



General Assembly

February Session, 2012

Amendment

LCO No. 5280

HB0534205280HDO

Offered by:

REP. BERGER, 73rd Dist.
SEN. LEBEAU, 3rd Dist.
REP. CAMILLO, 151st Dist.
SEN. FRANTZ, 36th Dist.
REP. ALDARONDO, 75th Dist.
REP. BUTLER, 72nd Dist.
REP. D'AMELIO, 71st Dist.
REP. NOUJAIM, 74th Dist.
REP. SERRA, 33rd Dist.
REP. WILLIAMS, 68th Dist.
REP. MEGNA, 97th Dist.

REP. GENTILE, 104th Dist.
REP. JANOWSKI, 56th Dist.
SEN. KANE, 32nd Dist.
SEN. MARKLEY, 16th Dist.
REP. REBIMBAS, 70th Dist.
SEN. HARTLEY, 15th Dist.
SEN. MAYNARD, 18th Dist.
REP. LARSON, 11th Dist.
REP. ROY, 119th Dist.
REP. GUERRERA, 29th Dist.

To: Subst. House Bill No. 5342

File No. 441

Cal. No. 338

**"AN ACT CONCERNING REVISIONS TO THE STATE'S
BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 32-9kk of the 2012 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective July 1, 2012*):

6 (a) As used in subsections (b) to (k), inclusive, of this section:

7 (1) "Brownfield" means any abandoned or underutilized site where
8 redevelopment, reuse or expansion has not occurred due to the
9 presence or potential presence of pollution in the buildings, soil or
10 groundwater that requires investigation or remediation before or in
11 conjunction with the restoration, redevelopment and reuse of the
12 property;

13 (2) "Commissioner" means the Commissioner of Economic and
14 Community Development;

15 (3) "Department" means the Department of Economic and
16 Community Development;

17 (4) "Eligible applicant" means any municipality, a for-profit or
18 nonprofit organization or entity, [a local or regional] or economic
19 development [entity acting on behalf of a municipality] agency or any
20 combination thereof;

21 (5) "Financial assistance" means grants, extensions of credit, loans or
22 loan guarantees, participation interests in loans made to eligible
23 applicants by the Connecticut Development Authority or combinations
24 thereof;

25 (6) "Municipality" means a town, city, consolidated town and city or
26 consolidated town and borough;

27 (7) "Eligible brownfield project" means the foreclosure,
28 investigation, assessment, remediation and development of a
29 brownfield undertaken pursuant to this subsection and subsections (b)
30 to (k), inclusive, of this section;

31 (8) "Project area" means the area within which a brownfield
32 development project is located;

33 (9) "Real property" means land, buildings and other structures and
34 improvements thereto, subterranean or subsurface rights, any and all
35 easements, air rights and franchises of any kind or nature;

36 (10) "State" means the state of Connecticut; [and]

37 (11) "Eligible grant recipients" means municipalities [,] or economic
38 development [authorities, regional economic development authorities,
39 or qualified nonprofit community and economic development
40 corporations] agencies; and

41 (12) "Economic development agency" means (A) a municipal
42 economic development agency or entity created or operating under
43 chapter 130 or 132; (B) a nonprofit economic development corporation
44 formed to promote the common good, general welfare and economic
45 development of a municipality that is funded, either directly or
46 through in-kind services, in part by a municipality; or (C) a nonstock
47 corporation or limited liability company established or controlled by a
48 municipality, municipal economic development agency or an entity
49 created or operating under chapter 130 or 132.

50 Sec. 2. Subsection (f) of section 32-9kk of the 2012 supplement to the
51 general statutes is repealed and the following is substituted in lieu
52 thereof (*Effective July 1, 2012*):

53 (f) (1) The Department of Economic and Community Development
54 shall develop a targeted brownfield development loan program to
55 provide financial assistance in the form of low-interest loans to eligible
56 applicants who are potential brownfield purchasers who have no
57 direct or related liability for the site conditions and eligible applicants
58 who are existing property owners who (A) are currently in good
59 standing and otherwise compliant with the Department of Energy and
60 Environmental Protection's regulatory programs, (B) demonstrate an
61 inability to fund the investigation and cleanup themselves, and (C)
62 cannot retain or expand jobs due to the costs associated with the
63 investigating and remediating of the contamination.

64 (2) The commissioner shall provide low-interest loans to eligible
65 applicants who are purchasers or existing property owners pursuant to
66 this section who seek to develop property for purposes of retaining or
67 expanding jobs in the state or for developing affordable housing [to

68 serve the needs of first-time home buyers] units, suitable for first-time
69 home buyers, incentive housing zones, workforce housing and other
70 residential purposes, as approved by the commissioner. Loans shall be
71 available to manufacturing, retail, residential or mixed-use
72 developments, expansions or reuses. The commissioner shall provide
73 loans based upon project merit and viability, the economic and
74 community development opportunity, municipal support,
75 contribution to the community's tax base, number of jobs, past
76 experience of the applicant, compliance history and ability to pay.

77 (3) Any loan recipient who is a brownfields purchaser and who (A)
78 receives a loan in excess of thirty thousand dollars, or (B) uses loan
79 proceeds to perform a Phase II environmental investigation, shall be
80 subject to section 22a-134a or shall enter a voluntary program for
81 remediation of the property with the Department of Energy and
82 Environmental Protection. Any loan recipient who is an existing
83 property owner shall enter a voluntary program with the Department
84 of Energy and Environmental Protection.

85 (4) Loans made pursuant to this subsection shall have such terms
86 and conditions and shall be subject to such eligibility, loan approval
87 and criteria, as determined by the commissioner. Such conditions shall
88 include, but not be limited to, performance requirements and
89 commitments to maintain or retain jobs or provide a specified number
90 of affordable housing units. Loan repayment shall coincide with the
91 restoration of the site to a productive use or the completion of the
92 expansion. Such loans shall be for a period not to exceed twenty years.

93 (5) If the property is sold before loan repayment, the loan is payable
94 upon closing, with interest, unless the commissioner agrees otherwise.
95 The commissioner may carry the loan forward as an encumbrance to
96 the purchaser with the same terms and conditions as the original loan.

97 (6) Loans made pursuant to this subsection may be used for any
98 purpose, including the present or past costs of investigation,
99 assessment, remediation, abatement, hazardous materials or waste

100 disposal, long-term groundwater or natural attenuation monitoring,
101 costs associated with an environmental land use restriction, attorneys'
102 fees, planning, engineering and environmental consulting costs, and
103 building and structural issues, including demolition, asbestos
104 abatement, polychlorinated biphenyls removal, contaminated wood or
105 paint removal, and other infrastructure remedial activities.

106 (7) For any loan made pursuant to this subsection that is greater
107 than fifty thousand dollars, the applicant shall submit a redevelopment
108 plan that describes how the property will be used or reused for
109 commercial, industrial, residential or mixed-use development and how
110 it will result in jobs and private investment in the community. For any
111 residential development loan pursuant to this subsection, the
112 developer shall agree that the development will provide the affordable
113 housing needs reasonable and appropriate for first-time home buyers
114 or for workforce housing or recent college graduates looking to remain
115 in this state.

116 (8) The loan program established pursuant to this subsection shall
117 be available to all qualified new and existing property owners.
118 Recipients who use loans for commercial, industrial or mixed-use
119 development shall agree to retain or add jobs, during the term of the
120 loan, unless otherwise agreed to by the Department of Economic and
121 Community Development, the Connecticut Development Authority
122 and the Connecticut Brownfield Redevelopment Authority. The
123 residential developer shall agree to retire the loan upon sale of the
124 units unless the development will be apartments.

125 (9) Each loan recipient pursuant to this subsection may be eligible
126 for up to two million dollars per year for up to two years, subject to
127 agency underwriting and reasonable and customary requirements to
128 assure performance. If additional funds are needed, the Commissioner
129 of Economic and Community Development may recommend that the
130 project be funded through the State Bond Commission.

131 (10) The loan program established pursuant to this subsection shall

132 be available to all municipalities and economic development agencies,
133 and the commissioner may modify the terms of any such loan to a
134 municipality or economic development agency to provide for
135 forgiveness of interest, principal, or both, or delay in repayment of
136 interest, principal, or both, when the commissioner has determined
137 such forgiveness or delay is in the best interest of the state.

138 Sec. 3. Subsection (j) of section 32-9kk of the 2012 supplement to the
139 general statutes is repealed and the following is substituted in lieu
140 thereof (*Effective July 1, 2012*):

141 (j) The commissioner may use any available funds for financial
142 assistance under the provisions of subsections (a) to (k), inclusive, of
143 this section and may use such funds for the staffing, marketing and
144 web site development for the programs established pursuant to
145 subsections (a) to (k), inclusive, of this section and the administration
146 of the Office of Brownfield Remediation and Development established
147 pursuant to section 32-9cc, provided such costs do not exceed four per
148 cent of any such funds authorized.

149 Sec. 4. Subsection (l) of section 32-9kk of the 2012 supplement to the
150 general statutes is repealed and the following is substituted in lieu
151 thereof (*Effective July 1, 2012*):

152 (l) There is established a separate nonlapsing account within the
153 General Fund to be known as the "brownfield remediation and
154 development account". There shall be deposited in the account: (1) The
155 proceeds of bonds issued by the state for deposit into said account and
156 used in accordance with this section; (2) repayments of assistance
157 provided pursuant to subsection (c) of section 22a-133u; (3) interest or
158 other income earned on the investment of moneys in the account; (4)
159 funds recovered pursuant to [subsection] subsections (i) and (k) of this
160 section; and (5) all funds required by law to be deposited in the
161 account. Repayment of principal and interest on loans made pursuant
162 to subsections (a) to (k), inclusive, of this section shall be credited to
163 such account and shall become part of the assets of the account. Any

164 balance remaining in such account at the end of any fiscal year shall be
165 carried forward in the account for the fiscal year next succeeding.

166 Sec. 5. (NEW) (*Effective from passage*) (a) To promote redevelopment
167 of properties that will provide significant regional or state-wide
168 economic benefits in a manner that promotes smart growth, as defined
169 in section 1 of public act 09-230, the Commissioners of Economic and
170 Community Development, Energy and Environmental Protection and
171 Transportation, and the Secretary of the Office of Policy and
172 Management may cooperatively develop pilot programs that facilitate
173 such redevelopment. The Commissioner of Economic and Community
174 Development shall certify before February 1, 2013, to the Governor for
175 his or her approval no more than three development projects that are
176 likely to produce significant regional or state-wide economic
177 development benefit. Such development projects shall (1) be located in
178 a distressed municipality, target investment community or enterprise
179 zone, (2) primarily involve redevelopment of previously developed
180 properties, and (3) be consistent with the principles of smart growth as
181 defined in section 1 of public act 09-230. Upon approval by the
182 Governor of any such project, the Commissioner of Economic and
183 Community Development shall publish notice of such approval,
184 including a description of the project, in the affected municipalities,
185 provided such publication shall include notice in the Environmental
186 Monitor.

187 (b) On or before February 1, 2013, the Commissioner of Economic
188 and Community Development shall, in accordance with the provisions
189 of section 11-4a of the general statutes, report to the Governor and the
190 joint standing committee of the General Assembly having cognizance
191 of matters relating to commerce on the success of any pilot program
192 developed in accordance with this section.

193 Sec. 6. Subdivision (1) of section 22a-134 of the 2012 supplement to
194 the general statutes is repealed and the following is substituted in lieu
195 thereof (*Effective from passage*):

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

199 (A) Conveyance or extinguishment of an easement;

200 (B) Conveyance of an establishment through a foreclosure, as
201 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
202 tax lien or through a tax warrant sale pursuant to section 12-157, an
203 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
204 or by condemnation pursuant to section 32-224 or purchase pursuant
205 to a resolution by the legislative body of a municipality authorizing the
206 acquisition through eminent domain for establishments that also meet
207 the definition of a brownfield, as defined in section 32-9kk or a
208 subsequent transfer by such municipality that has foreclosed on the
209 property, foreclosed municipal tax liens or that has acquired title to the
210 property through section 12-157, or is within the pilot program
211 established in subsection (c) of section 32-9cc, or has acquired such
212 property through the exercise of eminent domain pursuant to section
213 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224
214 or a resolution adopted in accordance with this subparagraph,
215 provided (i) the party acquiring the property from the municipality
216 did not establish, create or contribute to the contamination at the
217 establishment and is not affiliated with any person who established,
218 created or contributed to such contamination or with any person who
219 is or was an owner or certifying party for the establishment, and (ii) on
220 or before the date the party acquires the property from the
221 municipality, such party or municipality enters and subsequently
222 remains in the voluntary remediation program administered by the
223 commissioner pursuant to section 22a-133x and remains in compliance
224 with schedules and approvals issued by the commissioner. For
225 purposes of this subparagraph, subsequent transfer by a municipality
226 includes any transfer to, from or between a municipality, municipal
227 economic development agency or entity created or operating under
228 chapter 130 or 132, a nonprofit economic development corporation
229 formed to promote the common good, general welfare and economic

230 development of a municipality that is funded, either directly or
231 through in-kind services, in part by a municipality, or a nonstock
232 corporation or limited liability company controlled or established by a
233 municipality, municipal economic development agency or entity
234 created or operating under chapter 130 or 132;

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

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

240 (E) Termination of a lease and conveyance, assignment or execution
241 of a lease for a period less than ninety-nine years including
242 conveyance, assignment or execution of a lease with options or similar
243 terms that will extend the period of the leasehold to ninety-nine years,
244 or from the commencement of the leasehold, ninety-nine years,
245 including conveyance, assignment or execution of a lease with options
246 or similar terms that will extend the period of the leasehold to ninety-
247 nine years, or from the commencement of the leasehold;

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

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

252 (H) Corporate reorganization not substantially affecting the
253 ownership of the establishment;

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

256 (J) The transfer of stock, securities or other ownership interests
257 representing less than forty per cent of the ownership of the entity that
258 owns or operates the establishment;

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

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

266 (M) Any conveyance of a portion of a parcel upon which portion no
267 establishment is or has been located and upon which there has not
268 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
269 of hazardous waste, provided either the area of such portion is not
270 greater than fifty per cent of the area of such parcel or written notice of
271 such proposed conveyance and an environmental condition
272 assessment form for such parcel is provided to the commissioner sixty
273 days prior to such conveyance;

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

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

279 (P) Any conveyance of an establishment to any entity created or
280 operating under chapter 130 or 132, or to an urban rehabilitation
281 agency, as defined in section 8-292, or to a municipality under section
282 32-224, or to the Connecticut Development Authority or any
283 subsidiary of the authority;

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

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

289 (S) The transfer of general partnership property held in the names of
290 all of its general partners to a general partnership which includes as
291 general partners immediately after the transfer all of the same persons
292 as were general partners immediately prior to the transfer;

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

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

299 (V) Conveyance of any real property or business operation that
300 would qualify as an establishment solely as a result of (i) the
301 generation of more than one hundred kilograms of universal waste in
302 a calendar month, (ii) the storage, handling or transportation of
303 universal waste generated at a different location, or (iii) activities
304 undertaken at a universal waste transfer facility, provided any such
305 real property or business operation does not otherwise qualify as an
306 establishment; there has been no discharge, spillage, uncontrolled loss,
307 seepage or filtration of a universal waste or a constituent of universal
308 waste that is a hazardous substance at or from such real property or
309 business operation; and universal waste is not also recycled, treated,
310 except for treatment of a universal waste pursuant to 40 CFR
311 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
312 such real property or business operation;

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

315 (X) Acquisition of an establishment that is in the abandoned
316 brownfield cleanup program established pursuant to section 32-91l and
317 all subsequent transfers of the establishment, provided the
318 establishment is undergoing remediation or is remediated in
319 accordance with subsection (g) of said section 32-91l;

320 (Y) Any transfer of title from a bankruptcy court or a municipality
321 to a nonprofit organization; [or]

322 (Z) Acquisition of an establishment that is in the brownfield
323 remediation and revitalization program and all subsequent transfers of
324 the establishment, provided the establishment is in compliance with
325 the brownfield investigation plan and remediation schedule, the
326 commissioner has issued a no audit letter or successful audit closure
327 letter in response to a verification or interim verification submitted
328 regarding the remediation of such establishment under the brownfield
329 remediation and revitalization program, or one hundred eighty days
330 has expired since a verification or interim verification submitted
331 regarding the remediation of such establishment under the brownfield
332 remediation and revitalization program without an audit decision
333 from the Commissioner of Energy and Environmental Protection; or

334 (AA) Conveyance of an establishment in connection with the
335 acquisition of properties to effectuate the development of a project
336 certified and approved pursuant to section 5 of this act, provided any
337 such property is investigated and remediated in accordance with
338 section 22a-133y;

339 Sec. 7. Subdivision (1) of section 22a-134 of the 2012 supplement to
340 the general statutes, as amended by section 53 of public act 11-241, is
341 repealed and the following is substituted in lieu thereof (*Effective*
342 *January 1, 2014*):

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

346 (A) Conveyance or extinguishment of an easement;

347 (B) Conveyance of an establishment through a foreclosure, as
348 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
349 tax lien or through a tax warrant sale pursuant to section 12-157, an
350 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193

351 or by condemnation pursuant to section 32-224 or purchase pursuant
352 to a resolution by the legislative body of a municipality authorizing the
353 acquisition through eminent domain for establishments that also meet
354 the definition of a brownfield, as defined in section 32-9kk, or a
355 subsequent transfer by such municipality that has foreclosed on the
356 property, foreclosed municipal tax liens or that has acquired title to the
357 property through section 12-157, or is within the pilot program
358 established in subsection (c) of section 32-9cc, or has acquired such
359 property through the exercise of eminent domain pursuant to section
360 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224
361 or a resolution adopted in accordance with this subparagraph,
362 provided (i) the party acquiring the property from the municipality
363 did not establish, create or contribute to the contamination at the
364 establishment and is not affiliated with any person who established,
365 created or contributed to such contamination or with any person who
366 is or was an owner or certifying party for the establishment, and (ii) on
367 or before the date the party acquires the property from the
368 municipality, such party or municipality enters and subsequently
369 remains in the voluntary remediation program administered by the
370 commissioner pursuant to section 22a-133x and remains in compliance
371 with schedules and approvals issued by the commissioner. For
372 purposes of this subparagraph, subsequent transfer by a municipality
373 includes any transfer to, from or between a municipality, municipal
374 economic development agency or entity created or operating under
375 chapter 130 or 132, a nonprofit economic development corporation
376 formed to promote the common good, general welfare and economic
377 development of a municipality that is funded, either directly or
378 through in-kind services, in part by a municipality, or a nonstock
379 corporation or limited liability company controlled or established by a
380 municipality, municipal economic development agency or entity
381 created or operating under chapter 130 or 132;

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

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

387 (E) Termination of a lease and conveyance, assignment or execution
388 of a lease for a period less than ninety-nine years including
389 conveyance, assignment or execution of a lease with options or similar
390 terms that will extend the period of the leasehold to ninety-nine years,
391 or from the commencement of the leasehold, ninety-nine years,
392 including conveyance, assignment or execution of a lease with options
393 or similar terms that will extend the period of the leasehold to ninety-
394 nine years, or from the commencement of the leasehold;

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

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

399 (H) Corporate reorganization not substantially affecting the
400 ownership of the establishment;

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

403 (J) The transfer of stock, securities or other ownership interests
404 representing less than forty per cent of the ownership of the entity that
405 owns or operates the establishment;

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

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

413 (M) Any conveyance of a portion of a parcel upon which portion no

414 establishment is or has been located and upon which there has not
415 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
416 of hazardous waste, provided either the area of such portion is not
417 greater than fifty per cent of the area of such parcel or written notice of
418 such proposed conveyance and an environmental condition
419 assessment form for such parcel is provided to the commissioner sixty
420 days prior to such conveyance;

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

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

426 (P) Any conveyance of an establishment to any entity created or
427 operating under chapter 130 or 132, or to an urban rehabilitation
428 agency, as defined in section 8-292, or to a municipality under section
429 32-224, or to the Connecticut Development Authority or any
430 subsidiary of the authority;

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

434 (R) The transfer of general partnership property held in the names
435 of all of its general partners to a general partnership which includes as
436 general partners immediately after the transfer all of the same persons
437 as were general partners immediately prior to the transfer;

438 (S) The transfer of general partnership property held in the names of
439 all of its general partners to a limited liability company which includes
440 as members immediately after the transfer all of the same persons as
441 were general partners immediately prior to the transfer;

442 (T) Acquisition of an establishment by any governmental or quasi-
443 governmental condemning authority;

444 (U) Conveyance of any real property or business operation that
445 would qualify as an establishment solely as a result of (i) the
446 generation of more than one hundred kilograms of universal waste in
447 a calendar month, (ii) the storage, handling or transportation of
448 universal waste generated at a different location, or (iii) activities
449 undertaken at a universal waste transfer facility, provided any such
450 real property or business operation does not otherwise qualify as an
451 establishment; there has been no discharge, spillage, uncontrolled loss,
452 seepage or filtration of a universal waste or a constituent of universal
453 waste that is a hazardous substance at or from such real property or
454 business operation; and universal waste is not also recycled, treated,
455 except for treatment of a universal waste pursuant to 40 CFR
456 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
457 such real property or business operation; [or]

458 (V) Conveyance of a unit in a residential common interest
459 community in accordance with section 22a-134i; or

460 (W) Conveyance of an establishment in connection with the
461 acquisition of properties to effectuate the development of a project
462 certified and approved pursuant to section 5 of this act, provided any
463 such property is investigated and remediated in accordance with
464 section 22a-133y.

465 Sec. 8. (NEW) (*Effective from passage*) (a) Notwithstanding sections
466 22a-1 to 22a-1i, inclusive, of the general statutes, upon approval by the
467 Governor of a project, in accordance with section 5 of this act, such
468 project shall comply with the procedure set forth in this section.

469 (b) The Department of Economic and Community Development
470 shall prepare a written evaluation of the impact of the overall project
471 on the environment. Such evaluation shall include a list of all permits,
472 licenses or other approvals required by the Department of Energy and
473 Environmental Protection and a detailed evaluation of environmental
474 impacts that addresses all of the matters in subsection (c) of section
475 22a-1b of the general statutes. The commissioner shall consider all

476 public comments in preparing such environmental impact evaluation.
477 The Commissioner of Economic and Community Development shall
478 submit such evaluation and a summary thereof, including any
479 negative findings to the Commissioner of Energy and Environmental
480 Protection and the Secretary of the Office of Policy and Management
481 and shall make the evaluation and summary available to the public for
482 inspection and comment at the same time. The Commissioner of
483 Economic and Community Development shall hold a public hearing
484 on the evaluation and shall publish notice of the availability of such
485 evaluation and summary in The Environmental Monitor and a
486 newspaper of general circulation in the effected municipalities not less
487 than fourteen calendar days before the date of such hearing. Any
488 person may comment at the public hearing or in writing not later than
489 the second day following the close of the public hearing. All public
490 comments received by the Department of Economic and Community
491 Development shall be promptly forwarded to the Commissioner of
492 Energy and Environmental Protection and the Secretary of the Office
493 of Policy and Management and shall be made available for public
494 inspection.

495 (c) The Secretary of the Office of Policy and Management shall
496 review the evaluation, together with the comments thereon, and shall
497 make a written determination as to whether (1) the process prescribed
498 in this section has been followed, (2) such evaluation is adequate, and
499 (3) all comments received have been addressed. Such determination
500 shall be made public and forwarded to the Department of Economic
501 and Community Development not later than ten days after the close of
502 the hearing. The Secretary of the Office of Policy and Management
503 may revise or require the revision of the evaluation if the secretary
504 finds that the evaluation is inadequate. In making a determination, the
505 Secretary of the Office of Policy and Management shall take into
506 account all public and agency comments.

507 Sec. 9. Section 32-9mm of the 2012 supplement to the general
508 statutes is repealed and the following is substituted in lieu thereof
509 (*Effective July 1, 2012*):

510 (a) As used in this section:

511 (1) "Bona fide prospective purchaser" means a person that acquires
512 ownership of a property after July 1, 2011, and establishes by a
513 preponderance of the evidence that:

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

516 (B) Such person made all appropriate inquiries, as set forth in 40
517 CFR Part 312, into the previous ownership and uses of the property in
518 accordance with generally accepted good commercial and customary
519 standards and practices, including, but not limited to, the standards
520 and practices set forth in the ASTM Standard Practice for
521 Environmental Site Assessments, Phase I Environmental Site
522 Assessment Process, E1527-05, as may be amended from time to time.
523 In the case of property in residential or other similar use at the time of
524 purchase by a nongovernmental or noncommercial entity, a property
525 inspection and a title search that reveal no basis for further
526 investigation shall be considered to satisfy the requirements of this
527 subparagraph;

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

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

535 (E) Such person provides full cooperation, assistance and access to
536 persons authorized to conduct response actions or natural resource
537 restoration at the property, including, but not limited to, the
538 cooperation and access necessary for the installation, integrity,
539 operation and maintenance of any complete or partial response actions
540 or natural resource restoration at the property;

541 (F) Such person complies with any land use restrictions established
542 or relied on in connection with the response action at the property and
543 does not impede the effectiveness or integrity of any institutional
544 control employed at the property in connection with a response action;
545 and

546 (G) Such person complies with any request for information from the
547 Commissioner of Energy and Environmental Protection.

548 (2) "Brownfield" has the same meaning as provided in section 32-
549 9kk, as amended by this act.

550 (3) "Brownfield investigation plan and remediation schedule" means
551 a plan and schedule for investigation and a schedule for remediation
552 of an eligible property under this section. Such investigation plan and
553 remediation schedule shall include both interim status or other
554 appropriate interim target dates and a date for project completion not
555 later than [five] eight years after a licensed environmental professional
556 submits such investigation plan and remediation schedule to the
557 Commissioner of Energy and Environmental Protection, provided the
558 Commissioner of Energy and Environmental Protection may extend
559 such dates for good cause. The plan shall provide a schedule for
560 activities including, but not limited to, completion of the investigation
561 of the property in accordance with prevailing standards and
562 guidelines, submittal of a complete investigation report, submittal of a
563 detailed written plan for remediation, publication of notice of remedial
564 actions, completion of remediation in accordance with standards
565 adopted by said commissioner pursuant to section 22a-133k and
566 submittal to said commissioner of a remedial action report. Except as
567 otherwise provided in this section, in any detailed written plan for
568 remediation submitted under this section, the applicant shall only be
569 required to investigate and remediate conditions existing within the
570 property boundaries and shall not be required to investigate or
571 remediate any pollution or contamination that exists outside of the
572 property's boundaries, including any contamination that may exist or
573 has migrated to sediments, rivers, streams or off site.

574 (4) "Commissioner" means the Commissioner of Economic and
575 Community Development.

576 (5) "Contiguous property owner" means a person who owns real
577 property contiguous to or otherwise similarly situated with respect to,
578 and that is or may be contaminated by a release or threatened release
579 of a regulated substance from, real property that is not owned by that
580 person, provided:

581 (A) With respect to the property owned by such person, such person
582 takes reasonable steps to (i) stop any continuing release of any
583 regulated substance released on or from the property, (ii) prevent any
584 threatened future release of any regulated substance released on or
585 from the property, and (iii) prevent or limit human, environmental or
586 natural resource exposure to any regulated substance released on or
587 from the property;

588 (B) Such person provides full cooperation, assistance and access to
589 persons authorized to conduct response actions or natural resource
590 restoration at the property from which there has been a release or
591 threatened release, including, but not limited to, the cooperation and
592 access necessary for the installation, integrity, operation and
593 maintenance of any complete or partial response action or natural
594 resource restoration at the property;

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

599 (D) Such person complies with any request for information from the
600 Commissioner of Energy and Environmental Protection; and

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

603 (6) "Distressed municipality" has the same meaning as provided in

604 section 32-9p.

605 (7) "Economic development agency" means a municipality,
606 municipal economic development agency or entity created or
607 operating under chapter 130 or 132, nonprofit economic development
608 corporation formed to promote the common good, general welfare and
609 economic development of a municipality that is funded, either directly
610 or through in-kind services, in part by a municipality, or nonstock
611 corporation or limited liability company established or controlled by a
612 municipality, municipal economic development agency or entity
613 created or operating under chapter 130 or 132.

614 (8) "Innocent landowner" has the same meaning as provided in
615 section 22a-452d.

616 (9) "Interim verification" has the same meaning as provided in
617 section 22a-134, as amended by this act.

618 (10) "Municipality" [means any town, city or borough] has the same
619 meaning as in section 32-9kk, as amended by this act.

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

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

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

630 (14) "Principles of smart growth" means standards and objectives
631 that support and encourage smart growth when used to guide actions
632 and decisions, including, but not limited to, standards and criteria for
633 (A) integrated planning or investment that coordinates tax,

634 transportation, housing, environmental and economic development
635 policies at the state, regional and local level, (B) the reduction of
636 reliance on the property tax by municipalities by creating efficiencies
637 and coordination of services on the regional level while reducing
638 interlocal competition for grand list growth, (C) the redevelopment of
639 existing infrastructure and resources, including, but not limited to,
640 brownfields and historic places, (D) transportation choices that
641 provide alternatives to automobiles, including rail, public transit,
642 bikeways and walking, while reducing energy consumption, (E) the
643 development or preservation of housing affordable to households of
644 varying income in locations proximate to transportation or
645 employment centers or locations compatible with smart growth, (F)
646 concentrated, mixed-use, mixed income development proximate to
647 transit nodes and civic, employment or cultural centers, and (G) the
648 conservation and protection of natural resources by (i) preserving open
649 space, water resources, farmland, environmentally sensitive areas and
650 historic properties, and (ii) furthering energy efficiency.

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

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

658 (17) "Remediation standards" has the same meaning as provided in
659 section 22a-134, as amended by this act.

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

662 (19) "Smart growth" means economic, social and environmental
663 development that (A) promotes, through financial and other
664 incentives, economic competitiveness in the state while preserving
665 natural resources, and (B) uses a collaborative approach to planning,

666 decision-making and evaluation between and among all levels of
667 government and the communities and the constituents they serve.

668 (20) "State of Connecticut Superfund Priority List" means the list of
669 hazardous waste disposal sites compiled by the Connecticut
670 Department of Energy and Environmental Protection pursuant to
671 section 22a-133f.

672 (21) "Transit-oriented development" has the same meaning as
673 provided in section 13b-79o.

674 (22) "UST regulations" means regulations adopted pursuant to
675 subsection (d) of section 22a-449.

676 (23) "Verification" has the same meaning as provided in section 22a-
677 134, as amended by this act.

678 (b) The commissioner shall, within available appropriations,
679 establish a brownfield remediation and revitalization program to
680 provide certain liability protections to program participants. Not more
681 than thirty-two properties a year shall be accepted into the program.
682 Participation in the program shall be by accepted application pursuant
683 to this subsection or by approved nomination pursuant to subsection
684 (d) of this section. To be considered for acceptance, [into the program
685 established pursuant to this subsection,] an applicant shall submit to
686 the commissioner, on a form prescribed by the commissioner, a
687 certification that: (1) The applicant meets the definition of a bona fide
688 prospective purchaser, innocent land owner or contiguous property
689 owner; (2) the property meets the definition of a brownfield and has
690 been subject to a release of a regulated substance in an amount that is
691 in excess of the remediation standards; (3) the applicant did not
692 establish, create or maintain a source of pollution to the waters of the
693 state for purposes of section 22a-432 and is not responsible pursuant to
694 any other provision of the general statutes for any pollution or source
695 of pollution on the property; (4) the applicant is not affiliated with any
696 person responsible for such pollution or source of pollution through
697 any direct or indirect familial relationship or any contractual, corporate

698 or financial relationship other than that by which such purchaser's
699 interest in such property is to be conveyed or financed; and (5) the
700 property is not currently the subject of an enforcement action,
701 including any consent order issued by the Department of Energy and
702 Environmental Protection or the United States Environmental
703 Protection Agency under any current Department of Energy and
704 Environmental Protection or United States Environmental Protection
705 Agency program, listed on the national priorities list, listed on the
706 State of Connecticut Superfund Priority List, or subject to corrective
707 action as may be required by RCRA. The commissioner may review
708 such certifications to ensure accuracy, in consultation with the
709 Commissioner of Energy and Environmental Protection, and
710 applications will not be considered if such certifications are found
711 inaccurate.

712 (c) To ensure a geographic distribution and a diversity of projects
713 and broad access to the brownfield remediation and revitalization
714 program, the commissioner, in consultation with the Commissioner of
715 Energy and Environmental Protection, shall review all applications
716 received and determine admission of eligible properties into the
717 brownfield remediation and revitalization program [based on] taking
718 into consideration state-wide portfolio factors including: (1) Job
719 creation and retention; (2) sustainability; (3) readiness to proceed; (4)
720 geographic distribution of projects; (5) population of the municipality
721 where the property is located; (6) project size; (7) project complexity;
722 (8) duration and degree to which the property has been underused; (9)
723 projected increase to the municipal grand list; (10) consistency of the
724 property as remediated and developed with municipal or regional
725 planning objectives; (11) development plan's support for and
726 furtherance of principles of smart growth or transit-oriented
727 development; and (12) other factors as may be determined by the
728 commissioner. Admittance into the brownfield remediation and
729 revitalization program shall not indicate approval or award of funding
730 requested under any federal, state or municipal grant or loan program,
731 including, but not limited to, any state brownfield grant or loan

732 program.

733 (d) The commissioner shall accept nominations of properties for
734 participation in the program established pursuant to subsection (b) of
735 this section [from] by a municipality or an economic development
736 agency, where no bona fide prospective purchaser, contiguous
737 property owner or innocent land owner has applied for participation
738 in the program. For a property to be considered for approval for
739 nomination to the program established pursuant to this section, a
740 municipality shall submit to the commissioner, on a form prescribed
741 by the commissioner, a certification that the property meets the
742 eligibility requirements provided in subdivisions (2) and (5) of
743 subsection (b) of this section and any other relevant factors, including
744 state-wide portfolio factors provided in subsection (c) of this section, as
745 may be determined by the commissioner. After the commissioner
746 approves a property's nomination, any subsequent applicant shall
747 apply in accordance with subsections (b) and (g) of this section. In any
748 such application, the applicant shall demonstrate it satisfies the
749 eligibility requirements provided in subdivisions (1), (3) and (4) of
750 subsection (b) of this section and shall demonstrate satisfaction of
751 subdivisions (2) and (5) of subsection (b) of this section for the period
752 after the commissioner's acceptance of the municipality's or economic
753 development agency's nomination of the property.

754 (e) (1) Properties otherwise eligible for the brownfield remediation
755 and revitalization program currently being investigated and
756 remediated in accordance with the state voluntary remediation
757 programs under sections 22a-133x and 22a-133y, the property transfer
758 program under section 22a-134, as amended by this act, and the
759 covenant not to sue programs under section 22a-133aa or 22a-133bb
760 [may participate] shall not be excluded from eligibility in said
761 program, provided the other requirements set forth in this section are
762 met.

763 (2) Properties otherwise eligible for the brownfield remediation and
764 revitalization program that have been subject to a release requiring

765 action pursuant to the PCB regulations or that have been subject to a
766 release requiring action pursuant to the UST regulations shall not be
767 deemed ineligible, but no provision of this section shall affect any
768 eligible party's obligation under such regulations to investigate or
769 remediate the extent of any such release.

770 (f) Inclusion of a property within the brownfield remediation and
771 revitalization program by the commissioner shall not limit any
772 person's ability to seek funding for such property under any federal,
773 state or municipal grant or loan program, including, but not limited to,
774 any state brownfield grant or loan program. Admittance into the
775 brownfield remediation and revitalization program shall not indicate
776 approval or award of funding requested under any federal, state or
777 municipal grant or loan program, including, but not limited to, any
778 state brownfield grant or loan program.

779 (g) Any applicant seeking a designation of eligibility for a person or
780 a property under the brownfield remediation and revitalization
781 program shall apply to the commissioner at such times and on such
782 forms as the commissioner may prescribe. The application shall
783 include, but not be limited to, (1) a title search, (2) the Phase I
784 Environmental Site Assessment conducted by or for the bona fide
785 prospective purchaser or the contiguous property owner, which shall
786 be prepared in accordance with [the Department of Energy and
787 Environmental Protection's Site Characterization Guidance Document]
788 prevailing standards and guidelines, (3) a current property inspection,
789 (4) documentation demonstrating satisfaction of the eligibility criteria
790 set forth in subsection (b) of this section, (5) information about the
791 project that relates to the state-wide portfolio factors set forth in
792 subsection (c) of this section, and (6) such other information as the
793 commissioner may request to determine admission.

794 (h) Any applicant accepted into the brownfield remediation and
795 revitalization program by the commissioner shall pay the
796 Commissioner of Energy and Environmental Protection a fee equal to
797 five per cent of the assessed value of the land, as stated on the last-

798 completed grand list of the relevant town. The fee shall be paid in two
799 installments, each equal to fifty per cent of such fee, subject to potential
800 reductions as specified in subsection (i) of this section. The first
801 installment shall be due [within] not later than one hundred eighty
802 days [of being] after the later of the date the eligible applicant is
803 notified that the application has been accepted by the commissioner or
804 the date that the eligible applicant takes title to the eligible property.
805 The second installment shall be due not later than four years [of being
806 notified that the application has been accepted by the commissioner]
807 after the acceptance date. Upon request by an eligible applicant, a
808 municipality or an economic development agency, the commissioner
809 may, at the commissioner's discretion, extend either or both of the
810 installment due dates. Such fee shall be deposited into the Special
811 Contaminated Property Remediation and Insurance Fund established
812 pursuant to section 22a-133t and shall be available for use by the
813 Commissioner of Energy and Environmental Protection pursuant to
814 section 22a-133u.

815 (i) (1) The first installment of the fee in subsection (h) of this section
816 shall be reduced by ten per cent for any eligible party that completes
817 and submits to the Commissioner of Energy and Environmental
818 Protection documentation, approved in writing by a licensed
819 environmental professional and on a form prescribed by said
820 commissioner, that the investigation of the property has been
821 completed in accordance with prevailing standards and guidelines
822 within one hundred eighty days after the date the application is
823 accepted by the commissioner.

824 (2) The second installment of the fee in subsection (h) of this section
825 shall be eliminated for any eligible party that submits the remedial
826 action report and verification or interim verification to the
827 Commissioner of Energy and Environmental Protection within four
828 years after the date the application is accepted by the commissioner. In
829 the event an eligible party submits a request for the Commissioner of
830 Energy and Environmental Protection's approval, where such approval
831 is required pursuant to the remediation standard and where said

832 commissioner issues a decision on such request beyond sixty days
833 after submittal, such four-year period shall be extended by the number
834 of days equal to the number of days between the sixtieth day and the
835 date a decision is issued by said commissioner, but not including the
836 number of days that a request by said commissioner for supplemental
837 information remains pending with the eligible party.

838 (3) The second installment of the fee in subsection (h) of this section
839 shall be reduced by, or any eligible party shall receive a refund in the
840 amount equal to, twice the reasonable environmental service costs of
841 such investigation, as determined by the Commissioner of Energy and
842 Environmental Protection, for any eligible party that completes and
843 submits to the Commissioner of Energy and Environmental Protection
844 documentation, approved in writing by a licensed environmental
845 professional and on a form that may be prescribed by said
846 commissioner, that the investigation of the nature and extent of any
847 contamination that has migrated from the property has been
848 completed in accordance with prevailing standards and guidelines.
849 Such refund shall not exceed the amount of the second installment of
850 the fee in subsection (h) of this section.

851 (4) No municipality or economic development agency seeking
852 designation of eligibility shall be required to pay a fee, provided, [the
853 municipality or economic development agency shall collect and] upon
854 transfer of the eligible property from the municipality or economic
855 development agency to an eligible person, that eligible person shall
856 pay to the Commissioner of Energy and Environmental Protection the
857 fee in subsection (h) of this section [upon transfer of the property to
858 another person for purposes of development] in accordance with the
859 applicable requirements in this subsection.

860 (5) A municipality or economic development agency may submit a
861 fee waiver request to the commissioner to waive a portion or the entire
862 fee for an eligible property [not owned by the municipality and]
863 located within that municipality. The commissioner, at [their] his or
864 her discretion, shall consider the following factors in determining

865 whether to approve a fee waiver or reduction: (A) Location of the
866 eligible project within a distressed municipality; (B) demonstration by
867 the municipality or economic development agency that the project is of
868 significant economic impact; (C) demonstration by the municipality or
869 economic development agency that the project has a significant
870 community benefit to the municipality; (D) demonstration that the
871 eligible party is a governmental or nonprofit entity; and (E)
872 demonstration that the fee required will have a detrimental effect on
873 the overall success of the project.

874 (j) [A person] An applicant whose application has been accepted
875 into the brownfield remediation and revitalization program shall not
876 be liable to the state or any third party for the release of any regulated
877 substance at or from the eligible property, except and only to the
878 extent that such applicant (A) caused or contributed to the release of a
879 regulated substance that is subject to remediation or exacerbated such
880 condition, or (B) the Commissioner of Energy and Environmental
881 Protection determines the existence of any of the conditions set forth in
882 subdivision (4) of subsection (n) of this section.

883 (k) (1) [A person] An applicant whose application to the brownfield
884 remediation and revitalization program has been accepted by the
885 commissioner (A) shall investigate the release or threatened release of
886 any regulated substance within the boundaries of the property in
887 accordance with prevailing standards and guidelines and remediate
888 such release or threatened release within the boundaries of such
889 property in accordance with the brownfield investigation plan and
890 remediation schedule and this section, and (B) shall not be required to
891 characterize, abate and remediate the release of a regulated substance
892 beyond the boundary of the eligible property, except for releases
893 caused or contributed to by such [person] applicant.

894 (2) Not later than one hundred eighty days after the [commissioner
895 accepts the application] first installment due date, including any
896 extension thereof by the commissioner, of the fee required pursuant to
897 subsection (h) of this section, the eligible party shall submit to the

898 commissioner and the Commissioner of Energy and Environmental
899 Protection a brownfield investigation plan and remediation schedule
900 that is signed and stamped by a licensed environmental professional.
901 Unless otherwise approved in writing by the Commissioner of Energy
902 and Environmental Protection, the eligible party shall submit a
903 brownfield investigation plan and remediation schedule which
904 provides that the investigation shall be completed [within two years of
905 the application being accepted by the commissioner] not later than two
906 years after the first installment due date, including any extension
907 thereof by the commissioner, of the fee required pursuant to
908 subsection (h) of this section, remediation shall be initiated not later
909 than three years from the [date of the application being accepted by the
910 commissioner] first installment due date, including any extension
911 thereof by the commissioner, of the fee required pursuant to
912 subsection (h) of this section and remediation shall be completed
913 sufficiently to support either a verification or interim verification
914 [within eight years of the application being accepted by the
915 commissioner] not later than eight years after the first installment due
916 date, including any extension thereof by the commissioner, of the fee
917 required pursuant to subsection (h) of this section. The schedule shall
918 also include a schedule for providing public notice of the remediation
919 prior to the initiation of such remediation in accordance with
920 subdivision (1) of subsection (k) of this section. Not later than two
921 years after the [application is accepted by the commissioner] first
922 installment due date, including any extension thereof by the
923 commissioner, of the fee required pursuant to subsection (h) of this
924 section, unless the Commissioner of Energy and Environmental
925 Protection has specified a later day, in writing, the eligible party shall
926 submit to the Commissioner of Energy and Environmental Protection
927 documentation, approved in writing by a licensed environmental
928 professional and in a form prescribed by the Commissioner of Energy
929 and Environmental Protection, that the investigation of the property
930 has been completed in accordance with prevailing standards and
931 guidelines. Not later than three years after the [application is accepted
932 by the commissioner] first installment due date, including any

933 extension thereof by the commissioner, of the fee required pursuant to
934 subsection (h) of this section, unless the Commissioner of Energy and
935 Environmental Protection has specified a later day, in writing, the
936 eligible party shall notify the Commissioner of Energy and
937 Environmental Protection and the commissioner in a form prescribed
938 by the Commissioner of Energy and Environmental Protection that the
939 remediation has been initiated, and shall submit to the Commissioner
940 of Energy and Environmental Protection a remedial action plan,
941 approved in writing by a licensed environmental professional in a
942 form prescribed by the Commissioner of Energy and Environmental
943 Protection. Not later than eight years after the [application is accepted
944 by the commissioner] first installment due date, including any
945 extension thereof by the commissioner, of the fee required pursuant to
946 subsection (h) of this section, unless the Commissioner of Energy and
947 Environmental Protection has specified a later day, in writing, the
948 eligible party shall complete remediation of the property and submit
949 the remedial action report and verification or interim verification to the
950 Commissioner of Energy and Environmental Protection and the
951 commissioner. The Commissioner of Energy and Environmental
952 Protection shall grant a reasonable extension if the eligible party
953 demonstrates to the satisfaction of the Commissioner of Energy and
954 Environmental Protection that: (A) Such eligible party has made
955 reasonable progress toward investigation and remediation of the
956 eligible property; and (B) despite best efforts, circumstances beyond
957 the control of the eligible party have significantly delayed the
958 remediation of the eligible property.

959 (3) An eligible party who submits an interim verification for an
960 eligible property, and any subsequent owner of such eligible property,
961 shall, until the remediation standards for groundwater are achieved,
962 (A) operate and maintain the long-term remedy for groundwater in
963 accordance with the remedial action plan, the interim verification and
964 any approvals issued by the Commissioner of Energy and
965 Environmental Protection, (B) prevent exposure to any groundwater
966 plume containing a regulated substance in excess of the remediation

967 standards on the property, (C) take all reasonable action to contain any
968 groundwater plume on the property, and (D) submit annual status
969 reports to the Commissioner of Energy and Environmental Protection
970 and the commissioner.

971 (4) Before commencement of remedial action pursuant to the plan
972 and schedule, the eligible party shall: (A) Publish notice of the
973 remedial action in a newspaper having a substantial circulation in the
974 town where the property is located, (B) notify the director of health of
975 the municipality where the property is located, and (C) either (i) erect
976 and maintain for at least thirty days in a legible condition a sign not
977 less than six feet by four feet on the property, which shall be clearly
978 visible from the public highway and shall include the words
979 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
980 FURTHER INFORMATION CONTACT:" and include a telephone
981 number for an office from which any interested person may obtain
982 additional information about the remedial action, or (ii) mail notice of
983 the remedial action to each owner of record of property which abuts
984 such property, at the address on the last-completed grand list of the
985 relevant town. Public comments shall be directed to the eligible party
986 for a thirty-day period starting with the last provided public notice
987 provision and such eligible party shall provide all comments and any
988 responses to the Commissioner of Energy and Environmental
989 Protection prior to commencing remedial action.

990 (5) The remedial action shall be conducted under the supervision of
991 a licensed environmental professional and the remedial action report
992 shall be submitted to the commissioner and the Commissioner of
993 Energy and Environmental Protection signed and stamped by a
994 licensed environmental professional. In such report, the licensed
995 environmental professional shall include a detailed description of the
996 remedial actions taken and issue a verification or interim verification,
997 in which he or she shall render an opinion, in accordance with the
998 standard of care provided in subsection (c) of section 22a-133w, that
999 the action taken to contain, remove or mitigate the release of regulated
1000 substances within the boundaries of such property is in accordance

1001 with the remediation standards.

1002 (6) All applications for permits required to implement such plan
1003 and schedule in this section shall be submitted to the permit
1004 ombudsman within the Department of Economic and Community
1005 Development.

1006 (7) Each eligible party participating in the brownfield remediation
1007 and revitalization program shall maintain all records related to its
1008 implementation of such plan and schedule and completion of the
1009 remedial action of the property for a period of not less than ten years
1010 and shall make such records available to the commissioner or the
1011 Commissioner of Energy and Environmental Protection at any time
1012 upon request by either.

1013 (8) (A) Within sixty days of receiving a remedial action report
1014 signed and stamped by a licensed environmental professional and a
1015 verification or interim verification, the Commissioner of Energy and
1016 Environmental Protection shall notify the eligible party and the
1017 commissioner whether the Commissioner of Energy and
1018 Environmental Protection will conduct an audit of such remedial
1019 action. Any such audit shall be conducted not later than one hundred
1020 eighty days after the Commissioner of Energy and Environmental
1021 Protection receives a remedial action report signed and stamped by a
1022 licensed environmental professional and a verification or interim
1023 verification. Within fourteen days of completion of an audit, the
1024 Commissioner of Energy and Environmental Protection shall send
1025 written audit findings to the eligible party, the commissioner and the
1026 licensed environmental professional. The audit findings may approve
1027 or disapprove the report, provided any disapproval shall set forth the
1028 reasons for such disapproval.

1029 (B) The Commissioner of Energy and Environmental Protection may
1030 request additional information during an audit conducted pursuant to
1031 this subdivision. If such information has not been provided to said
1032 commissioner within fourteen days of such request, the time frame for

1033 said commissioner to complete the audit shall be suspended until the
1034 information is provided to said commissioner. The Commissioner of
1035 Energy and Environmental Protection may choose to conduct such
1036 audit if and when the eligible party fails to provide a response to said
1037 commissioner's request for additional information within sixty days.

1038 (C) The Commissioner of Energy and Environmental Protection
1039 shall not conduct an audit of a verification or interim verification
1040 pursuant to this subdivision after one hundred eighty days from
1041 receipt of such verification unless (i) said commissioner has reason to
1042 believe that a verification was obtained through the submittal of
1043 materially inaccurate or erroneous information, or otherwise
1044 misleading information material to the verification or that material
1045 misrepresentations were made in connection with the submittal of the
1046 verification, (ii) any post-verification monitoring or operations and
1047 maintenance is required as part of a verification and has not been
1048 done, (iii) a verification that relies upon an environmental land use
1049 restriction was not recorded on the land records of the municipality in
1050 which such land is located in accordance with section 22a-133o and
1051 applicable regulations, (iv) said commissioner determines that there
1052 has been a violation of law material to the verification, or (v) said
1053 commissioner determines that information exists indicating that the
1054 remediation may have failed to prevent a substantial threat to public
1055 health or the environment for releases on the property.

1056 (l) Not later than sixty days after receiving a notice of disapproval or
1057 a verification or interim verification from the Commissioner of Energy
1058 and Environmental Protection, the eligible party shall submit to said
1059 commissioner and to the commissioner a report of cure of noted
1060 deficiencies. Within sixty days after receiving such report of cure of
1061 noted deficiencies by said commissioner, said commissioner shall issue
1062 a successful audit closure letter or a written disapproval of such report
1063 of cure of noted deficiencies.

1064 (m) Before approving a verification or interim verification, the
1065 Commissioner of Energy and Environmental Protection may enter into

1066 a memorandum of understanding with the eligible party with regard
1067 to any further remedial action or monitoring activities on or at such
1068 property that said commissioner deems necessary for the protection of
1069 human health or the environment.

1070 (n) (1) An eligible party who has been accepted into the brownfield
1071 remediation and revitalization program shall have no obligation as
1072 part of its plan and schedule to characterize, abate and remediate any
1073 plume of a regulated substance outside the boundaries of the subject
1074 property, provided the notification requirements of section 22a-6u
1075 pertaining to significant environmental hazards shall continue to apply
1076 to the property and the eligible party shall not be required to
1077 characterize, abate or remediate any such significant environmental
1078 hazard outside the boundaries of the subject property unless such
1079 significant environmental hazard arises from the actions of the eligible
1080 party after its acquisition of or control over the property from which
1081 such significant environmental hazard has emanated outside its own
1082 boundaries. If an eligible party who has been accepted into the
1083 brownfield remediation and revitalization program conveys or
1084 otherwise transfers its ownership of the subject property and such
1085 eligible party is in compliance with the provisions of this section and
1086 the brownfield investigation plan and remediation schedule at the time
1087 of conveyance or transfer of ownership, the provisions of this section
1088 shall apply to such transferee, if such transferee meets the eligibility
1089 criteria set forth in this section, pays the fee required by subsection (h)
1090 of this section and complies with all the obligations undertaken by the
1091 eligible party under this section. In such case, all references to
1092 applicant or eligible party shall mean the subsequent owner or
1093 transferee.

1094 (2) After the Commissioner of Energy and Environmental Protection
1095 issues either a no audit letter or a successful audit closure letter, or no
1096 audit decision has been made by said commissioner within one
1097 hundred eighty days after the submittal of the remedial action report
1098 and verification or interim verification, such eligible party shall not be
1099 liable to the state or any third party for (A) costs incurred in the

1100 remediation of, equitable relief relating to, or damages resulting from
1101 the release of regulated substances addressed in the brownfield
1102 investigation plan and remediation schedule, and (B) historical off-site
1103 impacts including air deposition, waste disposal, impacts to sediments
1104 and natural resource damages. No eligible party shall be afforded any
1105 relief from liability such eligible party may have from a release
1106 requiring action pursuant to the PCB regulations or a release requiring
1107 action pursuant to the UST regulations.

1108 (3) The provisions of this section concerning liability shall extend to
1109 any person who acquires title to all or part of the property for which a
1110 remedial action report and verification or interim verification have
1111 been submitted pursuant to this section, provided (A) there is payment
1112 of a fee of ten thousand dollars to said commissioner for each such
1113 extension, (B) such person acquiring all or part of the property meets
1114 the criteria of this section, and (C) the Commissioner of Energy and
1115 Environmental Protection has issued either a successful audit closure
1116 letter or no audit letter, or no audit decision has been made by said
1117 commissioner within one hundred eighty days after the submittal of
1118 the remedial action report and verification or interim verification. No
1119 municipality or economic development agency that acquires title to all
1120 or part of the property shall be required to pay a fee, provided the
1121 municipality or economic development agency shall collect and pay
1122 the fee upon transfer of the property to another person for purposes of
1123 development. Such fee shall be deposited into the Special
1124 Contaminated Property Remediation and Insurance Fund established
1125 under section 22a-133t and such funds shall be for the exclusive use by
1126 the Department of Energy and Environmental Protection.

1127 (4) Neither a successful audit closure nor no audit letter issued
1128 pursuant to this section, nor the expiration of one hundred eighty days
1129 after the submittal of the remedial action report and verification or
1130 interim verification without an audit decision by the Commissioner of
1131 Energy and Environmental Protection, shall preclude said
1132 commissioner from taking any appropriate action, including, but not
1133 limited to, any action to require remediation of the property by the

1134 eligible party or, as applicable, to its successor, if said commissioner
1135 determines that:

1136 (A) The successful audit closure, no audit letter, or the expiration of
1137 one hundred eighty days after the submittal of the remedial action
1138 report and verification or interim verification without an audit
1139 decision by the Commissioner of Energy and Environmental
1140 Protection was based on information provided by the person
1141 submitting such remedial action report and verification or interim
1142 verification that the Commissioner of Energy and Environmental
1143 Protection can show that such person knew, or had reason to know,
1144 was false or misleading, and, in the case of the successor to an
1145 applicant, that such successor was aware or had reason to know that
1146 such information was false or misleading;

1147 (B) New information confirms the existence of previously unknown
1148 contamination that resulted from a release that occurred before the
1149 date that an application has been accepted into the brownfield
1150 remediation and revitalization program;

1151 (C) The eligible party who received the successful audit closure or
1152 no audit letter or where one hundred eighty days lapsed without an
1153 audit decision by the Commissioner of Energy and Environmental
1154 Protection has materially failed to complete the remedial action
1155 required by the brownfield investigation plan and remediation
1156 schedule or to carry out or comply with monitoring, maintenance or
1157 operating requirements pertinent to a remedial action including the
1158 requirements of any environmental land use restriction; or

1159 (D) The threat to human health or the environment is increased
1160 beyond an acceptable level due to substantial changes in exposure
1161 conditions at such property, including, but not limited to, a change
1162 from nonresidential to residential use of such property.

1163 (5) If an eligible party who has been accepted into the brownfield
1164 remediation and revitalization program conveys or otherwise transfers
1165 all or part of its ownership interest in the subject property at any time

1166 before the issuance of a successful audit closure or no audit letter or
1167 the expiration of one hundred eighty days after the submittal of the
1168 remedial action report and verification or interim verification without
1169 an audit decision by the Commissioner of Energy and Environmental
1170 Protection, the eligible party conveying or otherwise transferring its
1171 ownership interest shall not be liable to the state or any third party for
1172 (A) costs incurred in the remediation of, equitable relief relating to, or
1173 damages resulting from the release of regulated substances addressed
1174 in the brownfield investigation plan and remediation schedule, and (B)
1175 historical off-site impacts including air deposition, waste disposal,
1176 impacts to sediments and natural resource damages, provided the
1177 eligible party complied with its obligations under this section during
1178 the period when the eligible party held an ownership interest in the
1179 subject property. Nothing in this subsection shall provide any relief
1180 from liability such eligible party may have related to a release
1181 requiring action pursuant to the PCB regulations, or a release requiring
1182 action pursuant to the UST regulations.

1183 (6) Upon the Commissioner of Energy and Environmental
1184 Protection's issuance of a successful audit closure letter, no audit letter,
1185 or one hundred eighty days have passed since the submittal of a
1186 verification or interim verification and said commissioner has not
1187 audited the verification or interim verification, the immediate prior
1188 owner regardless of its own eligibility to participate in the
1189 comprehensive brownfield remediation and revitalization program
1190 shall have no liability to the state or any third party for any future
1191 investigation and remediation of the release of any regulated substance
1192 at the eligible property addressed in the verification or interim
1193 verification, provided the immediate prior owner has complied with
1194 any legal obligation such owner had with respect to investigation and
1195 remediation of releases at and from the property, and provided further
1196 the immediate prior owner shall retain any and all liability such
1197 immediate prior owner would otherwise have for the investigation
1198 and remediation of the release of any regulated substance beyond the
1199 boundary of the eligible property. In any event, the immediate prior

1200 owner shall remain liable for (A) penalties or fines, if any, relating to
1201 the release of any regulated substance at or from the eligible property,
1202 (B) costs and expenses, if any, recoverable or reimbursable pursuant to
1203 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the
1204 immediate prior owner as a certifying party on a Form III or IV
1205 submitted pursuant to sections 22a-134 to 22a-134e, inclusive, as
1206 amended by this act.

1207 (o) A person whose application to the brownfield remediation and
1208 revitalization program has been accepted by the commissioner or any
1209 subsequent eligible party whose application to the brownfield
1210 remediation and revitalization program has been accepted by the
1211 commissioner shall be exempt for filing as an establishment pursuant
1212 to sections 22a-134a to 22a-134d, inclusive, if such real property or
1213 prior business operations constitute an establishment. Nothing in this
1214 section shall be construed to alter any existing legal requirement
1215 applicable to any certifying party at a property under sections 22a-134
1216 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1217 (p) Notwithstanding the provisions of this section, eligible parties
1218 shall investigate and remediate, and remain subject to all applicable
1219 statutes and requirements, the extent of any new release that occurs
1220 during their ownership of the property.

1221 Sec. 10. Subsection (b) of section 13 of public act 11-57 is amended to
1222 read as follows (*Effective July 1, 2012*):

1223 (b) For the Department of Economic and Community Development:
1224 Regional brownfield redevelopment grant and loan fund to provide
1225 funding for the brownfield programs established pursuant to section
1226 32-9kk, as amended by this act, and the staffing and marketing of such
1227 programs, not exceeding \$25,000,000.

1228 Sec. 11. Subsection (b) of section 32 of public act 11-57 is amended to
1229 read as follows (*Effective July 1, 2012*):

1230 (b) For the Department of Economic and Community Development:

1231 Regional brownfield redevelopment grant and loan fund to provide
1232 funding for the brownfield programs established pursuant to section
1233 32-9kk, as amended by this act, and the staffing and marketing of such
1234 programs, not exceeding \$25,000,000.

1235 Sec. 12. Section 2 of public act 10-135, as amended by section 15 of
1236 public act 11-141, is repealed and the following is substituted in lieu
1237 thereof (*Effective from passage*):

1238 (a) There is established a working group to examine the remediation
1239 and development of brownfields in this state, including, but not
1240 limited to, the remediation scheme for such properties, permitting
1241 issues and liability issues, including those set forth by sections 22a-14
1242 to 22a-20, inclusive, of the general statutes.

1243 (b) The working group shall consist of the following thirteen
1244 members, each of whom shall have expertise related to brownfield
1245 redevelopment in environmental law, engineering, finance,
1246 development, consulting, insurance or another relevant field:

1247 (1) Four appointed by the Governor;

1248 (2) One appointed by the president pro tempore of the Senate;

1249 (3) One appointed by the speaker of the House of Representatives;

1250 (4) One appointed by the majority leader of the Senate;

1251 (5) One appointed by the majority leader of the House of
1252 Representatives;

1253 (6) One appointed by the minority leader of the Senate;

1254 (7) One appointed by the minority leader of the House of
1255 Representatives;

1256 (8) The Commissioner of Economic and Community Development
1257 or the commissioner's designee, who shall serve ex officio;

1258 (9) The Commissioner of Energy and Environmental Protection or
1259 the commissioner's designee, who shall serve ex officio; and

1260 (10) The Secretary of the Office of Policy and Management or the
1261 secretary's designee, who shall serve ex officio.

1262 (c) Any member of the working group as of the effective date of this
1263 section shall continue to serve and all new appointments to the
1264 working group shall be made no later than thirty days after the
1265 effective date of this section. Any vacancy shall be filled by the
1266 appointing authority.

1267 (d) The working group shall select chairpersons of the working
1268 group. Such chairpersons shall schedule the first meeting of the
1269 working group, which shall be held no later than sixty days after the
1270 effective date of this section.

1271 (e) On or before January 15, [2012] 2013, the working group shall
1272 report, in accordance with the provisions of section 11-4a of the general
1273 statutes, on its findings and recommendations to the Governor and the
1274 joint standing committees of the General Assembly having cognizance
1275 of matters relating to commerce and the environment.

1276 Sec. 13. Section 32-9cc of the 2012 supplement to the general statutes
1277 is repealed and the following is substituted in lieu thereof (*Effective*
1278 *from passage*):

1279 (a) There is established, within the Department of Economic and
1280 Community Development, an Office of Brownfield Remediation and
1281 Development. Such office shall be managed by a director, appointed
1282 by the commissioner in accordance with section 5-198, as amended by
1283 this act. In addition to the other powers, duties and responsibilities
1284 provided for in this chapter, the office shall promote and encourage
1285 the development and redevelopment of brownfields in the state. The
1286 Office of Brownfield Remediation and Development shall coordinate
1287 and cooperate with state and local agencies and individuals within the
1288 state on brownfield redevelopment initiatives, including program

1289 development and administration, community outreach, regional
1290 coordination and seeking federal funding opportunities.

1291 (b) The office shall:

1292 (1) Develop procedures and policies for streamlining the process for
1293 brownfield remediation and development;

1294 (2) Identify existing and potential sources of funding for brownfield
1295 remediation and develop procedures for expediting the application for
1296 and release of such funds;

1297 (3) Establish an office and maintain an informational Internet web
1298 site to provide assistance and information concerning the state's
1299 technical assistance, funding, regulatory and permitting programs;

1300 (4) Provide a single point of contact for financial and technical
1301 assistance from the state and quasi-public agencies;

1302 (5) Develop a common application to be used by all state and quasi-
1303 public entities providing financial assistance for brownfield
1304 assessment, remediation and development;

1305 (6) Identify and prioritize state-wide brownfield development
1306 opportunities, including, but not limited to, in consultation with the
1307 State Historic Preservation Office, municipal officials and regional
1308 planning organizations, the identification of abandoned and
1309 underutilized mills that are important assets to the municipality or the
1310 region in which such mills are located;

1311 (7) Develop and execute a communication and outreach program to
1312 educate municipalities, economic development agencies, property
1313 owners and potential property owners and other organizations and
1314 individuals with regard to state programs for brownfield remediation
1315 and redevelopment;

1316 (8) At the office's discretion, enter into cooperative agreements with
1317 qualified implementing agencies and may, where appropriate, make

1318 grants to these organizations for the purpose of designing,
1319 implementing and supervising brownfield assessment and cleanups,
1320 or making further subgrants, provided each subgrant is in compliance
1321 with the terms and conditions of the original grant; and

1322 (9) Create and maintain a web site independent of the department's
1323 other web sites that is specifically dedicated to marketing and
1324 promoting state-owned brownfields, and develop and implement a
1325 marketing campaign for such brownfields and web site.

1326 (c) Subject to the availability of funds, there shall be a state-funded
1327 municipal brownfield grant program to identify brownfield
1328 remediation economic opportunities in Connecticut municipalities
1329 annually. For each round of funding, the Commissioner of Economic
1330 and Community Development may select at least six municipalities,
1331 one of which shall have a population of less than fifty thousand, one of
1332 which shall have a population of more than fifty thousand but less
1333 than one hundred thousand, two of which shall have populations of
1334 more than one hundred thousand and two of which shall be selected
1335 without regard to population. The Commissioner of Economic and
1336 Community Development shall designate municipalities in which
1337 untreated brownfields hinder economic development and shall make
1338 grants under such program to these municipalities or economic
1339 development agencies associated with each of the selected
1340 municipalities that are likely to produce significant economic
1341 development benefit for the designated municipality.

1342 (d) The Department of Energy and Environmental Protection, the
1343 Connecticut Development Authority, the Office of Policy and
1344 Management and the Department of Public Health shall each
1345 designate one or more staff members to act as a liaison between their
1346 offices and the Office of Brownfield Remediation and Development.
1347 The Commissioners of Economic and Community Development,
1348 Energy and Environmental Protection and Public Health, the Secretary
1349 of the Office of Policy and Management and the executive director of
1350 the Connecticut Development Authority shall enter into a

1351 memorandum of understanding concerning each entity's
1352 responsibilities with respect to the Office of Brownfield Remediation
1353 and Development. The Office of Brownfield Remediation and
1354 Development may recruit two volunteers from the private sector,
1355 including a person from the Connecticut chapter of the National
1356 Brownfield Association, with experience in different aspects of
1357 brownfield remediation and development. Said volunteers may assist
1358 the Office of Brownfield Remediation and Development in marketing
1359 the brownfields programs and redevelopment activities of the state.

1360 (e) The Office of Brownfield Remediation and Development may
1361 call upon any other department, board, commission or other agency of
1362 the state to supply such reports, information and assistance as said
1363 office determines is appropriate to carry out its duties and
1364 responsibilities. Each officer or employee of such office, department,
1365 board, commission or other agency of the state is authorized and
1366 directed to cooperate with the Office of Brownfield Remediation and
1367 Development and to furnish such reports, information and assistance.

1368 (f) Brownfield sites identified for funding under the grant program
1369 established in subsection (c) of this section shall receive priority review
1370 status from the Department of Energy and Environmental Protection.
1371 Each property funded under this program shall be investigated in
1372 accordance with prevailing standards and guidelines and remediated
1373 in accordance with the regulations established for the remediation of
1374 such sites adopted by the Commissioner of Energy and Environmental
1375 Protection or pursuant to section 22a-133k and under the supervision
1376 of the department or a licensed environmental professional in
1377 accordance with the voluntary remediation program established in
1378 section 22a-133x. In either event, the department shall determine that
1379 remediation of the property has been fully implemented or that an
1380 audit will not be conducted upon submission of a report indicating
1381 that remediation has been verified by an environmental professional
1382 licensed in accordance with section 22a-133v. Not later than ninety
1383 days after submission of the verification report, the Commissioner of
1384 Energy and Environmental Protection shall notify the municipality or

1385 economic development agency as to whether the remediation has been
 1386 performed and completed in accordance with the remediation
 1387 standards, whether an audit will not be conducted, or whether any
 1388 additional remediation is warranted. For purposes of acknowledging
 1389 that the remediation is complete, the commissioner or a licensed
 1390 environmental professional may indicate that all actions to remediate
 1391 any pollution caused by any release have been taken in accordance
 1392 with the remediation standards and that no further remediation is
 1393 necessary to achieve compliance except postremediation monitoring or
 1394 natural attenuation monitoring.

1395 (g) All relevant terms in this subsection, subsection (h) of this
 1396 section and sections 32-9dd to 32-9ff, inclusive, shall be defined in
 1397 accordance with the definitions in chapter 445. For purposes of
 1398 subdivision (12) of subsection (a) of section 32-9t, this subsection,
 1399 subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive,
 1400 "brownfields" means any abandoned or underutilized site where
 1401 redevelopment, reuse or expansion has not occurred due to the
 1402 presence or potential presence of pollution in the buildings, soil or
 1403 groundwater that requires investigation or remediation before or in
 1404 conjunction with the restoration, redevelopment, reuse and expansion
 1405 of the property.

1406 (h) The Departments of Economic and Community Development
 1407 and Energy and Environmental Protection shall administer the
 1408 provisions of subdivision (1) of section 22a-134, as amended by this
 1409 act, section 32-1m, subdivision (12) of subsection (a) of section 32-9t
 1410 and sections 32-9cc to 32-9gg, inclusive, within available
 1411 appropriations and any funds allocated pursuant to sections 4-66c,
 1412 22a-133t and 32-9t."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	32-9kk(a)
Sec. 2	July 1, 2012	32-9kk(f)
Sec. 3	July 1, 2012	32-9kk(j)

Sec. 4	<i>July 1, 2012</i>	32-9kk(l)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	22a-134(1)
Sec. 7	<i>January 1, 2014</i>	22a-134(1)
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2012</i>	32-9mm
Sec. 10	<i>July 1, 2012</i>	PA 11-57, Sec. 13(b)
Sec. 11	<i>July 1, 2012</i>	PA 11-57, Sec. 32(b)
Sec. 12	<i>from passage</i>	PA 10-135, Sec. 2
Sec. 13	<i>from passage</i>	32-9cc