 06-184,] "brownfields" means any abandoned or  
116 underutilized site where redevelopment, [and] reuse [has not occurred  
117 due to the presence] or expansion has not occurred due to the presence  
118 or potential presence of pollution in the buildings, soil or groundwater  
119 that requires investigation or remediation [prior to] before or in  
120 conjunction with the restoration, redevelopment, [and] reuse and  
121 expansion of the property.

122 (h) The Departments of Economic and Community Development  
123 and Environmental Protection shall administer the provisions of  
124 subdivision (1) of section 22a-134, as amended by this act, section 32-  
125 1m, subdivision (12) of subsection (a) of section 32-9t [.] and sections  
126 32-9cc to 32-9gg, inclusive, as amended by this act, [and section 11 of  
127 public act 06-184] within available appropriations and any funds  
128 allocated pursuant to sections 4-66c, 22a-133t and 32-9t.

129 Sec. 2. Section 32-9ee of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective July 1, 2011*):

131 (a) Any municipality, economic development agency or entity  
132 established under chapter 130 or 132, nonprofit economic development  
133 corporation formed to promote the common good, general welfare and  
134 economic development of a municipality that is funded, either directly  
135 or through in-kind services, in part by a municipality, or a nonstock  
136 corporation or limited liability company controlled or established by a  
137 municipality, municipal economic development agency or entity  
138 created or operating under chapter 130 or 132 that receives grants  
139 through the Office of Brownfield Remediation and Development or the  
140 Department of Economic and Community Development, including  
141 those municipalities designated by the Commissioner of Economic and  
142 Community Development as part of the [pilot] municipal brownfield  
143 grant program established in subsection (c) of section 32-9cc, as  
144 amended by this act, for the investigation and remediation of a  
145 brownfield property shall be considered an innocent party and shall  
146 not be liable under section 22a-432, 22a-433, 22a-451 or 22a-452 for  
147 conditions pre-existing or existing on the brownfield property as of the  
148 date of acquisition or control as long as the municipality, economic  
149 development agency or entity established under chapter 130 or 132,  
150 nonprofit economic development corporation formed to promote the  
151 common good, general welfare and economic development of a  
152 municipality that is funded, either directly or through in-kind services,  
153 in part by a municipality, or a nonstock corporation or limited liability  
154 company controlled or established by a municipality, municipal  
155 economic development agency or entity created or operating under  
156 chapter 130 or 132 did not establish, cause or contribute to the  
157 discharge, spillage, uncontrolled loss, seepage or filtration of such  
158 hazardous substance, material, waste or pollution that is subject to  
159 remediation under section 22a-133k, as amended by this act, and  
160 funded by the Office of Brownfield Remediation and Development or  
161 the Department of Economic and Community Development; does not  
162 exacerbate the conditions; and complies with reporting of significant  
163 environmental hazard requirements in section 22a-6u. To the extent  
164 that any conditions are exacerbated, the municipality, economic  
165 development agency or entity established under chapter 130 or 132,

166 nonprofit economic development corporation formed to promote the  
167 common good, general welfare and economic development of a  
168 municipality that is funded, either directly or through in-kind services,  
169 in part by a municipality, or nonstock corporation or limited liability  
170 company controlled or established by a municipality, municipal  
171 economic development agency or entity created or operating under  
172 chapter 130 or 132 shall only be responsible for responding to  
173 contamination exacerbated by its negligent or reckless activities.

174 (b) In determining what funds shall be made available for an  
175 eligible brownfield remediation, the Commissioner of Economic and  
176 Community Development shall consider (1) the economic  
177 development opportunities such reuse and redevelopment may  
178 provide, (2) the feasibility of the project, (3) the environmental and  
179 public health benefits of the project, and (4) the contribution of the  
180 reuse and redevelopment to the municipality's tax base.

181 (c) No person shall acquire title to or hold, possess or maintain any  
182 interest in a property that has been remediated in accordance with the  
183 [pilot] municipal brownfield grant program established in subsection  
184 (c) of section 32-9cc, as amended by this act, if such person (1) is liable  
185 under section 22a-432, 22a-433, 22a-451 or 22a-452; (2) is otherwise  
186 responsible, directly or indirectly, for the discharge, spillage,  
187 uncontrolled loss, seepage or filtration of such hazardous substance,  
188 material or waste; (3) is a member, officer, manager, director,  
189 shareholder, subsidiary, successor of, related to, or affiliated with,  
190 directly or indirectly, the person who is otherwise liable to under  
191 section 22a-432, 22a-433, 22a-451 or 22a-452; or (4) is or was an owner,  
192 operator or tenant. If such person elects to acquire title to or hold,  
193 possess or maintain any interest in the property, that person shall  
194 reimburse the state of Connecticut, the municipality and the economic  
195 development agency for any and all costs expended to perform the  
196 investigation and remediation of the property, plus interest at a rate of  
197 eighteen per cent.

198 Sec. 3. Section 32-9ff of the general statutes is repealed and the

199 following is substituted in lieu thereof (*Effective July 1, 2011*):

200 (a) There is established an account to be known as the "Connecticut  
201 brownfields remediation account" which shall be a separate,  
202 nonlapsing account within the General Fund. The account shall  
203 contain any moneys required by law to be deposited in the account  
204 and shall be held separate and apart from other moneys, funds and  
205 accounts. Investment earnings credited to the account shall become  
206 part of the assets of the account. Any balance remaining in the account  
207 at the end of any fiscal year shall be carried forward in the account for  
208 the next fiscal year.

209 (b) The [Office of Brownfield Remediation and Development,  
210 established in subsections (a) to (f), inclusive, of section 32-9cc]  
211 Commissioner of Economic and Community Development may use  
212 amounts in the account established pursuant to subsection (a) of this  
213 section to fund remediation and restoration of brownfield sites as part  
214 of the [pilot] municipal brownfield grant program established in  
215 subsection (c) of section 32-9cc, as amended by this act.

216 Sec. 4. Section 22a-134a of the general statutes is amended by adding  
217 subsection (n) as follows (*Effective from passage*):

218 (NEW) (n) Notwithstanding any other provision of this section, the  
219 execution of a Form III or a Form IV shall not require a certifying party  
220 to investigate or remediate any release or potential release of pollution  
221 at the parcel that occurs after the completion of a Phase II  
222 investigation, as defined in the Connecticut Department of  
223 Environmental Protection's Site Characterization Guidance Document,  
224 or from and after the date such Form III or Form IV was filed with the  
225 commissioner, whichever is later.

226 Sec. 5. Section 22a-426 of the general statutes, as amended by section  
227 9 of public act 10-158, is amended by adding subsections (d) to (g),  
228 inclusive, as follows (*Effective from passage*):

229 (NEW) (d) The state's water quality standards, including the surface

230 and ground water classifications, in effect on February 28, 2011, shall  
231 remain in full force and effect, unless modified in accordance with  
232 subsections (a), (e), (f) and (g) of this section. On or after March 1, 2011,  
233 the commissioner may reclassify surface or ground waters within the  
234 state in accordance with the procedures specified in subsections (e), (f)  
235 and (g) of this section.

236 (NEW) (e) Notwithstanding the provisions of subsection (a) of this  
237 section and chapter 54, the following procedures shall apply to any  
238 surface or ground water reclassification initiated by the commissioner:  
239 (1) The commissioner shall hold a public hearing in accordance with  
240 subdivision (3) of subsection (f) of this section. Such public hearing  
241 shall not be considered a contested case pursuant to chapter 54; (2)  
242 notice of such hearing specifying the surface or ground waters for  
243 which reclassification is proposed and the time, date and place of such  
244 hearing and how members of the public may obtain additional  
245 information regarding such reclassification shall be published once in a  
246 newspaper having a substantial circulation in the affected area at least  
247 thirty days before such hearing; and (3) such notice shall also be given  
248 by certified mail to the chief executive officer of each municipality in  
249 which the water affected by such reclassification is located with a copy  
250 to the director of health of each municipality, at least thirty days prior  
251 to the hearing. Following the public hearing, the commissioner shall  
252 provide notice of the reclassification decision in the Connecticut Law  
253 Journal and to the chief elected official and the director of health of  
254 each municipality in which the water affected by such reclassification  
255 is located.

256 (NEW) (f) Notwithstanding the provisions of subsection (a) of this  
257 section and chapter 54, the following procedures shall apply to any  
258 surface or groundwater reclassification requested by a person other  
259 than the commissioner: (1) Any person seeking a reclassification shall  
260 apply to the commissioner on forms prescribed by the commissioner  
261 and shall provide the information required by such forms; (2) at least  
262 thirty days before the hearing specified in subdivision (3) of this  
263 subsection, the commissioner shall publish or cause to be published, at

264 the expense of the person seeking a reclassification, once in a  
265 newspaper having a substantial circulation in the affected area (A) the  
266 name of the person seeking a reclassification, (B) an identification of  
267 the surface or ground waters affected by such reclassification, (C)  
268 notice of the commissioner's tentative determination regarding such  
269 reclassification, (D) how members of the public may obtain additional  
270 information regarding such reclassification, and (E) the time, date and  
271 place of a public hearing regarding such reclassification. Any such  
272 notice shall also be given by certified mail to the chief executive officer  
273 of each municipality in which the water affected by such  
274 reclassification is located, with a copy to the director of health of each  
275 municipality, at least thirty days before the hearing; (3) the  
276 commissioner shall conduct a public hearing regarding any tentative  
277 determination to reclassify surface or ground waters. Such public  
278 hearing shall not be considered a contested case pursuant to chapter  
279 54, but shall be conducted in a manner which affords all interested  
280 persons reasonable opportunity to provide oral or written comments.  
281 The commissioner shall maintain a recording of the hearing; and (4)  
282 following the public hearing, the commissioner shall provide notice of  
283 the reclassification decision in the Connecticut Law Journal and to the  
284 chief elected official and the director of health of each municipality in  
285 which the water affected by such reclassification is located.

286 (NEW) (g) Any decision by the commissioner to reclassify surface or  
287 ground water shall be consistent with the state's water quality  
288 standards and the commissioner shall comply with all applicable  
289 federal requirements regarding reclassification of surface water.

290 Sec. 6. (*Effective from passage*) Not later than seven days after the  
291 effective date of this section, within available resources, the  
292 Commissioner of Environmental Protection shall commence a  
293 comprehensive evaluation of the property remediation programs and  
294 the provisions of the general statutes that affect property remediation.  
295 Not later than December 15, 2011, the commissioner shall issue a  
296 comprehensive report, in accordance with section 11-4a of the general  
297 statutes, to the Governor and to the joint standing committees of the

298 General Assembly having cognizance of matters relating to the  
299 environment and commerce. The evaluation shall include (1) factors  
300 that influence the length of time to complete investigation and  
301 remediation under existing programs; (2) the number of properties  
302 that have entered into each property remediation program, the rate by  
303 which properties enter and the number of properties that have  
304 completed the requirements of each property remediation program; (3)  
305 the use of licensed environmental professionals in expediting property  
306 remediation; (4) audits of verifications rendered by licensed  
307 environmental professionals; (5) the programs provided for in chapters  
308 445 and 446k of the general statutes that provide liability relief for  
309 potential and existing property owners; (6) a comparison of existing  
310 programs to states with a single remediation program; (7) the use by  
311 the commissioner of resources when adopting regulations such as  
312 studies published by other federal and state agencies, the Connecticut  
313 Academy of Science and Engineering or other such research  
314 organization and university studies; and (8) recommendations that will  
315 address issues identified in the report or improvements that may be  
316 necessary for a more streamlined or efficient remediation process.

317 Sec. 7. Subdivision (1) of subsection (a) of section 32-9kk of the  
318 general statutes is repealed and the following is substituted in lieu  
319 thereof (*Effective July 1, 2011*):

320 (1) "Brownfield" means any abandoned or underutilized site where  
321 redevelopment, [and] reuse or expansion has not occurred due to the  
322 presence or potential presence of pollution in the buildings, soil or  
323 groundwater that requires investigation or remediation before or in  
324 conjunction with the restoration, redevelopment and reuse of the  
325 property;

326 Sec. 8. Section 22a-6 of the general statutes is amended by adding  
327 subsections (i) to (k), inclusive, as follows (*Effective from passage*):

328 (NEW) (i) Notwithstanding the provisions of subsection (a) of this  
329 section, no person shall be required to pay any fee established by the

330 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by  
331 this act, 22a-134a, as amended by this act, or 22a-134e for any new or  
332 pending application, provided such person has received financial  
333 assistance from any department, institution, agency or authority of the  
334 state for the purpose of investigation or remediation, or both, of a  
335 brownfield site, as defined in section 32-9kk, as amended by this act,  
336 and such activity would otherwise require a fee to be paid to the  
337 commissioner for the activity conducted with such financial assistance.

338 (NEW) (j) Notwithstanding the provisions of subsection (a) of this  
339 section, no department, institution, agency or authority of the state or  
340 the state system of higher education shall be required to pay any fee  
341 established by the commissioner pursuant to section 22a-133x, 22a-  
342 133aa, as amended by this act, 22a-134a, as amended by this act, or 22a-  
343 134e for any new or pending application, provided such division of the  
344 state is conducting an investigation or remediation, or both, of a  
345 brownfield site, as defined in section 32-9kk, as amended by this act,  
346 and siting a state facility on such brownfield site.

347 (NEW) (k) Notwithstanding the provisions of subsection (a) of this  
348 section, no person shall be required to pay any fee associated with a  
349 brownfield, as defined in section 32-9kk, as amended by this act, due  
350 to the commissioner resulting from the actions of another party prior  
351 to their acquisition of such brownfield, provided such person intends  
352 to investigate and remediate such brownfield.

353 Sec. 9. Section 32-9ll of the general statutes is repealed and the  
354 following is substituted in lieu thereof (*Effective July 1, 2011*):

355 (a) There is established an abandoned brownfield cleanup program.  
356 The Commissioner of Economic and Community Development shall  
357 determine, in consultation with the Commissioner of Environmental  
358 Protection, properties and persons eligible for said program.

359 (b) For a person, [and] a municipality or a property to be eligible,  
360 the Commissioner of Economic and Community Development shall  
361 determine if (1) the property is a brownfield, as defined in section 32-

362 9kk, as amended by this act, and such property has been unused or  
363 significantly underused [since October 1, 1999] for at least five years  
364 before an application filed with the commissioner pursuant to  
365 subsection (g) of this section; (2) such person or municipality intends  
366 to acquire title to such property for the purpose of redeveloping such  
367 property; (3) the redevelopment of such property has a regional or  
368 municipal economic development benefit; (4) such person or  
369 municipality did not establish or create a facility or condition at or on  
370 such property that can reasonably be expected to create a source of  
371 pollution to the waters of the state for the purposes of section 22a-432  
372 and is not affiliated with any person responsible for such pollution or  
373 source of pollution through any direct or indirect familial relationship  
374 or any contractual, corporate or financial relationship other than a  
375 relationship by which such owner's interest in such property is to be  
376 conveyed or financed; (5) such person or municipality is not otherwise  
377 required by law, an order or consent order issued by the  
378 Commissioner of Environmental Protection or a stipulated judgment  
379 to remediate pollution on or emanating from such property; (6) the  
380 person responsible for pollution on or emanating from the property is  
381 indeterminable, is no longer in existence, is required by law to  
382 remediate releases on and emanating from the property or is otherwise  
383 unable to perform necessary remediation of such property; and (7) the  
384 property and the person meet any other criteria said commissioner  
385 deems necessary.

386 (c) For the purposes of this section, "municipality" means a  
387 municipality, economic development agency or entity established  
388 under chapter 130 or 132, nonprofit economic development  
389 corporation formed to promote the common good, general welfare and  
390 economic development of a municipality that is funded, either directly  
391 or through in-kind services, in part by a municipality, or a nonstock  
392 corporation or limited liability company controlled or established by a  
393 municipality, municipal economic development agency or entity  
394 created or operating under chapter 130 or 132.

395 (d) Notwithstanding the provisions of subsection (b) of this section,

396 a property owned by a municipality shall not be subject to subdivision  
397 (6) of subsection (b) of this section.

398 (e) Notwithstanding the provisions of subsection (b) of this section,  
399 a municipality may request the Commissioner of Economic and  
400 Community Development to determine if a property is eligible  
401 regardless of the person who currently owns such property.

402 (f) Notwithstanding subsection (b) of this section, the Commissioner  
403 of Economic and Community Development may waive the  
404 requirement of subdivision (1) of subsection (b) of this section, if the  
405 person or municipality seeking eligibility under this section otherwise  
406 demonstrates the eligibility of the property and the value of the  
407 redevelopment of such property.

408 [(b)] (g) Upon designation by the Commissioner of Economic and  
409 Community Development, in consultation with the Commissioner of  
410 Environmental Protection, of an eligible person [who] or municipality  
411 that holds title to such property, such eligible person or municipality  
412 shall (1) enter and remain in the voluntary remediation program  
413 established in section 22a-133x; [, provided such person will not be a  
414 certifying party for the property pursuant to section 22a-134 when  
415 acquiring such property;] (2) investigate pollution on such property in  
416 accordance with prevailing standards and guidelines and remediate  
417 pollution on such property in accordance with regulations established  
418 for remediation adopted by the Commissioner of Environmental  
419 Protection and in accordance with applicable schedules; and (3)  
420 eliminate further emanation or migration of any pollution from such  
421 property.

422 (h) An eligible person or municipality who has been accepted by the  
423 commissioner or who holds title to an eligible property designated to  
424 be in the abandoned [brownfields] brownfield cleanup program shall  
425 not be responsible for investigating or remediating any pollution or  
426 source of pollution that has emanated from such property prior to such  
427 person taking title to such property, and shall not be liable to the state

428 or any third party for the release of any regulated substance at or from  
429 the eligible property prior to taking title to such eligible property  
430 except and only to the extent that such applicant caused or contributed  
431 to the release of a regulated substance that is subject to remediation or  
432 negligently or recklessly exacerbated such condition.

433 [(c)] (i) Any applicant seeking a designation of eligibility for a  
434 person or a property under the abandoned brownfields cleanup  
435 program shall apply to the Commissioner of Economic and  
436 Community Development at such times and on such forms as the  
437 commissioner may prescribe.

438 [(d)] (j) Not later than sixty days after receipt of the application, the  
439 Commissioner of Economic and Community Development shall  
440 determine if the application is complete and shall notify the applicant  
441 of such determination.

442 [(e)] (k) Not later than ninety days after determining that the  
443 application is complete, the Commissioner of Economic and  
444 Community Development shall determine whether to include the  
445 property and applicant in the abandoned brownfields cleanup  
446 program.

447 [(f)] (l) Designation of a property in the abandoned [brownfields]  
448 brownfield cleanup program by the Commissioner of Economic and  
449 Community Development shall not limit the applicant's or any other  
450 person's ability to seek funding for such property under any other  
451 brownfield grant or loan program administered by the Department of  
452 Economic and Community Development, the Connecticut  
453 Development Authority or the Department of Environmental  
454 Protection.

455 (m) Designation of a property in the abandoned brownfield cleanup  
456 program by the Commissioner of Economic and Community  
457 Development shall exempt such eligible person or eligible  
458 municipality from filing as an establishment pursuant to sections 22a-  
459 134a to 22a-134d, inclusive, as amended by this act, if such real

460 property or prior business operations constitute an establishment.

461 (n) Upon completion of the requirements of subsection (g) of this  
462 section to the satisfaction of the Commissioner of Environmental  
463 Protection, such person or municipality shall qualify for a covenant not  
464 to sue from the Commissioner of Environmental Protection without  
465 fee, pursuant to section 22a-133aa, as amended by this act.

466 (o) Any person or municipality designated as an eligible person  
467 under the abandoned brownfield cleanup program shall be considered  
468 an innocent party and shall not be liable to the Commissioner of  
469 Environmental Protection or any person under section 22a-432, 22a-  
470 433, 22a-451 or 22a-452 or other similar statute or common law for  
471 conditions preexisting or existing on the brownfield property as of the  
472 date of acquisition or control as long as the person or municipality (1)  
473 did not establish, cause or contribute to the discharge, spillage,  
474 uncontrolled loss, seepage or filtration of such hazardous substance,  
475 material, waste or pollution; (2) does not exacerbate the conditions;  
476 and (3) complies with reporting of significant environmental hazard  
477 requirements in section 22a-6u. To the extent that any conditions are  
478 exacerbated, the person or municipality shall only be responsible for  
479 responding to contamination exacerbated by its negligent or reckless  
480 activities.

481 (p) Any person or municipality that acquires a property in the  
482 abandoned brownfield cleanup program shall apply to the  
483 Commissioner of Economic and Community Development on a form  
484 prescribed by said commissioner to determine if such person or  
485 municipality qualifies as an eligible party under the abandoned  
486 brownfield cleanup program. If the Commissioner of Economic and  
487 Community Development determines that such person or municipality  
488 is an eligible party, such eligible party shall be subject to the provisions  
489 of this section, and shall receive liability relief pursuant to subsections  
490 (h), (m), (n) and (o) of this section.

491 Sec. 10. Subdivision (1) of section 22a-134 of the general statutes is

492 repealed and the following is substituted in lieu thereof (*Effective from*  
493 *passage*):

494 (1) "Transfer of establishment" means any transaction or proceeding  
495 through which an establishment undergoes a change in ownership, but  
496 does not mean:

497 (A) Conveyance or extinguishment of an easement;

498 (B) Conveyance of an establishment through a foreclosure, as  
499 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
500 tax lien or through a tax warrant sale pursuant to section 12-157, an  
501 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
502 or by condemnation pursuant to section 32-224 or purchase pursuant  
503 to a resolution by the legislative body of a municipality authorizing the  
504 acquisition through eminent domain for establishments that also meet  
505 the definition of a brownfield as defined in section 32-9kk or a  
506 subsequent transfer by such municipality that has foreclosed on the  
507 property, foreclosed municipal tax liens or that has acquired title to the  
508 property through section 12-157, or is within the pilot program  
509 established in subsection (c) of section 32-9cc, or has acquired such  
510 property through the exercise of eminent domain pursuant to section  
511 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224  
512 or a resolution adopted in accordance with this subparagraph,  
513 provided (i) the party acquiring the property from the municipality  
514 did not establish, create or contribute to the contamination at the  
515 establishment and is not affiliated with any person who established,  
516 created or contributed to such contamination or with any person who  
517 is or was an owner or certifying party for the establishment, and (ii) on  
518 or before the date the party acquires the property from the  
519 municipality, such party or municipality enters and subsequently  
520 remains in the voluntary remediation program administered by the  
521 commissioner pursuant to section 22a-133x and remains in compliance  
522 with schedules and approvals issued by the commissioner. For  
523 purposes of this subparagraph, subsequent transfer by a municipality  
524 includes any transfer to, from or between a municipality, municipal

525 economic development agency or entity created or operating under  
526 chapter 130 or 132, a nonprofit economic development corporation  
527 formed to promote the common good, general welfare and economic  
528 development of a municipality that is funded, either directly or  
529 through in-kind services, in part by a municipality, or a nonstock  
530 corporation or limited liability company controlled or established by a  
531 municipality, municipal economic development agency or entity  
532 created or operating under chapter 130 or 132;

533 (C) Conveyance of a deed in lieu of foreclosure to a lender, as  
534 defined in and that qualifies for the secured lender exemption  
535 pursuant to subsection (b) of section 22a-452f;

536 (D) Conveyance of a security interest, as defined in subdivision (7)  
537 of subsection (b) of section 22a-452f;

538 (E) Termination of a lease and conveyance, assignment or execution  
539 of a lease for a period less than ninety-nine years including  
540 conveyance, assignment or execution of a lease with options or similar  
541 terms that will extend the period of the leasehold to ninety-nine years,  
542 or from the commencement of the leasehold, ninety-nine years,  
543 including conveyance, assignment or execution of a lease with options  
544 or similar terms that will extend the period of the leasehold to ninety-  
545 nine years, or from the commencement of the leasehold;

546 (F) Any change in ownership approved by the Probate Court;

547 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
548 executor or administrator under the terms of a testamentary trust or  
549 will, or by intestate succession;

550 (H) Corporate reorganization not substantially affecting the  
551 ownership of the establishment;

552 (I) The issuance of stock or other securities of an entity which owns  
553 or operates an establishment;

554 (J) The transfer of stock, securities or other ownership interests

555 representing less than forty per cent of the ownership of the entity that  
556 owns or operates the establishment;

557 (K) Any conveyance of an interest in an establishment where the  
558 transferor is the sibling, spouse, child, parent, grandparent, child of a  
559 sibling or sibling of a parent of the transferee;

560 (L) Conveyance of an interest in an establishment to a trustee of an  
561 inter vivos trust created by the transferor solely for the benefit of one  
562 or more siblings, spouses, children, parents, grandchildren, children of  
563 a sibling or siblings of a parent of the transferor;

564 (M) Any conveyance of a portion of a parcel upon which portion no  
565 establishment is or has been located and upon which there has not  
566 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
567 of hazardous waste, provided either the area of such portion is not  
568 greater than fifty per cent of the area of such parcel or written notice of  
569 such proposed conveyance and an environmental condition  
570 assessment form for such parcel is provided to the commissioner sixty  
571 days prior to such conveyance;

572 (N) Conveyance of a service station, as defined in subdivision (5) of  
573 this section;

574 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
575 had been developed solely for residential use and such use has not  
576 changed;

577 (P) Any conveyance of an establishment to any entity created or  
578 operating under chapter 130 or 132, or to an urban rehabilitation  
579 agency, as defined in section 8-292, or to a municipality under section  
580 32-224, or to the Connecticut Development Authority or any  
581 subsidiary of the authority;

582 (Q) Any conveyance of a parcel in connection with the acquisition of  
583 properties to effectuate the development of the overall project, as  
584 defined in section 32-651;

585 (R) The conversion of a general or limited partnership to a limited  
586 liability company under section 34-199;

587 (S) The transfer of general partnership property held in the names of  
588 all of its general partners to a general partnership which includes as  
589 general partners immediately after the transfer all of the same persons  
590 as were general partners immediately prior to the transfer;

591 (T) The transfer of general partnership property held in the names  
592 of all of its general partners to a limited liability company which  
593 includes as members immediately after the transfer all of the same  
594 persons as were general partners immediately prior to the transfer;

595 (U) Acquisition of an establishment by any governmental or quasi-  
596 governmental condemning authority;

597 (V) Conveyance of any real property or business operation that  
598 would qualify as an establishment solely as a result of (i) the  
599 generation of more than one hundred kilograms of universal waste in  
600 a calendar month, (ii) the storage, handling or transportation of  
601 universal waste generated at a different location, or (iii) activities  
602 undertaken at a universal waste transfer facility, provided any such  
603 real property or business operation does not otherwise qualify as an  
604 establishment; there has been no discharge, spillage, uncontrolled loss,  
605 seepage or filtration of a universal waste or a constituent of universal  
606 waste that is a hazardous substance at or from such real property or  
607 business operation; and universal waste is not also recycled, treated,  
608 except for treatment of a universal waste pursuant to 40 CFR  
609 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
610 such real property or business operation; [or]

611 (W) Conveyance of a unit in a residential common interest  
612 community in accordance with section 22a-134i;

613 (X) Acquisition of an establishment that is in the abandoned  
614 brownfield cleanup program established pursuant to section 32-9ll, as  
615 amended by this act, and all subsequent transfers of the establishment,

616 provided the establishment is undergoing remediation or is  
617 remediated in accordance with subsection (g) of said section 32-9ll;

618 (Y) Any transfer of title from a bankruptcy court or a municipality  
619 to a nonprofit organization; or

620 (Z) Acquisition of an establishment that is in the brownfield  
621 remediation and revitalization program and all subsequent transfers of  
622 the establishment, provided the establishment is in compliance with  
623 the brownfield investigation plan and remediation schedule, the  
624 commissioner has issued a no audit letter or successful audit closure  
625 letter in response to a verification or interim verification submitted  
626 regarding the remediation of such establishment under the brownfield  
627 remediation and revitalization program, or one hundred eighty days  
628 has expired since a verification or interim verification submitted  
629 regarding the remediation of such establishment under the brownfield  
630 remediation and revitalization program without an audit decision  
631 from the Commissioner of Environmental Protection;

632 Sec. 11. Section 22a-133aa of the general statutes is amended by  
633 adding subsection (g) as follows (*Effective from passage*):

634 (NEW) (g) Any prospective purchaser or municipality remediating  
635 property pursuant to the abandoned brownfield cleanup program  
636 established pursuant to section 32-9ll, as amended by this act, shall  
637 qualify for a covenant not to sue from the Commissioner of  
638 Environmental Protection without fee. Such covenant not to sue shall  
639 be transferable to subsequent owners provided the property is  
640 undergoing remediation or is remediated in accordance with  
641 subsection (g) of said section 32-9ll.

642 Sec. 12. Section 22a-133o of the general statutes is repealed and the  
643 following is substituted in lieu thereof (*Effective from passage*):

644 (a) An owner of land may execute and record an environmental use  
645 restriction under sections 22a-133n to 22a-133r, inclusive, on the land  
646 records of the municipality in which such land is located if (1) the

647 commissioner has adopted standards for the remediation of  
648 contaminated land pursuant to section 22a-133k and adopted  
649 regulations pursuant to section 22a-133q, as amended by this act, (2)  
650 the commissioner, or in the case of land for which remedial action was  
651 supervised under section 22a-133y, a licensed environmental  
652 professional, determines, as evidenced by his signature on such  
653 restriction, that it is consistent with the purposes and requirements of  
654 sections 22a-133n to 22a-133r, inclusive, as amended by this act, and of  
655 such standards and regulations, and (3) such restriction will effectively  
656 protect public health and the environment from the hazards of  
657 pollution.

658 (b) No owner of land may record an environmental use restriction  
659 on the land records of the municipality in which such land is located  
660 unless he simultaneously records documents which demonstrate that  
661 each person holding an interest in such land or any part thereof,  
662 including without limitation each mortgagee, lessee, lienor and  
663 encumbrancer, irrevocably subordinates such interest to the  
664 environmental use restriction provided the commissioner may waive  
665 such requirement if he finds that the interest in such land is so minor  
666 as to be unaffected by the environmental [land] use restriction. The  
667 commissioner shall waive the requirement to obtain subordination  
668 agreements for any interest in land that, when acted upon, is not  
669 capable of creating a condition contrary to any purpose of such  
670 environmental use restriction. An environmental use restriction shall  
671 run with land, shall bind the owner of the land and his successors and  
672 assigns, and shall be enforceable notwithstanding lack of privity of  
673 estate or contract or benefit to particular land.

674 (c) Within seven days [of] after executing an environmental use  
675 restriction and receiving thereon the signature of the commissioner or  
676 licensed environmental professional, as the case may be, the owner of  
677 the land involved therein shall record such restriction and documents  
678 required under subsection (b) of this section on the land records of the  
679 municipality in which such land is located and shall submit to the  
680 commissioner a certificate of title certifying that each interest in such

681 land or any part thereof is irrevocably subordinated to the  
682 environmental use restriction in accordance with said subsection (b).

683 (d) An owner of land with respect to which an environmental use  
684 restriction applies may be released, wholly or in part, permanently or  
685 temporarily, from the limitations of such restriction only with the  
686 commissioner's written approval which shall be consistent with the  
687 regulations adopted pursuant to section 22a-133q, as amended by this  
688 act, and shall be recorded on the land records of the municipality in  
689 which such land is located. [provided the] The commissioner may  
690 waive the requirement to record such release if he finds that the  
691 activity which is the subject of such release does not affect the overall  
692 purpose for which the environmental [land] use restriction was  
693 implemented, or for a temporary release, the activity is sufficiently  
694 limited in scope and duration, and does not alter the size of the area  
695 subject to the environmental land use restriction. The commissioner  
696 shall not approve any such permanent release unless the owner  
697 demonstrates that he has remediated the land, or such portion thereof  
698 as would be affected by the release, in accordance with the standards  
699 established pursuant to section 22a-133k.

700 (e) An environmental use restriction shall survive foreclosure of a  
701 mortgage, lien or other encumbrance.

702 Sec. 13. Section 22a-133p of the general statutes is repealed and the  
703 following is substituted in lieu thereof (*Effective from passage*):

704 (a) The Attorney General, at the request of the commissioner, shall  
705 institute a civil action in the superior court for the judicial district of  
706 Hartford or for the judicial district wherein the subject land is located  
707 for injunctive or other equitable relief to enforce an environmental use  
708 restriction or the provisions of sections 22a-133n to 22a-133q, inclusive,  
709 as amended by this act, and regulations adopted thereunder or to  
710 recover a civil penalty pursuant to subsection (e) of this section.

711 (b) The commissioner may issue orders pursuant to sections 22a-6,  
712 as amended by this act, and 22a-7 to enforce an environmental use

713 restriction or the provisions of sections 22a-133n to 22a-133q, inclusive,  
714 as amended by this act, and regulations adopted thereunder.

715 (c) In any administrative or civil proceeding instituted by the  
716 commissioner to enforce an environmental use restriction or the  
717 provisions of sections 22a-133n to 22a-133q, inclusive, as amended by  
718 this act, and regulations adopted thereunder, any other person may  
719 intervene as a matter of right.

720 (d) In any civil or administrative action to enforce an environmental  
721 use restriction or the provisions of sections 22a-133n to 22a-133q,  
722 inclusive, as amended by this act, and regulations adopted thereunder,  
723 the owner of the subject land, and any lessee thereof, shall be strictly  
724 liable for any violation of such restriction or the provisions of sections  
725 22a-133n to 22a-133q, inclusive, as amended by this act, and  
726 regulations adopted thereunder and shall be jointly and severally  
727 liable for abating such violation.

728 (e) Any owner of land with respect to which an environmental use  
729 restriction applies, and any lessee of such land, who violates any  
730 provision of such restriction or violates the provisions of sections 22a-  
731 133n to 22a-133q, inclusive, as amended by this act, and regulations  
732 adopted thereunder shall be assessed a civil penalty under section 22a-  
733 438. The penalty provided in this subsection shall be in addition to any  
734 injunctive or other equitable relief.

735 Sec. 14. Section 22a-133q of the general statutes is repealed and the  
736 following is substituted in lieu thereof (*Effective from passage*):

737 The commissioner shall adopt regulations, in accordance with the  
738 provisions of chapter 54, to carry out the purposes of sections 22a-133n  
739 to 22a-133r, inclusive, as amended by this act. Such regulations may  
740 include, but not be limited to, provisions regarding the form, contents,  
741 fees, financial surety, monitoring and reporting, filing procedure for,  
742 and release from, environmental use restrictions.

743 Sec. 15. Section 2 of public act 10-135 is repealed and the following is

744 substituted in lieu thereof (*Effective from passage*):

745 (a) There is established a working group to examine the remediation  
746 and development of brownfields in this state, including, but not  
747 limited to, the remediation scheme for such properties, permitting  
748 issues and liability issues, including those set forth by sections 22a-14  
749 to 22a-20, inclusive, of the general statutes.

750 (b) The working group shall consist of the following [eleven]  
751 thirteen members, each of whom shall have expertise related to  
752 brownfield redevelopment in environmental law, engineering, finance,  
753 development, consulting, insurance or another relevant field:

754 (1) [~~Two~~] Four appointed by the Governor;

755 (2) One appointed by the president pro tempore of the Senate;

756 (3) One appointed by the speaker of the House of Representatives;

757 (4) One appointed by the majority leader of the Senate;

758 (5) One appointed by the majority leader of the House of  
759 Representatives;

760 (6) One appointed by the minority leader of the Senate;

761 (7) One appointed by the minority leader of the House of  
762 Representatives;

763 (8) The Commissioner of Economic and Community Development  
764 or the commissioner's designee, who shall serve ex officio;

765 (9) The Commissioner of Environmental Protection or the  
766 commissioner's designee, who shall serve ex officio; and

767 (10) The Secretary of the Office of Policy and Management or the  
768 secretary's designee, who shall serve ex officio.

769 (c) [~~All~~] Any member of the working group as of the effective date

770 of this section shall continue to serve and all new appointments to the  
771 working group shall be made no later than thirty days after the  
772 effective date of this section. Any vacancy shall be filled by the  
773 appointing authority.

774 (d) The working group shall select chairpersons of the working  
775 group. [from among the appointed members of the working group.]  
776 Such chairpersons shall schedule the first meeting of the working  
777 group, which shall be held no later than sixty days after the effective  
778 date of this section.

779 (e) On or before January 15, [2011] 2012, the working group shall  
780 report, in accordance with the provisions of section 11-4a of the general  
781 statutes, on its findings and recommendations to the Governor and the  
782 joint standing [committee] committees of the General Assembly having  
783 cognizance of matters relating to commerce and the environment.

784 Sec. 16. Section 32-23zz of the general statutes is repealed and the  
785 following is substituted in lieu thereof (*Effective July 1, 2011*):

786 (a) For the purpose of assisting (1) any information technology  
787 project, as defined in subsection (ee) of section 32-23d, which is located  
788 in an eligible municipality, as defined in subdivision (12) of subsection  
789 (a) of section 32-9t, or (2) any remediation project, as defined in  
790 subsection (ii) of section 32-23d, the Connecticut Development  
791 Authority may, upon a resolution of the legislative body of a  
792 municipality, issue and administer bonds which are payable solely or  
793 in part from and secured by: (A) A pledge of and lien upon any and all  
794 of the income, proceeds, revenues and property of such a project,  
795 including the proceeds of grants, loans, advances or contributions from  
796 the federal government, the state or any other source, including  
797 financial assistance furnished by the municipality or any other public  
798 body, (B) taxes or payments or grants in lieu of taxes allocated to and  
799 payable into a special fund of the Connecticut Development Authority  
800 pursuant to the provisions of subsection (b) of this section, or (C) any  
801 combination of the foregoing. Any such bonds of the Connecticut

802 Development Authority shall mature at such time or times not  
803 exceeding thirty years from their date of issuance and shall be subject  
804 to the general terms and provisions of law applicable to the issuance of  
805 bonds by the Connecticut Development Authority, except that such  
806 bonds shall be issued without a special capital reserve fund as  
807 provided in subsection (b) of section 32-23j and, for purposes of section  
808 32-23f, only the approval of the board of directors of the authority shall  
809 be required for the issuance and sale of such bonds. Any pledge made  
810 by the municipality or the Connecticut Development Authority for  
811 bonds issued as provided in this section shall be valid and binding  
812 from the time when the pledge is made, and revenues and other  
813 receipts, funds or moneys so pledged and thereafter received by the  
814 municipality or the Connecticut Development Authority shall be  
815 subject to the lien of such pledge without any physical delivery thereof  
816 or further act. The lien of such pledge shall be valid and binding  
817 against all parties having claims of any kind in tort, contract or  
818 otherwise against the municipality or the Connecticut Development  
819 Authority, even if the parties have no notice of such lien. Recording of  
820 the resolution or any other instrument by which such a pledge is  
821 created shall not be required. In connection with any such assignment  
822 of taxes or payments in lieu of taxes, the Connecticut Development  
823 Authority may, if the resolution so provides, exercise the rights  
824 provided for in section 12-195h of an assignee for consideration of any  
825 lien filed to secure the payment of such taxes or payments in lieu of  
826 taxes. All expenses incurred in providing such assistance may be  
827 treated as project costs.

828 (b) Any proceedings authorizing the issuance of bonds under this  
829 section may contain a provision that taxes or a specified portion  
830 thereof, if any, identified in such authorizing proceedings and levied  
831 upon taxable real or personal property, or both, in a project each year,  
832 or payments or grants in lieu of such taxes or a specified portion  
833 thereof, by or for the benefit of any one or more municipalities,  
834 districts or other public taxing agencies, as the case may be, shall be  
835 divided as follows: (1) In each fiscal year that portion of the taxes or

836 payments or grants in lieu of taxes which would be produced by  
837 applying the then current tax rate of each of the taxing agencies to the  
838 total sum of the assessed value of the taxable property in the project on  
839 the date of such authorizing proceedings, adjusted in the case of grants  
840 in lieu of taxes to reflect the applicable statutory rate of  
841 reimbursement, shall be allocated to and when collected shall be paid  
842 into the funds of the respective taxing agencies in the same manner as  
843 taxes by or for said taxing agencies on all other property are paid; and  
844 (2) that portion of the assessed taxes or the payments or grants in lieu  
845 of taxes, or both, each fiscal year in excess of the amount referred to in  
846 subdivision (1) of this subsection shall be allocated to and when  
847 collected shall be paid into a special fund of the Connecticut  
848 Development Authority to be used in each fiscal year, in the discretion  
849 of the Connecticut Development Authority, to pay the principal of and  
850 interest due in such fiscal year on bonds issued by the Connecticut  
851 Development Authority to finance, refinance or otherwise assist such  
852 project, to purchase bonds issued for such project, or to reimburse the  
853 provider of or reimbursement party with respect to any guarantee,  
854 letter of credit, policy of bond insurance, funds deposited in a debt  
855 service reserve fund, funds deposited as capitalized interest or other  
856 credit enhancement device used to secure payment of debt service on  
857 any bonds issued by the Connecticut Development Authority to  
858 finance, refinance or otherwise assist such project, to the extent of any  
859 payments of debt service made therefrom. Unless and until the total  
860 assessed valuation of the taxable property in a project exceeds the total  
861 assessed value of the taxable property in such project as shown by the  
862 last assessment list referred to in subdivision (1) of this subsection, all  
863 of the taxes levied and collected and all of the payments or grants in  
864 lieu of taxes due and collected upon the taxable property in such  
865 project shall be paid into the funds of the respective taxing agencies.  
866 When such bonds and interest thereof, and such debt service  
867 reimbursement to the provider of or reimbursement party with respect  
868 to such credit enhancement, have been paid in full, all moneys  
869 thereafter received from taxes or payments or grants in lieu of taxes  
870 upon the taxable property in such development project shall be paid

871 into the funds of the respective taxing agencies in the same manner as  
872 taxes on all other property are paid. The total amount of bonds issued  
873 pursuant to this section which are payable from grants in lieu of taxes  
874 payable by the state shall not exceed an amount of bonds, the debt  
875 service on which in any state fiscal year is, in total, equal to one million  
876 dollars.

877 (c) The authority may make grants or provide loans or other forms  
878 of financial assistance from the proceeds of special or general  
879 obligation notes or bonds of the authority issued without the security  
880 of a special capital reserve fund within the meaning of subsection (b)  
881 of section 32-23j, which bonds are payable from and secured by, in  
882 whole or in part, the pledge and security provided for in section 8-134,  
883 8-192, 32-227 or this section, all on such terms and conditions,  
884 including such agreements with the municipality and the developer of  
885 the project, as the authority determines to be appropriate in the  
886 circumstances, provided any such project in an area designated as an  
887 enterprise zone pursuant to section 32-70 receiving such financial  
888 assistance shall be ineligible for any fixed assessment pursuant to  
889 section 32-71, and the authority, as a condition of such grant, loan or  
890 other financial assistance, may require the waiver, in whole or in part,  
891 of any property tax exemption with respect to such project otherwise  
892 available under subsection (59) or (60) of section 12-81.

893 (d) As used in this section, "bonds" means any bonds, including  
894 refunding bonds, notes, temporary notes, interim certificates,  
895 debentures or other obligations; "legislative body" has the meaning  
896 provided in subsection (w) of section 32-222; and "municipality" means  
897 a town, city, consolidated town or city or consolidated town and  
898 borough.

899 (e) For purposes of this section, references to the Connecticut  
900 Development Authority shall include any subsidiary of the  
901 Connecticut Development Authority established pursuant to  
902 subsection (l) of section 32-11a, and a municipality may act by and  
903 through its implementing agency, as defined in subsection (k) of

904 section 32-222.

905 [(f) No commitments for new projects shall be approved by the  
906 authority under this section on or after July 1, 2012.]

907 [(g) (f) In the case of a remediation project, as defined in subsection  
908 (ii) of section 32-23d, that involves buildings that are vacant,  
909 underutilized or in deteriorating condition and as to which municipal  
910 real property taxes are delinquent, in whole or in part, for more than  
911 one fiscal year, the amount determined in accordance with subdivision  
912 (1) of subsection (b) of this section may, if the resolution of the  
913 municipality so provides, be established at an amount less than the  
914 amount so determined, but not less than the amount of municipal  
915 property taxes actually paid during the most recently completed fiscal  
916 year. If the Connecticut Development Authority issues bonds for the  
917 remediation project, the amount established in the resolution shall be  
918 used for all purposes of subsection (a) of this section.

919 Sec. 17. (NEW) (*Effective July 1, 2011*) (a) As used in this section:

920 (1) "Bona fide prospective purchaser" means a person that acquires  
921 ownership of a property after January 1, 2012, and establishes by a  
922 preponderance of the evidence that:

923 (A) All disposal of regulated substances at the property occurred  
924 before the person acquired the property;

925 (B) Such person made all appropriate inquiries, as set forth in 40  
926 CFR Part 312, into the previous ownership and uses of the property in  
927 accordance with generally accepted good commercial and customary  
928 standards and practices, including, but not limited to, the standards  
929 and practices set forth in the ASTM Standard Practice for  
930 Environmental Site Assessments, Phase I Environmental Site  
931 Assessment Process, E1527-05. In the case of property in residential or  
932 other similar use at the time of purchase by a nongovernmental or  
933 noncommercial entity, a property inspection and title search that  
934 reveal no basis for further investigation shall be considered to satisfy

935 the requirements of this subparagraph;

936 (C) Such person provides all legally required notices with respect to  
937 the discovery or release of any regulated substances at the property;

938 (D) Such person exercises appropriate care with respect to regulated  
939 substances found at the property by taking reasonable steps to (i) stop  
940 any continuing release, (ii) prevent any threatened future release, and  
941 (iii) prevent or limit human, environmental or natural resource  
942 exposure to any previously released regulated substance;

943 (E) Such person provides full cooperation, assistance and access to  
944 persons authorized to conduct response actions or natural resource  
945 restoration at the property, including, but not limited to, the  
946 cooperation and access necessary for the installation, integrity,  
947 operation and maintenance of any complete or partial response actions  
948 or natural resource restoration at the property;

949 (F) Such person complies with any land use restrictions established  
950 or relied on in connection with the response action at the property and  
951 does not impede the effectiveness or integrity of any institutional  
952 control employed at the property in connection with a response action;  
953 and

954 (G) Such person complies with any request for information from the  
955 Commissioner of Environmental Protection.

956 (2) "Brownfield" has the same meaning as provided in section 32-  
957 9kk of the general statutes, as amended by this act.

958 (3) "Brownfield investigation plan and remediation schedule" means  
959 a plan and schedule for investigation and a schedule for remediation  
960 of an eligible property under this section. Such investigation plan and  
961 remediation schedule shall include both interim status or other  
962 appropriate interim target dates and a date for project completion not  
963 later than five years after a licensed environmental professional  
964 submits such investigation plan and remediation schedule to the

965 Commissioner of Environmental Protection, provided the  
966 Commissioner of Environmental Protection may extend such dates for  
967 good cause. The plan shall provide a schedule for activities including,  
968 but not limited to, completion of the investigation of the property in  
969 accordance with prevailing standards and guidelines, submittal of a  
970 complete investigation report, submittal of a detailed written plan for  
971 remediation, publication of notice of remedial actions, completion of  
972 remediation in accordance with standards adopted by said  
973 commissioner pursuant to section 22a-133k of the general statutes, as  
974 amended by this act, and submittal to said commissioner of a remedial  
975 action report. Except as otherwise provided in this section, in any  
976 detailed written plan for remediation submitted under this section, the  
977 applicant shall only be required to investigate and remediate  
978 conditions existing within the property boundaries and shall not be  
979 required to investigate or remediate any pollution or contamination  
980 that exists outside of the property's boundaries, including any  
981 contamination that may exist or has migrated to sediments, rivers,  
982 streams or off site.

983 (4) "Commissioner" means the Commissioner of Economic and  
984 Community Development.

985 (5) "Contiguous property owner" means a person who owns real  
986 property contiguous to or otherwise similarly situated with respect to,  
987 and that is or may be contaminated by a release or threatened release  
988 of a regulated substance from, real property that is not owned by that  
989 person, provided:

990 (A) With respect to the property owned by such person, such person  
991 takes reasonable steps to (i) stop any continuing release of any  
992 regulated substance released on or from the property, (ii) prevent any  
993 threatened future release of any regulated substance released on or  
994 from the property, and (iii) prevent or limit human, environmental or  
995 natural resource exposure to any regulated substance released on or  
996 from the property;

997 (B) Such person provides full cooperation, assistance and access to  
998 persons authorized to conduct response actions or natural resource  
999 restoration at the property from which there has been a release or  
1000 threatened release, including, but not limited to, the cooperation and  
1001 access necessary for the installation, integrity, operation and  
1002 maintenance of any complete or partial response action or natural  
1003 resource restoration at the property;

1004 (C) Such person complies with any land use restrictions established  
1005 or relied on in connection with the response action at the property and  
1006 does not impede the effectiveness or integrity of any institutional  
1007 control employed in connection with a response action;

1008 (D) Such person complies with any request for information from the  
1009 Commissioner of Environmental Protection; and

1010 (E) Such person provides all legally required notices with respect to  
1011 the discovery or release of any hazardous substances at the property.

1012 (6) "Distressed municipality" has the same meaning as provided in  
1013 section 32-9p of the general statutes.

1014 (7) "Economic development agency" means a municipality,  
1015 municipal economic development agency or entity created or  
1016 operating under chapter 130 or 132 of the general statutes, nonprofit  
1017 economic development corporation formed to promote the common  
1018 good, general welfare and economic development of a municipality  
1019 that is funded, either directly or through in-kind services, in part by a  
1020 municipality, or nonstock corporation or limited liability company  
1021 established or controlled by a municipality, municipal economic  
1022 development agency or entity created or operating under chapter 130  
1023 or 132 of the general statutes.

1024 (8) "Innocent landowner" has the same meaning as provided in  
1025 section 22a-452d of the general statutes.

1026 (9) "Interim verification" has the same meaning as provided in

1027 section 22a-134 of the general statutes, as amended by this act.

1028 (10) "Municipality" means any town, city or borough.

1029 (11) "National priorities list" means the list of hazardous waste  
1030 disposal sites compiled by the United States Environmental Protection  
1031 Agency pursuant to 42 USC 9605.

1032 (12) "PCB regulations" means the polychlorinated biphenyls  
1033 manufacturing, processing, distribution in commerce and use  
1034 prohibitions found at 40 CFR Part 761.

1035 (13) "Person" means any individual, firm, partnership, association,  
1036 syndicate, company, trust, corporation, limited liability company,  
1037 municipality, economic development agency, agency or political or  
1038 administrative subdivision of the state and any other legal entity.

1039 (14) "Principles of smart growth" means standards and objectives  
1040 that support and encourage smart growth when used to guide actions  
1041 and decisions, including, but not limited to, standards and criteria for  
1042 (A) integrated planning or investment that coordinates tax,  
1043 transportation, housing, environmental and economic development  
1044 policies at the state, regional and local level, (B) the reduction of  
1045 reliance on the property tax by municipalities by creating efficiencies  
1046 and coordination of services on the regional level while reducing  
1047 interlocal competition for grand list growth, (C) the redevelopment of  
1048 existing infrastructure and resources, including, but not limited to,  
1049 brownfields and historic places, (D) transportation choices that  
1050 provide alternatives to automobiles, including rail, public transit,  
1051 bikeways and walking, while reducing energy consumption, (E) the  
1052 development or preservation of housing affordable to households of  
1053 varying income in locations proximate to transportation or  
1054 employment centers or locations compatible with smart growth, (F)  
1055 concentrated, mixed-use, mixed income development proximate to  
1056 transit nodes and civic, employment or cultural centers, and (G) the  
1057 conservation and protection of natural resources by (i) preserving open  
1058 space, water resources, farmland, environmentally sensitive areas and

1059 historic properties, and (ii) furthering energy efficiency.

1060 (15) "Regulated substance" means any element, compound or  
1061 material that, when added to air, water, soil or sediment, may alter the  
1062 physical, chemical, biological or other characteristic of such air, water,  
1063 soil or sediment.

1064 (16) "Release" means any discharge, spillage, uncontrolled loss,  
1065 seepage, filtration, leakage, injection, escape, dumping, pumping,  
1066 pouring, emitting, emptying or disposal of a substance.

1067 (17) "Remediation standards" has the same meaning as provided in  
1068 section 22a-134 of the general statutes, as amended by this act.

1069 (18) "RCRA" means the Resource Conservation and Recovery Act  
1070 promulgated pursuant to 42 USC.

1071 (19) "Smart growth" means economic, social and environmental  
1072 development that (A) promotes, through financial and other  
1073 incentives, economic competitiveness in the state while preserving  
1074 natural resources, and (B) uses a collaborative approach to planning,  
1075 decision-making and evaluation between and among all levels of  
1076 government and the communities and the constituents they serve.

1077 (20) "State of Connecticut Superfund Priority List" means the list of  
1078 hazardous waste disposal sites compiled by the Connecticut  
1079 Department of Environmental Protection pursuant to section 22a-133f  
1080 of the general statutes.

1081 (21) "Transit-oriented development" has the same meaning as  
1082 provided in section 13b-79o of the general statutes.

1083 (22) "UST regulations" means regulations adopted pursuant to  
1084 subsection (d) of section 22a-449 of the general statutes.

1085 (23) "Verification" has the same meaning as provided in section 22a-  
1086 134 of the general statutes, as amended by this act.

1087 (b) The commissioner shall establish a brownfield remediation and  
1088 revitalization program to provide certain liability protections to  
1089 program participants. Not more than thirty-two properties a year shall  
1090 be accepted into the program. Participation in the program shall be by  
1091 accepted application pursuant to this subsection or by nomination  
1092 pursuant to subsection (d) of this section. To be considered for  
1093 acceptance into the program established pursuant to this subsection,  
1094 an applicant shall submit to the commissioner, on a form prescribed by  
1095 the commissioner, a certification that: (1) The applicant meets the  
1096 definition of a bona fide prospective purchaser, innocent land owner  
1097 or contiguous property owner; (2) the property meets the definition of  
1098 a brownfield and has been subject to a release of a regulated substance  
1099 in an amount that is in excess of the remediation standards; (3) the  
1100 applicant did not establish, create or maintain a source of pollution to  
1101 the waters of the state for purposes of section 22a-432 of the general  
1102 statutes and is not responsible pursuant to any other provision of the  
1103 general statutes for any pollution or source of pollution on the  
1104 property; (4) the applicant is not affiliated with any person responsible  
1105 for such pollution or source of pollution through any direct or indirect  
1106 familial relationship or any contractual, corporate or financial  
1107 relationship other than that by which such purchaser's interest in such  
1108 property is to be conveyed or financed; and (5) the property is not  
1109 currently the subject of an enforcement action, including any consent  
1110 order issued by the Department of Environmental Protection or the  
1111 United States Environmental Protection Agency under any current  
1112 Department of Environmental Protection or United States  
1113 Environmental Protection Agency program, listed on the national  
1114 priorities list, listed on the State of Connecticut Superfund Priority List,  
1115 or subject to corrective action as may be required by RCRA. The  
1116 commissioner may review such certifications to ensure accuracy, in  
1117 consultation with the Commissioner of Environmental Protection, and  
1118 applications will not be considered if such certifications are found  
1119 inaccurate.

1120 (c) To ensure a geographic distribution and a diversity of projects

1121 and broad access to the brownfield remediation and revitalization  
1122 program, the commissioner, in consultation with the Commissioner of  
1123 Environmental Protection, shall review all applications received and  
1124 determine admission of eligible properties into the brownfield  
1125 remediation and revitalization program based on state-wide portfolio  
1126 factors including: (1) Job creation and retention; (2) sustainability; (3)  
1127 readiness to proceed; (4) geographic distribution of projects; (5)  
1128 population of the municipality where the property is located; (6)  
1129 project size; (7) project complexity; (8) duration and degree to which  
1130 the property has been underused; (9) projected increase to the  
1131 municipal grand list; (10) consistency of the property as remediated  
1132 and developed with municipal or regional planning objectives; (11)  
1133 development plan's support for and furtherance of principles of smart  
1134 growth or transit-oriented development; and (12) other factors as may  
1135 be determined by the commissioner. Admittance into the brownfield  
1136 remediation and revitalization program shall not indicate approval or  
1137 award of funding requested under any federal, state or municipal  
1138 grant or loan program, including, but not limited to, any state  
1139 brownfield grant or loan program.

1140 (d) The commissioner shall accept nominations for participation in  
1141 the program established pursuant to subsection (b) of this section from  
1142 a municipality or an economic development agency.

1143 (e) (1) Properties otherwise eligible for the brownfield remediation  
1144 and revitalization program currently being investigated and  
1145 remediated in accordance with the state voluntary remediation  
1146 programs under sections 22a-133x and 22a-133y of the general statutes  
1147 and the covenant not to sue programs under section 22a-133aa or 22a-  
1148 133bb of the general statutes, as amended by this act, may participate  
1149 in said program.

1150 (2) Properties otherwise eligible for the brownfield remediation and  
1151 revitalization program that have been subject to a release requiring  
1152 action pursuant to the PCB regulations or that have been subject to a  
1153 release requiring action pursuant to the UST regulations shall not be

1154 deemed ineligible, but no provision of this section shall affect any  
1155 eligible party's obligation under such regulations to investigate or  
1156 remediate the extent of any such release.

1157 (f) Inclusion of a property within the brownfield remediation and  
1158 revitalization program by the commissioner shall not limit any  
1159 person's ability to seek funding for such property under any federal,  
1160 state or municipal grant or loan program, including, but not limited to,  
1161 any state brownfield grant or loan program. Admittance into the  
1162 brownfield remediation and revitalization program shall not indicate  
1163 approval or award of funding requested under any federal, state or  
1164 municipal grant or loan program, including, but not limited to, any  
1165 state brownfield grant or loan program.

1166 (g) Any applicant seeking a designation of eligibility for a person or  
1167 a property under the brownfield remediation and revitalization  
1168 program shall apply to the commissioner at such times and on such  
1169 forms as the commissioner may prescribe. The application shall  
1170 include, but not be limited to, (1) a title search, (2) the Phase I  
1171 Environmental Site Assessment conducted by or for the bona fide  
1172 prospective purchaser, which shall be prepared in accordance with the  
1173 Department of Environmental Protection's Site Characterization  
1174 Guidance Document, (3) a current property inspection, (4)  
1175 documentation demonstrating satisfaction of the eligibility criteria set  
1176 forth in subsection (b) of this section, (5) information about the project  
1177 that relates to the state-wide portfolio factors set forth in subsection (c)  
1178 of this section, and (6) such other information as the commissioner  
1179 may request to determine admission.

1180 (h) Any applicant accepted into the brownfield remediation and  
1181 revitalization program by the commissioner shall pay the  
1182 Commissioner of Environmental Protection a fee equal to five per cent  
1183 of the assessed value of the land, as stated on the last-completed grand  
1184 list of the relevant town. The fee shall be paid in two installments, each  
1185 equal to fifty per cent of such fee, subject to potential reductions as  
1186 specified in subsection (i) of this section. The first installment shall be

1187 due within one hundred eighty days of being notified that the  
1188 application has been accepted by the commissioner. The second  
1189 installment shall be due not later than four years of being notified that  
1190 the application has been accepted by the commissioner. Such fee shall  
1191 be deposited into the Special Contaminated Property Remediation and  
1192 Insurance Fund established pursuant to section 22a-133t of the general  
1193 statutes.

1194 (i) (1) The first installment of the fee in subsection (h) of this section  
1195 shall be reduced by ten per cent for any eligible party that completes  
1196 and submits to the Commissioner of Environmental Protection  
1197 documentation, approved in writing by a licensed environmental  
1198 professional and on a form prescribed by said commissioner, that the  
1199 investigation of the property has been completed in accordance with  
1200 prevailing standards and guidelines within one hundred eighty days  
1201 after the date the application is accepted by the commissioner.

1202 (2) The second installment of the fee in subsection (h) of this section  
1203 shall be eliminated for any eligible party that submits the remedial  
1204 action report and verification or interim verification to the  
1205 Commissioner of Environmental Protection within four years after the  
1206 date the application is accepted by the commissioner. In the event an  
1207 eligible party submits a request for Commissioner of Environmental  
1208 Protection approval, where such approval is required pursuant to the  
1209 remediation standard and where said commissioner issues a decision  
1210 on such request beyond sixty days after submittal, such four-year  
1211 period shall be extended by the number of days equal to the number of  
1212 days between the sixtieth day and the date a decision is issued by said  
1213 commissioner, but not including the number of days that a request by  
1214 said commissioner for supplemental information remains pending  
1215 with the eligible party.

1216 (3) The second installment of the fee in subsection (h) of this section  
1217 shall be reduced by, or any eligible party shall receive a refund in the  
1218 amount equal to, twice the reasonable environmental service costs of  
1219 such investigation, as determined by the Commissioner of

1220 Environmental Protection, for any eligible party that completes and  
1221 submits to the Commissioner of Environmental Protection  
1222 documentation, approved in writing by a licensed environmental  
1223 professional and on a form that may be prescribed by said  
1224 commissioner, that the investigation of the nature and extent of any  
1225 contamination that has migrated from the property has been  
1226 completed in accordance with prevailing standards and guidelines.  
1227 Said refund shall not exceed the amount of the second installment of  
1228 the fee in subsection (h) of this section.

1229 (4) No municipality or economic development agency seeking  
1230 designation of eligibility shall be required to pay a fee, provided the  
1231 municipality or economic development agency shall collect and pay to  
1232 the Commissioner of Environmental Protection the fee in subsection  
1233 (h) of this section upon transfer of the property to another person for  
1234 purposes of development.

1235 (5) A municipality or economic development agency may submit a  
1236 fee waiver request to the commissioner to waive a portion or the entire  
1237 fee for an eligible property not owned by the municipality and located  
1238 within that municipality. The commissioner, at their discretion, shall  
1239 consider the following factors in determining whether to approve a fee  
1240 waiver or reduction: (A) Location of the eligible project within a  
1241 distressed municipality; (B) demonstration by the municipality or  
1242 economic development agency that the project is of significant  
1243 economic impact; (C) demonstration by the municipality or economic  
1244 development agency that the project has a significant community  
1245 benefit to the municipality; (D) demonstration that the eligible party is  
1246 a governmental or nonprofit entity; and (E) demonstration that the fee  
1247 required will have a detrimental effect on the overall success of the  
1248 project.

1249 (j) A person whose application has been accepted into the  
1250 brownfield remediation and revitalization program shall not be liable  
1251 to the state or any third party for the release of any regulated  
1252 substance at or from the eligible property except and only to the extent

1253 that such applicant (A) caused or contributed to the release of a  
1254 regulated substance that is subject to remediation or exacerbated such  
1255 condition, or (B) the Commissioner of Environmental Protection  
1256 determines the existence of any of the conditions set forth in  
1257 subdivision (4) of subsection (n) of this section.

1258 (k) (1) A person whose application to the brownfield remediation  
1259 and revitalization program has been accepted by the commissioner (A)  
1260 shall investigate the release or threatened release of any regulated  
1261 substance within the boundaries of the property in accordance with  
1262 prevailing standards and guidelines and remediate such release or  
1263 threatened release within the boundaries of such property in  
1264 accordance with the brownfield investigation plan and remediation  
1265 schedule and this section, and (B) shall not be required to characterize,  
1266 abate and remediate the release of a regulated substance beyond the  
1267 boundary of the eligible property, except for releases caused or  
1268 contributed to by such person.

1269 (2) Not later than one hundred eighty days after the commissioner  
1270 accepts the application, the eligible party shall submit to the  
1271 commissioner and the Commissioner of Environmental Protection a  
1272 brownfield investigation plan and remediation schedule that is signed  
1273 and stamped by a licensed environmental professional. Unless  
1274 otherwise approved in writing by the Commissioner of Environmental  
1275 Protection, the eligible party shall submit a brownfield investigation  
1276 plan and remediation schedule which provides that the investigation  
1277 shall be completed within two years of the application being accepted  
1278 by the commissioner, remediation shall be initiated not later than three  
1279 years from the date of the application being accepted by the  
1280 commissioner and remediation shall be completed sufficiently to  
1281 support either a verification or interim verification within eight years  
1282 of the application being accepted by the commissioner. The schedule  
1283 shall also include a schedule for providing public notice of the  
1284 remediation prior to the initiation of such remediation in accordance  
1285 with subdivision (1) of subsection (k) of this section. Not later than two  
1286 years after the application is accepted by the commissioner, unless the

1287 Commissioner of Environmental Protection has specified a later day, in  
1288 writing, the eligible party shall submit to the Commissioner of  
1289 Environmental Protection documentation, approved in writing by a  
1290 licensed environmental professional and in a form prescribed by the  
1291 Commissioner of Environmental Protection, that the investigation of  
1292 the property has been completed in accordance with prevailing  
1293 standards and guidelines. Not later than three years after the  
1294 application is accepted by the commissioner, unless the Commissioner  
1295 of Environmental Protection has specified a later day, in writing, the  
1296 eligible party shall notify the Commissioner of Environmental  
1297 Protection and the commissioner in a form prescribed by the  
1298 Commissioner of Environmental Protection that the remediation has  
1299 been initiated, and shall submit to the Commissioner of Environmental  
1300 Protection a remedial action plan, approved in writing by a licensed  
1301 environmental professional in a form prescribed by the Commissioner  
1302 of Environmental Protection. Not later than eight years after the  
1303 application is accepted by the commissioner, unless the Commissioner  
1304 of Environmental Protection has specified a later day, in writing, the  
1305 eligible party shall complete remediation of the property and submit  
1306 the remedial action report and verification or interim verification to the  
1307 Commissioner of Environmental Protection and the commissioner. The  
1308 Commissioner of Environmental Protection shall grant a reasonable  
1309 extension if the eligible party demonstrates to the satisfaction of the  
1310 Commissioner of Environmental Protection that: (A) Such eligible  
1311 party has made reasonable progress toward investigation and  
1312 remediation of the eligible property; and (B) despite best efforts,  
1313 circumstances beyond the control of the eligible party have  
1314 significantly delayed the remediation of the eligible property.

1315 (3) An eligible party who submits an interim verification for an  
1316 eligible property, and any subsequent owner of such eligible property,  
1317 shall, until the remediation standards for groundwater are achieved,  
1318 (A) operate and maintain the long-term remedy for groundwater in  
1319 accordance with the remedial action plan, the interim verification and  
1320 any approvals issued by the Commissioner of Environmental

1321 Protection, (B) prevent exposure to any groundwater plume containing  
1322 a regulated substance in excess of the remediation standards on the  
1323 property, (C) take all reasonable action to contain any groundwater  
1324 plume on the property, and (D) submit annual status reports to the  
1325 Commissioner of Environmental Protection and the commissioner.

1326 (4) Before commencement of remedial action pursuant to the plan  
1327 and schedule, the eligible party shall: (A) Publish notice of the  
1328 remedial action in a newspaper having a substantial circulation in the  
1329 town where the property is located, (B) notify the director of health of  
1330 the municipality where the property is located, and (C) either (i) erect  
1331 and maintain for at least thirty days in a legible condition a sign not  
1332 less than six feet by four feet on the property, which shall be clearly  
1333 visible from the public highway and shall include the words  
1334 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
1335 FURTHER INFORMATION CONTACT:" and include a telephone  
1336 number for an office from which any interested person may obtain  
1337 additional information about the remedial action, or (ii) mail notice of  
1338 the remedial action to each owner of record of property which abuts  
1339 such property, at the address on the last-completed grand list of the  
1340 relevant town. Public comments shall be directed to the eligible party  
1341 for a thirty-day period starting with the last provided public notice  
1342 provision and such eligible party shall provide all comments and any  
1343 responses to the Commissioner of Environmental Protection prior to  
1344 commencing remedial action.

1345 (5) The remedial action shall be conducted under the supervision of  
1346 a licensed environmental professional and the remedial action report  
1347 shall be submitted to the commissioner and the Commissioner of  
1348 Environmental Protection signed and stamped by a licensed  
1349 environmental professional. In such report, the licensed environmental  
1350 professional shall include a detailed description of the remedial actions  
1351 taken and issue a verification or interim verification, in which he or she  
1352 shall render an opinion, in accordance with the standard of care  
1353 provided in subsection (c) of section 22a-133w of the general statutes,  
1354 that the action taken to contain, remove or mitigate the release of

1355 regulated substances within the boundaries of such property is in  
1356 accordance with the remediation standards.

1357 (6) All applications for permits required to implement such plan  
1358 and schedule in this section shall be submitted to the permit  
1359 ombudsman within the Department of Economic and Community  
1360 Development.

1361 (7) Each eligible party participating in the brownfield remediation  
1362 and revitalization program shall maintain all records related to its  
1363 implementation of such plan and schedule and completion of the  
1364 remedial action of the property for a period of not less than ten years  
1365 and shall make such records available to the commissioner or the  
1366 Commissioner of Environmental Protection at any time upon request  
1367 by either.

1368 (8) (A) Within sixty days of receiving a remedial action report  
1369 signed and stamped by a licensed environmental professional and a  
1370 verification or interim verification, the Commissioner of  
1371 Environmental Protection shall notify the eligible party and the  
1372 commissioner whether the Commissioner of Environmental Protection  
1373 will conduct an audit of such remedial action. Any such audit shall be  
1374 conducted not later than one hundred eighty days after the  
1375 Commissioner of Environmental Protection receives a remedial action  
1376 report signed and stamped by a licensed environmental professional  
1377 and a verification or interim verification. Within fourteen days of  
1378 completion of an audit, the Commissioner of Environmental Protection  
1379 shall send written audit findings to the eligibly party, the  
1380 commissioner and the licensed environmental professional. The audit  
1381 findings may approve or disapprove the report, provided any  
1382 disapproval shall set forth the reasons for such disapproval.

1383 (B) The Commissioner of Environmental Protection may request  
1384 additional information during an audit. If such information has not  
1385 been provided to said commissioner within fourteen days of such  
1386 request, the time frame for said commissioner to complete the audit

1387 shall be suspended until the information is provided to said  
1388 commissioner. The Commissioner of Environmental Protection may  
1389 choose to conduct such audit if and when the eligible party fails to  
1390 provide a response to said commissioner's request for additional  
1391 information within sixty days.

1392 (C) The Commissioner of Environmental Protection shall not  
1393 conduct an audit of a verification or interim verification after one  
1394 hundred eighty days from receipt of such verification unless (i) said  
1395 commissioner has reason to believe that a verification was obtained  
1396 through the submittal of materially inaccurate or erroneous  
1397 information, or otherwise misleading information material to the  
1398 verification or that material misrepresentations were made in  
1399 connection with the submittal of the verification, (ii) any post-  
1400 verification monitoring or operations and maintenance is required as  
1401 part of a verification and has not been done, (iii) a verification that  
1402 relies upon an environmental land use restriction was not recorded on  
1403 the land records of the municipality in which such land is located in  
1404 accordance with section 22a-133o of the general statutes, as amended  
1405 by this act, of the general statutes and applicable regulations, (iv) said  
1406 commissioner determines that there has been a violation of law  
1407 material to the verification, or (v) said commissioner determines that  
1408 information exists indicating that the remediation may have failed to  
1409 prevent a substantial threat to public health or the environment for  
1410 releases on the property.

1411 (l) Not later than sixty days after receiving a notice of disapproval or  
1412 a verification or interim verification from the Commissioner of  
1413 Environmental Protection, the eligible party shall submit to said  
1414 commissioner and to the commissioner a report of cure of noted  
1415 deficiencies. Within sixty days after receiving such report of cure of  
1416 noted deficiencies by said commissioner, said commissioner shall issue  
1417 a successful audit closure letter or a written disapproval of such report  
1418 of cure of noted deficiencies.

1419 (m) Before approving a verification or interim verification, the

1420 Commissioner of Environmental Protection may enter into a  
1421 memorandum of understanding with the eligible party with regard to  
1422 any further remedial action or monitoring activities on or at such  
1423 property that said commissioner deems necessary for the protection of  
1424 human health or the environment.

1425 (n) (1) An eligible party who has been accepted into the brownfield  
1426 remediation and revitalization program shall have no obligation as  
1427 part of its plan and schedule to characterize, abate and remediate any  
1428 plume of a regulated substance outside the boundaries of the subject  
1429 property, provided the notification requirements of section 22a-6u of  
1430 the general statutes pertaining to significant environmental hazards  
1431 shall continue to apply to the property and the eligible party shall not  
1432 be required to characterize, abate or remediate any such significant  
1433 environmental hazard outside the boundaries of the subject property  
1434 unless such significant environmental hazard arises from the actions of  
1435 the eligible party after its acquisition of or control over the property  
1436 from which such significant environmental hazard has emanated  
1437 outside its own boundaries. If an eligible party who has been accepted  
1438 into the brownfield remediation and revitalization program conveys or  
1439 otherwise transfers its ownership of the subject property and such  
1440 eligible party is in compliance with the provisions of this section and  
1441 the brownfield investigation plan and remediation schedule at the time  
1442 of conveyance or transfer of ownership, the provisions of this section  
1443 shall apply to such transferee, if such transferee meets the eligibility  
1444 criteria set forth in this section, pays the fee required by this section  
1445 and complies with all the obligations undertaken by the eligible party  
1446 under this section. In such case, all references to applicant or eligible  
1447 party shall mean the subsequent owner or transferee.

1448 (2) After the Commissioner of Environmental Protection issues  
1449 either a no audit letter or a successful audit closure letter, or no audit  
1450 decision has been made by said commissioner within one hundred  
1451 eighty days after the submittal of the remedial action report and  
1452 verification or interim verification, such eligible party shall not be  
1453 liable to the state or any third party for (A) costs incurred in the

1454 remediation of, equitable relief relating to, or damages resulting from  
1455 the release of regulated substances addressed in the brownfield  
1456 investigation plan and remediation schedule, and (B) historical off-site  
1457 impacts including air deposition, waste disposal, impacts to sediments  
1458 and natural resource damages. No eligible party shall be afforded any  
1459 relief from liability such eligible party may have from a release  
1460 requiring action pursuant to the PCB regulations or a release requiring  
1461 action pursuant to the UST regulations.

1462 (3) The provisions of this section concerning liability shall extend to  
1463 any person who acquires title to all or part of the property for which a  
1464 remedial action report and verification or interim verification have  
1465 been submitted pursuant to this section, provided (A) there is payment  
1466 of a fee of ten thousand dollars to said commissioner for each such  
1467 extension, (B) such person acquiring all or part of the property meets  
1468 the criteria of this section, and (C) the Commissioner of Environmental  
1469 Protection has issued either a successful audit closure letter or no audit  
1470 letter, or no audit decision has been made by said commissioner within  
1471 one hundred eighty days after the submittal of the remedial action  
1472 report and verification or interim verification. No municipality or  
1473 economic development agency that acquires title to all or part of the  
1474 property shall be required to pay a fee, provided the municipality or  
1475 economic development agency shall collect and pay the fee upon  
1476 transfer of the property to another person for purposes of  
1477 development. Such fee shall be deposited into the Special  
1478 Contaminated Property Remediation and Insurance Fund established  
1479 under section 22a-133t of the general statutes, and such funds shall be  
1480 for the exclusive use by the Department of Environmental Protection.

1481 (4) Neither a successful audit closure nor no audit letter issued  
1482 pursuant to this section, nor the expiration of one hundred eighty days  
1483 after the submittal of the remedial action report and verification or  
1484 interim verification without an audit decision by the Commissioner of  
1485 Environmental Protection, shall preclude said commissioner from  
1486 taking any appropriate action, including, but not limited to, any action  
1487 to require remediation of the property by the eligible party or, as

1488 applicable, to its successor, if said commissioner determines that:

1489 (A) The successful audit closure, no audit letter, or the expiration of  
1490 one hundred eighty days after the submittal of the remedial action  
1491 report and verification or interim verification without an audit  
1492 decision by the Commissioner of Environmental Protection was based  
1493 on information provided by the person submitting such remedial  
1494 action report and verification or interim verification that the  
1495 Commissioner of Environmental Protection can show that such person  
1496 knew, or had reason to know, was false or misleading, and, in the case  
1497 of the successor to an applicant, that such successor was aware or had  
1498 reason to know that such information was false or misleading;

1499 (B) New information confirms the existence of previously unknown  
1500 contamination that resulted from a release that occurred before the  
1501 date that an application has been accepted into the brownfield  
1502 remediation and revitalization program;

1503 (C) The eligible party who received the successful audit closure or  
1504 no audit letter or where one hundred eighty days lapsed without an  
1505 audit decision by the Commissioner of Environmental Protection has  
1506 materially failed to complete the remedial action required by the  
1507 brownfield investigation plan and remediation schedule or to carry out  
1508 or comply with monitoring, maintenance or operating requirements  
1509 pertinent to a remedial action including the requirements of any  
1510 environmental land use restriction; or

1511 (D) The threat to human health or the environment is increased  
1512 beyond an acceptable level due to substantial changes in exposure  
1513 conditions at such property, including, but not limited to, a change  
1514 from nonresidential to residential use of such property.

1515 (5) If an eligible party who has been accepted into the brownfield  
1516 remediation and revitalization program conveys or otherwise transfers  
1517 all or part of its ownership interest in the subject property at any time  
1518 before the issuance of a successful audit closure or no audit letter or  
1519 the expiration of one hundred eighty days after the submittal of the

1520 remedial action report and verification or interim verification without  
1521 an audit decision by the Commissioner of Environmental Protection,  
1522 the eligible party conveying or otherwise transferring its ownership  
1523 interest shall not be liable to the state or any third party for (A) costs  
1524 incurred in the remediation of, equitable relief relating to, or damages  
1525 resulting from the release of regulated substances addressed in the  
1526 brownfield investigation plan and remediation schedule, and (B)  
1527 historical off-site impacts including air deposition, waste disposal,  
1528 impacts to sediments and natural resource damages, provided the  
1529 eligible party complied with its obligations under this section during  
1530 the period when the eligible party held an ownership interest in the  
1531 subject property. Nothing in this subsection shall provide any relief  
1532 from liability such eligible party may have related to a release  
1533 requiring action pursuant to the PCB regulations, or a release requiring  
1534 action pursuant to the UST regulations.

1535 (6) Upon the Commissioner of Environmental Protection's issuance  
1536 of a successful audit closure letter, no audit letter, or one hundred  
1537 eighty days have passed since the submittal of a verification or interim  
1538 verification and such commissioner has not audited the verification or  
1539 interim verification, the immediate prior owner regardless of its own  
1540 eligibility to participate in the comprehensive brownfield remediation  
1541 and revitalization program shall have no liability to the state or any  
1542 third party for any future investigation and remediation of the release  
1543 of any regulated substance at the eligible property addressed in the  
1544 verification or interim verification, provided the immediate prior  
1545 owner has complied with any legal obligation such owner had with  
1546 respect to investigation and remediation of releases at and from the  
1547 property, and provided further the immediate prior owner shall retain  
1548 any and all liability such immediate prior owner would otherwise  
1549 have for the investigation and remediation of the release of any  
1550 regulated substance beyond the boundary of the eligible property. In  
1551 any event, the immediate prior owner shall remain liable for (A)  
1552 penalties or fines, if any, relating to the release of any regulated  
1553 substance at or from the eligible property, (B) costs and expenses, if

1554 any, recoverable or reimbursable pursuant to sections 22a-134b, 22a-  
1555 451 and 22a-452 of the general statutes, and (C) obligations of the  
1556 immediate prior owner as a certifying party on a Form III or IV  
1557 submitted pursuant to sections 22a-134 to 22a-1334e, inclusive, of the  
1558 general statutes, as amended by this act.

1559 (o) A person whose application to the brownfield remediation and  
1560 revitalization program has been accepted by the commissioner or any  
1561 subsequent eligible party whose application to the brownfield  
1562 remediation and revitalization program has been accepted by the  
1563 commissioner shall be exempt for filing as an establishment pursuant  
1564 to sections 22a-134a to 22a-134d, inclusive, of the general statutes, as  
1565 amended by this act, if such real property or prior business operations  
1566 constitute an establishment. Nothing in this section shall be construed  
1567 to alter any existing legal requirement applicable to any certifying  
1568 party at a property under sections 22a-134 and 22a-134a to 22a-134e,  
1569 inclusive, of the general statutes, as amended by this act.

1570 (p) Notwithstanding the provisions of this section, eligible parties  
1571 shall investigate and remediate, and remain subject to all applicable  
1572 statutes and requirements, the extent of any new release that occurs  
1573 during their ownership of the property.

1574 Sec. 18. Subdivision (1) of subsection (g) of section 2 of public act 05-  
1575 289 is repealed and the following is substituted in lieu thereof (*Effective*  
1576 *July 1, 2011*):

1577 (1) Notwithstanding any provision of the general statutes, including  
1578 sections 7-324 to 7-329, inclusive, whenever the district has authorized  
1579 the acquisition or construction of the improvements or has made an  
1580 appropriation therefor, the district may authorize the issuance of (A)  
1581 up to one hundred ninety million dollars of bonds, notes or other  
1582 obligations [to finance] which may be secured as to both principal and  
1583 interest by (i) the full faith and credit of the district, (ii) fees, revenues  
1584 or benefit assessments, or (iii) a combination of clause (i) and (ii) of this  
1585 subparagraph; (B) bonds, notes or obligations exclusively secured as to

1586 both principal and interest by fees, revenues, benefit assessments or  
1587 charges imposed by the district in relation to the property financed by  
1588 the bonds, notes or obligations; and (C) bonds, notes or obligations to  
1589 refund outstanding bonds, notes or obligations of the district. All such  
1590 bonds shall be issued to finance or refinance the cost of the  
1591 improvements, the creation and maintenance of reserves required to  
1592 sell the bonds, notes or obligations and the cost of issuance of the  
1593 bonds, notes or obligations, provided no bonds shall be issued prior to  
1594 the district entering into an interlocal agreement with the city of  
1595 Bridgeport in accordance with the procedures provided by section 7-  
1596 339c of the general statutes, including at least one public hearing on  
1597 the proposed agreement and ratification by the city council. [The  
1598 bonds, notes or other obligations may be secured as to both principal  
1599 or interest by (A) the full faith and credit of the district, (B) fees,  
1600 revenues or benefit assessments, or (C) a combination of  
1601 subparagraphs (A) and (B) of this subdivision.] Such bonds, notes or  
1602 obligations shall be authorized by resolution of the board. The district  
1603 is authorized to secure such bonds by the full faith and credit of the  
1604 district or by a pledge of or lien on all or part of its fees, revenues, [fees  
1605 or] benefit assessments or charges. The bonds of each issue shall be  
1606 dated, shall bear interest at the rates and shall mature at the time or  
1607 times not exceeding thirty years from their date or dates, as  
1608 determined by the board, and may be redeemable before maturity, at  
1609 the option of the board, at the price or prices and under the terms and  
1610 conditions fixed by the board before the issuance of the bonds. The  
1611 board shall determine the form of the bonds, and the manner of  
1612 execution of the bonds, and shall fix the denomination of the bonds  
1613 and the place or places of payment of principal and interest, which  
1614 may be at any bank or trust company within the state of Connecticut  
1615 and other locations as designated by the board. In case any officer  
1616 whose signature or a facsimile of whose signature shall appear on any  
1617 bonds or coupons shall cease to be an officer before the delivery of the  
1618 bonds, the signature or facsimile shall nevertheless be valid and  
1619 sufficient for all purposes the same as if the officer had remained in  
1620 office until the delivery.

1621 Sec. 19. Section 52-557f of the general statutes is repealed and the  
1622 following is substituted in lieu thereof (*Effective October 1, 2011*):

1623 As used in sections 52-557f to 52-557i, inclusive:

1624 (1) "Charge" means the admission price or fee asked in return for  
1625 invitation or permission to enter or go upon the land, except that  
1626 "charge" does not include tax revenue collected pursuant to title 12 by  
1627 any owner;

1628 (2) "Land" means land, roads, water, watercourses, private ways  
1629 and buildings, structures, and machinery or equipment when attached  
1630 to the realty;

1631 (3) "Owner" means the possessor of a fee interest, a tenant, lessee,  
1632 occupant or person in control of the premises and includes any  
1633 municipality, as defined in section 7-148, any district, as defined in  
1634 section 7-324, any metropolitan district created by special act or  
1635 pursuant to sections 7-333 to 7-339, inclusive, and any railroad  
1636 company;

1637 (4) "Recreational purpose" includes, but is not limited to, any of the  
1638 following, or any combination thereof: Hunting, fishing, swimming,  
1639 boating, camping, picnicking, hiking, pleasure driving, nature study,  
1640 water skiing, snow skiing, ice skating, sledding, hang gliding, sport  
1641 parachuting, hot air ballooning and viewing or enjoying historical,  
1642 archaeological, scenic or scientific sites.

1643 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) For purposes of this  
1644 section, "charge" has the same meaning as provided in section 52-557f  
1645 of the general statutes, as amended by this act, "hazardous waste" has  
1646 the same meaning as provided in section 22a-115 of the general  
1647 statutes, and "pollution" has the same meaning as provided in section  
1648 22a-423 of the general statutes.

1649 (b) Notwithstanding any provision of the general statutes or  
1650 regulations to the contrary, any municipality with a population greater

1651 than ninety thousand people that acquires an easement over property  
 1652 of another that is duly recorded on the land records for the purpose of  
 1653 making the property included in such easement available to the public  
 1654 for recreational use without charge, rent, fee or other commercial  
 1655 service shall not be liable to the state for any fines, penalties or costs of  
 1656 investigation or remediation with respect to any pollution or source of  
 1657 pollution or contamination by hazardous waste on or emanating from  
 1658 such easement area, provided such pollution or source of pollution or  
 1659 contamination by hazardous waste (1) occurred or existed on such  
 1660 property prior to the municipality's acquisition of such easement, and  
 1661 (2) was not caused or created by or contributed to by such  
 1662 municipality or by an agent of such municipality and provided such  
 1663 municipality, or the use of such easement area by the public, does not  
 1664 contribute to or exacerbate such existing pollution or source of  
 1665 pollution or contamination by hazardous waste or prevent the  
 1666 investigation or remediation of such pollution or contamination. Such  
 1667 municipality shall not interfere with, and shall provide access to, other  
 1668 persons who are investigating and remediating any such pollution or  
 1669 source of pollution or contamination by hazardous waste. This section  
 1670 does not limit or affect the liability of the owner or operator of the  
 1671 property on which such easement is located under any other provision  
 1672 of law, including, but not limited to, any obligation to address any  
 1673 such pollution or source of pollution or contamination by hazardous  
 1674 waste, or from any fines or penalties.

1675 (c) Any municipality that acquires an easement for recreational use  
 1676 as provided in subsection (b) of this section shall ensure that any  
 1677 pollution or source of pollution or contamination from hazardous  
 1678 waste, on or emanating from such easement area, does not pose a risk  
 1679 to the public based upon the use of such easement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	32-9cc
Sec. 2	<i>July 1, 2011</i>	32-9ee

Sec. 3	<i>July 1, 2011</i>	32-9ff
Sec. 4	<i>from passage</i>	22a-134a
Sec. 5	<i>from passage</i>	22a-426
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2011</i>	32-9kk(a)(1)
Sec. 8	<i>from passage</i>	22a-6
Sec. 9	<i>July 1, 2011</i>	32-9ll
Sec. 10	<i>from passage</i>	22a-134(1)
Sec. 11	<i>from passage</i>	22a-133aa
Sec. 12	<i>from passage</i>	22a-133o
Sec. 13	<i>from passage</i>	22a-133p
Sec. 14	<i>from passage</i>	22a-133q
Sec. 15	<i>from passage</i>	PA 10-135, Sec. 2
Sec. 16	<i>July 1, 2011</i>	32-23zz
Sec. 17	<i>July 1, 2011</i>	New section
Sec. 18	<i>July 1, 2011</i>	PA 05-289, Sec. 2(g)(1)
Sec. 19	<i>October 1, 2011</i>	52-557f
Sec. 20	<i>October 1, 2011</i>	New section