



# House of Representatives

General Assembly

**File No. 475**

*January Session, 2013*

Substitute House Bill No. 6651

*House of Representatives, April 11, 2013*

The Committee on Commerce reported through REP. PERONE of the 137th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF CONNECTICUT BROWNFIELD WORKING GROUP.***

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in sections 3,  
2 5, 7 and 9 of this act and sections 32-9cc, 32-9ee, 32-9gg and 32-9kk to  
3 32-9mm, inclusive, of the general statutes, as amended by this act:

4 (1) "Affordable housing" has the same meaning as provided in  
5 section 8-39a of the general statutes;

6 (2) "Bona fide prospective purchaser" means a person who acquires  
7 ownership of a property after July 1, 2011, and establishes by a  
8 preponderance of the evidence that:

9 (A) All disposal of regulated substances at the property occurred  
10 before such person acquired the property;

11 (B) Such person made all appropriate inquiries, as set forth in 40  
12 CFR Part 312, into the previous ownership and uses of the property in

13 accordance with generally accepted good commercial and customary  
14 standards and practices, including, but not limited to, the standards  
15 and practices set forth in the ASTM Standard Practice for  
16 Environmental Site Assessments, Phase I Environmental Site  
17 Assessment Process, E1527-05, as may be amended from time to time.  
18 In the case of property in residential or other similar use at the time of  
19 purchase by a nongovernmental or noncommercial entity, a property  
20 inspection and a title search that reveal no basis for further  
21 investigation shall be considered to satisfy the requirements of this  
22 subparagraph;

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

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

30 (E) Such person provides full cooperation, assistance and access to  
31 persons authorized to conduct response actions or natural resource  
32 restoration at the property, including, but not limited to, the  
33 cooperation and access necessary for the installation, integrity,  
34 operation and maintenance of any complete or partial response actions  
35 or natural resource restoration at the property;

36 (F) Such person complies with any land use restrictions established  
37 or relied on in connection with the response action at the property and  
38 does not impede the effectiveness or integrity of any institutional  
39 control employed at the property in connection with a response action;  
40 and

41 (G) Such person complies with any request for information from the  
42 Commissioner of Energy and Environmental Protection;

43 (3) "Brownfield" means any abandoned or underutilized site where

44 redevelopment, reuse or expansion has not occurred due to the  
45 presence or potential presence of pollution in the buildings, soil or  
46 groundwater that requires investigation or remediation before or in  
47 conjunction with the restoration, redevelopment and reuse of the  
48 property;

49 (4) "Commissioner" means the Commissioner of Economic and  
50 Community Development;

51 (5) "Contiguous property owner" means a person who owns real  
52 property contiguous to or otherwise similarly situated with respect to,  
53 and that is or may be contaminated by a release or threatened release  
54 of a regulated substance from, real property that is not owned by that  
55 person, provided:

56 (A) With respect to the property owned by such person, such person  
57 takes reasonable steps to (i) stop any continuing release of any  
58 regulated substance released on or from the property, (ii) prevent any  
59 threatened future release of any regulated substance released on or  
60 from the property, and (iii) prevent or limit human, environmental or  
61 natural resource exposure to any regulated substance released on or  
62 from the property;

63 (B) Such person provides full cooperation, assistance and access to  
64 persons authorized to conduct response actions or natural resource  
65 restoration at the property from which there has been a release or  
66 threatened release, including, but not limited to, the cooperation and  
67 access necessary for the installation, integrity, operation and  
68 maintenance of any complete or partial response action or natural  
69 resource restoration at the property;

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

74 (D) Such person complies with any request for information from the

75 Commissioner of Energy and Environmental Protection; and

76 (E) Such person provides all legally required notices with respect to  
77 the discovery or release of any hazardous substances at the property;

78 (6) "Department" means the Department of Economic and  
79 Community Development;

80 (7) "Economic development agency" means (A) a municipal  
81 economic development agency or entity created or operating under  
82 chapter 130 or 132 of the general statutes; (B) a nonprofit economic  
83 development corporation formed to promote the common good,  
84 general welfare and economic development of a municipality that is  
85 funded, either directly or through in-kind services, in part by a  
86 municipality; or (C) a nonstock corporation or limited liability  
87 company established or controlled by a municipality, municipal  
88 economic development agency or an entity created or operating under  
89 chapter 130 or 132 of the general statutes;

90 (8) "Eligible costs" means the costs associated with the investigation,  
91 assessment, remediation and development of a brownfield, including,  
92 but not limited to, (A) soil, groundwater and infrastructure  
93 investigation, (B) assessment, (C) remediation, (D) abatement, (E)  
94 hazardous materials or waste disposal, (F) long-term groundwater or  
95 natural attenuation monitoring, (G) environmental land use  
96 restrictions, (H) attorneys' fees, (I) planning, engineering and  
97 environmental consulting, and (J) building and structural issues,  
98 including demolition, asbestos abatement, polychlorinated biphenyls  
99 removal, contaminated wood or paint removal, and other  
100 infrastructure remedial activities;

101 (9) "Eligible grant recipient" means a municipality or economic  
102 development agency;

103 (10) "Financial assistance" means grants, extensions of credit, loans  
104 or loan guarantees, or any combination thereof;

105 (11) "Innocent landowner" has the same meaning as provided in

106 section 22a-452d of the general statutes;

107 (12) "Interim verification" has the same meaning as provided in  
108 section 22a-134 of the general statutes, as amended by this act;

109 (13) "Manufacturing facility" means a business establishment  
110 classified under sector 31, 32 or 33 of the North American Industrial  
111 Classification System;

112 (14) "Municipality" means a town, city, consolidated town and city  
113 or consolidated town and borough;

114 (15) "PCB regulations" means the polychlorinated biphenyls  
115 manufacturing, processing, distribution in commerce and use  
116 prohibitions found at 40 CFR Part 761;

117 (16) "Person" means any individual, firm, partnership, association,  
118 syndicate, company, trust, corporation, limited liability company,  
119 municipality, economic development agency, agency or political or  
120 administrative subdivision of the state and any other legal entity;

121 (17) "Real property" means land, buildings and other structures and  
122 improvements thereto, subterranean or subsurface rights, any and all  
123 easements, air rights and franchises of any kind or nature;

124 (18) "Regulated substance" means petroleum, any flammable  
125 substance, any extremely hazardous substance, as defined in 40 CFR  
126 355, any hazardous substance, as defined in 40 CFR 302, or  
127 polychlorinated biphenyls in concentrations greater than fifty parts per  
128 million;

129 (19) "Release" means any discharge, spillage, uncontrolled loss,  
130 seepage, filtration, leakage, injection, escape, dumping, pumping,  
131 pouring, emitting, emptying or disposal of a substance;

132 (20) "Remediation standards" has the same meaning as provided in  
133 section 22a-134 of the general statutes, as amended by this act;

134 (21) "State" means the state of Connecticut;

135 (22) "UST regulations" means the regulations adopted pursuant to  
136 subsection (d) of section 22a-449 of the general statutes; and

137 (23) "Verification" has the same meaning as provided in section 22a-  
138 134 of the general statutes, as amended by this act.

139 (b) Any relevant term in section 3, 5, 7 or 9 of this act or section 32-  
140 9cc, 32-9ee, 32-9gg or 32-9kk to 32-9mm, inclusive, of the general  
141 statutes, as amended by this act, that is not defined in this section shall  
142 be defined in accordance with the definitions in chapter 445 of the  
143 general statutes.

144 Sec. 2. Section 32-9cc of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective October 1, 2013*):

146 (a) There is established, within the Department of Economic and  
147 Community Development, an Office of Brownfield Remediation and  
148 Development. Such office shall be managed by a director, appointed  
149 by the commissioner in accordance with section 5-198. In addition to  
150 the other powers, duties and responsibilities provided for in this  
151 chapter, the office shall promote and encourage the [and  
152 redevelopment] remediation and development of brownfields in the  
153 state. The Office of Brownfield Remediation and Development shall  
154 coordinate and cooperate with state and local agencies and individuals  
155 within the state on brownfield redevelopment initiatives, including  
156 program development and administration, community outreach,  
157 regional coordination and seeking federal funding opportunities.

158 (b) The office shall:

159 (1) Develop procedures and policies for streamlining the process for  
160 brownfield remediation and development;

161 (2) Identify existing and potential sources of funding for brownfield  
162 remediation and develop procedures for expediting the application for  
163 and release of such funds;

164 (3) Establish an office and maintain an informational Internet web

165 site to provide assistance and information concerning the state's  
166 technical assistance, funding, regulatory and permitting programs for  
167 brownfield remediation and development;

168 (4) Provide a single point of contact for financial and technical  
169 assistance from the state and quasi-public agencies with regard to  
170 brownfield remediation and development;

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

174 (6) Identify and prioritize state-wide brownfield development  
175 opportunities, including, but not limited to, in consultation with the  
176 State Historic Preservation Office, municipal officials and regional  
177 planning organizations, the identification of abandoned and  
178 underutilized mills that are important assets to the municipality or the  
179 region in which such mills are located;

180 (7) Develop and [execute] administer a communication and  
181 outreach program to educate municipalities, economic development  
182 agencies, property owners and potential property owners and other  
183 organizations and individuals with regard to state programs for  
184 brownfield remediation and redevelopment;

185 (8) At the office's discretion, enter into cooperative agreements with  
186 qualified implementing agencies and may, where appropriate, make  
187 grants to [these] such organizations for the purpose of designing,  
188 implementing and supervising brownfield assessment and cleanups,  
189 or making further subgrants, provided each subgrant is in compliance  
190 with the terms and conditions of the original grant; and

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

195 [(c) Subject to the availability of funds, there shall be a state-funded

196 municipal brownfield grant program to identify brownfield  
197 remediation economic opportunities in Connecticut municipalities  
198 annually. For each round of funding, the Commissioner of Economic  
199 and Community Development may select at least six municipalities,  
200 one of which shall have a population of less than fifty thousand, one of  
201 which shall have a population of more than fifty thousand but less  
202 than one hundred thousand, two of which shall have populations of  
203 more than one hundred thousand and two of which shall be selected  
204 without regard to population. The Commissioner of Economic and  
205 Community Development shall designate municipalities in which  
206 untreated brownfields hinder economic development and shall make  
207 grants under such program to these municipalities or economic  
208 development agencies associated with each of the selected  
209 municipalities that are likely to produce significant economic  
210 development benefit for the designated municipality.]

211 [(d)] (c) The Department of Energy and Environmental Protection,  
212 Connecticut Innovations, Incorporated, the Office of Policy and  
213 Management and the Department of Public Health shall each  
214 designate one or more staff members to act as a liaison between their  
215 offices and the Office of Brownfield Remediation and Development.  
216 The Commissioners of Economic and Community Development,  
217 Energy and Environmental Protection and Public Health, the Secretary  
218 of the Office of Policy and Management and the executive director of  
219 Connecticut Innovations, Incorporated shall enter into a memorandum  
220 of understanding concerning each entity's responsibilities with respect  
221 to the Office of Brownfield Remediation and Development. The Office  
222 of Brownfield Remediation and Development may recruit two  
223 volunteers from the private sector, including a person from the  
224 Connecticut chapter of the National Brownfield Association, with  
225 experience in different aspects of brownfield remediation and  
226 development. Said volunteers may assist the Office of Brownfield  
227 Remediation and Development in marketing the [brownfields]  
228 brownfield programs and redevelopment activities of the state.

229 [(e)] (d) The Office of Brownfield Remediation and Development

230 may call upon any other department, board, commission or other  
231 agency of the state to supply such reports, information and assistance  
232 as said office determines is appropriate to carry out its duties and  
233 responsibilities. Each officer or employee of such office, department,  
234 board, commission or other agency of the state is authorized and  
235 directed to cooperate with the Office of Brownfield Remediation and  
236 Development and to furnish such reports, information and assistance.

237 [(f) Brownfield sites identified for funding under the grant program  
238 established in subsection (c) of this section shall receive priority review  
239 status from the Department of Energy and Environmental Protection.  
240 Each property funded under this program shall be investigated in  
241 accordance with prevailing standards and guidelines and remediated  
242 in accordance with the regulations established for the remediation of  
243 such sites adopted by the Commissioner of Energy and Environmental  
244 Protection or pursuant to section 22a-133k and under the supervision  
245 of the department or a licensed environmental professional in  
246 accordance with the voluntary remediation program established in  
247 section 22a-133x. In either event, the department shall determine that  
248 remediation of the property has been fully implemented or that an  
249 audit will not be conducted upon submission of a report indicating  
250 that remediation has been verified by an environmental professional  
251 licensed in accordance with section 22a-133v. Not later than ninety  
252 days after submission of the verification report, the Commissioner of  
253 Energy and Environmental Protection shall notify the municipality or  
254 economic development agency as to whether the remediation has been  
255 performed and completed in accordance with the remediation  
256 standards, whether an audit will not be conducted, or whether any  
257 additional remediation is warranted. For purposes of acknowledging  
258 that the remediation is complete, the commissioner or a licensed  
259 environmental professional may indicate that all actions to remediate  
260 any pollution caused by any release have been taken in accordance  
261 with the remediation standards and that no further remediation is  
262 necessary to achieve compliance except postremediation monitoring or  
263 natural attenuation monitoring.

264 (g) All relevant terms in this subsection, subsection (h) of this  
265 section and sections 32-9dd to 32-9ff, inclusive, shall be defined in  
266 accordance with the definitions in chapter 445. For purposes of  
267 subdivision (12) of subsection (a) of section 32-9t, this subsection,  
268 subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive,  
269 "brownfields" means any abandoned or underutilized site where  
270 redevelopment, reuse or expansion has not occurred due to the  
271 presence or potential presence of pollution in the buildings, soil or  
272 groundwater that requires investigation or remediation before or in  
273 conjunction with the restoration, redevelopment, reuse and expansion  
274 of the property.]

275 [(h)] (e) The Departments of Economic and Community  
276 Development and Energy and Environmental Protection shall  
277 administer the provisions of subdivision (1) of section 22a-134, as  
278 amended by this act, section 32-1m, subdivision (12) of subsection (a)  
279 of section 32-9t and [sections 32-9cc to 32-9gg, inclusive] sections 3, 5, 7  
280 and 9 of this act and sections 32-9cc, 32-9ee, 32-9gg and 32-9kk to 32-  
281 9mm, inclusive, as amended by this act, within available  
282 appropriations and any funds allocated pursuant to sections 4-66c,  
283 22a-133t and 32-9t.

284 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) There is established an  
285 account to be known as the "brownfield remediation and development  
286 account", which shall be a separate, nonlapsing account within the  
287 General Fund. There shall be deposited in the account: (1) The  
288 proceeds of bonds issued by the state for deposit into said account and  
289 used in accordance with this section; (2) repayments of assistance  
290 provided pursuant to subsection (c) of section 22a-133u of the general  
291 statutes; (3) interest or other income earned on the investment of  
292 moneys in the account; (4) funds recovered pursuant to sections 7 and  
293 9 of this act; (5) any proceeds realized by the state from activities  
294 pursuant to section 5 of this act or section 32-9kk of the general  
295 statutes, as amended by this act; and (6) all funds required by law to be  
296 deposited in the account. Any balance remaining in the account at the  
297 end of any fiscal year shall be carried forward in the account for the

298 fiscal year next succeeding.

299 (b) All moneys received in consideration of financial assistance,  
300 including payments of principal and interest on any loans made  
301 pursuant to section 5 of this act, shall be credited to the account and  
302 shall become part of the assets of the account. At the discretion of the  
303 Commissioner of Economic and Community Development and subject  
304 to the approval of the Secretary of the Office of Policy and  
305 Management, any federal, private or other moneys received by the  
306 state in connection with projects undertaken pursuant to section 32-  
307 9kk of the general statutes, as amended by this act, or section 5 of this  
308 act shall be credited to the assets of the account.

309 (c) Notwithstanding any provision of law, proceeds from the sale of  
310 bonds available pursuant to subdivision (1) of subsection (b) of section  
311 4-66c of the general statutes may, with the approval of the Governor  
312 and the State Bond Commission, be used to capitalize the account.

313 (d) The commissioner may use funds in the account (1) to provide  
314 financial assistance for the remediation and development of  
315 brownfields in the state pursuant to section 32-9kk of the general  
316 statutes, as amended by this act, or section 5 of this act, and (2) for  
317 administrative costs not to exceed five per cent of such funds.

318 Sec. 4. Section 32-9kk of the general statutes is repealed and the  
319 following is substituted in lieu thereof (*Effective October 1, 2013*):

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

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

327 (2) "Commissioner" means the Commissioner of Economic and  
328 Community Development;

329 (3) "Department" means the Department of Economic and  
330 Community Development;

331 (4) "Eligible applicant" means any municipality, a for-profit or  
332 nonprofit organization or entity, or economic development agency or  
333 any combination thereof;

334 (5) "Financial assistance" means grants, extensions of credit, loans or  
335 loan guarantees, participation interests in loans made to eligible  
336 applicants by Connecticut Innovations, Incorporated or combinations  
337 thereof;

338 (6) "Municipality" means a town, city, consolidated town and city or  
339 consolidated town and borough;

340 (7) "Eligible brownfield project" means the foreclosure,  
341 investigation, assessment, remediation and development of a  
342 brownfield undertaken pursuant to this subsection and subsections (b)  
343 to (k), inclusive, of this section;

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

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

349 (10) "State" means the state of Connecticut;

350 (11) "Eligible grant recipients" means municipalities or economic  
351 development agencies; and

352 (12) "Economic development agency" means (A) a municipal  
353 economic development agency or entity created or operating under  
354 chapter 130 or 132; (B) a nonprofit economic development corporation  
355 formed to promote the common good, general welfare and economic  
356 development of a municipality that is funded, either directly or  
357 through in-kind services, in part by a municipality; or (C) a nonstock

358 corporation or limited liability company established or controlled by a  
359 municipality, municipal economic development agency or an entity  
360 created or operating under chapter 130 or 132.

361 (b) Subject to the availability of funds, the Commissioner of  
362 Economic and Community Development may, in consultation with the  
363 Commissioner of Energy and Environmental Protection, provide  
364 financial assistance pursuant to subsections (e) and (f) of this section in  
365 support of eligible brownfield projects, as defined in subdivision (7) of  
366 subsection (a) of this section.

367 (c) An eligible applicant, as defined in subdivision (4) of subsection  
368 (a) of this section, shall submit an application for financial assistance to  
369 the Commissioner of Economic and Community Development on  
370 forms provided by said commissioner and with such information said  
371 commissioner deems necessary, including, but not limited to: (1) A  
372 description of the proposed project; (2) an explanation of the expected  
373 benefits of the project in relation to the purposes of subsections (a) to  
374 (i), inclusive, of this section; (3) information concerning the financial  
375 and technical capacity of the eligible applicant to undertake the  
376 proposed project; (4) a project budget; (5) a description of the condition  
377 of the property involved including the results of any environmental  
378 assessment of the property; and (6) the names of any persons known to  
379 be liable for the remediation of the property.

380 (d) The commissioner may approve, reject or modify any  
381 application properly submitted. In reviewing an application and  
382 determining the type and amount of financial assistance, if any, to be  
383 provided, the commissioner shall consider the following criteria: (1)  
384 The availability of funds; (2) the estimated costs of assessing and  
385 remediating the site, if known; (3) the relative economic condition of  
386 the municipality; (4) the relative need of the eligible project for  
387 financial assistance; (5) the degree to which financial assistance is  
388 necessary as an inducement to the eligible applicant to undertake the  
389 project; (6) the public health and environmental benefits of the project;  
390 (7) relative economic benefits of the project to the municipality, the

391 region and the state, including, but not limited to, the extent to which  
392 the project will likely result in a contribution to the municipality's tax  
393 base and the retention and creation of jobs; (8) the time frame in which  
394 the contamination occurred; (9) the relationship of the applicant to the  
395 person or entity that caused the contamination; (10) the length of time  
396 the property has been abandoned; (11) the taxes owed and the  
397 projected revenues that may be restored to the community; (12) the  
398 type of financial assistance requested pursuant to this section; and (13)  
399 such other criteria as the commissioner may establish consistent with  
400 the purposes of subsection (a) to (k), inclusive, of this section.]

401 [(e) (1)] (a) There is established a remedial action and  
402 redevelopment municipal grant program to be administered by the  
403 Department of Economic and Community Development for the  
404 purpose of providing [financial assistance in the form of grants to  
405 eligible grant recipients. Eligible grant recipients may use grant funds  
406 for any development project, including manufacturing, retail,  
407 residential, municipal, educational, parks, community centers and  
408 mixed-use development, and the project's associated costs, including  
409 (A) soil, groundwater and infrastructure investigation, (B) assessment,  
410 (C) remediation, (D) abatement, (E) hazardous materials or waste  
411 disposal, (F) long-term groundwater or natural attenuation  
412 monitoring, (G) environmental land use restrictions, (H) attorneys'  
413 fees, (I) planning, engineering and environmental consulting, and (J)  
414 building and structural issues, including demolition, asbestos  
415 abatement, polychlorinated biphenyls removal, contaminated wood or  
416 paint removal, and other infrastructure remedial activities.] grants to  
417 municipalities and economic development agencies for the eligible  
418 costs of brownfield remediation projects and reasonable administrative  
419 expenses not to exceed five per cent of any grant awarded.

420 (b) An eligible grant recipient shall submit an application to the  
421 Commissioner of Economic and Community Development on forms  
422 provided by the commissioner and with such information the  
423 commissioner deems necessary, including, but not limited to: (1) A  
424 description of the proposed project; (2) an explanation of the expected

425 benefits of the project in relation to the purposes of this section; (3)  
426 information concerning the financial and technical capacity of the  
427 applicant to undertake the proposed project; (4) a project budget; (5) a  
428 description of the condition of the brownfield involved, including the  
429 results of any environmental assessment of the brownfield; and (6) the  
430 names of any persons known to be liable for the remediation of the  
431 brownfield.

432 (c) The commissioner may approve, reject or modify any application  
433 properly submitted. In reviewing an application and determining the  
434 amount of the grant, if any, to be provided, the commissioner shall  
435 consider the following criteria: (1) The availability of funds; (2) the  
436 estimated costs of assessing and remediating the brownfield, if known;  
437 (3) the relative economic condition of the municipality in which the  
438 brownfield is located; (4) the relative need of the project for financial  
439 assistance; (5) the degree to which a grant under this section is  
440 necessary to induce the applicant to undertake the project; (6) the  
441 public health and environmental benefits of the project; (7) the relative  
442 economic benefits of the project to the municipality, the region and the  
443 state, including, but not limited to, the extent to which the project will  
444 likely result in a contribution to the municipality's tax base and the  
445 retention and creation of jobs; (8) the time frame in which the  
446 contamination occurred; (9) the relationship of the applicant to the  
447 person or entity that caused the contamination; (10) the length of time  
448 the brownfield has been abandoned; (11) the taxes owed and the  
449 projected revenues that may be restored to the community; and (12)  
450 such other criteria as the commissioner may establish consistent with  
451 the purposes of this section.

452 [(2)] (d) The [Commissioner of Economic and Community  
453 Development] commissioner shall award grants on a competitive  
454 basis, based at a minimum on an annual request for applications. [, the  
455 first of which shall be issued on October 1, 2008, and the following to  
456 be issued on June first each year, with awards being made by the  
457 following January first.] The commissioner [, at the commissioner's  
458 discretion,] may increase the frequency of requests for applications

459 and awards depending upon the number of applicants and the  
460 availability of funding.

461 [(3)] (e) A grant awarded pursuant to this section shall not exceed  
462 four million dollars. If the eligible costs exceed four million dollars, the  
463 [commissioner] eligible grant recipient may request and seek funding  
464 through other state programs.

465 [(4) If the eligible grant recipient develops and sells the property,  
466 such applicant shall return any money received pursuant to this  
467 subsection, to the brownfield remediation and development account  
468 established pursuant to subsection (l) of this section, minus twenty per  
469 cent, which such eligible grant recipient shall retain to cover costs of  
470 oversight, administration, development and, if applicable, lost tax  
471 revenue.

472 (5) Any eligible grant recipient shall be immune from liability to the  
473 extent provided in subsection (a) of section 32-9ee.]

474 [(6)] (f) The eligible grant recipient may make low-interest loans to a  
475 brownfield redeveloper [, if the future reuse is known and an  
476 agreement with the redeveloper is in place and the private party is a  
477 coapplicant] if (1) such recipient coapplied for the grant under this  
478 section with such brownfield redeveloper, and (2) not later than forty-  
479 five days after receiving the grant, such recipient enters into a written  
480 agreement with such brownfield redeveloper for an identified future  
481 reuse of such brownfield after remediation. Loan principal and interest  
482 payments shall be returned to the brownfield remediation and  
483 development account established pursuant to [subsection (l) of this  
484 section] section 3 of this act, minus twenty per cent of the principal,  
485 which the eligible grant recipient shall retain. If the eligible grant  
486 recipient provides a loan, such loan may be secured by a state or  
487 municipal lien on the property.

488 [(7)] (g) Any eligible grant [recipients] recipient that [provide]  
489 provides a loan pursuant to [subdivision (6) of this] subsection (f) of  
490 this section shall require the loan recipient to enter a voluntary

491 program pursuant to section 22a-133x or 22a-133y with the  
492 Commissioner of Energy and Environmental Protection for brownfield  
493 remediation. [The commissioner may use not more than five per cent  
494 of eligible grant or loan proceeds for reasonable administrative  
495 expenses.]

496 [(8) Notwithstanding section 22a-134a, the eligible grant recipient  
497 may acquire and convey its interest in the property without such  
498 recipient or the subsequent purchaser incurring liability, including any  
499 such liability incurred pursuant to section 22a-134a, provided the  
500 property was remediated pursuant to section 22a-133x or 22a-133y or  
501 pursuant to an order issued by the Commissioner of Energy and  
502 Environmental Protection and such remediation was performed in  
503 accordance with the standards adopted pursuant to section 22a-133k as  
504 determined by said commissioner or, if authorized by said  
505 commissioner, verified by a licensed environmental professional  
506 unless such verification has been rejected by said commissioner  
507 subsequent to an audit conducted by said commissioner and provided  
508 the subsequent purchaser has no direct or related liability for the site  
509 conditions.

510 (f) (1) The Department of Economic and Community Development  
511 shall develop a targeted brownfield development loan program to  
512 provide financial assistance in the form of low-interest loans to eligible  
513 applicants who are potential brownfield purchasers who have no  
514 direct or related liability for the site conditions and eligible applicants  
515 who are existing property owners who (A) are currently in good  
516 standing and otherwise compliant with the Department of Energy and  
517 Environmental Protection's regulatory programs, (B) demonstrate an  
518 inability to fund the investigation and cleanup themselves, and (C)  
519 cannot retain or expand jobs due to the costs associated with the  
520 investigating and remediating of the contamination.

521 (2) The commissioner shall provide low-interest loans to eligible  
522 applicants who are purchasers or existing property owners pursuant to  
523 this section who seek to develop property for purposes of retaining or

524 expanding jobs in the state or for developing affordable housing units,  
525 suitable for first-time home buyers, incentive housing zones,  
526 workforce housing and other residential purposes, as approved by the  
527 commissioner. Loans shall be available to manufacturing, retail,  
528 residential or mixed-use developments, expansions or reuses. The  
529 commissioner shall provide loans based upon project merit and  
530 viability, the economic and community development opportunity,  
531 municipal support, contribution to the community's tax base, number  
532 of jobs, past experience of the applicant, compliance history and ability  
533 to pay.

534 (3) Any loan recipient who is a brownfields purchaser and who (A)  
535 receives a loan in excess of thirty thousand dollars, or (B) uses loan  
536 proceeds to perform a Phase II environmental investigation, shall be  
537 subject to section 22a-134a or shall enter a voluntary program for  
538 remediation of the property with the Department of Energy and  
539 Environmental Protection. Any loan recipient who is an existing  
540 property owner shall enter a voluntary program with the Department  
541 of Energy and Environmental Protection.

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

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

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

557 disposal, long-term groundwater or natural attenuation monitoring,  
558 costs associated with an environmental land use restriction, attorneys'  
559 fees, planning, engineering and environmental consulting costs, and  
560 building and structural issues, including demolition, asbestos  
561 abatement, polychlorinated biphenyls removal, contaminated wood or  
562 paint removal, and other infrastructure remedial activities.

563 (7) For any loan made pursuant to this subsection that is greater  
564 than fifty thousand dollars, the applicant shall submit a redevelopment  
565 plan that describes how the property will be used or reused for  
566 commercial, industrial, residential or mixed-use development and how  
567 it will result in jobs and private investment in the community. For any  
568 residential development loan pursuant to this subsection, the  
569 developer shall agree that the development will provide the affordable  
570 housing needs reasonable and appropriate for first-time home buyers  
571 or for workforce housing or recent college graduates looking to remain  
572 in this state.

573 (8) The loan program established pursuant to this subsection shall  
574 be available to all qualified new and existing property owners.  
575 Recipients who use loans for commercial, industrial or mixed-use  
576 development shall agree to retain or add jobs, during the term of the  
577 loan, unless otherwise agreed to by the Department of Economic and  
578 Community Development, Connecticut Innovations, Incorporated and  
579 the Connecticut Brownfield Redevelopment Authority. The residential  
580 developer shall agree to retire the loan upon sale of the units unless the  
581 development will be apartments.

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

588 (10) The loan program established pursuant to this subsection shall  
589 be available to all municipalities and economic development agencies,

590 and the commissioner may modify the terms of any such loan to a  
591 municipality or economic development agency to provide for  
592 forgiveness of interest, principal, or both, or delay in repayment of  
593 interest, principal, or both, when the commissioner has determined  
594 such forgiveness or delay is in the best interest of the state.

595 (g) The Commissioner of Economic and Community Development  
596 shall approve applications submitted in accordance with subsection (c)  
597 of this section before awarding any financial assistance to an eligible  
598 applicant or purchasing any participation interest in a loan made by  
599 Connecticut Innovations, Incorporated for the benefit of an eligible  
600 applicant. Notwithstanding any other provision of this section, if the  
601 applicant's request for financial assistance involves the department  
602 purchasing a participation interest in a loan made by Connecticut  
603 Innovations, Incorporated, such authority may submit such  
604 application and other information as is required of eligible applicants  
605 under subsection (c) of this section on behalf of such eligible applicant  
606 and no further application shall be required of such eligible applicant.  
607 No financial assistance shall exceed fifty per cent of the total project  
608 cost, provided in the case of (1) planning or site evaluation projects,  
609 and (2) financial assistance to any project in a targeted investment  
610 community, such assistance shall not exceed ninety per cent of the  
611 project cost. Upon approval of the commissioner, a nonstate share of  
612 the total project cost, if any, may be satisfied entirely or partially from  
613 noncash contributions, including contributions of real property, from  
614 private sources or, to the extent permitted by federal law, from moneys  
615 received by the municipality under any federal grant program.

616 (h) Financial assistance may be made available for (1) site  
617 investigation and assessment, (2) planning and engineering, including,  
618 but not limited to, the reasonable cost of environmental consultants,  
619 laboratory analysis, investigatory and remedial contractors, architects,  
620 attorneys' fees, feasibility studies, appraisals, market studies and  
621 related activities, (3) the acquisition of real property, provided  
622 financial assistance for such acquisition shall not exceed fair market  
623 value as appraised as if clean, (4) the construction of site and

624 infrastructure improvements related to the site remediation, (5)  
625 demolition, asbestos abatement, hazardous waste removal, PCB  
626 removal and related infrastructure remedial activities, (6) remediation,  
627 groundwater monitoring, including, but not limited to, natural  
628 attenuation groundwater monitoring and costs associated with filing  
629 an environmental land use restriction, (7) environmental insurance,  
630 and (8) other reasonable expenses the commissioner determines are  
631 necessary or appropriate for the initiation, implementation and  
632 completion of the project. The department may purchase participation  
633 interests in loans made by Connecticut Innovations, Incorporated for  
634 the foregoing purposes.

635 (i) The commissioner may establish the terms and conditions of any  
636 financial assistance provided pursuant to subsections (a) to (k),  
637 inclusive, of this section. The commissioner may make any stipulation  
638 in connection with an offer of financial assistance the commissioner  
639 deems necessary to implement the policies and purposes of such  
640 sections, including, but not limited to the following: (1) Providing  
641 assurances that the eligible applicant will discharge its obligations in  
642 connection with the project; and (2) requiring that the eligible  
643 applicant provide the department with appropriate security for such  
644 financial assistance, including, but not limited to, a letter of credit, a  
645 lien on real property or a security interest in goods, equipment,  
646 inventory or other property of any kind.

647 (j) The commissioner may use any available funds for financial  
648 assistance under the provisions of subsections (a) to (k), inclusive, of  
649 this section and may use such funds for the staffing, marketing and  
650 web site development for the programs established pursuant to  
651 subsections (a) to (k), inclusive, of this section and the administration  
652 of the Office of Brownfield Remediation and Development established  
653 pursuant to section 32-9cc, provided such costs do not exceed four per  
654 cent of any such funds authorized.

655 (k) Whenever funds are used pursuant to subsections (a) to (k),  
656 inclusive, of this section for purposes of environmental assessments or

657 remediation of a brownfield, the Commissioner of Energy and  
658 Environmental Protection may seek reimbursement of the costs and  
659 expenses incurred by requesting the Attorney General to bring a civil  
660 action to recover such costs and expenses from any party responsible  
661 for such pollution, provided no such action shall be brought separately  
662 from any action to recover costs and expenses incurred by the  
663 Commissioner of Energy and Environmental Protection in pursuing  
664 action to contain, remove or mitigate any pollution on such site. The  
665 costs and expenses recovered may include, but shall not be limited to,  
666 (1) the actual cost of identifying, evaluating, planning for and  
667 undertaking the remediation of the site; (2) any administrative costs  
668 not exceeding ten per cent of the actual costs; (3) the costs of  
669 recovering the reimbursement; and (4) interest on the actual costs at a  
670 rate of ten per cent a year from the date such expenses were paid. The  
671 defendant in any civil action brought pursuant to this subsection shall  
672 have no cause of action or claim for contribution against any person  
673 with whom the Commissioner of Energy and Environmental  
674 Protection has entered into a covenant not to sue pursuant to sections  
675 22a-133aa and 22a-133bb with respect to pollution on or emanating  
676 from the property that is the subject of said civil action. Funds  
677 recovered pursuant to this section shall be deposited in the brownfield  
678 remediation and development account established pursuant to  
679 subsections (l) to (o), inclusive, of this section. The provisions of this  
680 subsection shall be in addition to any other remedies provided by law.

681 (l) There is established a separate nonlapsing account within the  
682 General Fund to be known as the "brownfield remediation and  
683 development account". There shall be deposited in the account: (1) The  
684 proceeds of bonds issued by the state for deposit into said account and  
685 used in accordance with this section; (2) repayments of assistance  
686 provided pursuant to subsection (c) of section 22a-133u; (3) interest or  
687 other income earned on the investment of moneys in the account; (4)  
688 funds recovered pursuant to subsections (i) and (k) of this section; and  
689 (5) all funds required by law to be deposited in the account.  
690 Repayment of principal and interest on loans made pursuant to  
691 subsections (a) to (k), inclusive, of this section shall be credited to such

692 account and shall become part of the assets of the account. Any  
693 balance remaining in such account at the end of any fiscal year shall be  
694 carried forward in the account for the fiscal year next succeeding.

695 (m) All moneys received in consideration of financial assistance,  
696 including payments of principal and interest on any loans, shall be  
697 credited to the account. At the discretion of the Commissioner of  
698 Economic and Community Development and subject to the approval  
699 of the Secretary of the Office of Policy and Management, any federal,  
700 private or other moneys received by the state in connection with  
701 projects undertaken pursuant to subsections (a) to (k), inclusive, of this  
702 section shall be credited to the assets of the account.

703 (n) Notwithstanding any provision of law, proceeds from the sale of  
704 bonds available pursuant to subdivision (1) of subsection (b) of section  
705 4-66c may, with the approval of the Governor and the State Bond  
706 Commission, be used to capitalize the brownfield remediation and  
707 development account created by subsections (l) to (o), inclusive, of this  
708 section.

709 (o) The commissioner may, with the approval of the Secretary of the  
710 Office of Policy and Management, provide financial assistance  
711 pursuant to subsections (a) to (k), inclusive, of this section from the  
712 account established under subsection (l) to (o), inclusive, of this  
713 section.]

714 Sec. 5. (NEW) (*Effective October 1, 2013*) (a) The Department of  
715 Economic and Community Development shall develop a targeted  
716 brownfield development loan program to provide low-interest loans  
717 for the eligible costs of brownfield remediation projects to (1) potential  
718 brownfield purchasers who have no direct or related liability for the  
719 conditions of the brownfield, and (2) current brownfield owners who  
720 (A) are currently in good standing and otherwise compliant with the  
721 Department of Energy and Environmental Protection's regulatory  
722 programs, (B) demonstrate an inability to fund the investigation and  
723 cleanup themselves, and (C) cannot retain or expand jobs due to the  
724 costs associated with the investigating and remediating of the

725 contamination.

726 (b) The department shall provide loans to potential brownfield  
727 purchasers or existing brownfield owners pursuant to subsection (a) of  
728 this section who seek to develop brownfields for purposes of (1)  
729 reducing blight, (2) retaining or expanding jobs in the state, or (3)  
730 developing affordable housing units suitable for (A) first-time home  
731 buyers, (B) incentive housing zones, (C) workforce housing, (D) recent  
732 college graduates looking to remain in the state, or (E) other residential  
733 purposes as approved by the Commissioner of Economic and  
734 Community Development. Loans shall be available for manufacturing,  
735 retail, residential or mixed-use developments, expansions or reuses.

736 (c) An applicant for a loan pursuant to this section shall submit an  
737 application to the Commissioner of Economic and Community  
738 Development on forms provided by the commissioner and with such  
739 information the commissioner deems necessary, including, but not  
740 limited to: (1) A description of the proposed project; (2) an explanation  
741 of the expected benefits of the project in relation to the purposes of this  
742 section; (3) information concerning the financial and technical capacity  
743 of the applicant to undertake the proposed project; (4) a project budget;  
744 (5) a description of the condition of the brownfield involved, including  
745 the results of any environmental assessment of the brownfield; and (6)  
746 the names of any persons known to be liable for the remediation of the  
747 brownfield. The commissioner shall provide loans based upon project  
748 merit and viability, the economic and community development  
749 opportunity, municipal support, contribution to the community's tax  
750 base, number of jobs, past experience of the applicant, compliance  
751 history and ability to pay.

752 (d) A loan recipient who is a brownfield purchaser and who (1)  
753 receives a loan in excess of thirty thousand dollars, or (2) uses loan  
754 proceeds to perform a Phase II environmental investigation, shall be  
755 subject to section 22a-134a of the general statutes or shall enter a  
756 program for remediation of the property pursuant to section 22a-133x  
757 or 22a-133y of the general statutes. A loan recipient who is a current

758 brownfield owner shall enter such program.

759 (e) Loans made pursuant to this section shall have such terms and  
760 conditions and be subject to such eligibility and loan approval criteria  
761 as determined by the commissioner, including, but not limited to,  
762 performance requirements and (1) blight reduction, (2) commitments  
763 to maintain or retain jobs, or (3) commitments to provide a specified  
764 number of affordable housing units. Loan repayment shall coincide  
765 with the restoration of the site to a productive use or the completion of  
766 the expansion. Such loans shall be for a period not to exceed twenty  
767 years.

768 (f) If a loan recipient sells a property subject to a loan granted  
769 pursuant to this section before the loan is repaid, the loan shall be  
770 payable upon closing, with interest, unless (1) such property is an  
771 apartment building or complex, or (2) the commissioner agrees  
772 otherwise. The commissioner may carry the loan forward as an  
773 encumbrance to the purchaser with the same terms and conditions as  
774 the original loan.

775 (g) For any loan made pursuant to this section that is greater than  
776 fifty thousand dollars, the applicant shall submit a redevelopment plan  
777 that describes how the property will be used or reused for commercial,  
778 industrial, residential or mixed-use development and how it will result  
779 in jobs and private investment in the community.

780 (h) A loan recipient may be eligible for a loan of not more than two  
781 million dollars per year for not more than two years, subject to agency  
782 underwriting and reasonable and customary requirements to assure  
783 performance. If additional funds are required, the commissioner may  
784 recommend that the project be funded through the State Bond  
785 Commission.

786 (i) The commissioner may modify the terms of any loan made to a  
787 municipality or economic development agency pursuant to this section  
788 to provide for forgiveness of interest, principal, or both, or delay in  
789 repayment of interest, principal, or both, when the commissioner

790 determines such forgiveness or delay is in the best interest of the state.

791 Sec. 6. Section 32-9gg of the general statutes is repealed and the  
792 following is substituted in lieu thereof (*Effective October 1, 2013*):

793 [(a) For purposes of this section, "brownfield" has the same  
794 definition as in 42 USC 9601 and "manufacturing establishments"  
795 means manufacturing establishments as defined in the North  
796 American Industrial Classification System, United States Office of  
797 Management and Budget, 1997 edition.

798 (b) Existing owners of manufacturing facilities designated as  
799 brownfield sites shall be eligible for any available remediation funds,  
800 provided such owners demonstrate to the funding authority's  
801 satisfaction they did not cause the release of any hazardous substances  
802 or petroleum at the brownfield or provided the owner demonstrates  
803 the following:

804 (1) It did not knowingly cause injury to human health or the  
805 environment as a result of its disposal of hazardous substances or  
806 petroleum; and

807 (2) It has never been found guilty of knowingly or wilfully violating  
808 an environmental law.

809 (c) In determining what funds shall be made available for  
810 brownfield remediation, the funding authority shall consider an  
811 owner's ability to pay some or all of the remediation costs. Said  
812 authority shall give preference to owners that demonstrate a limited  
813 ability to pay for such remediation.

814 (d) In providing funds pursuant to this section, the funding  
815 authority may impose the following conditions:

816 (1) The owner receiving the funds not transfer title of the property  
817 for a set period of not more than ten years;

818 (2) The owner receiving funds reimburse the state for such funds in

819 the event that it receives funds for remediation from other sources; or

820 (3) The owner receiving funds continues to employ residents of the  
821 state for a set period of not less than ten years.]

822 Notwithstanding any provision of section 5 of this act, a current  
823 owner of a manufacturing facility located within a brownfield shall be  
824 eligible for a loan pursuant to section 5 of this act, provided such  
825 owner demonstrates that (1) such owner did not cause the release of  
826 petroleum or any hazardous substance at the brownfield, or (2) (A)  
827 such owner did not knowingly cause injury to human health or the  
828 environment as a result of its disposal of petroleum or any hazardous  
829 substance, and (B) such owner has never been found guilty of  
830 knowingly or wilfully violating any environmental law. In  
831 determining whether a loan shall be made available for brownfield  
832 remediation, the commissioner shall consider such owner's ability to  
833 pay some or all of the remediation costs. The commissioner shall give  
834 preference to owners that demonstrate a limited ability to pay for such  
835 remediation.

836 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) No financial assistance  
837 granted pursuant to section 32-9kk of the general statutes, as amended  
838 by this act, or section 5 of this act shall exceed fifty per cent of the total  
839 project cost, provided in the case of (1) planning or site evaluation  
840 projects, or (2) financial assistance to any project in a targeted  
841 investment community, as defined in section 32-222 of the general  
842 statutes, such assistance shall not exceed ninety per cent of the project  
843 cost. Upon approval of the commissioner, a nonstate share of the total  
844 project cost, if any, may be satisfied entirely or partially from noncash  
845 contributions, including contributions of real property, from private  
846 sources or, to the extent permitted by federal law, from moneys  
847 received by the municipality under any federal grant program.

848 (b) The commissioner may establish the terms and conditions of any  
849 financial assistance provided pursuant to section 32-9kk of the general  
850 statutes, as amended by this act, or section 5 of this act. The  
851 commissioner may make any stipulation in connection with an offer of

852 financial assistance the commissioner deems necessary to implement  
853 the policies and purposes of section 32-9kk of the general statutes, as  
854 amended by this act, or section 5 of this act, including, but not limited  
855 to, (1) a requirement of assurance from a grant or loan recipient that  
856 such recipient will discharge its obligations in connection with the  
857 project, (2) a requirement that a grant or loan recipient provide the  
858 department with appropriate security for such financial assistance,  
859 including, but not limited to, a letter of credit, a lien on real property or  
860 a security interest in goods, equipment, inventory or other property of  
861 any kind, and (3) a requirement that a grant or loan recipient  
862 reimburse the state for such financial assistance in the event that it  
863 receives funds for remediation from other sources.

864 Sec. 8. Section 32-9ee of the general statutes is repealed and the  
865 following is substituted in lieu thereof (*Effective October 1, 2013*):

866 (a) [Any municipality, economic development agency or entity  
867 established under chapter 130 or 132, nonprofit economic development  
868 corporation formed to promote the common good, general welfare and  
869 economic development of a municipality that is funded, either directly  
870 or through in-kind services, in part by a municipality, or a nonstock  
871 corporation or limited liability company controlled or established by a  
872 municipality, municipal economic development agency or entity  
873 created or operating under chapter 130 or 132 that receives grants  
874 through the Office of Brownfield Remediation and Development or the  
875 Department of Economic and Community Development, including  
876 those municipalities designated by the Commissioner of Economic and  
877 Community Development as part of the municipal brownfield grant  
878 program established in subsection (c) of section 32-9cc] Any recipient  
879 of a grant pursuant to section 32-9kk, as amended by this act, for the  
880 investigation and remediation of a brownfield property shall be  
881 considered an innocent [party] landowner and shall not be liable under  
882 section 22a-432, 22a-433, 22a-451 or 22a-452 for conditions pre-existing  
883 or existing on the brownfield property as of the date of acquisition or  
884 control, [as long as the municipality, economic development agency or  
885 entity established under chapter 130 or 132, nonprofit economic

886 development corporation formed to promote the common good,  
887 general welfare and economic development of a municipality that is  
888 funded, either directly or through in-kind services, in part by a  
889 municipality, or a nonstock corporation or limited liability company  
890 controlled or established by a municipality, municipal economic  
891 development agency or entity created or operating under chapter 130  
892 or 132] provided such recipient (1) did not establish, cause or  
893 contribute to the discharge, spillage, uncontrolled loss, seepage or  
894 filtration of such hazardous substance, material, waste or pollution  
895 that is subject to remediation under section 22a-133k and funded by  
896 the Office of Brownfield Remediation and Development or the  
897 Department of Economic and Community Development; (2) does not  
898 exacerbate the conditions; and (3) complies with reporting of  
899 significant environmental hazard requirements in section 22a-6u. To  
900 the extent that any conditions are exacerbated, [the municipality,  
901 economic development agency or entity established under chapter 130  
902 or 132, nonprofit economic development corporation formed to  
903 promote the common good, general welfare and economic  
904 development of a municipality that is funded, either directly or  
905 through in-kind services, in part by a municipality, or nonstock  
906 corporation or limited liability company controlled or established by a  
907 municipality, municipal economic development agency or entity  
908 created or operating under chapter 130 or 132] such recipient shall only  
909 be responsible for responding to contamination exacerbated by its  
910 negligent or reckless activities.

911 (b) [In determining what funds shall be made available for an  
912 eligible brownfield remediation, the Commissioner of Economic and  
913 Community Development shall consider (1) the economic  
914 development opportunities such reuse and redevelopment may  
915 provide, (2) the feasibility of the project, (3) the environmental and  
916 public health benefits of the project, and (4) the contribution of the  
917 reuse and redevelopment to the municipality's tax base.] Upon  
918 remediation as approved by the Department of Energy and  
919 Environmental Protection of a brownfield property by a recipient of a  
920 grant pursuant to section 32-9kk, as amended by this act, such

921 recipient may transfer the property to any person, provided such  
922 person is not otherwise liable under section 22a-432, 22a-433, 22a-451  
923 or 22a-452. The person who acquires title pursuant to this section shall  
924 not be liable under section 22a-432, 22a-433, 22a-451 or 22a-452,  
925 provided such person (1) does not cause or contribute to the discharge,  
926 spillage, uncontrolled loss, seepage or filtration of such hazardous  
927 substance, material or waste, and (2) such person is not a member,  
928 officer, manager, director, shareholder, subsidiary, successor of,  
929 related to, or affiliated with, directly or indirectly, the person who is  
930 otherwise liable under section 22a-432, 22a-433, 22a-451 or 22a-452. The  
931 Commissioner of Energy and Environmental Protection shall provide  
932 such person with a covenant not to sue pursuant to section 22a-133aa  
933 and shall not require the prospective purchaser or owner to pay a fee.

934 (c) If a recipient of a grant pursuant to section 32-9kk, as amended  
935 by this act, sells the brownfield that was remediated with a grant  
936 provided pursuant to said section, such recipient shall return any  
937 funds received pursuant to section 32-9kk, as amended by this act, to  
938 the brownfield remediation and development account established  
939 pursuant to section 3 of this act, minus (1) such recipient's costs  
940 associated with the acquisition of the brownfield, (2) all eligible costs,  
941 and (3) twenty per cent of the gross sales proceeds, which such  
942 recipient shall retain to cover the costs of oversight, administration,  
943 development and, if applicable, lost tax revenue.

944 [(c)] (d) No person shall acquire title to or hold, possess or maintain  
945 any interest in a property that has been remediated [in accordance  
946 with the municipal brownfield grant program established in  
947 subsection (c) of section 32-9cc] with a grant provided pursuant to  
948 section 32-9kk, as amended by this act, if such person (1) is liable  
949 under section 22a-432, 22a-433, 22a-451 or 22a-452, [;] (2) is otherwise  
950 responsible, directly or indirectly, for the discharge, spillage,  
951 uncontrolled loss, seepage or filtration of such hazardous substance,  
952 material or waste, [;] (3) is a member, officer, manager, director,  
953 shareholder, subsidiary, successor of, related to, or affiliated with,  
954 directly or indirectly, the person who is otherwise liable to under

955 section 22a-432, 22a-433, 22a-451 or 22a-452, [;] or (4) is or was an  
956 owner, operator or tenant. If such person elects to acquire title to or  
957 hold, possess or maintain any interest in the property, that person shall  
958 reimburse the state of Connecticut, the municipality and the economic  
959 development agency for any and all costs expended to perform the  
960 investigation and remediation of the property, plus interest at a rate of  
961 eighteen per cent.

962 (e) Notwithstanding section 22a-134a, a recipient of a grant  
963 pursuant to section 32-9kk, as amended by this act, may acquire and  
964 convey its interest in the property without such recipient or the  
965 subsequent purchaser incurring liability, including any such liability  
966 incurred pursuant to section 22a-134a, provided the property was  
967 remediated pursuant to section 22a-133x or 22a-133y or pursuant to an  
968 order issued by the Commissioner of Energy and Environmental  
969 Protection and such remediation was (1) performed in accordance with  
970 the standards adopted pursuant to section 22a-133k, as determined by  
971 said commissioner, or (2) if authorized by said commissioner, verified  
972 by a licensed environmental professional unless such verification has  
973 been rejected by said commissioner subsequent to an audit conducted  
974 by said commissioner and provided the subsequent purchaser has no  
975 direct or related liability for the site conditions.

976 Sec. 9. (NEW) (*Effective October 1, 2013*) (a) Whenever funds are used  
977 pursuant to section 32-9kk of the general statutes, as amended by this  
978 act, or section 5 of this act for purposes of environmental assessments  
979 or remediation of a brownfield, the Commissioner of Energy and  
980 Environmental Protection may seek reimbursement of the costs and  
981 expenses incurred by requesting the Attorney General to bring a civil  
982 action to recover such costs and expenses from any party responsible  
983 for such pollution, provided no such action shall be brought separately  
984 from any action to recover costs and expenses incurred by the  
985 Commissioner of Energy and Environmental Protection in pursuing  
986 action to contain, remove or mitigate any pollution on such site. The  
987 costs and expenses recovered in an action brought pursuant to this  
988 section may include, but shall not be limited to: (1) The actual cost of

989 identifying, evaluating, planning for and undertaking the remediation  
990 of the site; (2) any administrative costs not exceeding ten per cent of  
991 the actual costs; (3) the costs of recovering the reimbursement; and (4)  
992 interest on the actual costs at a rate of ten per cent a year from the date  
993 such expenses were paid.

994 (b) The defendant in any civil action brought pursuant to this  
995 subsection shall have no cause of action or claim for contribution  
996 against any person with whom the Commissioner of Energy and  
997 Environmental Protection has entered into a covenant not to sue  
998 pursuant to sections 22a-133aa and 22a-133bb of the general statutes  
999 with respect to pollution on or emanating from the property that is the  
1000 subject of said civil action.

1001 (c) Any funds recovered pursuant to this section shall be deposited  
1002 in the brownfield remediation and development account established  
1003 pursuant to section 3 of this act. The provisions of this section shall be  
1004 in addition to any other remedies provided by law.

1005 Sec. 10. Section 32-9ll of the general statutes is repealed and the  
1006 following is substituted in lieu thereof (*Effective October 1, 2013*):

1007 (a) There is established an abandoned brownfield cleanup program.  
1008 The Commissioner of Economic and Community Development shall  
1009 determine, in consultation with the Commissioner of Energy and  
1010 Environmental Protection, properties and persons eligible for said  
1011 program.

1012 (b) For a person [, a municipality] or a property to be eligible, the  
1013 Commissioner of Economic and Community Development shall  
1014 determine if (1) the property is a brownfield, as defined in section [32-  
1015 9kk, and such property] 1 of this act, that has been unused or  
1016 significantly underused for at least five years before an application is  
1017 filed with the commissioner pursuant to subsection [(g)] (h) of this  
1018 section; (2) such person [or municipality] intends to acquire title to  
1019 such property for the purpose of redeveloping such property; (3) the  
1020 redevelopment of such property has a regional or municipal economic

1021 development benefit; (4) such person [or municipality] did not  
1022 establish or create a facility or condition at or on such property that can  
1023 reasonably be expected to create a source of pollution to the waters of  
1024 the state for the purposes of section 22a-432 and is not affiliated with  
1025 any person responsible for such pollution or source of pollution  
1026 through any direct or indirect familial relationship or any contractual,  
1027 corporate or financial relationship other than a relationship by which  
1028 such owner's interest in such property is to be conveyed or financed;  
1029 (5) such person [or municipality] is not otherwise required by law, an  
1030 order or consent order issued by the Commissioner of Energy and  
1031 Environmental Protection or a stipulated judgment to remediate  
1032 pollution on or emanating from such property; (6) the person  
1033 responsible for pollution on or emanating from the property is  
1034 indeterminable, is no longer in existence, is required by law to  
1035 remediate releases on and emanating from the property or is otherwise  
1036 unable to perform necessary remediation of such property; and (7) the  
1037 property and the person meet any other criteria said commissioner  
1038 deems necessary.

1039 [(c) For the purposes of this section, "municipality" means a  
1040 municipality, economic development agency or entity established  
1041 under chapter 130 or 132, nonprofit economic development  
1042 corporation formed to promote the common good, general welfare and  
1043 economic development of a municipality that is funded, either directly  
1044 or through in-kind services, in part by a municipality, or a nonstock  
1045 corporation or limited liability company controlled or established by a  
1046 municipality, municipal economic development agency or entity  
1047 created or operating under chapter 130 or 132.]

1048 [(d)] (c) Notwithstanding the provisions of subsection (b) of this  
1049 section, a property owned by a municipality shall not be subject to  
1050 subdivision (6) of subsection (b) of this section.

1051 [(e)] (d) Notwithstanding the provisions of subsection (b) of this  
1052 section, a municipality may request the Commissioner of Economic  
1053 and Community Development to determine if a property is eligible

1054 regardless of the person who currently owns such property.

1055        [(f)] (e) Notwithstanding subsection (b) of this section, the  
1056 Commissioner of Economic and Community Development may waive  
1057 the requirement of subdivision (1) of subsection (b) of this section, if  
1058 the person [or municipality] seeking eligibility under this section  
1059 otherwise demonstrates the eligibility of the property and the value of  
1060 the redevelopment of such property.

1061        [(g)] (f) Upon designation by the Commissioner of Economic and  
1062 Community Development, in consultation with the Commissioner of  
1063 Energy and Environmental Protection, of an eligible person [or  
1064 municipality] that holds title to such property, such eligible person [,  
1065 or municipality] shall (1) enter and remain in the voluntary  
1066 remediation program established in section 22a-133x; (2) investigate  
1067 pollution on such property in accordance with prevailing standards  
1068 and guidelines and remediate pollution on such property in  
1069 accordance with regulations established for remediation adopted by  
1070 the Commissioner of Energy and Environmental Protection and in  
1071 accordance with applicable schedules; and (3) eliminate further  
1072 emanation or migration of any pollution from such property.

1073        [(h)] (g) An eligible person [or municipality] that has been accepted  
1074 by the commissioner or that holds title to an eligible property  
1075 designated to be in the abandoned brownfield cleanup program shall  
1076 not be responsible for investigating or remediating any pollution or  
1077 source of pollution that has emanated from such property prior to such  
1078 person taking title to such property, and shall not be liable to the state  
1079 or any third party for the release of any regulated substance at or from  
1080 the eligible property prior to taking title to such eligible property  
1081 except and only to the extent that such applicant caused or contributed  
1082 to the release of a regulated substance that is subject to remediation or  
1083 negligently or recklessly exacerbated such condition.

1084        [(i)] (h) Any applicant seeking a designation of eligibility for a  
1085 person or a property under the abandoned brownfield cleanup  
1086 program shall apply to the Commissioner of Economic and

1087 Community Development at such times and on such forms as the  
1088 commissioner may prescribe.

1089 [(j)] (i) Not later than sixty days after receipt of the application, the  
1090 Commissioner of Economic and Community Development shall  
1091 determine if the application is complete and shall notify the applicant  
1092 of such determination.

1093 [(k)] (j) Not later than ninety days after determining that the  
1094 application is complete, the Commissioner of Economic and  
1095 Community Development shall determine whether to include the  
1096 property and applicant in the abandoned brownfield cleanup program.

1097 [(l)] (k) Designation of a property in the abandoned brownfield  
1098 cleanup program by the Commissioner of Economic and Community  
1099 Development shall not limit the applicant's or any other person's  
1100 ability to seek funding for such property under any other brownfield  
1101 grant or loan program administered by the Department of Economic  
1102 and Community Development, Connecticut Innovations, Incorporated  
1103 or the Department of Energy and Environmental Protection.

1104 [(m)] (l) Designation of a property in the abandoned brownfield  
1105 cleanup program by the Commissioner of Economic and Community  
1106 Development shall exempt such eligible person [or eligible  
1107 municipality] from filing as an establishment pursuant to sections 22a-  
1108 134a to 22a-134d, inclusive, if such real property or prior business  
1109 operations constitute an establishment.

1110 [(n)] (m) Upon completion of the requirements of subsection [(g)] (f)  
1111 of this section to the satisfaction of the Commissioner of Energy and  
1112 Environmental Protection, such person [or municipality] shall qualify  
1113 for a covenant not to sue from the Commissioner of Energy and  
1114 Environmental Protection without fee, pursuant to section 22a-133aa,  
1115 as amended by this act.

1116 [(o)] (n) Any person [or municipality] designated as an eligible  
1117 person under the abandoned brownfield cleanup program shall be

1118 considered an innocent [party] landowner and shall not be liable to the  
1119 Commissioner of Energy and Environmental Protection or any person  
1120 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar  
1121 statute or common law for conditions preexisting or existing on the  
1122 brownfield property as of the date of acquisition or control as long as  
1123 the person or municipality (1) did not establish, cause or contribute to  
1124 the discharge, spillage, uncontrolled loss, seepage or filtration of such  
1125 hazardous substance, material, waste or pollution; (2) does not  
1126 exacerbate the conditions; and (3) complies with reporting of  
1127 significant environmental hazard requirements in section 22a-6u. To  
1128 the extent that any conditions are exacerbated, the person or  
1129 municipality shall only be responsible for responding to contamination  
1130 exacerbated by its negligent or reckless activities.

1131 [(p)] (o) Any person [or municipality] that acquires a property in the  
1132 abandoned brownfield cleanup program shall apply to the  
1133 Commissioner of Economic and Community Development on a form  
1134 prescribed by [said] the commissioner to determine if such person or  
1135 municipality qualifies as an eligible party under the abandoned  
1136 brownfield cleanup program. If the [Commissioner of Economic and  
1137 Community Development] commissioner determines that such person  
1138 or municipality is an eligible party, such eligible party shall be subject  
1139 to the provisions of this section, and shall receive liability relief  
1140 pursuant to subsections [(h), (m), (n) and (o)] (g), (l), (m) and (n) of this  
1141 section.

1142 Sec. 11. Section 32-9mm of the general statutes is repealed and the  
1143 following is substituted in lieu thereof (*Effective October 1, 2013*):

1144 [(a) As used in this section:

1145 (1) "Bona fide prospective purchaser" means a person that acquires  
1146 ownership of a property after July 1, 2011, and establishes by a  
1147 preponderance of the evidence that:

1148 (A) All disposal of regulated substances at the property occurred  
1149 before the person acquired the property;

1150 (B) Such person made all appropriate inquiries, as set forth in 40  
1151 CFR Part 312, into the previous ownership and uses of the property in  
1152 accordance with generally accepted good commercial and customary  
1153 standards and practices, including, but not limited to, the standards  
1154 and practices set forth in the ASTM Standard Practice for  
1155 Environmental Site Assessments, Phase I Environmental Site  
1156 Assessment Process, E1527-05, as may be amended from time to time.  
1157 In the case of property in residential or other similar use at the time of  
1158 purchase by a nongovernmental or noncommercial entity, a property  
1159 inspection and a title search that reveal no basis for further  
1160 investigation shall be considered to satisfy the requirements of this  
1161 subparagraph;

1162 (C) Such person provides all legally required notices with respect to  
1163 the discovery or release of any regulated substances at the property;

1164 (D) Such person exercises appropriate care with respect to regulated  
1165 substances found at the property by taking reasonable steps to (i) stop  
1166 any continuing release, (ii) prevent any threatened future release, and  
1167 (iii) prevent or limit human, environmental or natural resource  
1168 exposure to any previously released regulated substance;

1169 (E) Such person provides full cooperation, assistance and access to  
1170 persons authorized to conduct response actions or natural resource  
1171 restoration at the property, including, but not limited to, the  
1172 cooperation and access necessary for the installation, integrity,  
1173 operation and maintenance of any complete or partial response actions  
1174 or natural resource restoration at the property;

1175 (F) Such person complies with any land use restrictions established  
1176 or relied on in connection with the response action at the property and  
1177 does not impede the effectiveness or integrity of any institutional  
1178 control employed at the property in connection with a response action;  
1179 and

1180 (G) Such person complies with any request for information from the  
1181 Commissioner of Energy and Environmental Protection.

1182 (2) "Brownfield" has the same meaning as provided in section 32-  
1183 9kk.

1184 (3) "Brownfield investigation plan and remediation schedule" means  
1185 a plan and schedule for investigation and a schedule for remediation  
1186 of an eligible property under this section. Such investigation plan and  
1187 remediation schedule shall include both interim status or other  
1188 appropriate interim target dates and a date for project completion not  
1189 later than eight years after a licensed environmental professional  
1190 submits such investigation plan and remediation schedule to the  
1191 Commissioner of Energy and Environmental Protection, provided the  
1192 Commissioner of Energy and Environmental Protection may extend  
1193 such dates for good cause. The plan shall provide a schedule for  
1194 activities including, but not limited to, completion of the investigation  
1195 of the property in accordance with prevailing standards and  
1196 guidelines, submittal of a complete investigation report, submittal of a  
1197 detailed written plan for remediation, publication of notice of remedial  
1198 actions, completion of remediation in accordance with standards  
1199 adopted by said commissioner pursuant to section 22a-133k and  
1200 submittal to said commissioner of a remedial action report. Except as  
1201 otherwise provided in this section, in any detailed written plan for  
1202 remediation submitted under this section, the applicant shall only be  
1203 required to investigate and remediate conditions existing within the  
1204 property boundaries and shall not be required to investigate or  
1205 remediate any pollution or contamination that exists outside of the  
1206 property's boundaries, including any contamination that may exist or  
1207 has migrated to sediments, rivers, streams or off site.

1208 (4) "Commissioner" means the Commissioner of Economic and  
1209 Community Development.

1210 (5) "Contiguous property owner" means a person who owns real  
1211 property contiguous to or otherwise similarly situated with respect to,  
1212 and that is or may be contaminated by a release or threatened release  
1213 of a regulated substance from, real property that is not owned by that  
1214 person, provided:

1215 (A) With respect to the property owned by such person, such person  
1216 takes reasonable steps to (i) stop any continuing release of any  
1217 regulated substance released on or from the property, (ii) prevent any  
1218 threatened future release of any regulated substance released on or  
1219 from the property, and (iii) prevent or limit human, environmental or  
1220 natural resource exposure to any regulated substance released on or  
1221 from the property;

1222 (B) Such person provides full cooperation, assistance and access to  
1223 persons authorized to conduct response actions or natural resource  
1224 restoration at the property from which there has been a release or  
1225 threatened release, including, but not limited to, the cooperation and  
1226 access necessary for the installation, integrity, operation and  
1227 maintenance of any complete or partial response action or natural  
1228 resource restoration at the property;

1229 (C) Such person complies with any land use restrictions established  
1230 or relied on in connection with the response action at the property and  
1231 does not impede the effectiveness or integrity of any institutional  
1232 control employed in connection with a response action;

1233 (D) Such person complies with any request for information from the  
1234 Commissioner of Energy and Environmental Protection; and

1235 (E) Such person provides all legally required notices with respect to  
1236 the discovery or release of any hazardous substances at the property.

1237 (6) "Distressed municipality" has the same meaning as provided in  
1238 section 32-9p.

1239 (7) "Economic development agency" means a municipality,  
1240 municipal economic development agency or entity created or  
1241 operating under chapter 130 or 132, nonprofit economic development  
1242 corporation formed to promote the common good, general welfare and  
1243 economic development of a municipality that is funded, either directly  
1244 or through in-kind services, in part by a municipality, or nonstock  
1245 corporation or limited liability company established or controlled by a

1246 municipality, municipal economic development agency or entity  
1247 created or operating under chapter 130 or 132.

1248 (8) "Innocent landowner" has the same meaning as provided in  
1249 section 22a-452d.

1250 (9) "Interim verification" has the same meaning as provided in  
1251 section 22a-134.

1252 (10) "Municipality" has the same meaning as in section 32-9kk.

1253 (11) "National priorities list" means the list of hazardous waste  
1254 disposal sites compiled by the United States Environmental Protection  
1255 Agency pursuant to 42 USC 9605.

1256 (12) "PCB regulations" means the polychlorinated biphenyls  
1257 manufacturing, processing, distribution in commerce and use  
1258 prohibitions found at 40 CFR Part 761.

1259 (13) "Person" means any individual, firm, partnership, association,  
1260 syndicate, company, trust, corporation, limited liability company,  
1261 municipality, economic development agency, agency or political or  
1262 administrative subdivision of the state and any other legal entity.

1263 (14) "Principles of smart growth" means standards and objectives  
1264 that support and encourage smart growth when used to guide actions  
1265 and decisions, including, but not limited to, standards and criteria for  
1266 (A) integrated planning or investment that coordinates tax,  
1267 transportation, housing, environmental and economic development  
1268 policies at the state, regional and local level, (B) the reduction of  
1269 reliance on the property tax by municipalities by creating efficiencies  
1270 and coordination of services on the regional level while reducing  
1271 interlocal competition for grand list growth, (C) the redevelopment of  
1272 existing infrastructure and resources, including, but not limited to,  
1273 brownfields and historic places, (D) transportation choices that  
1274 provide alternatives to automobiles, including rail, public transit,  
1275 bikeways and walking, while reducing energy consumption, (E) the  
1276 development or preservation of housing affordable to households of

1277 varying income in locations proximate to transportation or  
1278 employment centers or locations compatible with smart growth, (F)  
1279 concentrated, mixed-use, mixed income development proximate to  
1280 transit nodes and civic, employment or cultural centers, and (G) the  
1281 conservation and protection of natural resources by (i) preserving open  
1282 space, water resources, farmland, environmentally sensitive areas and  
1283 historic properties, and (ii) furthering energy efficiency.

1284 (15) "Regulated substance" means any element, compound or  
1285 material that, when added to air, water, soil or sediment, may alter the  
1286 physical, chemical, biological or other characteristic of such air, water,  
1287 soil or sediment.

1288 (16) "Release" means any discharge, spillage, uncontrolled loss,  
1289 seepage, filtration, leakage, injection, escape, dumping, pumping,  
1290 pouring, emitting, emptying or disposal of a substance.

1291 (17) "Remediation standards" has the same meaning as provided in  
1292 section 22a-134.

1293 (18) "RCRA" means the Resource Conservation and Recovery Act  
1294 promulgated pursuant to 42 USC.

1295 (19) "Smart growth" means economic, social and environmental  
1296 development that (A) promotes, through financial and other  
1297 incentives, economic competitiveness in the state while preserving  
1298 natural resources, and (B) uses a collaborative approach to planning,  
1299 decision-making and evaluation between and among all levels of  
1300 government and the communities and the constituents they serve.

1301 (20) "State of Connecticut Superfund Priority List" means the list of  
1302 hazardous waste disposal sites compiled by the Connecticut  
1303 Department of Energy and Environmental Protection pursuant to  
1304 section 22a-133f.

1305 (21) "Transit-oriented development" has the same meaning as  
1306 provided in section 13b-79o.

1307 (22) "UST regulations" means regulations adopted pursuant to  
1308 subsection (d) of section 22a-449.

1309 (23) "Verification" has the same meaning as provided in section 22a-  
1310 134.]

1311 [(b)] (a) The commissioner shall, within available appropriations,  
1312 establish a brownfield remediation and revitalization program to  
1313 provide certain liability protections to program participants. Not more  
1314 than thirty-two properties a year shall be accepted into the program.  
1315 Participation in the program shall be by accepted application pursuant  
1316 to this subsection or by approved nomination pursuant to subsection  
1317 [(d)] (c) of this section. To be considered for acceptance, an applicant  
1318 shall submit to the commissioner, on a form prescribed by the  
1319 commissioner, a certification that: (1) The applicant meets the  
1320 definition of a bona fide prospective purchaser, innocent [land owner]  
1321 landowner or contiguous property owner; (2) the property meets the  
1322 definition of a brownfield and has been subject to a release of a  
1323 regulated substance in an amount that is in excess of the remediation  
1324 standards; (3) the applicant did not establish, create or maintain a  
1325 source of pollution to the waters of the state for purposes of section  
1326 22a-432 and is not responsible pursuant to any other provision of the  
1327 general statutes for any pollution or source of pollution on the  
1328 property; (4) the applicant is not affiliated with any person responsible  
1329 for such pollution or source of pollution through any direct or indirect  
1330 familial relationship or any contractual, corporate or financial  
1331 relationship other than that by which such purchaser's interest in such  
1332 property is to be conveyed or financed; and (5) the property is not (A)  
1333 currently the subject of an enforcement action, including any consent  
1334 order issued by the Department of Energy and Environmental  
1335 Protection or the United States Environmental Protection Agency  
1336 under any current Department of Energy and Environmental  
1337 Protection or United States Environmental Protection Agency  
1338 program, (B) listed on the national priorities list [,] of hazardous waste  
1339 disposal sites compiled by the United States Environmental Protection  
1340 Agency pursuant to 42 USC 9605, (C) listed on the State of Connecticut

1341 Superfund Priority List, or (D) subject to corrective action as may be  
1342 required by [RCRA] the federal Resource Conservation and Recovery  
1343 Act of 1976, 42 USC 6901 et seq. The commissioner may review such  
1344 certifications to ensure accuracy, in consultation with the  
1345 Commissioner of Energy and Environmental Protection, and  
1346 applications will not be considered if such certifications are found  
1347 inaccurate.

1348 [(c)] (b) To ensure a geographic distribution and a diversity of  
1349 projects and broad access to the brownfield remediation and  
1350 revitalization program, the commissioner, in consultation with the  
1351 Commissioner of Energy and Environmental Protection, shall review  
1352 all applications received and determine admission of eligible  
1353 properties into the brownfield remediation and revitalization program  
1354 taking into consideration state-wide portfolio factors including: (1) Job  
1355 creation and retention; (2) sustainability; (3) readiness to proceed; (4)  
1356 geographic distribution of projects; (5) population of the municipality  
1357 where the property is located; (6) project size; (7) project complexity;  
1358 (8) duration and degree to which the property has been underused; (9)  
1359 projected increase to the municipal grand list; (10) consistency of the  
1360 property as remediated and developed with municipal or regional  
1361 planning objectives; (11) development plan's support for and  
1362 furtherance of principles of smart growth, as defined in section 1 of  
1363 public act 09-230, or transit-oriented development, as defined in  
1364 section 13b-79o; and (12) other factors as may be determined by the  
1365 commissioner. Admittance into the brownfield remediation and  
1366 revitalization program shall not indicate approval or award of funding  
1367 requested under any federal, state or municipal grant or loan program,  
1368 including, but not limited to, any state brownfield grant or loan  
1369 program.

1370 [(d)] (c) The commissioner shall accept nominations of properties for  
1371 participation in the program established pursuant to subsection [(b)]  
1372 (a) of this section by a municipality or an economic development  
1373 agency, where no bona fide prospective purchaser, contiguous  
1374 property owner or innocent [land owner] landowner has applied for

1375 participation in the program. For a property to be considered for  
1376 approval for nomination to the program established pursuant to this  
1377 section, a municipality shall submit to the commissioner, on a form  
1378 prescribed by the commissioner, a certification that the property meets  
1379 the eligibility requirements provided in subdivisions (2) and (5) of  
1380 subsection [(b)] (a) of this section and any other relevant factors,  
1381 including state-wide portfolio factors provided in subsection [(c)] (b) of  
1382 this section, as may be determined by the commissioner. After the  
1383 commissioner approves a property's nomination, any subsequent  
1384 applicant shall apply in accordance with subsections [(b) and (g)] (a)  
1385 and (f) of this section. In any such application, the applicant shall  
1386 demonstrate it satisfies the eligibility requirements provided in  
1387 subdivisions (1), (3) and (4) of subsection [(b)] (a) of this section and  
1388 shall demonstrate satisfaction of subdivisions (2) and (5) of subsection  
1389 [(b)] (a) of this section for the period after the commissioner's  
1390 acceptance of the municipality's or economic development agency's  
1391 nomination of the property.

1392 [(e)] (d) (1) Properties otherwise eligible for the brownfield  
1393 remediation and revitalization program currently being investigated  
1394 and remediated in accordance with the state voluntary remediation  
1395 programs under sections 22a-133x and 22a-133y, the property transfer  
1396 program under section 22a-134, as amended by this act, and the  
1397 covenant not to sue programs under section 22a-133aa or 22a-133bb  
1398 shall not be excluded from eligibility in said program, provided the  
1399 other requirements set forth in this section are met.

1400 (2) Properties otherwise eligible for the brownfield remediation and  
1401 revitalization program that have been subject to a release requiring  
1402 action pursuant to the PCB regulations or that have been subject to a  
1403 release requiring action pursuant to the UST regulations shall not be  
1404 deemed ineligible, but no provision of this section shall affect any  
1405 eligible party's obligation under such regulations to investigate or  
1406 remediate the extent of any such release.

1407 [(f)] (e) Inclusion of a property within the brownfield remediation

1408 and revitalization program by the commissioner shall not limit any  
1409 person's ability to seek funding for such property under any federal,  
1410 state or municipal grant or loan program, including, but not limited to,  
1411 any state brownfield grant or loan program. Admittance into the  
1412 brownfield remediation and revitalization program shall not indicate  
1413 approval or award of funding requested under any federal, state or  
1414 municipal grant or loan program, including, but not limited to, any  
1415 state brownfield grant or loan program.

1416 ~~[(g)]~~ (f) Any applicant seeking a designation of eligibility for a  
1417 person or a property under the brownfield remediation and  
1418 revitalization program shall apply to the commissioner at such times  
1419 and on such forms as the commissioner may prescribe. The application  
1420 shall include, but not be limited to, (1) a title search, (2) the Phase I  
1421 Environmental Site Assessment conducted by or for the bona fide  
1422 prospective purchaser or the contiguous property owner, which shall  
1423 be prepared in accordance with prevailing standards and guidelines,  
1424 (3) a current property inspection, (4) documentation demonstrating  
1425 satisfaction of the eligibility criteria set forth in subsection ~~[(b)]~~ (a) of  
1426 this section, (5) information about the project that relates to the state-  
1427 wide portfolio factors set forth in subsection ~~[(c)]~~ (b) of this section,  
1428 and (6) such other information as the commissioner may request to  
1429 determine admission.

1430 ~~[(h)]~~ (g) Any applicant accepted into the brownfield remediation  
1431 and revitalization program by the commissioner shall pay the  
1432 Commissioner of Energy and Environmental Protection a fee equal to  
1433 five per cent of the assessed value of the land, as stated on the last-  
1434 completed grand list of the relevant town. The fee shall be paid in two  
1435 installments, each equal to fifty per cent of such fee, subject to potential  
1436 reductions as specified in subsection ~~[(i)]~~ (h) of this section. The first  
1437 installment shall be due not later than one hundred eighty days after  
1438 the later of the date ~~[the eligible]~~ such applicant is notified that the  
1439 application has been accepted by the commissioner or the date that  
1440 ~~[the eligible]~~ such applicant takes title to the eligible property. The  
1441 second installment shall be due not later than four years after the

1442 acceptance date. Upon request by [an eligible] such applicant, a  
1443 municipality or an economic development agency, the commissioner  
1444 may, at the commissioner's discretion, extend either or both of the  
1445 installment due dates. Such fee shall be deposited into the Special  
1446 Contaminated Property Remediation and Insurance Fund established  
1447 pursuant to section 22a-133t and shall be available for use by the  
1448 Commissioner of Energy and Environmental Protection pursuant to  
1449 section 22a-133u, as amended by this act.

1450 [(i)] (h) (1) The first installment of the fee in subsection [(h)] (g) of  
1451 this section shall be reduced by ten per cent for any eligible party that  
1452 completes and submits to the Commissioner of Energy and  
1453 Environmental Protection documentation, approved in writing by a  
1454 licensed environmental professional and on a form prescribed by said  
1455 commissioner, that the investigation of the property has been  
1456 completed in accordance with prevailing standards and guidelines  
1457 within one hundred eighty days after the date the application is  
1458 accepted by the commissioner.

1459 (2) The second installment of the fee in subsection [(h)] (g) of this  
1460 section shall be eliminated for any eligible party that submits the  
1461 remedial action report and verification or interim verification to the  
1462 Commissioner of Energy and Environmental Protection within four  
1463 years after the date the application is accepted by the commissioner. In  
1464 the event an eligible party submits a request for the Commissioner of  
1465 Energy and Environmental Protection's approval, where such approval  
1466 is required pursuant to the remediation standard and where said  
1467 commissioner issues a decision on such request beyond sixty days  
1468 after submittal, such four-year period shall be extended by the number  
1469 of days equal to the number of days between the sixtieth day and the  
1470 date a decision is issued by said commissioner, but not including the  
1471 number of days that a request by said commissioner for supplemental  
1472 information remains pending with the eligible party.

1473 (3) The second installment of the fee in subsection [(h)] (g) of this  
1474 section shall be reduced by, or any eligible party shall receive a refund

1475 in the amount equal to, twice the reasonable environmental service  
1476 costs of such investigation, as determined by the Commissioner of  
1477 Energy and Environmental Protection, for any eligible party that  
1478 completes and submits to the Commissioner of Energy and  
1479 Environmental Protection documentation, approved in writing by a  
1480 licensed environmental professional and on a form that may be  
1481 prescribed by said commissioner, that the investigation of the nature  
1482 and extent of any contamination that has migrated from the property  
1483 has been completed in accordance with prevailing standards and  
1484 guidelines. Such refund shall not exceed the amount of the second  
1485 installment of the fee in subsection [(h)] (g) of this section.

1486 (4) No municipality or economic development agency seeking  
1487 designation of eligibility shall be required to pay a fee, provided, upon  
1488 transfer of the eligible property from the municipality or economic  
1489 development agency to an eligible person, that eligible person shall  
1490 pay to the Commissioner of Energy and Environmental Protection the  
1491 fee in subsection [(h)] (g) of this section in accordance with the  
1492 applicable requirements in this subsection.

1493 (5) A municipality or economic development agency may submit a  
1494 fee waiver request to the commissioner to waive a portion or the entire  
1495 fee for an eligible property located within that municipality. The  
1496 commissioner, at his or her discretion, shall consider the following  
1497 factors in determining whether to approve a fee waiver or reduction:  
1498 (A) Location of the [eligible project] brownfield within a distressed  
1499 municipality, as defined in section 32-9p; (B) demonstration by the  
1500 municipality or economic development agency that the project is of  
1501 significant economic impact; (C) demonstration by the municipality or  
1502 economic development agency that the project has a significant  
1503 community benefit to the municipality; (D) demonstration that the  
1504 eligible party is a governmental or nonprofit entity; and (E)  
1505 demonstration that the fee required will have a detrimental effect on  
1506 the overall success of the project.

1507 [(j)] (i) An applicant whose application has been accepted into the

1508 brownfield remediation and revitalization program shall not be liable  
1509 to the state or any third party for the release of any regulated  
1510 substance at or from the eligible property, except and only to the  
1511 extent that such applicant (A) caused or contributed to the release of a  
1512 regulated substance that is subject to remediation or exacerbated such  
1513 condition, or (B) the Commissioner of Energy and Environmental  
1514 Protection determines the existence of any of the conditions set forth in  
1515 subdivision (4) of subsection [(n)] (m) of this section.

1516 [(k)] (j) (1) An applicant whose application to the brownfield  
1517 remediation and revitalization program has been accepted by the  
1518 commissioner (A) shall investigate the release or threatened release of  
1519 any regulated substance within the boundaries of the property in  
1520 accordance with prevailing standards and guidelines and remediate  
1521 such release or threatened release within the boundaries of such  
1522 property in accordance with the brownfield investigation plan and  
1523 remediation schedule and this section, and (B) shall not be required to  
1524 characterize, abate and remediate the release of a regulated substance  
1525 beyond the boundary of the eligible property, except for releases  
1526 caused or contributed to by such applicant.

1527 (2) Not later than one hundred eighty days after the first installment  
1528 due date, including any extension thereof by the commissioner, of the  
1529 fee required pursuant to subsection [(h)] (g) of this section, the eligible  
1530 party shall submit to the commissioner and the Commissioner of  
1531 Energy and Environmental Protection a brownfield investigation plan  
1532 and remediation schedule that is signed and stamped by a licensed  
1533 environmental professional. Unless otherwise approved in writing by  
1534 the Commissioner of Energy and Environmental Protection, [the  
1535 eligible party shall submit a] such brownfield investigation plan and  
1536 remediation schedule [which provides] shall provide that (A) the  
1537 investigation shall be completed not later than two years after the first  
1538 installment due date, including any extension thereof by the  
1539 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1540 this section, (B) remediation shall be initiated not later than three years  
1541 from the first installment due date, including any extension thereof by

1542 the commissioner, of the fee required pursuant to subsection [(h)] (g)  
1543 of this section, and (C) remediation shall be completed sufficiently to  
1544 support either a verification or interim verification not later than eight  
1545 years after the first installment due date, including any extension  
1546 thereof by the commissioner, of the fee required pursuant to  
1547 subsection [(h)] (g) of this section. The schedule shall also include a  
1548 schedule for providing public notice of the remediation prior to the  
1549 initiation of such remediation in accordance with subdivision (1) of  
1550 subsection [(k)] (j) of this section. Not later than two years after the first  
1551 installment due date, including any extension thereof by the  
1552 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1553 this section, unless the Commissioner of Energy and Environmental  
1554 Protection has specified a later day, in writing, the eligible party shall  
1555 submit to the Commissioner of Energy and Environmental Protection  
1556 documentation, approved in writing by a licensed environmental  
1557 professional and in a form prescribed by the Commissioner of Energy  
1558 and Environmental Protection, that the investigation of the property  
1559 has been completed in accordance with prevailing standards and  
1560 guidelines. Not later than three years after the first installment due  
1561 date, including any extension thereof by the commissioner, of the fee  
1562 required pursuant to subsection [(h)] (g) of this section, unless the  
1563 Commissioner of Energy and Environmental Protection has specified a  
1564 later day, in writing, the eligible party shall notify the Commissioner of  
1565 Energy and Environmental Protection and the commissioner in a form  
1566 prescribed by the Commissioner of Energy and Environmental  
1567 Protection that the remediation has been initiated, and shall submit to  
1568 the Commissioner of Energy and Environmental Protection a remedial  
1569 action plan, approved in writing by a licensed environmental  
1570 professional in a form prescribed by the Commissioner of Energy and  
1571 Environmental Protection. Not later than eight years after the first  
1572 installment due date, including any extension thereof by the  
1573 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1574 this section, unless the Commissioner of Energy and Environmental  
1575 Protection has specified a later day, in writing, the eligible party shall  
1576 complete remediation of the property and submit the remedial action

1577 report and verification or interim verification to the Commissioner of  
1578 Energy and Environmental Protection and the commissioner. The  
1579 Commissioner of Energy and Environmental Protection shall grant a  
1580 reasonable extension if the eligible party demonstrates to the  
1581 satisfaction of the Commissioner of Energy and Environmental  
1582 Protection that: [(A)] (i) Such eligible party has made reasonable  
1583 progress toward investigation and remediation of the eligible  
1584 property; and [(B)] (ii) despite best efforts, circumstances beyond the  
1585 control of the eligible party have significantly delayed the remediation  
1586 of the eligible property.

1587 (3) An eligible party who submits an interim verification for an  
1588 eligible property, and any subsequent owner of such eligible property,  
1589 shall, until the remediation standards for groundwater are achieved,  
1590 (A) operate and maintain the long-term remedy for groundwater in  
1591 accordance with the remedial action plan, the interim verification and  
1592 any approvals issued by the Commissioner of Energy and  
1593 Environmental Protection, (B) prevent exposure to any groundwater  
1594 plume containing a regulated substance in excess of the remediation  
1595 standards on the property, (C) take all reasonable action to contain any  
1596 groundwater plume on the property, and (D) submit annual status  
1597 reports to the Commissioner of Energy and Environmental Protection  
1598 and the commissioner.

1599 (4) Before commencement of remedial action pursuant to the plan  
1600 and schedule, the eligible party shall: (A) Publish notice of the  
1601 remedial action in a newspaper having a substantial circulation in the  
1602 town where the property is located, (B) notify the director of health of  
1603 the municipality where the property is located, and (C) either (i) erect  
1604 and maintain for at least thirty days in a legible condition a sign not  
1605 less than six feet by four feet on the property, which shall be clearly  
1606 visible from the public highway and shall include the words  
1607 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
1608 FURTHER INFORMATION CONTACT:" and include a telephone  
1609 number for an office from which any interested person may obtain  
1610 additional information about the remedial action, or (ii) mail notice of

1611 the remedial action to each owner of record of property which abuts  
1612 such property, at the address on the last-completed grand list of the  
1613 relevant town. Public comments shall be directed to the eligible party  
1614 for a thirty-day period starting with the last provided public notice  
1615 provision and such eligible party shall provide all comments and any  
1616 responses to the Commissioner of Energy and Environmental  
1617 Protection prior to commencing remedial action.

1618 (5) The remedial action shall be conducted under the supervision of  
1619 a licensed environmental professional and the remedial action report  
1620 shall be submitted to the commissioner and the Commissioner of  
1621 Energy and Environmental Protection signed and stamped by a  
1622 licensed environmental professional. In such report, the licensed  
1623 environmental professional shall include a detailed description of the  
1624 remedial actions taken and issue a verification or interim verification,  
1625 in which he or she shall render an opinion, in accordance with the  
1626 standard of care provided in subsection (c) of section 22a-133w, that  
1627 the action taken to contain, remove or mitigate the release of regulated  
1628 substances within the boundaries of such property is in accordance  
1629 with the remediation standards.

1630 (6) All applications for permits required to implement such plan  
1631 and schedule in this section shall be submitted to the permit  
1632 ombudsman within the Department of Economic and Community  
1633 Development.

1634 (7) Each eligible party participating in the brownfield remediation  
1635 and revitalization program shall maintain all records related to its  
1636 implementation of such plan and schedule and completion of the  
1637 remedial action of the property for a period of not less than ten years  
1638 and shall make such records available to the commissioner or the  
1639 Commissioner of Energy and Environmental Protection at any time  
1640 upon request by either.

1641 (8) (A) Within sixty days of receiving a remedial action report  
1642 signed and stamped by a licensed environmental professional and a  
1643 verification or interim verification, the Commissioner of Energy and

1644 Environmental Protection shall notify the eligible party and the  
1645 commissioner whether the Commissioner of Energy and  
1646 Environmental Protection will conduct an audit of such remedial  
1647 action. Any such audit shall be conducted not later than one hundred  
1648 eighty days after the Commissioner of Energy and Environmental  
1649 Protection receives a remedial action report signed and stamped by a  
1650 licensed environmental professional and a verification or interim  
1651 verification. [Within] Not later than fourteen days [of] after completion  
1652 of an audit, the Commissioner of Energy and Environmental  
1653 Protection shall send written audit findings to the eligible party, the  
1654 commissioner and the licensed environmental professional. The audit  
1655 findings may approve or disapprove the report, provided any  
1656 disapproval shall set forth the reasons for such disapproval.

1657 (B) The Commissioner of Energy and Environmental Protection may  
1658 request additional information during an audit conducted pursuant to  
1659 this subdivision. If such information has not been provided to said  
1660 commissioner within fourteen days of such request, the time frame for  
1661 said commissioner to complete the audit shall be suspended until the  
1662 information is provided to said commissioner. The Commissioner of  
1663 Energy and Environmental Protection may choose to conduct such  
1664 audit if and when the eligible party fails to provide a response to said  
1665 commissioner's request for additional information within sixty days.

1666 (C) The Commissioner of Energy and Environmental Protection  
1667 shall not conduct an audit of a verification or interim verification  
1668 pursuant to this subdivision after one hundred eighty days from  
1669 receipt of such verification unless (i) said commissioner has reason to  
1670 believe that a verification was obtained through the submittal of  
1671 materially inaccurate or erroneous information, or otherwise  
1672 misleading information material to the verification or that material  
1673 misrepresentations were made in connection with the submittal of the  
1674 verification, (ii) any post-verification monitoring or operations and  
1675 maintenance is required as part of a verification and has not been  
1676 done, (iii) a verification that relies upon an environmental land use  
1677 restriction was not recorded on the land records of the municipality in

1678 which such land is located in accordance with section 22a-133o and  
1679 applicable regulations, (iv) said commissioner determines that there  
1680 has been a violation of law material to the verification, or (v) said  
1681 commissioner determines that information exists indicating that the  
1682 remediation may have failed to prevent a substantial threat to public  
1683 health or the environment for releases on the property.

1684 [(l)] (k) Not later than sixty days after receiving a notice of  
1685 disapproval or a verification or interim verification from the  
1686 Commissioner of Energy and Environmental Protection, the eligible  
1687 party shall submit to said commissioner and to the commissioner a  
1688 report of cure of noted deficiencies. Within sixty days after receiving  
1689 such report of cure of noted deficiencies by said commissioner, said  
1690 commissioner shall issue a successful audit closure letter or a written  
1691 disapproval of such report of cure of noted deficiencies.

1692 [(m)] (l) Before approving a verification or interim verification, the  
1693 Commissioner of Energy and Environmental Protection may enter into  
1694 a memorandum of understanding with the eligible party with regard  
1695 to any further remedial action or monitoring activities on or at such  
1696 property that said commissioner deems necessary for the protection of  
1697 human health or the environment.

1698 [(n)] (m) (1) An eligible party who has been accepted into the  
1699 brownfield remediation and revitalization program shall have no  
1700 obligation as part of its plan and schedule to characterize, abate and  
1701 remediate any plume of a regulated substance outside the boundaries  
1702 of the subject property, provided the notification requirements of  
1703 section 22a-6u pertaining to significant environmental hazards shall  
1704 continue to apply to the property and the eligible party shall not be  
1705 required to characterize, abate or remediate any such significant  
1706 environmental hazard outside the boundaries of the subject property  
1707 unless such significant environmental hazard arises from the actions of  
1708 the eligible party after its acquisition of or control over the property  
1709 from which such significant environmental hazard has emanated  
1710 outside its own boundaries. If an eligible party who has been accepted

1711 into the brownfield remediation and revitalization program conveys or  
1712 otherwise transfers its ownership of the subject property and such  
1713 eligible party is in compliance with the provisions of this section and  
1714 the brownfield investigation plan and remediation schedule at the time  
1715 of conveyance or transfer of ownership, the provisions of this section  
1716 shall apply to such transferee, if such transferee meets the eligibility  
1717 criteria set forth in this section, pays the fee required by subsection  
1718 [(h)] (g) of this section and complies with all the obligations  
1719 undertaken by the eligible party under this section. In such case, all  
1720 references to applicant or eligible party shall mean the subsequent  
1721 owner or transferee.

1722 (2) After the Commissioner of Energy and Environmental Protection  
1723 issues either a no audit letter or a successful audit closure letter, or no  
1724 audit decision has been made by said commissioner within one  
1725 hundred eighty days after the submittal of the remedial action report  
1726 and verification or interim verification, such eligible party shall not be  
1727 liable to the state or any third party for (A) costs incurred in the  
1728 remediation of, equitable relief relating to, or damages resulting from  
1729 the release of regulated substances addressed in the brownfield  
1730 investigation plan and remediation schedule, and (B) historical off-site  
1731 impacts including air deposition, waste disposal, impacts to sediments  
1732 and natural resource damages. No eligible party shall be afforded any  
1733 relief from liability such eligible party may have from a release  
1734 requiring action pursuant to the PCB regulations or a release requiring  
1735 action pursuant to the UST regulations.

1736 (3) The provisions of this section concerning liability shall extend to  
1737 any person who acquires title to all or part of the property for which a  
1738 remedial action report and verification or interim verification have  
1739 been submitted pursuant to this section, provided (A) there is payment  
1740 of a fee of ten thousand dollars to said commissioner for each such  
1741 extension, (B) such person acquiring all or part of the property meets  
1742 the criteria of this section, and (C) the Commissioner of Energy and  
1743 Environmental Protection has issued either a successful audit closure  
1744 letter or no audit letter, or no audit decision has been made by said

1745 commissioner [within] not later than one hundred eighty days after the  
1746 submittal of the remedial action report and verification or interim  
1747 verification. No municipality or economic development agency that  
1748 acquires title to all or part of the property shall be required to pay a  
1749 fee, provided the municipality or economic development agency shall  
1750 collect and pay the fee upon transfer of the property to another person  
1751 for purposes of development. Such fee shall be deposited into the  
1752 Special Contaminated Property Remediation and Insurance Fund  
1753 established under section 22a-133t and such funds shall be for the  
1754 exclusive use by the Department of Energy and Environmental  
1755 Protection.

1756 (4) Neither a successful audit closure nor no audit letter issued  
1757 pursuant to this section, nor the expiration of one hundred eighty days  
1758 after the submittal of the remedial action report and verification or  
1759 interim verification without an audit decision by the Commissioner of  
1760 Energy and Environmental Protection, shall preclude said  
1761 commissioner from taking any appropriate action, including, but not  
1762 limited to, any action to require remediation of the property by the  
1763 eligible party or, as applicable, to its successor, if said commissioner  
1764 determines that:

1765 (A) The successful audit closure, no audit letter, or the expiration of  
1766 one hundred eighty days after the submittal of the remedial action  
1767 report and verification or interim verification without an audit  
1768 decision by the Commissioner of Energy and Environmental  
1769 Protection was based on information provided by the person  
1770 submitting such remedial action report and verification or interim  
1771 verification that the Commissioner of Energy and Environmental  
1772 Protection can show that such person knew, or had reason to know,  
1773 was false or misleading, and, in the case of the successor to an  
1774 applicant, that such successor was aware or had reason to know that  
1775 such information was false or misleading;

1776 (B) New information confirms the existence of previously unknown  
1777 contamination that resulted from a release that occurred before the

1778 date that an application has been accepted into the brownfield  
1779 remediation and revitalization program;

1780 (C) The eligible party who received the successful audit closure or  
1781 no audit letter or where one hundred eighty days lapsed without an  
1782 audit decision by the Commissioner of Energy and Environmental  
1783 Protection has materially failed to complete the remedial action  
1784 required by the brownfield investigation plan and remediation  
1785 schedule or to carry out or comply with monitoring, maintenance or  
1786 operating requirements pertinent to a remedial action including the  
1787 requirements of any environmental land use restriction; or

1788 (D) The threat to human health or the environment is increased  
1789 beyond an acceptable level due to substantial changes in exposure  
1790 conditions at such property, including, but not limited to, a change  
1791 from nonresidential to residential use of such property.

1792 (5) If an eligible party who has been accepted into the brownfield  
1793 remediation and revitalization program conveys or otherwise transfers  
1794 all or part of its ownership interest in the subject property at any time  
1795 before the issuance of a successful audit closure or no audit letter or  
1796 the expiration of one hundred eighty days after the submittal of the  
1797 remedial action report and verification or interim verification without  
1798 an audit decision by the Commissioner of Energy and Environmental  
1799 Protection, the eligible party conveying or otherwise transferring its  
1800 ownership interest shall not be liable to the state or any third party for  
1801 (A) costs incurred in the remediation of, equitable relief relating to, or  
1802 damages resulting from the release of regulated substances addressed  
1803 in the brownfield investigation plan and remediation schedule, and (B)  
1804 historical off-site impacts including air deposition, waste disposal,  
1805 impacts to sediments and natural resource damages, provided the  
1806 eligible party complied with its obligations under this section during  
1807 the period when the eligible party held an ownership interest in the  
1808 subject property. Nothing in this subsection shall provide any relief  
1809 from liability such eligible party may have related to a release  
1810 requiring action pursuant to the PCB regulations, or a release requiring

1811 action pursuant to the UST regulations.

1812 (6) Upon the Commissioner of Energy and Environmental  
1813 Protection's issuance of a successful audit closure letter, no audit letter,  
1814 or one hundred eighty days have passed since the submittal of a  
1815 verification or interim verification and said commissioner has not  
1816 audited the verification or interim verification, the immediate prior  
1817 owner regardless of its own eligibility to participate in the  
1818 comprehensive brownfield remediation and revitalization program  
1819 shall have no liability to the state or any third party for any future  
1820 investigation and remediation of the release of any regulated substance  
1821 at the eligible property addressed in the verification or interim  
1822 verification, provided the immediate prior owner has complied with  
1823 any legal obligation such owner had with respect to investigation and  
1824 remediation of releases at and from the property, and provided further  
1825 the immediate prior owner shall retain any and all liability such  
1826 immediate prior owner would otherwise have for the investigation  
1827 and remediation of the release of any regulated substance beyond the  
1828 boundary of the eligible property. In any event, the immediate prior  
1829 owner shall remain liable for (A) penalties or fines, if any, relating to  
1830 the release of any regulated substance at or from the eligible property,  
1831 (B) costs and expenses, if any, recoverable or reimbursable pursuant to  
1832 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the  
1833 immediate prior owner as a certifying party on a Form III or IV  
1834 submitted pursuant to sections 22a-134 to 22a-134e, inclusive, as  
1835 amended by this act.

1836 [(o)] (n) A person whose application to the brownfield remediation  
1837 and revitalization program has been accepted by the commissioner or  
1838 any subsequent eligible party whose application to the brownfield  
1839 remediation and revitalization program has been accepted by the  
1840 commissioner shall be exempt for filing as an establishment pursuant  
1841 to sections 22a-134a to 22a-134d, inclusive, if such real property or  
1842 prior business operations constitute an establishment. Nothing in this  
1843 section shall be construed to alter any existing legal requirement  
1844 applicable to any certifying party at a property under sections 22a-134

1845 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1846 [(p)] (o) Notwithstanding the provisions of this section, eligible  
1847 parties shall investigate and remediate, and remain subject to all  
1848 applicable statutes and requirements, the extent of any new release  
1849 that occurs during their ownership of the property.

1850 Sec. 12. Section 12-65e of the general statutes is repealed and the  
1851 following is substituted in lieu thereof (*Effective October 1, 2013*):

1852 Any municipality which has adopted a resolution, in accordance  
1853 with the provisions of section 12-65d, designating such municipality or  
1854 any part thereof as a rehabilitation area, may, upon application of the  
1855 owner of any real property located in such area who agrees to  
1856 rehabilitate such property or construct (1) new multifamily rental  
1857 housing or cooperative housing on such property, or (2) if such  
1858 property is a brownfield, as defined in [section 32-9cc] section 1 of this  
1859 act, new multifamily rental housing, cooperative housing, common  
1860 interest communities or mixed-use or commercial structures on such  
1861 property, enter into an agreement to fix the assessment of the property,  
1862 during the period of rehabilitation or construction, as of the date of the  
1863 agreement, but for not longer than seven years, and upon completion  
1864 of such rehabilitation or construction, to defer any increase in  
1865 assessment attributable to such rehabilitation or construction for a  
1866 period not to exceed eleven years, contingent upon the continued use  
1867 of the property for the purposes specified in the agreement, provided  
1868 such property meets the criteria established by such municipality in  
1869 accordance with section 12-65d and provided further such deferral  
1870 shall be determined as follows: For the first year following completion  
1871 of such rehabilitation or construction, the entire increase shall be  
1872 deferred; thereafter a minimum of ten per cent of the increase shall be  
1873 assessed against the property each year until one hundred per cent of  
1874 such increase has been so assessed. The agreement shall provide that,  
1875 in the event of a general revaluation by the municipality in the year in  
1876 which such rehabilitation or construction is completed resulting in any  
1877 increase in the assessment on such property, only that portion of the

1878 increase resulting from such rehabilitation or construction shall be  
1879 deferred; and in the event of a general revaluation in any year after the  
1880 year in which such rehabilitation or construction is completed, such  
1881 deferred assessment shall be increased or decreased in proportion to  
1882 the increase or decrease in the total assessment on such property as a  
1883 result of such general revaluation. Such agreement shall further  
1884 provide that such rehabilitation or construction shall be completed by  
1885 a date fixed by the municipality and that the completed rehabilitation  
1886 or construction shall be subject to inspection and certification by the  
1887 local building official as being in conformance with the criteria  
1888 established under section 12-65d and such provisions of the state  
1889 building and health codes and the local housing code as may apply.  
1890 Any such tax deferral shall be contingent upon the continued use of  
1891 the property for those purposes specified in the agreement creating  
1892 such deferral and such deferral shall cease upon the sale or transfer of  
1893 the property for any other purpose unless the municipality shall have  
1894 consented thereto.

1895 Sec. 13. Subsection (a) of section 12-217mm of the general statutes is  
1896 repealed and the following is substituted in lieu thereof (*Effective*  
1897 *October 1, 2013*):

1898 (a) As used in this section:

1899 (1) "Allowable costs" means the amounts chargeable to a capital  
1900 account, including, but not limited to: (A) Construction or  
1901 rehabilitation costs; (B) commissioning costs; (C) architectural and  
1902 engineering fees allocable to construction or rehabilitation, including  
1903 energy modeling; (D) site costs, such as temporary electric wiring,  
1904 scaffolding, demolition costs and fencing and security facilities; and (E)  
1905 costs of carpeting, partitions, walls and wall coverings, ceilings,  
1906 lighting, plumbing, electrical wiring, mechanical, heating, cooling and  
1907 ventilation but "allowable costs" does not include the purchase of land,  
1908 any remediation costs or the cost of telephone systems or computers;

1909 (2) "Brownfield" has the same meaning as in [subsection (g) of  
1910 section 32-9cc] section 1 of this act;

1911 (3) "Eligible project" means a real estate development project that is  
1912 designed to meet or exceed the applicable LEED Green Building  
1913 Rating System gold certification or other certification determined by  
1914 the Commissioner of Energy and Environmental Protection to be  
1915 equivalent, but if a single project has more than one building, "eligible  
1916 project" means only the building or buildings within such project that  
1917 is designed to meet or exceed the applicable LEED Green Building  
1918 Rating System gold certification or other certification determined by  
1919 the Commissioner of Energy and Environmental Protection to be  
1920 equivalent;

1921 (4) "Energy Star" means the voluntary labeling program  
1922 administered by the United States Environmental Protection Agency  
1923 designed to identify and promote energy-efficient products,  
1924 equipment and buildings;

1925 (5) "Enterprise zone" means an area in a municipality designated by  
1926 the Commissioner of Economic and Community Development as an  
1927 enterprise zone in accordance with the provisions of section 32-70;

1928 (6) "LEED Accredited Professional Program" means the professional  
1929 accreditation program for architects, engineers and other building  
1930 professionals as administered by the United States Green Building  
1931 Council;

1932 (7) "LEED Green Building Rating System" means the Leadership in  
1933 Energy and Environmental Design green building rating system  
1934 developed by the United States Green Building Council as of the date  
1935 that the project is registered with the United States Green Building  
1936 Council;

1937 (8) "Mixed-use development" means a development consisting of  
1938 one or more buildings that includes residential use and in which no  
1939 more than seventy-five per cent of the interior square footage has at  
1940 least one of the following uses: (A) Commercial use; (B) office use; (C)  
1941 retail use; or (D) any other nonresidential use that the Secretary of the  
1942 Office of Policy and Management determines does not pose a public

1943 health threat or nuisance to nearby residential areas;

1944 (9) "Secretary" means the Secretary of the Office of Policy and  
1945 Management; and

1946 (10) "Site improvements" means any construction work on, or  
1947 improvement to, streets, roads, parking facilities, sidewalks, drainage  
1948 structures and utilities.

1949 Sec. 14. Subsection (a) of section 12-81r of the general statutes is  
1950 repealed and the following is substituted in lieu thereof (*Effective*  
1951 *October 1, 2013*):

1952 (a) Any municipality may (1) enter into an agreement with the  
1953 owner of any real property to abate the property tax due as of the date  
1954 of the agreement for a period not to exceed seven years if the property  
1955 has been subject to a spill, as defined in section 22a-452c, and the  
1956 owner agrees to conduct any environmental site assessment,  
1957 demolition and remediation of the spill necessary to redevelop the  
1958 property. Any such tax abatement shall only be for the period of  
1959 remediation and redevelopment and shall be contingent upon the  
1960 continuation and completion of the remediation and redevelopment  
1961 process with respect to the purposes specified in the agreement. The  
1962 abatement shall cease upon the sale or transfer of the property for any  
1963 other purpose unless the municipality consents to its continuation. The  
1964 municipality may also establish a recapture provision in the event of  
1965 sale provided such recapture shall not exceed the original amount of  
1966 taxes abated and may not go back further than the date of the  
1967 agreement; (2) forgive all or a portion of the principal balance and  
1968 interest due on delinquent property taxes for the benefit of any  
1969 prospective purchaser who has obtained an environmental  
1970 investigation or remediation plan approved by the Commissioner of  
1971 Energy and Environmental Protection or a licensed environmental  
1972 professional under section 22a-133w, 22a-133x or 22a-133y and  
1973 completes such remediation plan for an establishment, as defined in  
1974 section 22a-134, as amended by this act, deemed by the municipality to  
1975 be abandoned or a brownfield, as defined in [subdivision (1) of

1976 subsection (a) of section 32-9kk] section 1 of this act; or (3) enter into an  
1977 agreement with the owner of any real property to fix the assessment of  
1978 the property as of the last assessment date prior to commencement of  
1979 remediation activities for a period not to exceed seven years, provided  
1980 the property has been the subject of a remediation approved by the  
1981 Commissioner of Energy and Environmental Protection or verified by  
1982 a licensed environmental professional pursuant to section 22a-133w,  
1983 22a-133x, 22a-133y or 22a-134, as amended by this act.

1984 Sec. 15. Subsection (c) of section 22a-2d of the general statutes is  
1985 repealed and the following is substituted in lieu thereof (*Effective*  
1986 *October 1, 2013*):

1987 (c) Wherever the words "Commissioner of Environmental  
1988 Protection" are used or referred to in the following sections of the  
1989 general statutes, the words "Commissioner of Energy and  
1990 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-  
1991 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-  
1992 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-  
1993 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-  
1994 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,  
1995 10-388, 10-389, 10-391, 12-81, 12-81r, as amended by this act, 12-107d,  
1996 12-217mm, as amended by this act, 12-263m, 12-407, 12-412, 13a-80i,  
1997 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51,  
1998 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-  
1999 100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125,  
2000 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-  
2001 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,  
2002 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-  
2003 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,  
2004 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-  
2005 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,  
2006 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as  
2007 amended by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-  
2008 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v,  
2009 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-

2010 8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h,  
2011 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-  
2012 27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-  
2013 38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54,  
2014 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y,  
2015 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 22a-114,  
2016 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-  
2017 133m, 22a-133n, 22a-133u, as amended by this act, 22a-133v, 22a-133w,  
2018 22a-133y, 22a-133z, 22a-133aa, as amended by this act, 22a-133bb, 22a-  
2019 133ee, 22a-134, as amended by this act, 22a-134e, 22a-134f, 22a-134g,  
2020 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p,  
2021 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151,  
2022 22a-153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170,  
2023 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-  
2024 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, 22a-174m, 22a-180, 22a-  
2025 182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-191, 22a-191a, 22a-192,  
2026 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198, 22a-199, 22a-200, 22a-  
2027 200a, 22a-200b, 22a-200c, 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-  
2028 208b, 22a-208d, 22a-208e, 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-  
2029 208o, 22a-208p, 22a-208q, 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-  
2030 208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-  
2031 209h, 22a-209i, 22a-213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220,  
2032 22a-220a, 22a-220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-  
2033 230, 22a-231, 22a-233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239,  
2034 22a-240, 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-  
2035 241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a,  
2036 22a-250b, 22a-250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f,  
2037 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q,  
2038 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-  
2039 285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-  
2040 300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-  
2041 319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-  
2042 337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-  
2043 339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c,  
2044 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-354j, 22a-354k,

2045 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v, 22a-354w,  
2046 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc, 22a-355, 22a-357,  
2047 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-364, 22a-367, 22a-368a, 22a-  
2048 378a, 22a-381, 22a-401, 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-  
2049 426, 22a-430b, 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445,  
2050 22a-449, 22a-449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-  
2051 449k, 22a-449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-  
2052 452e, 22a-453a, 22a-454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461,  
2053 22a-462, 22a-463, 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485,  
2054 22a-497, 22a-500, 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524,  
2055 22a-525, 22a-526, 22a-527, 22a-601, 22a-602, 22a-605, 22a-613, 22a-616,  
2056 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-637, 22a-638, 22a-902,  
2057 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-  
2058 10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-  
2059 16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b,  
2060 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a,  
2061 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-  
2062 65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75,  
2063 23-77, 23-101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-33o, 25-34, 25-  
2064 68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-  
2065 80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-  
2066 102t, 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-  
2067 155, 25-157, 25-178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-  
2068 3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-  
2069 27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a,  
2070 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a,  
2071 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115,  
2072 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d,  
2073 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-  
2074 314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e, [32-9dd,] 32-9kk, 32-9ll,  
2075 as amended by this act, 32-11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684,  
2076 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-  
2077 473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2078 Sec. 16. Subsection (d) of section 22a-2d of the general statutes is  
2079 repealed and the following is substituted in lieu thereof (*Effective*

2080 *October 1, 2013*):

2081 (d) Wherever the words "Department of Environmental Protection"  
2082 are used or referred to in the following sections of the general statutes,  
2083 the words "Department of Energy and Environmental Protection" shall  
2084 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-  
2085 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-  
2086 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,  
2087 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-  
2088 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-  
2089 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-  
2090 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-  
2091 5b, 22a-6, as amended by this act, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r,  
2092 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-  
2093 21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a,  
2094 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61,  
2095 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122, 22a-123, 22a-126,  
2096 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-  
2097 174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d,  
2098 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-  
2099 245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259,  
2100 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355,  
2101 22a-361, 22a-363b, 22a-416, 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-  
2102 449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-521, 22a-601, 22a-629,  
2103 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19,  
2104 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68,  
2105 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d, 25-33p, 25-37d, 25-37e, 25-  
2106 37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157, 25-157a, 25-157b,  
2107 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-  
2108 17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-  
2109 86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-  
2110 28, 29-36f, 30-55a, 32-1e, 32-9t, [32-9dd,] 32-9kk, 32-9ll, 32-11a, 32-23d,  
2111 32-23x, 32-242, 32-242a, 32-726, as amended by this act, 46b-220, 47-46a,  
2112 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and  
2113 54-143.

2114 Sec. 17. Subsections (i) to (k), inclusive, of section 22a-6 of the  
2115 general statutes are repealed and the following is substituted in lieu  
2116 thereof (*Effective October 1, 2013*):

2117 (i) Notwithstanding the provisions of subsection (a) of this section,  
2118 no person shall be required to pay any fee established by the  
2119 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by  
2120 this act, 22a-134a or 22a-134e for any new or pending application,  
2121 provided such person has received financial assistance from any  
2122 department, institution, agency or authority of the state for the  
2123 purpose of investigation or remediation, or both, of a brownfield, [site,  
2124 as defined in section 32-9kk] as defined in section 1 of this act, and  
2125 such activity would otherwise require a fee to be paid to the  
2126 commissioner for the activity conducted with such financial assistance.

2127 (j) Notwithstanding the provisions of subsection (a) of this section,  
2128 no department, institution, agency or authority of the state or the state  
2129 system of higher education shall be required to pay any fee established  
2130 by the commissioner pursuant to section 22a-133x, 22a-133aa, as  
2131 amended by this act, 22a-134a or 22a-134e for any new or pending  
2132 application, provided such division of the state is conducting an  
2133 investigation or remediation, or both, of a brownfield, [site, as defined  
2134 in section 32-9kk] as defined in section 1 of this act, and siting a state  
2135 facility on such brownfield site.

2136 (k) Notwithstanding the provisions of subsection (a) of this section,  
2137 no person shall be required to pay any fee associated with a  
2138 brownfield, as defined in [section 32-9kk] section 1 of this act, due to  
2139 the commissioner resulting from the actions of another party prior to  
2140 their acquisition of such brownfield, provided such person intends to  
2141 investigate and remediate such brownfield.

2142 Sec. 18. Subsection (b) of section 22a-133u of the general statutes is  
2143 repealed and the following is substituted in lieu thereof (*Effective*  
2144 *October 1, 2013*):

2145 (b) The Commissioner of Economic and Community Development

2146 may use any funds deposited into the Special Contaminated Property  
2147 Remediation and Insurance Fund pursuant to section 3 of public act  
2148 96-250 for (1) loans to municipalities, individuals or firms for Phase II  
2149 environmental site assessments, Phase III investigations of real  
2150 property or for any costs of demolition, including related lead and  
2151 asbestos removal or abatement costs or costs related to the remediation  
2152 of environmental pollution, undertaken to prepare contaminated real  
2153 property for development subsequent to any Phase III investigation,  
2154 (2) expenses related to administration of this subsection provided such  
2155 expenses may not exceed one hundred twenty-five thousand dollars  
2156 per year, (3) funding the remedial action and redevelopment  
2157 municipal grant program established pursuant to [subsection (e) of]  
2158 section 32-9kk, as amended by this act, and (4) funding the targeted  
2159 brownfield development loan program developed pursuant to  
2160 [subsection (f) of section 32-9kk] section 5 of this act.

2161 Sec. 19. Subsection (g) of section 22a-133aa of the general statutes is  
2162 repealed and the following is substituted in lieu thereof (*Effective*  
2163 *October 1, 2013*):

2164 (g) Any prospective purchaser or municipality remediating  
2165 property pursuant to the abandoned brownfield cleanup program  
2166 established pursuant to section 32-9ll, as amended by this act, shall  
2167 qualify for a covenant not to sue from the Commissioner of Energy  
2168 and Environmental Protection without fee. Such covenant not to sue  
2169 shall be transferable to subsequent owners provided the property is  
2170 undergoing remediation or is remediated in accordance with  
2171 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2172 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes is  
2173 repealed and the following is substituted in lieu thereof (*Effective*  
2174 *October 1, 2013*):

2175 (1) "Transfer of establishment" means any transaction or proceeding  
2176 through which an establishment undergoes a change in ownership, but  
2177 does not mean:

2178 (A) Conveyance or extinguishment of an easement;

2179 (B) Conveyance of an establishment through a foreclosure, as  
2180 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2181 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2182 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2183 or by condemnation pursuant to section 32-224 or purchase pursuant  
2184 to a resolution by the legislative body of a municipality authorizing the  
2185 acquisition through eminent domain for establishments that also meet  
2186 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2187 act, or a subsequent transfer by such municipality that has foreclosed  
2188 on the property, foreclosed municipal tax liens or that has acquired  
2189 title to the property through section 12-157 [, or is within the pilot  
2190 program established in subsection (c) of section 32-9cc,] or has  
2191 acquired such property through the exercise of eminent domain  
2192 pursuant to section 8-128, 8-169e or 8-193 or by condemnation  
2193 pursuant to section 32-224 or a resolution adopted in accordance with  
2194 this subparagraph, provided (i) the party acquiring the property from  
2195 the municipality did not establish, create or contribute to the  
2196 contamination at the establishment and is not affiliated with any  
2197 person who established, created or contributed to such contamination  
2198 or with any person who is or was an owner or certifying party for the  
2199 establishment, and (ii) on or before the date the party acquires the  
2200 property from the municipality, such party or municipality enters and  
2201 subsequently remains in the voluntary remediation program  
2202 administered by the commissioner pursuant to section 22a-133x and  
2203 remains in compliance with schedules and approvals issued by the  
2204 commissioner. For purposes of this subparagraph, subsequent transfer  
2205 by a municipality includes any transfer to, from or between a  
2206 municipality, municipal economic development agency or entity  
2207 created or operating under chapter 130 or 132, a nonprofit economic  
2208 development corporation formed to promote the common good,  
2209 general welfare and economic development of a municipality that is  
2210 funded, either directly or through in-kind services, in part by a  
2211 municipality, or a nonstock corporation or limited liability company  
2212 controlled or established by a municipality, municipal economic

2213 development agency or entity created or operating under chapter 130  
2214 or 132;

2215 (C) Conveyance of a deed in lieu of foreclosure to a lender, as  
2216 defined in and that qualifies for the secured lender exemption  
2217 pursuant to subsection (b) of section 22a-452f;

2218 (D) Conveyance of a security interest, as defined in subdivision (7)  
2219 of subsection (b) of section 22a-452f;

2220 (E) Termination of a lease and conveyance, assignment or execution  
2221 of a lease for a period less than ninety-nine years including  
2222 conveyance, assignment or execution of a lease with options or similar  
2223 terms that will extend the period of the leasehold to ninety-nine years,  
2224 or from the commencement of the leasehold, ninety-nine years,  
2225 including conveyance, assignment or execution of a lease with options  
2226 or similar terms that will extend the period of the leasehold to ninety-  
2227 nine years, or from the commencement of the leasehold;

2228 (F) Any change in ownership approved by the Probate Court;

2229 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2230 executor or administrator under the terms of a testamentary trust or  
2231 will, or by intestate succession;

2232 (H) Corporate reorganization not substantially affecting the  
2233 ownership of the establishment;

2234 (I) The issuance of stock or other securities of an entity which owns  
2235 or operates an establishment;

2236 (J) The transfer of stock, securities or other ownership interests  
2237 representing less than forty per cent of the ownership of the entity that  
2238 owns or operates the establishment;

2239 (K) Any conveyance of an interest in an establishment where the  
2240 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2241 sibling or sibling of a parent of the transferee;

2242 (L) Conveyance of an interest in an establishment to a trustee of an  
2243 inter vivos trust created by the transferor solely for the benefit of one  
2244 or more siblings, spouses, children, parents, grandchildren, children of  
2245 a sibling or siblings of a parent of the transferor;

2246 (M) Any conveyance of a portion of a parcel upon which portion no  
2247 establishment is or has been located and upon which there has not  
2248 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2249 of hazardous waste, provided either the area of such portion is not  
2250 greater than fifty per cent of the area of such parcel or written notice of  
2251 such proposed conveyance and an environmental condition  
2252 assessment form for such parcel is provided to the commissioner sixty  
2253 days prior to such conveyance;

2254 (N) Conveyance of a service station, as defined in subdivision (5) of  
2255 this section;

2256 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2257 had been developed solely for residential use and such use has not  
2258 changed;

2259 (P) Any conveyance of an establishment to any entity created or  
2260 operating under chapter 130 or 132, or to an urban rehabilitation  
2261 agency, as defined in section 8-292, or to a municipality under section  
2262 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2263 of the corporation;

2264 (Q) Any conveyance of a parcel in connection with the acquisition of  
2265 properties to effectuate the development of the overall project, as  
2266 defined in section 32-651;

2267 (R) The conversion of a general or limited partnership to a limited  
2268 liability company under section 34-199;

2269 (S) The transfer of general partnership property held in the names of  
2270 all of its general partners to a general partnership which includes as  
2271 general partners immediately after the transfer all of the same persons  
2272 as were general partners immediately prior to the transfer;

2273 (T) The transfer of general partnership property held in the names  
2274 of all of its general partners to a limited liability company which  
2275 includes as members immediately after the transfer all of the same  
2276 persons as were general partners immediately prior to the transfer;

2277 (U) Acquisition of an establishment by any governmental or quasi-  
2278 governmental condemning authority;

2279 (V) Conveyance of any real property or business operation that  
2280 would qualify as an establishment solely as a result of (i) the  
2281 generation of more than one hundred kilograms of universal waste in  
2282 a calendar month, (ii) the storage, handling or transportation of  
2283 universal waste generated at a different location, or (iii) activities  
2284 undertaken at a universal waste transfer facility, provided any such  
2285 real property or business operation does not otherwise qualify as an  
2286 establishment; there has been no discharge, spillage, uncontrolled loss,  
2287 seepage or filtration of a universal waste or a constituent of universal  
2288 waste that is a hazardous substance at or from such real property or  
2289 business operation; and universal waste is not also recycled, treated,  
2290 except for treatment of a universal waste pursuant to 40 CFR  
2291 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2292 such real property or business operation;

2293 (W) Conveyance of a unit in a residential common interest  
2294 community in accordance with section 22a-134i;

2295 (X) Acquisition of an establishment that is in the abandoned  
2296 brownfield cleanup program established pursuant to section 32-9ll, as  
2297 amended by this act, and all subsequent transfers of the establishment,  
2298 provided the establishment is undergoing remediation or is  
2299 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2300 9ll, as amended by this act;

2301 (Y) Any transfer of title from a bankruptcy court or a municipality  
2302 to a nonprofit organization;

2303 (Z) Acquisition of an establishment that is in the brownfield

2304 remediation and revitalization program and all subsequent transfers of  
2305 the establishment, provided the establishment is in compliance with  
2306 the brownfield investigation plan and remediation schedule, the  
2307 commissioner has issued a no audit letter or successful audit closure  
2308 letter in response to a verification or interim verification submitted  
2309 regarding the remediation of such establishment under the brownfield  
2310 remediation and revitalization program, or one hundred eighty days  
2311 has expired since a verification or interim verification submitted  
2312 regarding the remediation of such establishment under the brownfield  
2313 remediation and revitalization program without an audit decision  
2314 from the Commissioner of Energy and Environmental Protection;

2315 (AA) Conveyance of an establishment in connection with the  
2316 acquisition of properties to effectuate the development of a project  
2317 certified and approved pursuant to section 32-9v, provided any such  
2318 property is investigated and remediated in accordance with section  
2319 22a-133y; or

2320 (BB) Conveyance from the Department of Transportation to the  
2321 Connecticut Airport Authority of any properties comprising (i)  
2322 Bradley International Airport and all related improvements and  
2323 facilities now in existence and as hereafter acquired, added, extended,  
2324 improved and equipped, including any property or facilities  
2325 purchased with funds of, or revenues derived from, Bradley  
2326 International Airport, and any other property or facilities allocated by  
2327 the state, the Connecticut Airport Authority or otherwise to Bradley  
2328 International Airport, (ii) the state-owned and operated general  
2329 aviation airports, including Danielson Airport, Groton/New London  
2330 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2331 Windham Airport and any such other airport as may be owned,  
2332 operated or managed by the Connecticut Airport Authority and  
2333 designated as general aviation airports, (iii) any other airport as may  
2334 be owned, operated or managed by the Connecticut Airport Authority,  
2335 and (iv) any airport site or any part thereof, including, but not limited  
2336 to, any restricted landing areas and any air navigation facilities.

2337 Sec. 21. Subdivision (1) of section 22a-134 of the general statutes, as  
2338 amended by section 53 of public act 11-241, section 7 of public act 12-  
2339 32, section 7 of public act 12-183 and section 3 of public act 12-196, is  
2340 repealed and the following is substituted in lieu thereof (*Effective*  
2341 *January 1, 2014*):

2342 (1) "Transfer of establishment" means any transaction or proceeding  
2343 through which an establishment undergoes a change in ownership, but  
2344 does not mean:

2345 (A) Conveyance or extinguishment of an easement;

2346 (B) Conveyance of an establishment through a foreclosure, as  
2347 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2348 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2349 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2350 or by condemnation pursuant to section 32-224 or purchase pursuant  
2351 to a resolution by the legislative body of a municipality authorizing the  
2352 acquisition through eminent domain for establishments that also meet  
2353 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2354 act, or a subsequent transfer by such municipality that has foreclosed  
2355 on the property, foreclosed municipal tax liens or that has acquired  
2356 title to the property through section 12-157 [, or is within the pilot  
2357 program established in subsection (c) of section 32-9cc,] or has  
2358 acquired such property through the exercise of eminent domain  
2359 pursuant to section 8-128, 8-169e or 8-193 or by condemnation  
2360 pursuant to section 32-224 or a resolution adopted in accordance with  
2361 this subparagraph, provided (i) the party acquiring the property from  
2362 the municipality did not establish, create or contribute to the  
2363 contamination at the establishment and is not affiliated with any  
2364 person who established, created or contributed to such contamination  
2365 or with any person who is or was an owner or certifying party for the  
2366 establishment, and (ii) on or before the date the party acquires the  
2367 property from the municipality, such party or municipality enters and  
2368 subsequently remains in the voluntary remediation program  
2369 administered by the commissioner pursuant to section 22a-133x and

2370 remains in compliance with schedules and approvals issued by the  
2371 commissioner. For purposes of this subparagraph, subsequent transfer  
2372 by a municipality includes any transfer to, from or between a  
2373 municipality, municipal economic development agency or entity  
2374 created or operating under chapter 130 or 132, a nonprofit economic  
2375 development corporation formed to promote the common good,  
2376 general welfare and economic development of a municipality that is  
2377 funded, either directly or through in-kind services, in part by a  
2378 municipality, or a nonstock corporation or limited liability company  
2379 controlled or established by a municipality, municipal economic  
2380 development agency or entity created or operating under chapter 130  
2381 or 132;

2382 (C) Conveyance of a deed in lieu of foreclosure to a lender, as  
2383 defined in and that qualifies for the secured lender exemption  
2384 pursuant to subsection (b) of section 22a-452f;

2385 (D) Conveyance of a security interest, as defined in subdivision (7)  
2386 of subsection (b) of section 22a-452f;

2387 (E) Termination of a lease and conveyance, assignment or execution  
2388 of a lease for a period less than ninety-nine years including  
2389 conveyance, assignment or execution of a lease with options or similar  
2390 terms that will extend the period of the leasehold to ninety-nine years,  
2391 or from the commencement of the leasehold, ninety-nine years,  
2392 including conveyance, assignment or execution of a lease with options  
2393 or similar terms that will extend the period of the leasehold to ninety-  
2394 nine years, or from the commencement of the leasehold;

2395 (F) Any change in ownership approved by the Probate Court;

2396 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2397 executor or administrator under the terms of a testamentary trust or  
2398 will, or by intestate succession;

2399 (H) Corporate reorganization not substantially affecting the  
2400 ownership of the establishment;

2401 (I) The issuance of stock or other securities of an entity which owns  
2402 or operates an establishment;

2403 (J) The transfer of stock, securities or other ownership interests  
2404 representing less than forty per cent of the ownership of the entity that  
2405 owns or operates the establishment;

2406 (K) Any conveyance of an interest in an establishment where the  
2407 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2408 sibling or sibling of a parent of the transferee;

2409 (L) Conveyance of an interest in an establishment to a trustee of an  
2410 inter vivos trust created by the transferor solely for the benefit of one  
2411 or more siblings, spouses, children, parents, grandchildren, children of  
2412 a sibling or siblings of a parent of the transferor;

2413 (M) Any conveyance of a portion of a parcel upon which portion no  
2414 establishment is or has been located and upon which there has not  
2415 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2416 of hazardous waste, provided either the area of such portion is not  
2417 greater than fifty per cent of the area of such parcel or written notice of  
2418 such proposed conveyance and an environmental condition  
2419 assessment form for such parcel is provided to the commissioner sixty  
2420 days prior to such conveyance;

2421 (N) Conveyance of a service station, as defined in subdivision (5) of  
2422 this section;

2423 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2424 had been developed solely for residential use and such use has not  
2425 changed;

2426 (P) Any conveyance of an establishment to any entity created or  
2427 operating under chapter 130 or 132, or to an urban rehabilitation  
2428 agency, as defined in section 8-292, or to a municipality under section  
2429 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2430 of the corporation;

2431 (Q) Any conveyance of a parcel in connection with the acquisition of  
2432 properties to effectuate the development of the overall project, as  
2433 defined in section 32-651;

2434 (R) The conversion of a general or limited partnership to a limited  
2435 liability company;

2436 (S) The transfer of general partnership property held in the names of  
2437 all of its general partners to a general partnership which includes as  
2438 general partners immediately after the transfer all of the same persons  
2439 as were general partners immediately prior to the transfer;

2440 (T) The transfer of general partnership property held in the names  
2441 of all of its general partners to a limited liability company which  
2442 includes as members immediately after the transfer all of the same  
2443 persons as were general partners immediately prior to the transfer;

2444 (U) Acquisition of an establishment by any governmental or quasi-  
2445 governmental condemning authority;

2446 (V) Conveyance of any real property or business operation that  
2447 would qualify as an establishment solely as a result of (i) the  
2448 generation of more than one hundred kilograms of universal waste in  
2449 a calendar month, (ii) the storage, handling or transportation of  
2450 universal waste generated at a different location, or (iii) activities  
2451 undertaken at a universal waste transfer facility, provided any such  
2452 real property or business operation does not otherwise qualify as an  
2453 establishment; there has been no discharge, spillage, uncontrolled loss,  
2454 seepage or filtration of a universal waste or a constituent of universal  
2455 waste that is a hazardous substance at or from such real property or  
2456 business operation; and universal waste is not also recycled, treated,  
2457 except for treatment of a universal waste pursuant to 40 CFR  
2458 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2459 such real property or business operation;

2460 (W) Conveyance of a unit in a residential common interest  
2461 community in accordance with section 22a-134i;

2462 (X) Acquisition of an establishment that is in the abandoned  
2463 brownfield cleanup program established pursuant to section 32-9ll, as  
2464 amended by this act, and all subsequent transfers of the establishment,  
2465 provided the establishment is undergoing remediation or is  
2466 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2467 9ll, as amended by this act;

2468 (Y) Any transfer of title from a bankruptcy court or a municipality  
2469 to a nonprofit organization;

2470 (Z) Acquisition of an establishment that is in the brownfield  
2471 remediation and revitalization program and all subsequent transfers of  
2472 the establishment, provided the establishment is in compliance with  
2473 the brownfield investigation plan and remediation schedule, the  
2474 commissioner has issued a no audit letter or successful audit closure  
2475 letter in response to a verification or interim verification submitted  
2476 regarding the remediation of such establishment under the brownfield  
2477 remediation and revitalization program, or a one-hundred-eighty-day  
2478 period has expired since a verification or interim verification  
2479 submitted regarding the remediation of such establishment under the  
2480 brownfield remediation and revitalization program without an audit  
2481 decision from the Commissioner of Energy and Environmental  
2482 Protection;

2483 (AA) Conveyance of an establishment in connection with the  
2484 acquisition of properties to effectuate the development of a project  
2485 certified and approved pursuant to section 32-9v, provided any such  
2486 property is investigated and remediated in accordance with section  
2487 22a-133y; or

2488 (BB) Conveyance from the Department of Transportation to the  
2489 Connecticut Airport Authority of any properties comprising (i)  
2490 Bradley International Airport and all related improvements and  
2491 facilities now in existence and as hereafter acquired, added, extended,  
2492 improved and equipped, including any property or facilities  
2493 purchased with funds of, or revenues derived from, Bradley  
2494 International Airport, and any other property or facilities allocated by

2495 the state, the Connecticut Airport Authority or otherwise to Bradley  
2496 International Airport, (ii) the state-owned and operated general  
2497 aviation airports, including Danielson Airport, Groton/New London  
2498 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2499 Windham Airport and any such other airport as may be owned,  
2500 operated or managed by the Connecticut Airport Authority and  
2501 designated as general aviation airports, (iii) any other airport as may  
2502 be owned, operated or managed by the Connecticut Airport Authority,  
2503 and (iv) any airport site or any part thereof, including, but not limited  
2504 to, any restricted landing areas and any air navigation facilities.

2505 Sec. 22. Subsection (e) of section 25-68d of the general statutes is  
2506 repealed and the following is substituted in lieu thereof (*Effective*  
2507 *October 1, 2013*):

2508 (e) The use of a mill that is located on a brownfield, as defined in  
2509 section [32-9kk] 1 of this act, shall be exempt from the certification  
2510 requirements of subdivision (4) of subsection (b) of this section,  
2511 provided the agency demonstrates: (1) The activity is subject to the  
2512 environmental remediation requirements of the regulations adopted  
2513 pursuant to section 22a-133k, (2) the activity is limited to the areas of  
2514 the property where historical mill uses occurred, (3) any critical  
2515 activity is above the five-hundred-year flood elevation, and (4) the  
2516 activity complies with the provisions of the National Flood Insurance  
2517 Program.

2518 Sec. 23. Subdivision (8) of subsection (a) of section 32-1m of the  
2519 general statutes is repealed and the following is substituted in lieu  
2520 thereof (*Effective October 1, 2013*):

2521 (8) (A) A summary of the department's brownfield-related efforts  
2522 and activities within the Office of Brownfield Remediation and  
2523 Development established pursuant to subsections (a) to [(f)] (d),  
2524 inclusive, of section 32-9cc in the preceding state fiscal year, except for  
2525 activity under the Special Contaminated Property Remediation and  
2526 Insurance Fund program. Such efforts shall include, but not be limited  
2527 to, (i) total portfolio investment in brownfield remediation projects, (ii)

2528 total investment in brownfield remediation projects in the preceding  
2529 state fiscal year, (iii) total number of brownfield remediation projects,  
2530 (iv) total number of brownfield remediation projects in the preceding  
2531 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)  
2532 total of reclaimed and remediated acreage in the preceding state fiscal  
2533 year, (vii) leverage ratio for the total portfolio investment in  
2534 brownfield remediation projects, and (viii) leverage ratio for the total  
2535 portfolio investment in brownfield remediation projects in the  
2536 preceding state fiscal year. Such summary shall include a list of such  
2537 brownfield remediation projects and, for each such project, the name  
2538 of the developer and the location by street address and municipality  
2539 and a tracking of all funds administered through or by said office;

2540 (B) A summary of the department's efforts with regard to the  
2541 Special Contaminated Property Remediation and Insurance Fund,  
2542 including, but not limited to, (i) the number of applications received in  
2543 the preceding state fiscal year, (ii) the number and amounts of loans  
2544 made in such year, (iii) the names of the applicants for such loans, (iv)  
2545 the average time period between submission of application and the  
2546 decision to grant or deny the loan, (v) a list of the applications  
2547 approved and the applications denied and the reasons for such  
2548 denials, and (vi) for each project, the location by street address and  
2549 municipality; and

2550 (C) A summary of the department's efforts with regard to the dry  
2551 cleaning grant program, established pursuant to section 12-263m,  
2552 including, but not limited to, (i) information as to the number of  
2553 applications received, (ii) the number and amounts of grants made  
2554 since the inception of the program, (iii) the names of the applicants,  
2555 (iv) the time period between submission of application and the  
2556 decision to grant or deny the loan, (v) which applications were  
2557 approved and which applications were denied and the reasons for any  
2558 denials, and (vi) a recommendation as to whether the surcharge and  
2559 grant program established pursuant to section 12-263m should  
2560 continue.

2561 Sec. 24. Section 32-22b of the general statutes is repealed and the  
2562 following is substituted in lieu thereof (*Effective October 1, 2013*):

2563 Connecticut Innovations, Incorporated may establish a loan  
2564 guarantee program to provide guarantees of not more than thirty per  
2565 cent of the loan to lenders who provide financing to [eligible  
2566 developers or eligible property owners as defined in subsection (a) of  
2567 section 32-9kk] recipients of grants or loans pursuant to section 32-9kk,  
2568 as amended by this act, or section 5 of this act.

2569 Sec. 25. Subsection (b) of section 32-276 of the general statutes is  
2570 repealed and the following is substituted in lieu thereof (*Effective*  
2571 *October 1, 2013*):

2572 (b) (1) The commissioner shall establish an office of the permit  
2573 ombudsman for the purpose of expediting review of permit  
2574 applications for projects that would (A) create at least one hundred  
2575 jobs, (B) create fifty jobs, if such project is to be located in an enterprise  
2576 zone designated pursuant to section 32-70, (C) be located in a  
2577 brownfield, as defined in section [32-9cc] 1 of this act, (D) be  
2578 compatible with the state's responsible growth initiatives, (E) be  
2579 considered transit-oriented development, as defined in section 13b-  
2580 79kk, (F) develop green technology business, or (G) meet the criteria  
2581 set forth in subdivision (2) of this subsection. Projects ineligible for  
2582 review under this section are projects for which the primary purpose is  
2583 to (i) effect the final disposal of solid waste, biomedical waste or  
2584 hazardous waste in this state, (ii) produce electrical power, unless the  
2585 production of electricity is incidental and not the primary function of  
2586 the project, (iii) extract natural resources, (iv) produce oil, or (v)  
2587 construct, maintain or operate an oil, petroleum, natural gas or sewage  
2588 pipeline. For purposes of this section, "responsible growth initiatives"  
2589 includes the principles of smart growth, as defined in section 1 of  
2590 public act 09-230, and "green technology business" means an eligible  
2591 business with not less than twenty-five per cent of its employment  
2592 positions being positions in which green technology is employed or  
2593 developed and may include the occupation codes identified as green

2594 jobs by the Department of Economic and Community Development  
2595 and the Labor Department for such purposes.

2596 (2) Notwithstanding the provisions of subdivision (1) of this  
2597 subsection, the commissioner may, upon consideration of the  
2598 economic impact factors of the project that include, but are not limited  
2599 to: (A) The proposed wage and skill levels relative to those existing in  
2600 the area in which the project may be located, (B) the project's potential  
2601 to diversify and strengthen the state and local economy, (C) the  
2602 amount of capital investment, and (D) in the judgment of the  
2603 commissioner, after consultation with the Departments of Energy and  
2604 Environmental Protection, Transportation and Public Health that there  
2605 is consistency with the strategic economic development priorities of  
2606 the state and the municipality, deem projects eligible for expedited  
2607 permitting pursuant to this section.

2608 Sec. 26. (*Effective October 1, 2013*) Any funds in the Connecticut  
2609 brownfields remediation account established pursuant to section 32-9ff  
2610 of the general statutes, revision of 1958, revised to January 1, 2013,  
2611 shall be transferred to the brownfield remediation and development  
2612 account established pursuant to section 3 of this act and shall become  
2613 part of the assets of such account.

2614 Sec. 27. Sections 32-9dd and 32-9ff of the general statutes are  
2615 repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	32-9cc
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	32-9kk
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	32-9gg
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	32-9ee
Sec. 9	<i>October 1, 2013</i>	New section

Sec. 10	October 1, 2013	32-9ll
Sec. 11	October 1, 2013	32-9mm
Sec. 12	October 1, 2013	12-65e
Sec. 13	October 1, 2013	12-217mm(a)
Sec. 14	October 1, 2013	12-81r(a)
Sec. 15	October 1, 2013	22a-2d(c)
Sec. 16	October 1, 2013	22a-2d(d)
Sec. 17	October 1, 2013	22a-6(i) to (k)
Sec. 18	October 1, 2013	22a-133u(b)
Sec. 19	October 1, 2013	22a-133aa(g)
Sec. 20	October 1, 2013	22a-134(1)
Sec. 21	January 1, 2014	22a-134(1)
Sec. 22	October 1, 2013	25-68d(e)
Sec. 23	October 1, 2013	32-1m(a)(8)
Sec. 24	October 1, 2013	32-22b
Sec. 25	October 1, 2013	32-276(b)
Sec. 26	October 1, 2013	New section
Sec. 27	October 1, 2013	Repealer section

**Statement of Legislative Commissioners:**

In section 7(a), a reference to the definition of targeted investment community was added for statutory consistency. In section 10(b), the reference to subsection (f) was changed to subsection (h) for accuracy.

**CE**      *Joint Favorable Subst.*

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

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill makes many changes to the brownfields programs administered by the Department and Economic Community Development (DECD) which are not anticipated to have a fiscal impact. Specifically, the bill:

1. Eliminates the municipal brownfield grant pilot program (Sec. 2) which is obsolete and therefore has no fiscal impact. The grant program under Section 4 of the bill replaces this program.
2. Consolidates the "brownfields remediation account" which funds the municipal brownfield grant pilot program eliminated in Section 2 of the bill into the "brownfield remediation and development account." (Secs. 3 and 26). The bill also specifies the funding which must be deposited into the account. These changes are not anticipated to have a fiscal impact as the bill allows DECD to use a certain percentage of funding in the account for administrative costs. Under current law, DECD may use a certain portion of bond funds and grant and loan proceeds from the current grant and loan brownfields remediation program for administrative expenses.
3. Separates the existing brownfield grant and loan program (Secs. 4 - 5). This is not anticipated to have a fiscal impact as the bill does not provide additional funding for these programs.

The bill makes other technical and conforming changes which have no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 6651*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF CONNECTICUT BROWNFIELD WORKING GROUP.*****SUMMARY:**

This bill consolidates all brownfield funds into a separate nonlapsing account, and specifies the types of funds that the Department of Economic and Community Development (DECD) must deposit there. It allows the DECD commissioner to use up to 5% of the account's assets to cover administrative costs. The bill deletes provisions allowing her to (1) use up to 5% of a brownfield remediation and development grant or loan to cover reasonable administrative expenses and (2) up to 4% of the proceeds from the bonds authorized specifically for the grant and loan program to cover specified administrative and marketing costs.

The bill also makes several programmatic changes, including allowing developers to use loan funds to reduce blight, but not to acquire property. It authorizes the commissioner to require grant and loan recipients to reimburse the state if they receive remediation funds from other sources. It also narrows criteria for determining whether a substance found on a property constitutes a regulated substance, thus qualifying the developer for liability relief.

The bill makes many technical changes to the DECD brownfield remediation and development programs. It consolidates the definitions governing the programs, eliminates a duplicative municipal brownfield grant program, and places grant and loan programs in separate statutory sections.

EFFECTIVE DATE: October 1, 2013, except for a technical change to the Transfer Act that takes effect January 1, 2014.

**CONSOLIDATED BROWNFIELD REMEDIATION AND DEVELOPMENT ACCOUNT**

The bill consolidates all brownfield accounts into a separate, nonlapsing account, specifying the types of funds and revenues that must be deposited there. Current law creates such an account for only the brownfield grant and loan program. The bill also requires these funds to go into the reconstituted fund:

1. Urban Action bonds issued for economic development programs and earmarked by the State Bond Commission for the program;
2. principal and interest payments on loans made under the loan program and the Department of Energy and Environmental Protection's (DEEP) Special Contaminated Property Remediation and Insurance Fund, which provide loans for assessing and demolishing contaminated property;
3. money the attorney general recovers from the parties that polluted properties being cleaned up under a state program; and
4. proceeds from any state bonds issued specifically for the loan and grant program and, if the Office of Policy and Management (OPM) secretary approves, any federal or private dollars provided for a project being assisted under the program.

The bill eliminates the criteria the commissioner must use to select a funding source for a brownfield remediation project. When determining the funding source under current law, she must consider the project's feasibility, environmental and public health benefits, spillover economic opportunities, and contribution to the municipal tax base.

In reconstituting the account, the bill eliminates the requirement that the commissioner obtain the OPM secretary's approval before

tapping the account to fund a project.

### **MUNICIPAL BROWNFIELD GRANT PROGRAM**

The bill separates the existing brownfield grant and loan program, placing each component under its own roof. The grant program is opened only to municipalities. The bill allows municipalities to use up to 5% of the grant to cover their reasonable administrative expenses.

The bill allows municipalities to keep a greater share of the proceeds from the sale of a brownfield they remediated with the grant. Under current law, they may keep 20% of the proceeds to cover oversight, administration, and development costs, and, if applicable, lost tax revenue. Under the bill, they may keep 20% of the proceeds to cover these costs, plus the cost of acquiring the brownfield and other eligible costs they incurred to remediate it.

Under current law, municipal grant recipients can make low-interest loans to a private developer if they co-applied for the grant, know how the remediated brownfield will be reused, and have entered into a written agreement. Under the bill, they must enter into the agreement within 45 days after receiving the grant specifying the brownfield's future use.

### **BROWNFIELD LOAN PROGRAM CHANGES**

The bill allows developers to use loan proceeds to reduce blight. As under current law, they can also use the proceeds to create or retain jobs or develop affordable housing.

The bill eliminates the DECD commissioner's ability to provide financing to developers who also initially apply to Connecticut Innovations, Inc. for financing (i.e., participation interest). Under current law, CII may submit an application to DECD on the developer's behalf, providing all the information developers must provide when applying directly to DECD. In these cases, the commissioner cannot require the developer to provide an additional application.

The bill requires developers remediating brownfields for affordable housing to meet the statutory definition of affordable housing. By law, housing is affordable if people earning no more than the median income of the municipality where the housing is located pay no more than 30% of their income for the housing.

### **BROWNFIELD CLEANUP ASSISTANCE FOR CURRENT OWNERS OF CONTAMINATED PROPERTY**

The bill limits the eligibility of manufacturers for state funding to DECD's loan program. It also eliminates the requirements that may be imposed under current law on manufacturers as a condition for receiving funds. Those requirements are:

1. keeping the property for at least 10 years,
2. continuing to employ state residents for at least 10 years, and
3. reimbursing the state if the owner receives funds from other sources.

### **LIABILITY PROTECTION PROGRAM**

#### ***Regulated substance***

The bill adopts stricter criteria for determining whether a substance constitutes a regulated substance under two DECD programs providing liability protection to brownfield developers. Under current law, a regulated substance is any compound or material that alters the physical, chemical, biological, or other characteristics of air, water, soil, or sediment when they are mixed with the substance (CGS § 32-9 mm(15)). Under the bill, a regulated substance is petroleum, any flammable substance, or any substance the federal government defines as "hazardous" or "extremely hazardous," or polychlorinated biphenyls in concentrations greater than 50 parts per million. By law, business facilities producing, using, storing, or handling such substances must notify DEEP to that effect (CGS § 22a-134g).

Polychlorinated biphenyls are chemicals that were formerly used in

hydraulic fluids, plasticizers, adhesives, fire retardants, way extenders, de-dusting agents, pesticide extenders, inks, lubricants, and cutting oils. They were also used in heat transfer systems and carbonless paper reproduction.

**BACKGROUND**

***Related Bill***

sSB 1082, which the Environment Committee favorably reported, creates a Department of Energy and Environmental Protection municipal liability protection program, modifies contamination notice and standards requirements, and creates a new kind of environmental use restriction.

**COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/26/2013)