



# House of Representatives

General Assembly

**File No. 389**

February Session, 2012

Substitute House Bill No. 5343

*House of Representatives, April 12, 2012*

The Committee on Commerce reported through REP. BERGER of the 73rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH  
STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION  
PROGRAMS.***

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

1 Section 1. (*Effective from passage*) (a) On or before January 1, 2013, the  
2 Commissioner of Energy and Environmental Protection shall report, in  
3 accordance with the provisions of section 11-4a of the general statutes,  
4 to the Governor and the joint standing committees of the General  
5 Assembly having cognizance of matters relating to commerce and the  
6 environment the results of an ongoing review of the general statutes as  
7 they relate to brownfield remediation and development and  
8 regulations promulgated pursuant to section 22a-133k of the general  
9 statutes. Such report shall include any recommended changes to such  
10 statutes and regulations or any recommendations for any new  
11 program for responding to hazardous material releases. Any  
12 recommendation for any such changes or new program shall consider  
13 the report submitted pursuant to section 6 of public act 11-141. In  
14 developing recommendations for such changes or new program, the

15 commissioner shall also consider: (1) The potential effect on federally-  
 16 delegated programs; (2) the potential impact on certain small business  
 17 sectors and municipalities; (3) protection of human health and the  
 18 environment; (4) improvements in responding to releases, including  
 19 the greater use of and authority for licensed environmental  
 20 professionals overseeing the investigation and remediation of releases;  
 21 and (5) how any such changes or new program may facilitate  
 22 remediation and economic development, including at properties with  
 23 existing remediation responsibilities.

24 (b) For purposes of the report required pursuant to subsection (a) of  
 25 this section, the commissioner shall also consider new and expanded  
 26 means for periodically evaluating or auditing the effectiveness and  
 27 efficiency of any such changes or new program to ensure, among other  
 28 things, the appropriate exercise of authority by licensed environmental  
 29 professionals and timely and effective action by those responsible for  
 30 responding to releases. Such means may include, but are not limited  
 31 to, the expanded use of the State Board of Examiners of Environmental  
 32 Professionals established pursuant to section 22a-133v of the general  
 33 statutes, that currently oversees licensed environmental professionals.

34 (c) For purposes of the report required pursuant to subsection (a) of  
 35 this section, the commissioner shall also consider the most effective  
 36 means to implement any such recommended program, including, but  
 37 not limited to, the impact upon federally-delegated programs and the  
 38 extent, if at all, to which any changes or program may be applicable to  
 39 properties undergoing investigation and remediation under current  
 40 statutory requirements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In section 1(a)(4), "the efficacy of" was changed to "improvements in", and, in sections 1(b) and 1(c), "For the purposes of the report required pursuant to subsection (a) of this section," was added for clarity.

**CE**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which requires the Department of Energy and Environmental Protection (DEEP) to issue a report on brownfield remediation and development, is not anticipated to result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 5343**

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**SUMMARY:**

The Office of Legislative Research does not analyze Special Acts.

**COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/27/2012)