



General Assembly

January Session, 2013

Raised Bill No. 6651

LCO No. 4644



Referred to Committee on COMMERCE

Introduced by:
(CE)

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF CONNECTICUT BROWNFIELDS 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 12-65e, 32-9cc, 32-9ee, 32-9gg and 32-
3 9kk to 32-9mm, inclusive, of the general statutes, as amended by this
4 act:

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

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

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

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

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

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

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

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

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

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

44 (3) "Brownfield" means any abandoned or underutilized site where
45 redevelopment, reuse or expansion has not occurred due to the
46 presence or potential presence of pollution in the buildings, soil or
47 groundwater that requires investigation or remediation before or in
48 conjunction with the restoration, redevelopment and reuse of the
49 property;

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

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

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

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

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

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

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

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

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

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;

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 any element, compound or
125 material that, when added to air, water, soil or sediment, may alter the
126 physical, chemical, biological or other characteristic of such air, water,
127 soil or sediment;

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

131 (20) "Remediation standards" has the same meaning as provided in
132 section 22a-134 of the general statutes;

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

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

136 (23) "Verification" has the same meaning as provided in section 22a-
137 134 of the general statutes.

138 (b) Any relevant term in section 3, 5, 7 or 9 of this act or section 12-
139 65e, 32-9cc, 32-9ee, 32-9gg and 32-9kk to 32-9mm, inclusive, of the
140 general statutes, as amended by this act, that is not defined in this
141 section shall be defined in accordance with the definitions in chapter
142 445 of the general statutes.

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

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

157 (b) The office shall:

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

160 (2) Identify existing and potential sources of funding for brownfield
161 remediation and develop procedures for expediting the application for

162 and release of such funds;

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

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

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

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

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

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

189 (9) Create and maintain a web site independent of the department's
190 other web sites that is specifically dedicated to marketing and

191 promoting state-owned brownfields, and develop and implement a
192 marketing campaign for such brownfields and web site.

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

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

224 development. Said volunteers may assist the Office of Brownfield
225 Remediation and Development in marketing the [brownfields]
226 brownfield programs and redevelopment activities of the state.

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

235 [(f) Brownfield sites identified for funding under the grant program
236 established in subsection (c) of this section shall receive priority review
237 status from the Department of Energy and Environmental Protection.
238 Each property funded under this program shall be investigated in
239 accordance with prevailing standards and guidelines and remediated
240 in accordance with the regulations established for the remediation of
241 such sites adopted by the Commissioner of Energy and Environmental
242 Protection or pursuant to section 22a-133k and under the supervision
243 of the department or a licensed environmental professional in
244 accordance with the voluntary remediation program established in
245 section 22a-133x. In either event, the department shall determine that
246 remediation of the property has been fully implemented or that an
247 audit will not be conducted upon submission of a report indicating
248 that remediation has been verified by an environmental professional
249 licensed in accordance with section 22a-133v. Not later than ninety
250 days after submission of the verification report, the Commissioner of
251 Energy and Environmental Protection shall notify the municipality or
252 economic development agency as to whether the remediation has been
253 performed and completed in accordance with the remediation
254 standards, whether an audit will not be conducted, or whether any
255 additional remediation is warranted. For purposes of acknowledging
256 that the remediation is complete, the commissioner or a licensed

257 environmental professional may indicate that all actions to remediate
258 any pollution caused by any release have been taken in accordance
259 with the remediation standards and that no further remediation is
260 necessary to achieve compliance except postremediation monitoring or
261 natural attenuation monitoring.

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

273 [(h)] (e) The Departments of Economic and Community
274 Development and Energy and Environmental Protection shall
275 administer the provisions of subdivision (1) of section 22a-134, section
276 32-1m, subdivision (12) of subsection (a) of section 32-9t and [sections
277 32-9cc to 32-9gg, inclusive] sections 3, 5, 7 and 9 of this act and sections
278 12-65e, 32-9cc, 32-9ee, 32-9gg and 32-9kk to 32-9mm, inclusive, as
279 amended by this act, within available appropriations and any funds
280 allocated pursuant to sections 4-66c, 22a-133t and 32-9t.

281 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) There is established an
282 account to be known as the "brownfield remediation and development
283 account", which shall be a separate, nonlapsing account within the
284 General Fund. There shall be deposited in the account: (1) The
285 proceeds of bonds issued by the state for deposit into said account and
286 used in accordance with this section; (2) repayments of assistance
287 provided pursuant to subsection (c) of section 22a-133u of the general
288 statutes; (3) interest or other income earned on the investment of

289 moneys in the account; (4) funds recovered pursuant to sections 7 and
290 9 of this act; (5) any proceeds realized by the state from activities
291 pursuant to section 5 of this act or section 32-9kk of the general
292 statutes, as amended by this act; and (6) all funds required by law to be
293 deposited in the account. Any balance remaining in the account at the
294 end of any fiscal year shall be carried forward in the account for the
295 fiscal year next succeeding.

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

306 (c) Notwithstanding any provision of law, proceeds from the sale of
307 bonds available pursuant to subdivision (1) of subsection (b) of section
308 4-66c of the general statutes may, with the approval of the Governor
309 and the State Bond Commission, be used to capitalize the account.

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

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

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

318 (1) "Brownfield" means any abandoned or underutilized site where

319 redevelopment, reuse or expansion has not occurred due to the
320 presence or potential presence of pollution in the buildings, soil or
321 groundwater that requires investigation or remediation before or in
322 conjunction with the restoration, redevelopment and reuse of the
323 property;

324 (2) "Commissioner" means the Commissioner of Economic and
325 Community Development;

326 (3) "Department" means the Department of Economic and
327 Community Development;

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

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

335 (6) "Municipality" means a town, city, consolidated town and city or
336 consolidated town and borough;

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

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

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

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

347 (11) "Eligible grant recipients" means municipalities or economic
348 development agencies; and

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

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

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

377 (d) The commissioner may approve, reject or modify any

378 application properly submitted. In reviewing an application and
379 determining the type and amount of financial assistance, if any, to be
380 provided, the commissioner shall consider the following criteria: (1)
381 The availability of funds; (2) the estimated costs of assessing and
382 remediating the site, if known; (3) the relative economic condition of
383 the municipality; (4) the relative need of the eligible project for
384 financial assistance; (5) the degree to which financial assistance is
385 necessary as an inducement to the eligible applicant to undertake the
386 project; (6) the public health and environmental benefits of the project;
387 (7) relative economic benefits of the project to the municipality, the
388 region and the state, including, but not limited to, the extent to which
389 the project will likely result in a contribution to the municipality's tax
390 base and the retention and creation of jobs; (8) the time frame in which
391 the contamination occurred; (9) the relationship of the applicant to the
392 person or entity that caused the contamination; (10) the length of time
393 the property has been abandoned; (11) the taxes owed and the
394 projected revenues that may be restored to the community; (12) the
395 type of financial assistance requested pursuant to this section; and (13)
396 such other criteria as the commissioner may establish consistent with
397 the purposes of subsection (a) to (k), inclusive, of this section.]

398 [(e) (1)] (a) There is established a remedial action and
399 redevelopment municipal grant program to be administered by the
400 Department of Economic and Community Development for the
401 purpose of providing [financial assistance in the form of grants to
402 eligible grant recipients. Eligible grant recipients may use grant funds
403 for any development project, including manufacturing, retail,
404 residential, municipal, educational, parks, community centers and
405 mixed-use development, and the project's associated costs, including
406 (A) soil, groundwater and infrastructure investigation, (B) assessment,
407 (C) remediation, (D) abatement, (E) hazardous materials or waste
408 disposal, (F) long-term groundwater or natural attenuation
409 monitoring, (G) environmental land use restrictions, (H) attorneys'
410 fees, (I) planning, engineering and environmental consulting, and (J)

411 building and structural issues, including demolition, asbestos
412 abatement, polychlorinated biphenyls removal, contaminated wood or
413 paint removal, and other infrastructure remedial activities] grants to
414 municipalities and economic development agencies for the eligible
415 costs of brownfield remediation projects and reasonable administrative
416 expenses not to exceed five per cent of any grant awarded.

417 (b) An eligible grant recipient shall submit an application to the
418 Commissioner of Economic and Community Development on forms
419 provided by the commissioner and with such information the
420 commissioner deems necessary, including, but not limited to: (1) A
421 description of the proposed project; (2) an explanation of the expected
422 benefits of the project in relation to the purposes of this section; (3)
423 information concerning the financial and technical capacity of the
424 applicant to undertake the proposed project; (4) a project budget; (5) a
425 description of the condition of the brownfield involved, including the
426 results of any environmental assessment of the brownfield; and (6) the
427 names of any persons known to be liable for the remediation of the
428 brownfield.

429 (c) The commissioner may approve, reject or modify any application
430 properly submitted. In reviewing an application and determining the
431 amount of the grant, if any, to be provided, the commissioner shall
432 consider the following criteria: (1) The availability of funds; (2) the
433 estimated costs of assessing and remediating the brownfield, if known;
434 (3) the relative economic condition of the municipality in which the
435 brownfield is located; (4) the relative need of the project for financial
436 assistance; (5) the degree to which a grant under this section is
437 necessary to induce the applicant to undertake the project; (6) the
438 public health and environmental benefits of the project; (7) the relative
439 economic benefits of the project to the municipality, the region and the
440 state, including, but not limited to, the extent to which the project will
441 likely result in a contribution to the municipality's tax base and the
442 retention and creation of jobs; (8) the time frame in which the
443 contamination occurred; (9) the relationship of the applicant to the

444 person or entity that caused the contamination; (10) the length of time
445 the brownfield has been abandoned; (11) the taxes owed and the
446 projected revenues that may be restored to the community; and (12)
447 such other criteria as the commissioner may establish consistent with
448 the purposes of this section.

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

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

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

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

471 [(6)] (f) The eligible grant recipient may make low-interest loans to a
472 brownfield redeveloper [, if the future reuse is known and an
473 agreement with the redeveloper is in place and the private party is a
474 coapplicant] if (1) such recipient coapplied for the grant under this

475 section with such brownfield redeveloper, and (2) not later than forty-
476 five days after receiving the grant, such recipient enters into a written
477 agreement with such brownfield redeveloper for an identified future
478 reuse of such brownfield after remediation. Loan principal and interest
479 payments shall be returned to the brownfield remediation and
480 development account established pursuant to [subsection (l) of this
481 section] section 3 of this act, minus twenty per cent of the principal,
482 which the eligible grant recipient shall retain. If the eligible grant
483 recipient provides a loan, such loan may be secured by a state or
484 municipal lien on the property.

485 [(7)] (g) Any eligible grant [recipients] recipient that [provide]
486 provides a loan pursuant to [subdivision (6) of this] subsection (f) of
487 this section shall require the loan recipient to enter a voluntary
488 program pursuant to section 22a-133x or 22a-133y with the
489 Commissioner of Energy and Environmental Protection for brownfield
490 remediation. [The commissioner may use not more than five per cent
491 of eligible grant or loan proceeds for reasonable administrative
492 expenses.]

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

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

518 (2) The commissioner shall provide low-interest loans to eligible
519 applicants who are purchasers or existing property owners pursuant to
520 this section who seek to develop property for purposes of retaining or
521 expanding jobs in the state or for developing affordable housing units,
522 suitable for first-time home buyers, incentive housing zones,
523 workforce housing and other residential purposes, as approved by the
524 commissioner. Loans shall be available to manufacturing, retail,
525 residential or mixed-use developments, expansions or reuses. The
526 commissioner shall provide loans based upon project merit and
527 viability, the economic and community development opportunity,
528 municipal support, contribution to the community's tax base, number
529 of jobs, past experience of the applicant, compliance history and ability
530 to pay.

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

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

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

551 (6) Loans made pursuant to this subsection may be used for any
552 purpose, including the present or past costs of investigation,
553 assessment, remediation, abatement, hazardous materials or waste
554 disposal, long-term groundwater or natural attenuation monitoring,
555 costs associated with an environmental land use restriction, attorneys'
556 fees, planning, engineering and environmental consulting costs, and
557 building and structural issues, including demolition, asbestos
558 abatement, polychlorinated biphenyls removal, contaminated wood or
559 paint removal, and other infrastructure remedial activities.

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

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

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

585 (10) The loan program established pursuant to this subsection shall
586 be available to all municipalities and economic development agencies,
587 and the commissioner may modify the terms of any such loan to a
588 municipality or economic development agency to provide for
589 forgiveness of interest, principal, or both, or delay in repayment of
590 interest, principal, or both, when the commissioner has determined
591 such forgiveness or delay is in the best interest of the state.

592 (g) The Commissioner of Economic and Community Development
593 shall approve applications submitted in accordance with subsection (c)
594 of this section before awarding any financial assistance to an eligible
595 applicant or purchasing any participation interest in a loan made by
596 Connecticut Innovations, Incorporated for the benefit of an eligible
597 applicant. Notwithstanding any other provision of this section, if the
598 applicant's request for financial assistance involves the department
599 purchasing a participation interest in a loan made by Connecticut
600 Innovations, Incorporated, such authority may submit such
601 application and other information as is required of eligible applicants

602 under subsection (c) of this section on behalf of such eligible applicant
603 and no further application shall be required of such eligible applicant.
604 No financial assistance shall exceed fifty per cent of the total project
605 cost, provided in the case of (1) planning or site evaluation projects,
606 and (2) financial assistance to any project in a targeted investment
607 community, such assistance shall not exceed ninety per cent of the
608 project cost. Upon approval of the commissioner, a nonstate share of
609 the total project cost, if any, may be satisfied entirely or partially from
610 noncash contributions, including contributions of real property, from
611 private sources or, to the extent permitted by federal law, from moneys
612 received by the municipality under any federal grant program.

613 (h) Financial assistance may be made available for (1) site
614 investigation and assessment, (2) planning and engineering, including,
615 but not limited to, the reasonable cost of environmental consultants,
616 laboratory analysis, investigatory and remedial contractors, architects,
617 attorneys' fees, feasibility studies, appraisals, market studies and
618 related activities, (3) the acquisition of real property, provided
619 financial assistance for such acquisition shall not exceed fair market
620 value as appraised as if clean, (4) the construction of site and
621 infrastructure improvements related to the site remediation, (5)
622 demolition, asbestos abatement, hazardous waste removal, PCB
623 removal and related infrastructure remedial activities, (6) remediation,
624 groundwater monitoring, including, but not limited to, natural
625 attenuation groundwater monitoring and costs associated with filing
626 an environmental land use restriction, (7) environmental insurance,
627 and (8) other reasonable expenses the commissioner determines are
628 necessary or appropriate for the initiation, implementation and
629 completion of the project. The department may purchase participation
630 interests in loans made by Connecticut Innovations, Incorporated for
631 the foregoing purposes.

632 (i) The commissioner may establish the terms and conditions of any
633 financial assistance provided pursuant to subsections (a) to (k),
634 inclusive, of this section. The commissioner may make any stipulation

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

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

652 (k) Whenever funds are used pursuant to subsections (a) to (k),
653 inclusive, of this section for purposes of environmental assessments or
654 remediation of a brownfield, the Commissioner of Energy and
655 Environmental Protection may seek reimbursement of the costs and
656 expenses incurred by requesting the Attorney General to bring a civil
657 action to recover such costs and expenses from any party responsible
658 for such pollution, provided no such action shall be brought separately
659 from any action to recover costs and expenses incurred by the
660 Commissioner of Energy and Environmental Protection in pursuing
661 action to contain, remove or mitigate any pollution on such site. The
662 costs and expenses recovered may include, but shall not be limited to,
663 (1) the actual cost of identifying, evaluating, planning for and
664 undertaking the remediation of the site; (2) any administrative costs
665 not exceeding ten per cent of the actual costs; (3) the costs of
666 recovering the reimbursement; and (4) interest on the actual costs at a
667 rate of ten per cent a year from the date such expenses were paid. The

668 defendant in any civil action brought pursuant to this subsection shall
669 have no cause of action or claim for contribution against any person
670 with whom the Commissioner of Energy and Environmental
671 Protection has entered into a covenant not to sue pursuant to sections
672 22a-133aa and 22a-133bb with respect to pollution on or emanating
673 from the property that is the subject of said civil action. Funds
674 recovered pursuant to this section shall be deposited in the brownfield
675 remediation and development account established pursuant to
676 subsections (l) to (o), inclusive, of this section. The provisions of this
677 subsection shall be in addition to any other remedies provided by law.

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

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

700 (n) Notwithstanding any provision of law, proceeds from the sale of
701 bonds available pursuant to subdivision (1) of subsection (b) of section
702 4-66c may, with the approval of the Governor and the State Bond
703 Commission, be used to capitalize the brownfield remediation and
704 development account created by subsections (l) to (o), inclusive, of this
705 section.

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

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

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

732 manufacturing, retail, residential or mixed-use developments,
733 expansions or reuses.

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

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

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

764 the expansion. Such loans shall be for a period not to exceed twenty
765 years.

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

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

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

784 (i) The commissioner may modify the terms of any loan made to a
785 municipality or economic development agency pursuant to this section
786 to provide for forgiveness of interest, principal, or both, or delay in
787 repayment of interest, principal, or both, when the commissioner has
788 determined such forgiveness or delay is in the best interest of the state.

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

791 [(a) For purposes of this section, "brownfield" has the same
792 definition as in 42 USC 9601 and "manufacturing establishments"
793 means manufacturing establishments as defined in the North

794 American Industrial Classification System, United States Office of
795 Management and Budget, 1997 edition.

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

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

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

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

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

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

816 (2) The owner receiving funds reimburse the state for such funds in
817 the event that it receives funds for remediation from other sources; or

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

820 Notwithstanding any provision of section 5 of this act, a current
821 owner of a manufacturing facility located within a brownfield shall be

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

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

846 (b) The commissioner may establish the terms and conditions of any
847 financial assistance provided pursuant to section 32-9kk of the general
848 statutes, as amended by this act, or section 5 of this act. The
849 commissioner may make any stipulation in connection with an offer of
850 financial assistance the commissioner deems necessary to implement
851 the policies and purposes of section 32-9kk of the general statutes, as
852 amended by this act or section 5 of this act, including, but not limited
853 to, (1) a requirement of assurance from a grant or loan recipient that
854 such recipient will discharge its obligations in connection with the

855 project, (2) a requirement that a grant or loan recipient provide the
856 department with appropriate security for such financial assistance,
857 including, but not limited to, a letter of credit, a lien on real property or
858 a security interest in goods, equipment, inventory or other property of
859 any kind, and (3) a requirement that a grant or loan recipient
860 reimburse the state for such financial assistance in the event that it
861 receives funds for remediation from other sources.

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

864 (a) [Any municipality, economic development agency or entity
865 established under chapter 130 or 132, nonprofit economic development
866 corporation formed to promote the common good, general welfare and
867 economic development of a municipality that is funded, either directly
868 or through in-kind services, in part by a municipality, or a nonstock
869 corporation or limited liability company controlled or established by a
870 municipality, municipal economic development agency or entity
871 created or operating under chapter 130 or 132 that receives grants
872 through the Office of Brownfield Remediation and Development or the
873 Department of Economic and Community Development, including
874 those municipalities designated by the Commissioner of Economic and
875 Community Development as part of the municipal brownfield grant
876 program established in subsection (c) of section 32-9cc] Any recipient
877 of a grant or loan pursuant to section 32-9kk, as amended by this act,
878 or section 5 of this act for the investigation and remediation of a
879 brownfield property shall be considered an innocent [party]
880 landowner and shall not be liable under section 22a-432, 22a-433, 22a-
881 451 or 22a-452 for conditions pre-existing or existing on the brownfield
882 property as of the date of acquisition or control, [as long as the
883 municipality, economic development agency or entity established
884 under chapter 130 or 132, nonprofit economic development
885 corporation formed to promote the common good, general welfare and
886 economic development of a municipality that is funded, either directly
887 or through in-kind services, in part by a municipality, or a nonstock

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

909 (b) [In determining what funds shall be made available for an
910 eligible brownfield remediation, the Commissioner of Economic and
911 Community Development shall consider (1) the economic
912 development opportunities such reuse and redevelopment may
913 provide, (2) the feasibility of the project, (3) the environmental and
914 public health benefits of the project, and (4) the contribution of the
915 reuse and redevelopment to the municipality's tax base.] Upon
916 remediation as approved by the Department of Energy and
917 Environmental Protection of a brownfield property by a recipient of a
918 grant or loan pursuant to section 32-9kk, as amended by this act, or
919 section 5 of this act, such recipient may transfer the property to any
920 person, provided such person is not otherwise liable under section 22a-

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

933 (c) If a recipient of a grant or loan pursuant to section 32-9kk, as
934 amended by this act, or section 5 of this act sells the brownfield that
935 was remediated with a grant or loan provided pursuant to said
936 sections, such recipient shall return any funds received pursuant to
937 section 32-9kk, as amended by this act, or section 5 of this act to the
938 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 or loan provided pursuant
948 to section 32-9kk, as amended by this act, or section 5 of this act if such
949 person (1) is liable under section 22a-432, 22a-433, 22a-451 or 22a-452,
950 [:] (2) is otherwise responsible, directly or indirectly, for the discharge,
951 spillage, uncontrolled loss, seepage or filtration of such hazardous
952 substance, material or waste, [:] (3) is a member, officer, manager,
953 director, shareholder, subsidiary, successor of, related to, or affiliated

954 with, 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 or loan
963 pursuant to section 32-9kk, as amended by this act, or section 5 of this
964 act may acquire and convey its interest in the property without such
965 recipient or the subsequent purchaser incurring liability, including any
966 such liability incurred pursuant to section 22a-134a, provided the
967 property was remediated pursuant to section 22a-133x or 22a-133y or
968 pursuant to an order issued by the Commissioner of Energy and
969 Environmental Protection and such remediation was (1) performed in
970 accordance with the standards adopted pursuant to section 22a-133k,
971 as determined by said commissioner, or (2) if authorized by said
972 commissioner, verified by a licensed environmental professional
973 unless such verification has been rejected by said commissioner
974 subsequent to an audit conducted by said commissioner and provided
975 the subsequent purchaser has no direct or related liability for the site
976 conditions.

977 Sec. 9. (NEW) (*Effective October 1, 2013*) (a) Whenever funds are used
978 pursuant to section 32-9kk of the general statutes, as amended by this
979 act, or section 5 of this act for purposes of environmental assessments
980 or remediation of a brownfield, the Commissioner of Energy and
981 Environmental Protection may seek reimbursement of the costs and
982 expenses incurred by requesting the Attorney General to bring a civil
983 action to recover such costs and expenses from any party responsible
984 for such pollution, provided no such action shall be brought separately
985 from any action to recover costs and expenses incurred by the
986 Commissioner of Energy and Environmental Protection in pursuing

987 action to contain, remove or mitigate any pollution on such site. The
988 costs and expenses recovered in an action brought pursuant to this
989 section may include, but shall not be limited to: (1) The actual cost of
990 identifying, evaluating, planning for and undertaking the remediation
991 of the site; (2) any administrative costs not exceeding ten per cent of
992 the actual costs; (3) the costs of recovering the reimbursement; and (4)
993 interest on the actual costs at a rate of ten per cent a year from the date
994 such expenses were paid.

995 (b) The defendant in any civil action brought pursuant to this
996 subsection shall have no cause of action or claim for contribution
997 against any person with whom the Commissioner of Energy and
998 Environmental Protection has entered into a covenant not to sue
999 pursuant to sections 22a-133aa and 22a-133bb of the general statutes
1000 with respect to pollution on or emanating from the property that is the
1001 subject of said civil action.

1002 (c) Any funds recovered pursuant to this section shall be deposited
1003 in the brownfield remediation and development account established
1004 pursuant to section 3 of this act. The provisions of this section shall be
1005 in addition to any other remedies provided by law.

1006 Sec. 10. Section 32-9ll of the general statutes is repealed and the
1007 following is substituted in lieu thereof (*Effective October 1, 2013*):

1008 (a) There is established an abandoned brownfield cleanup program.
1009 The Commissioner of Economic and Community Development shall
1010 determine, in consultation with the Commissioner of Energy and
1011 Environmental Protection, properties and persons eligible for said
1012 program.

1013 (b) For a person [, a municipality] or a property to be eligible, the
1014 Commissioner of Economic and Community Development shall
1015 determine if (1) the property is a brownfield, as defined in section [32-
1016 9kk, and such property] 1 of this act, that has been unused or
1017 significantly underused for at least five years before an application was

1018 filed with the commissioner pursuant to subsection [(g)] (f) of this
1019 section; (2) such person [or municipality] intends to acquire title to
1020 such property for the purpose of redeveloping such property; (3) the
1021 redevelopment of such property has a regional or municipal economic
1022 development benefit; (4) such person [or municipality] did not
1023 establish or create a facility or condition at or on such property that can
1024 reasonably be expected to create a source of pollution to the waters of
1025 the state for the purposes of section 22a-432 and is not affiliated with
1026 any person responsible for such pollution or source of pollution
1027 through any direct or indirect familial relationship or any contractual,
1028 corporate or financial relationship other than a relationship by which
1029 such owner's interest in such property is to be conveyed or financed;
1030 (5) such person [or municipality] is not otherwise required by law, an
1031 order or consent order issued by the Commissioner of Energy and
1032 Environmental Protection or a stipulated judgment to remediate
1033 pollution on or emanating from such property; (6) the person
1034 responsible for pollution on or emanating from the property is
1035 indeterminable, is no longer in existence, is required by law to
1036 remediate releases on and emanating from the property or is otherwise
1037 unable to perform necessary remediation of such property; and (7) the
1038 property and the person meet any other criteria said commissioner
1039 deems necessary.

1040 [(c) For the purposes of this section, "municipality" means a
1041 municipality, economic development agency or entity established
1042 under chapter 130 or 132, nonprofit economic development
1043 corporation formed to promote the common good, general welfare and
1044 economic development of a municipality that is funded, either directly
1045 or through in-kind services, in part by a municipality, or a nonstock
1046 corporation or limited liability company controlled or established by a
1047 municipality, municipal economic development agency or entity
1048 created or operating under chapter 130 or 132.]

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

1051 subdivision (6) of subsection (b) of this section.

1052 [(e)] (d) Notwithstanding the provisions of subsection (b) of this
1053 section, a municipality may request the Commissioner of Economic
1054 and Community Development to determine if a property is eligible
1055 regardless of the person who currently owns such property.

1056 [(f)] (e) Notwithstanding subsection (b) of this section, the
1057 Commissioner of Economic and Community Development may waive
1058 the requirement of subdivision (1) of subsection (b) of this section, if
1059 the person [or municipality] seeking eligibility under this section
1060 otherwise demonstrates the eligibility of the property and the value of
1061 the redevelopment of such property.

1062 [(g)] (f) Upon designation by the Commissioner of Economic and
1063 Community Development, in consultation with the Commissioner of
1064 Energy and Environmental Protection, of an eligible person [or
1065 municipality] that holds title to such property, such eligible person [,
1066 or municipality] shall (1) enter and remain in the voluntary
1067 remediation program established in section 22a-133x; (2) investigate
1068 pollution on such property in accordance with prevailing standards
1069 and guidelines and remediate pollution on such property in
1070 accordance with regulations established for remediation adopted by
1071 the Commissioner of Energy and Environmental Protection and in
1072 accordance with applicable schedules; and (3) eliminate further
1073 emanation or migration of any pollution from such property.

1074 [(h)] (g) An eligible person [or municipality] that has been accepted
1075 by the commissioner or that holds title to an eligible property
1076 designated to be in the abandoned brownfield cleanup program shall
1077 not be responsible for investigating or remediating any pollution or
1078 source of pollution that has emanated from such property prior to such
1079 person taking title to such property, and shall not be liable to the state
1080 or any third party for the release of any regulated substance at or from
1081 the eligible property prior to taking title to such eligible property

1082 except and only to the extent that such applicant caused or contributed
1083 to the release of a regulated substance that is subject to remediation or
1084 negligently or recklessly exacerbated such condition.

1085 [(i)] (h) Any applicant seeking a designation of eligibility for a
1086 person or a property under the abandoned brownfield cleanup
1087 program shall apply to the Commissioner of Economic and
1088 Community Development at such times and on such forms as the
1089 commissioner may prescribe.

1090 [(j)] (i) Not later than sixty days after receipt of the application, the
1091 Commissioner of Economic and Community Development shall
1092 determine if the application is complete and shall notify the applicant
1093 of such determination.

1094 [(k)] (j) Not later than ninety days after determining that the
1095 application is complete, the Commissioner of Economic and
1096 Community Development shall determine whether to include the
1097 property and applicant in the abandoned brownfield cleanup program.

1098 [(l)] (k) Designation of a property in the abandoned brownfield
1099 cleanup program by the Commissioner of Economic and Community
1100 Development shall not limit the applicant's or any other person's
1101 ability to seek funding for such property under any other brownfield
1102 grant or loan program administered by the Department of Economic
1103 and Community Development, Connecticut Innovations, Incorporated
1104 or the Department of Energy and Environmental Protection.

1105 [(m)] (l) Designation of a property in the abandoned brownfield
1106 cleanup program by the Commissioner of Economic and Community
1107 Development shall exempt such eligible person [or eligible
1108 municipality] from filing as an establishment pursuant to sections 22a-
1109 134a to 22a-134d, inclusive, if such real property or prior business
1110 operations constitute an establishment.

1111 [(n)] (m) Upon completion of the requirements of subsection [(g)] (f)

1112 of this section to the satisfaction of the Commissioner of Energy and
1113 Environmental Protection, such person [or municipality] shall qualify
1114 for a covenant not to sue from the Commissioner of Energy and
1115 Environmental Protection without fee, pursuant to section 22a-133aa.

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 and the covenant not to sue programs
1397 under section 22a-133aa or 22a-133bb shall not be excluded from
1398 eligibility in said program, provided the other requirements set forth
1399 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.

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.

1835 [(o)] (n) A person whose application to the brownfield remediation
1836 and revitalization program has been accepted by the commissioner or
1837 any subsequent eligible party whose application to the brownfield
1838 remediation and revitalization program has been accepted by the
1839 commissioner shall be exempt for filing as an establishment pursuant
1840 to sections 22a-134a to 22a-134d, inclusive, if such real property or
1841 prior business operations constitute an establishment. Nothing in this
1842 section shall be construed to alter any existing legal requirement
1843 applicable to any certifying party at a property under sections 22a-134
1844 and 22a-134a to 22a-134e, inclusive.

1845 [(p)] (o) Notwithstanding the provisions of this section, eligible
1846 parties shall investigate and remediate, and remain subject to all
1847 applicable statutes and requirements, the extent of any new release
1848 that occurs during their ownership of the property.

1849 Sec. 12. Section 12-65e of the general statutes is repealed and the
1850 following is substituted in lieu thereof (*Effective October 1, 2013*):

1851 Any municipality which has adopted a resolution, in accordance
1852 with the provisions of section 12-65d, designating such municipality or
1853 any part thereof as a rehabilitation area, may, upon application of the
1854 owner of any real property located in such area who agrees to
1855 rehabilitate such property or construct (1) new multifamily rental
1856 housing or cooperative housing on such property, or (2) if such
1857 property is a brownfield, as defined in [section 32-9cc] section 1 of this
1858 act, new multifamily rental housing, cooperative housing, common
1859 interest communities or mixed-use or commercial structures on such
1860 property, enter into an agreement to fix the assessment of the property,
1861 during the period of rehabilitation or construction, as of the date of the
1862 agreement, but for not longer than seven years, and upon completion
1863 of such rehabilitation or construction, to defer any increase in
1864 assessment attributable to such rehabilitation or construction for a
1865 period not to exceed eleven years, contingent upon the continued use
1866 of the property for the purposes specified in the agreement, provided
1867 such property meets the criteria established by such municipality in
1868 accordance with section 12-65d and provided further such deferral
1869 shall be determined as follows: For the first year following completion
1870 of such rehabilitation or construction, the entire increase shall be
1871 deferred; thereafter a minimum of ten per cent of the increase shall be
1872 assessed against the property each year until one hundred per cent of
1873 such increase has been so assessed. The agreement shall provide that,
1874 in the event of a general revaluation by the municipality in the year in
1875 which such rehabilitation or construction is completed resulting in any
1876 increase in the assessment on such property, only that portion of the
1877 increase resulting from such rehabilitation or construction shall be

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

1894 Sec. 13. Subsection (a) of section 12-217mm of the general statutes is
1895 repealed and the following is substituted in lieu thereof (*Effective*
1896 *October 1, 2013*):

1897 (a) As used in this section:

1898 (1) "Allowable costs" means the amounts chargeable to a capital
1899 account, including, but not limited to: (A) Construction or
1900 rehabilitation costs; (B) commissioning costs; (C) architectural and
1901 engineering fees allocable to construction or rehabilitation, including
1902 energy modeling; (D) site costs, such as temporary electric wiring,
1903 scaffolding, demolition costs and fencing and security facilities; and (E)
1904 costs of carpeting, partitions, walls and wall coverings, ceilings,
1905 lighting, plumbing, electrical wiring, mechanical, heating, cooling and
1906 ventilation but "allowable costs" does not include the purchase of land,
1907 any remediation costs or the cost of telephone systems or computers;

1908 (2) "Brownfield" has the same meaning as in [subsection (g) of

1909 section 32-9cc] section 1 of this act;

1910 (3) "Eligible project" means a real estate development project that is
1911 designed to meet or exceed the applicable LEED Green Building
1912 Rating System gold certification or other certification determined by
1913 the Commissioner of Energy and Environmental Protection to be
1914 equivalent, but if a single project has more than one building, "eligible
1915 project" means only the building or buildings within such project that
1916 is designed to meet or exceed the applicable LEED Green Building
1917 Rating System gold certification or other certification determined by
1918 the Commissioner of Energy and Environmental Protection to be
1919 equivalent;

1920 (4) "Energy Star" means the voluntary labeling program
1921 administered by the United States Environmental Protection Agency
1922 designed to identify and promote energy-efficient products,
1923 equipment and buildings;

1924 (5) "Enterprise zone" means an area in a municipality designated by
1925 the Commissioner of Economic and Community Development as an
1926 enterprise zone in accordance with the provisions of section 32-70;

1927 (6) "LEED Accredited Professional Program" means the professional
1928 accreditation program for architects, engineers and other building
1929 professionals as administered by the United States Green Building
1930 Council;

1931 (7) "LEED Green Building Rating System" means the Leadership in
1932 Energy and Environmental Design green building rating system
1933 developed by the United States Green Building Council as of the date
1934 that the project is registered with the United States Green Building
1935 Council;

1936 (8) "Mixed-use development" means a development consisting of
1937 one or more buildings that includes residential use and in which no
1938 more than seventy-five per cent of the interior square footage has at

1939 least one of the following uses: (A) Commercial use; (B) office use; (C)
1940 retail use; or (D) any other nonresidential use that the Secretary of the
1941 Office of Policy and Management determines does not pose a public
1942 health threat or nuisance to nearby residential areas;

1943 (9) "Secretary" means the Secretary of the Office of Policy and
1944 Management; and

1945 (10) "Site improvements" means any construction work on, or
1946 improvement to, streets, roads, parking facilities, sidewalks, drainage
1947 structures and utilities.

1948 Sec. 14. Subsection (a) of section 12-81r of the general statutes is
1949 repealed and the following is substituted in lieu thereof (*Effective*
1950 *October 1, 2013*):

1951 (a) Any municipality may (1) enter into an agreement with the
1952 owner of any real property to abate the property tax due as of the date
1953 of the agreement for a period not to exceed seven years if the property
1954 has been subject to a spill, as defined in section 22a-452c, and the
1955 owner agrees to conduct any environmental site assessment,
1956 demolition and remediation of the spill necessary to redevelop the
1957 property. Any such tax abatement shall only be for the period of
1958 remediation and redevelopment and shall be contingent upon the
1959 continuation and completion of the remediation and redevelopment
1960 process with respect to the purposes specified in the agreement. The
1961 abatement shall cease upon the sale or transfer of the property for any
1962 other purpose unless the municipality consents to its continuation. The
1963 municipality may also establish a recapture provision in the event of
1964 sale provided such recapture shall not exceed the original amount of
1965 taxes abated and may not go back further than the date of the
1966 agreement; (2) forgive all or a portion of the principal balance and
1967 interest due on delinquent property taxes for the benefit of any
1968 prospective purchaser who has obtained an environmental
1969 investigation or remediation plan approved by the Commissioner of

1970 Energy and Environmental Protection or a licensed environmental
1971 professional under section 22a-133w, 22a-133x or 22a-133y and
1972 completes such remediation plan for an establishment, as defined in
1973 section 22a-134, deemed by the municipality to be abandoned or a
1974 brownfield, as defined in [subdivision (1) of subsection (a) of section
1975 32-9kk] section 1 of this act; or (3) enter into an agreement with the
1976 owner of any real property to fix the assessment of the property as of
1977 the last assessment date prior to commencement of remediation
1978 activities for a period not to exceed seven years, provided the property
1979 has been the subject of a remediation approved by the Commissioner
1980 of Energy and Environmental Protection or verified by a licensed
1981 environmental professional pursuant to section 22a-133w, 22a-133x,
1982 22a-133y or 22a-134.

1983 Sec. 15. Subsection (c) of section 22a-2d of the general statutes is
1984 repealed and the following is substituted in lieu thereof (*Effective*
1985 *October 1, 2013*):

1986 (c) Wherever the words "Commissioner of Environmental
1987 Protection" are used or referred to in the following sections of the
1988 general statutes, the words "Commissioner of Energy and
1989 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
1990 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-
1991 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-
1992 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-
1993 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,
1994 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-217mm, 12-263m, 12-
1995 407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-
1996 11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-
1997 65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o,
1998 15-11a, 15-121, 15-125, 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-
1999 140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-
2000 141, 15-142, 15-143, 15-144, 15-145, 15-149a, 15-149b, 15-150a, 15-151,
2001 15-154, 15-154a, 15-155, 15-155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-
2002 19g, 16-50c, 16-50d, 16-50j, 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-

2003 38k, 16a-103, 16a-106, 19a-35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-
2004 84b, 22-6c, 22-11h, 22-26cc, 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-
2005 2a, 22a-5b, 22a-5c, 22a-6, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h,
2006 22a-6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u,
2007 22a-6v, 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-
2008 7b, 22a-8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d,
2009 22a-21h, 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-
2010 27p, 22a-27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-
2011 35a, 22a-38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47,
2012 22a-54, 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l,
2013 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t,
2014 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-
2015 133l, 22a-133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-
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2070 142b, 26-157c, 26-157d, 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-

2071 192j, 26-297, 26-313, 26-314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e,
2072 [32-9dd,] 32-9kk, 32-9ll, 32-11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684,
2073 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-
2074 473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2075 Sec. 16. Subsection (d) of section 22a-2d of the general statutes is
2076 repealed and the following is substituted in lieu thereof (*Effective*
2077 *October 1, 2013*):

2078 (d) Wherever the words "Department of Environmental Protection"
2079 are used or referred to in the following sections of the general statutes,
2080 the words "Department of Energy and Environmental Protection" shall
2081 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-
2082 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-
2083 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,
2084 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-
2085 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-
2086 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-
2087 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-
2088 5b, 22a-6, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r, 22a-6u, 22a-6x, 22a-6cc,
2089 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-
2090 21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s,
2091 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115,
2092 22a-118, 22a-119, 22a-122, 22a-123, 22a-126, 22a-132, 22a-133v, 22a-
2093 133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-174l, 22a-186, 22a-188a,
2094 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-
2095 209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-245a, 22a-247, 22a-248,
2096 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259, 22a-260, 22a-264, 22a-
2097 275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355, 22a-361, 22a-363b, 22a-
2098 416, 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-449n, 22a-454a, 22a-475,
2099 22a-477, 22a-509, 22a-521, 22a-601, 22a-629, 22a-630, 22a-635, 23-5c, 23-
2100 8, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19, 23-20, 23-24a, 23-32a, 23-
2101 61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68, 23-72, 23-73, 23-101, 23-
2102 102, 23-103, 25-32d, 25-33p, 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-
2103 102f, 25-128, 25-131, 25-157, 25-157a, 25-157b, 25-157n, 25-175, 25-201,

2104 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-
2105 40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a,
2106 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-
2107 1e, 32-9t, [32-9dd,] 32-9kk, 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-
2108 242a, 32-726, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d,
2109 53a-44a, 53a-217e, 54-56g and 54-143.

2110 Sec. 17. Subsections (i) to (k), inclusive, of section 22a-6 of the
2111 general statutes are repealed and the following is substituted in lieu
2112 thereof (*Effective October 1, 2013*):

2113 (i) Notwithstanding the provisions of subsection (a) of this section,
2114 no person shall be required to pay any fee established by the
2115 commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a or 22a-
2116 134e for any new or pending application, provided such person has
2117 received financial assistance from any department, institution, agency
2118 or authority of the state for the purpose of investigation or
2119 remediation, or both, of a brownfield, [site, as defined in section 32-
2120 9kk] as defined in section 1 of this act, and such activity would
2121 otherwise require a fee to be paid to the commissioner for the activity
2122 conducted with such financial assistance.

2123 (j) Notwithstanding the provisions of subsection (a) of this section,
2124 no department, institution, agency or authority of the state or the state
2125 system of higher education shall be required to pay any fee established
2126 by the commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a
2127 or 22a-134e for any new or pending application, provided such
2128 division of the state is conducting an investigation or remediation, or
2129 both, of a brownfield, [site, as defined in section 32-9kk] as defined in
2130 section 1 of this act, and siting a state facility on such brownfield site.

2131 (k) Notwithstanding the provisions of subsection (a) of this section,
2132 no person shall be required to pay any fee associated with a
2133 brownfield, as defined in [section 32-9kk] section 1 of this act, due to
2134 the commissioner resulting from the actions of another party prior to

2135 their acquisition of such brownfield, provided such person intends to
2136 investigate and remediate such brownfield.

2137 Sec. 18. Subsection (b) of section 22a-133u of the general statutes is
2138 repealed and the following is substituted in lieu thereof (*Effective*
2139 *October 1, 2013*):

2140 (b) The Commissioner of Economic and Community Development
2141 may use any funds deposited into the Special Contaminated Property
2142 Remediation and Insurance Fund pursuant to section 3 of public act
2143 96-250 for (1) loans to municipalities, individuals or firms for Phase II
2144 environmental site assessments, Phase III investigations of real
2145 property or for any costs of demolition, including related lead and
2146 asbestos removal or abatement costs or costs related to the remediation
2147 of environmental pollution, undertaken to prepare contaminated real
2148 property for development subsequent to any Phase III investigation,
2149 (2) expenses related to administration of this subsection provided such
2150 expenses may not exceed one hundred twenty-five thousand dollars
2151 per year, (3) funding the remedial action and redevelopment
2152 municipal grant program established pursuant to [subsection (e) of]
2153 section 32-9kk, and (4) funding the targeted brownfield development
2154 loan program developed pursuant to [subsection (f) of section 32-9kk]
2155 section 5 of this act.

2156 Sec. 19. Subsection (g) of section 22a-133aa of the general statutes is
2157 repealed and the following is substituted in lieu thereof (*Effective*
2158 *October 1, 2013*):

2159 (g) Any prospective purchaser or municipality remediating
2160 property pursuant to the abandoned brownfield cleanup program
2161 established pursuant to section 32-9ll, as amended by this act, shall
2162 qualify for a covenant not to sue from the Commissioner of Energy
2163 and Environmental Protection without fee. Such covenant not to sue
2164 shall be transferable to subsequent owners provided the property is
2165 undergoing remediation or is remediated in accordance with

2166 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2167 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes is
2168 repealed and the following is substituted in lieu thereof (*Effective*
2169 *October 1, 2013*):

2170 (1) "Transfer of establishment" means any transaction or proceeding
2171 through which an establishment undergoes a change in ownership, but
2172 does not mean:

2173 (A) Conveyance or extinguishment of an easement;

2174 (B) Conveyance of an establishment through a foreclosure, as
2175 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2176 tax lien or through a tax warrant sale pursuant to section 12-157, an
2177 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
2178 or by condemnation pursuant to section 32-224 or purchase pursuant
2179 to a resolution by the legislative body of a municipality authorizing the
2180 acquisition through eminent domain for establishments that also meet
2181 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2182 act, or a subsequent transfer by such municipality that has foreclosed
2183 on the property, foreclosed municipal tax liens or that has acquired
2184 title to the property through section 12-157 [, or is within the pilot
2185 program established in subsection (c) of section 32-9cc,] or has
2186 acquired such property through the exercise of eminent domain
2187 pursuant to section 8-128, 8-169e or 8-193 or by condemnation
2188 pursuant to section 32-224 or a resolution adopted in accordance with
2189 this subparagraph, provided (i) the party acquiring the property from
2190 the municipality did not establish, create or contribute to the
2191 contamination at the establishment and is not affiliated with any
2192 person who established, created or contributed to such contamination
2193 or with any person who is or was an owner or certifying party for the
2194 establishment, and (ii) on or before the date the party acquires the
2195 property from the municipality, such party or municipality enters and
2196 subsequently remains in the voluntary remediation program

2197 administered by the commissioner pursuant to section 22a-133x and
2198 remains in compliance with schedules and approvals issued by the
2199 commissioner. For purposes of this subparagraph, subsequent transfer
2200 by a municipality includes any transfer to, from or between a
2201 municipality, municipal economic development agency or entity
2202 created or operating under chapter 130 or 132, a nonprofit economic
2203 development corporation formed to promote the common good,
2204 general welfare and economic development of a municipality that is
2205 funded, either directly or through in-kind services, in part by a
2206 municipality, or a nonstock corporation or limited liability company
2207 controlled or established by a municipality, municipal economic
2208 development agency or entity created or operating under chapter 130
2209 or 132;

2210 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2211 defined in and that qualifies for the secured lender exemption
2212 pursuant to subsection (b) of section 22a-452f;

2213 (D) Conveyance of a security interest, as defined in subdivision (7)
2214 of subsection (b) of section 22a-452f;

2215 (E) Termination of a lease and conveyance, assignment or execution
2216 of a lease for a period less than ninety-nine years including
2217 conveyance, assignment or execution of a lease with options or similar
2218 terms that will extend the period of the leasehold to ninety-nine years,
2219 or from the commencement of the leasehold, ninety-nine years,
2220 including conveyance, assignment or execution of a lease with options
2221 or similar terms that will extend the period of the leasehold to ninety-
2222 nine years, or from the commencement of the leasehold;

2223 (F) Any change in ownership approved by the Probate Court;

2224 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2225 executor or administrator under the terms of a testamentary trust or
2226 will, or by intestate succession;

2227 (H) Corporate reorganization not substantially affecting the
2228 ownership of the establishment;

2229 (I) The issuance of stock or other securities of an entity which owns
2230 or operates an establishment;

2231 (J) The transfer of stock, securities or other ownership interests
2232 representing less than forty per cent of the ownership of the entity that
2233 owns or operates the establishment;

2234 (K) Any conveyance of an interest in an establishment where the
2235 transferor is the sibling, spouse, child, parent, grandparent, child of a
2236 sibling or sibling of a parent of the transferee;

2237 (L) Conveyance of an interest in an establishment to a trustee of an
2238 inter vivos trust created by the transferor solely for the benefit of one
2239 or more siblings, spouses, children, parents, grandchildren, children of
2240 a sibling or siblings of a parent of the transferor;

2241 (M) Any conveyance of a portion of a parcel upon which portion no
2242 establishment is or has been located and upon which there has not
2243 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2244 of hazardous waste, provided either the area of such portion is not
2245 greater than fifty per cent of the area of such parcel or written notice of
2246 such proposed conveyance and an environmental condition
2247 assessment form for such parcel is provided to the commissioner sixty
2248 days prior to such conveyance;

2249 (N) Conveyance of a service station, as defined in subdivision (5) of
2250 this section;

2251 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2252 had been developed solely for residential use and such use has not
2253 changed;

2254 (P) Any conveyance of an establishment to any entity created or
2255 operating under chapter 130 or 132, or to an urban rehabilitation

2256 agency, as defined in section 8-292, or to a municipality under section
2257 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2258 of the corporation;

2259 (Q) Any conveyance of a parcel in connection with the acquisition of
2260 properties to effectuate the development of the overall project, as
2261 defined in section 32-651;

2262 (R) The conversion of a general or limited partnership to a limited
2263 liability company under section 34-199;

2264 (S) The transfer of general partnership property held in the names of
2265 all of its general partners to a general partnership which includes as
2266 general partners immediately after the transfer all of the same persons
2267 as were general partners immediately prior to the transfer;

2268 (T) The transfer of general partnership property held in the names
2269 of all of its general partners to a limited liability company which
2270 includes as members immediately after the transfer all of the same
2271 persons as were general partners immediately prior to the transfer;

2272 (U) Acquisition of an establishment by any governmental or quasi-
2273 governmental condemning authority;

2274 (V) Conveyance of any real property or business operation that
2275 would qualify as an establishment solely as a result of (i) the
2276 generation of more than one hundred kilograms of universal waste in
2277 a calendar month, (ii) the storage, handling or transportation of
2278 universal waste generated at a different location, or (iii) activities
2279 undertaken at a universal waste transfer facility, provided any such
2280 real property or business operation does not otherwise qualify as an
2281 establishment; there has been no discharge, spillage, uncontrolled loss,
2282 seepage or filtration of a universal waste or a constituent of universal
2283 waste that is a hazardous substance at or from such real property or
2284 business operation; and universal waste is not also recycled, treated,
2285 except for treatment of a universal waste pursuant to 40 CFR

2286 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2287 such real property or business operation;

2288 (W) Conveyance of a unit in a residential common interest
2289 community in accordance with section 22a-134i;

2290 (X) Acquisition of an establishment that is in the abandoned
2291 brownfield cleanup program established pursuant to section 32-9ll and
2292 all subsequent transfers of the establishment, provided the
2293 establishment is undergoing remediation or is remediated in
2294 accordance with subsection [(g)] (f) of [said] section 32-9ll;

2295 (Y) Any transfer of title from a bankruptcy court or a municipality
2296 to a nonprofit organization;

2297 (Z) Acquisition of an establishment that is in the brownfield
2298 remediation and revitalization program and all subsequent transfers of
2299 the establishment, provided the establishment is in compliance with
2300 the brownfield investigation plan and remediation schedule, the
2301 commissioner has issued a no audit letter or successful audit closure
2302 letter in response to a verification or interim verification submitted
2303 regarding the remediation of such establishment under the brownfield
2304 remediation and revitalization program, or one hundred eighty days
2305 has expired since a verification or interim verification submitted
2306 regarding the remediation of such establishment under the brownfield
2307 remediation and revitalization program without an audit decision
2308 from the Commissioner of Energy and Environmental Protection;

2309 (AA) Conveyance of an establishment in connection with the
2310 acquisition of properties to effectuate the development of a project
2311 certified and approved pursuant to section 32-9v, provided any such
2312 property is investigated and remediated in accordance with section
2313 22a-133y; or

2314 (BB) Conveyance from the Department of Transportation to the
2315 Connecticut Airport Authority of any properties comprising (i)

2316 Bradley International Airport and all related improvements and
2317 facilities now in existence and as hereafter acquired, added, extended,
2318 improved and equipped, including any property or facilities
2319 purchased with funds of, or revenues derived from, Bradley
2320 International Airport, and any other property or facilities allocated by
2321 the state, the Connecticut Airport Authority or otherwise to Bradley
2322 International Airport, (ii) the state-owned and operated general
2323 aviation airports, including Danielson Airport, Groton/New London
2324 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2325 Windham Airport and any such other airport as may be owned,
2326 operated or managed by the Connecticut Airport Authority and
2327 designated as general aviation airports, (iii) any other airport as may
2328 be owned, operated or managed by the Connecticut Airport Authority,
2329 and (iv) any airport site or any part thereof, including, but not limited
2330 to, any restricted landing areas and any air navigation facilities.

2331 Sec. 21. Subdivision (1) of section 22a-134 of the general statutes, as
2332 amended by section 53 of public act 11-241, section 7 of public act 12-
2333 32, section 7 of public act 12-183 and section 3 of public act 12-196, is
2334 repealed and the following is substituted in lieu thereof (*Effective*
2335 *January 1, 2014*):

2336 (1) "Transfer of establishment" means any transaction or proceeding
2337 through which an establishment undergoes a change in ownership, but
2338 does not mean:

2339 (A) Conveyance or extinguishment of an easement;

2340 (B) Conveyance of an establishment through a foreclosure, as
2341 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2342 tax lien or through a tax warrant sale pursuant to section 12-157, an
2343 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
2344 or by condemnation pursuant to section 32-224 or purchase pursuant
2345 to a resolution by the legislative body of a municipality authorizing the
2346 acquisition through eminent domain for establishments that also meet

2347 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2348 act, or a subsequent transfer by such municipality that has foreclosed
2349 on the property, foreclosed municipal tax liens or that has acquired
2350 title to the property through section 12-157 [, or is within the pilot
2351 program established in subsection (c) of section 32-9cc,] or has
2352 acquired such property through the exercise of eminent domain
2353 pursuant to section 8-128, 8-169e or 8-193 or by condemnation
2354 pursuant to section 32-224 or a resolution adopted in accordance with
2355 this subparagraph, provided (i) the party acquiring the property from
2356 the municipality did not establish, create or contribute to the
2357 contamination at the establishment and is not affiliated with any
2358 person who established, created or contributed to such contamination
2359 or with any person who is or was an owner or certifying party for the
2360 establishment, and (ii) on or before the date the party acquires the
2361 property from the municipality, such party or municipality enters and
2362 subsequently remains in the voluntary remediation program
2363 administered by the commissioner pursuant to section 22a-133x and
2364 remains in compliance with schedules and approvals issued by the
2365 commissioner. For purposes of this subparagraph, subsequent transfer
2366 by a municipality includes any transfer to, from or between a
2367 municipality, municipal economic development agency or entity
2368 created or operating under chapter 130 or 132, a nonprofit economic
2369 development corporation formed to promote the common good,
2370 general welfare and economic development of a municipality that is
2371 funded, either directly or through in-kind services, in part by a
2372 municipality, or a nonstock corporation or limited liability company
2373 controlled or established by a municipality, municipal economic
2374 development agency or entity created or operating under chapter 130
2375 or 132;

2376 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2377 defined in and that qualifies for the secured lender exemption
2378 pursuant to subsection (b) of section 22a-452f;

2379 (D) Conveyance of a security interest, as defined in subdivision (7)

2380 of subsection (b) of section 22a-452f;

2381 (E) Termination of a lease and conveyance, assignment or execution
2382 of a lease for a period less than ninety-nine years including
2383 conveyance, assignment or execution of a lease with options or similar
2384 terms that will extend the period of the leasehold to ninety-nine years,
2385 or from the commencement of the leasehold, ninety-nine years,
2386 including conveyance, assignment or execution of a lease with options
2387 or similar terms that will extend the period of the leasehold to ninety-
2388 nine years, or from the commencement of the leasehold;

2389 (F) Any change in ownership approved by the Probate Court;

2390 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2391 executor or administrator under the terms of a testamentary trust or
2392 will, or by intestate succession;

2393 (H) Corporate reorganization not substantially affecting the
2394 ownership of the establishment;

2395 (I) The issuance of stock or other securities of an entity which owns
2396 or operates an establishment;

2397 (J) The transfer of stock, securities or other ownership interests
2398 representing less than forty per cent of the ownership of the entity that
2399 owns or operates the establishment;

2400 (K) Any conveyance of an interest in an establishment where the
2401 transferor is the sibling, spouse, child, parent, grandparent, child of a
2402 sibling or sibling of a parent of the transferee;

2403 (L) Conveyance of an interest in an establishment to a trustee of an
2404 inter vivos trust created by the transferor solely for the benefit of one
2405 or more siblings, spouses, children, parents, grandchildren, children of
2406 a sibling or siblings of a parent of the transferor;

2407 (M) Any conveyance of a portion of a parcel upon which portion no

2408 establishment is or has been located and upon which there has not
2409 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2410 of hazardous waste, provided either the area of such portion is not
2411 greater than fifty per cent of the area of such parcel or written notice of
2412 such proposed conveyance and an environmental condition
2413 assessment form for such parcel is provided to the commissioner sixty
2414 days prior to such conveyance;

2415 (N) Conveyance of a service station, as defined in subdivision (5) of
2416 this section;

2417 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2418 had been developed solely for residential use and such use has not
2419 changed;

2420 (P) Any conveyance of an establishment to any entity created or
2421 operating under chapter 130 or 132, or to an urban rehabilitation
2422 agency, as defined in section 8-292, or to a municipality under section
2423 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2424 of the corporation;

2425 (Q) Any conveyance of a parcel in connection with the acquisition of
2426 properties to effectuate the development of the overall project, as
2427 defined in section 32-651;

2428 (R) The conversion of a general or limited partnership to a limited
2429 liability company;

2430 (S) The transfer of general partnership property held in the names of
2431 all of its general partners to a general partnership which includes as
2432 general partners immediately after the transfer all of the same persons
2433 as were general partners immediately prior to the transfer;

2434 (T) The transfer of general partnership property held in the names
2435 of all of its general partners to a limited liability company which
2436 includes as members immediately after the transfer all of the same

2437 persons as were general partners immediately prior to the transfer;

2438 (U) Acquisition of an establishment by any governmental or quasi-
2439 governmental condemning authority;

2440 (V) Conveyance of any real property or business operation that
2441 would qualify as an establishment solely as a result of (i) the
2442 generation of more than one hundred kilograms of universal waste in
2443 a calendar month, (ii) the storage, handling or transportation of
2444 universal waste generated at a different location, or (iii) activities
2445 undertaken at a universal waste transfer facility, provided any such
2446 real property or business operation does not otherwise qualify as an
2447 establishment; there has been no discharge, spillage, uncontrolled loss,
2448 seepage or filtration of a universal waste or a constituent of universal
2449 waste that is a hazardous substance at or from such real property or
2450 business operation; and universal waste is not also recycled, treated,
2451 except for treatment of a universal waste pursuant to 40 CFR
2452 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2453 such real property or business operation;

2454 (W) Conveyance of a unit in a residential common interest
2455 community in accordance with section 22a-134i;

2456 (X) Acquisition of an establishment that is in the abandoned
2457 brownfield cleanup program established pursuant to section 32-9ll and
2458 all subsequent transfers of the establishment, provided the
2459 establishment is undergoing remediation or is remediated in
2460 accordance with subsection [(g)] (f) of [said] section 32-9ll;

2461 (Y) Any transfer of title from a bankruptcy court or a municipality
2462 to a nonprofit organization;

2463 (Z) Acquisition of an establishment that is in the brownfield
2464 remediation and revitalization program and all subsequent transfers of
2465 the establishment, provided the establishment is in compliance with
2466 the brownfield investigation plan and remediation schedule, the

2467 commissioner has issued a no audit letter or successful audit closure
2468 letter in response to a verification or interim verification submitted
2469 regarding the remediation of such establishment under the brownfield
2470 remediation and revitalization program, or a one-hundred-eighty-day
2471 period has expired since a verification or interim verification
2472 submitted regarding the remediation of such establishment under the
2473 brownfield remediation and revitalization program without an audit
2474 decision from the Commissioner of Energy and Environmental
2475 Protection;

2476 (AA) Conveyance of an establishment in connection with the
2477 acquisition of properties to effectuate the development of a project
2478 certified and approved pursuant to section 32-9v, provided any such
2479 property is investigated and remediated in accordance with section
2480 22a-133y; or

2481 (BB) Conveyance from the Department of Transportation to the
2482 Connecticut Airport Authority of any properties comprising (i)
2483 Bradley International Airport and all related improvements and
2484 facilities now in existence and as hereafter acquired, added, extended,
2485 improved and equipped, including any property or facilities
2486 purchased with funds of, or revenues derived from, Bradley
2487 International Airport, and any other property or facilities allocated by
2488 the state, the Connecticut Airport Authority or otherwise to Bradley
2489 International Airport, (ii) the state-owned and operated general
2490 aviation airports, including Danielson Airport, Groton/New London
2491 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2492 Windham Airport and any such other airport as may be owned,
2493 operated or managed by the Connecticut Airport Authority and
2494 designated as general aviation airports, (iii) any other airport as may
2495 be owned, operated or managed by the Connecticut Airport Authority,
2496 and (iv) any airport site or any part thereof, including, but not limited
2497 to, any restricted landing areas and any air navigation facilities.

2498 Sec. 22. Subsection (e) of section 25-68d of the general statutes is

2499 repealed and the following is substituted in lieu thereof (*Effective*
2500 *October 1, 2013*):

2501 (e) The use of a mill that is located on a brownfield, as defined in
2502 section [32-9kk] 1 of this act, shall be exempt from the certification
2503 requirements of subdivision (4) of subsection (b) of this section,
2504 provided the agency demonstrates: (1) The activity is subject to the
2505 environmental remediation requirements of the regulations adopted
2506 pursuant to section 22a-133k, (2) the activity is limited to the areas of
2507 the property where historical mill uses occurred, (3) any critical
2508 activity is above the five-hundred-year flood elevation, and (4) the
2509 activity complies with the provisions of the National Flood Insurance
2510 Program.

2511 Sec. 23. Subdivision (8) of subsection (a) of section 32-1m of the
2512 general statutes is repealed and the following is substituted in lieu
2513 thereof (*Effective October 1, 2013*):

2514 (8) (A) A summary of the department's brownfield-related efforts
2515 and activities within the Office of Brownfield Remediation and
2516 Development established pursuant to subsections (a) to [(f)] (d),
2517 inclusive, of section 32-9cc in the preceding state fiscal year, except for
2518 activity under the Special Contaminated Property Remediation and
2519 Insurance Fund program. Such efforts shall include, but not be limited
2520 to, (i) total portfolio investment in brownfield remediation projects, (ii)
2521 total investment in brownfield remediation projects in the preceding
2522 state fiscal year, (iii) total number of brownfield remediation projects,
2523 (iv) total number of brownfield remediation projects in the preceding
2524 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)
2525 total of reclaimed and remediated acreage in the preceding state fiscal
2526 year, (vii) leverage ratio for the total portfolio investment in
2527 brownfield remediation projects, and (viii) leverage ratio for the total
2528 portfolio investment in brownfield remediation projects in the
2529 preceding state fiscal year. Such summary shall include a list of such
2530 brownfield remediation projects and, for each such project, the name

2531 of the developer and the location by street address and municipality
2532 and a tracking of all funds administered through or by said office;

2533 (B) A summary of the department's efforts with regard to the
2534 Special Contaminated Property Remediation and Insurance Fund,
2535 including, but not limited to, (i) the number of applications received in
2536 the preceding state fiscal year, (ii) the number and amounts of loans
2537 made in such year, (iii) the names of the applicants for such loans, (iv)
2538 the average time period between submission of application and the
2539 decision to grant or deny the loan, (v) a list of the applications
2540 approved and the applications denied and the reasons for such
2541 denials, and (vi) for each project, the location by street address and
2542 municipality; and

2543 (C) A summary of the department's efforts with regard to the dry
2544 cleaning grant program, established pursuant to section 12-263m,
2545 including, but not limited to, (i) information as to the number of
2546 applications received, (ii) the number and amounts of grants made
2547 since the inception of the program, (iii) the names of the applicants,
2548 (iv) the time period between submission of application and the
2549 decision to grant or deny the loan, (v) which applications were
2550 approved and which applications were denied and the reasons for any
2551 denials, and (vi) a recommendation as to whether the surcharge and
2552 grant program established pursuant to section 12-263m should
2553 continue.

2554 Sec. 24. Section 32-22b of the general statutes is repealed and the
2555 following is substituted in lieu thereof (*Effective October 1, 2013*):

2556 Connecticut Innovations, Incorporated may establish a loan
2557 guarantee program to provide guarantees of not more than thirty per
2558 cent of the loan to lenders who provide financing to [eligible
2559 developers or eligible property owners as defined in subsection (a) of
2560 section 32-9kk] recipients of grants or loans pursuant to section 32-9kk,
2561 as amended by this act, or section 5 of this act.

2562 Sec. 25. Subsection (b) of section 32-276 of the general statutes is
2563 repealed and the following is substituted in lieu thereof (*Effective*
2564 *October 1, 2013*):

2565 (b) (1) The commissioner shall establish an office of the permit
2566 ombudsman for the purpose of expediting review of permit
2567 applications for projects that would (A) create at least one hundred
2568 jobs, (B) create fifty jobs, if such project is to be located in an enterprise
2569 zone designated pursuant to section 32-70, (C) be located in a
2570 brownfield, as defined in section [32-9cc] 1 of this act, (D) be
2571 compatible with the state's responsible growth initiatives, (E) be
2572 considered transit-oriented development, as defined in section 13b-
2573 79kk, (F) develop green technology business, or (G) meet the criteria
2574 set forth in subdivision (2) of this subsection. Projects ineligible for
2575 review under this section are projects for which the primary purpose is
2576 to (i) effect the final disposal of solid waste, biomedical waste or
2577 hazardous waste in this state, (ii) produce electrical power, unless the
2578 production of electricity is incidental and not the primary function of
2579 the project, (iii) extract natural resources, (iv) produce oil, or (v)
2580 construct, maintain or operate an oil, petroleum, natural gas or sewage
2581 pipeline. For purposes of this section, "responsible growth initiatives"
2582 includes the principles of smart growth, as defined in section 1 of
2583 public act 09-230, and "green technology business" means an eligible
2584 business with not less than twenty-five per cent of its employment
2585 positions being positions in which green technology is employed or
2586 developed and may include the occupation codes identified as green
2587 jobs by the Department of Economic and Community Development
2588 and the Labor Department for such purposes.

2589 (2) Notwithstanding the provisions of subdivision (1) of this
2590 subsection, the commissioner may, upon consideration of the
2591 economic impact factors of the project that include, but are not limited
2592 to: (A) The proposed wage and skill levels relative to those existing in
2593 the area in which the project may be located, (B) the project's potential
2594 to diversify and strengthen the state and local economy, (C) the

2595 amount of capital investment, and (D) in the judgment of the
 2596 commissioner, after consultation with the Departments of Energy and
 2597 Environmental Protection, Transportation and Public Health that there
 2598 is consistency with the strategic economic development priorities of
 2599 the state and the municipality, deem projects eligible for expedited
 2600 permitting pursuant to this section.

2601 Sec. 26. (*Effective October 1, 2013*) Any funds in the Connecticut
 2602 brownfields remediation account established pursuant to section 32-9ff
 2603 of the general statutes, revision of 1958, revised to January 1, 2013,
 2604 shall be transferred to the brownfield remediation and development
 2605 account established pursuant to section 3 of this act and shall become
 2606 part of the assets of such account.

2607 Sec. 27. Sections 32-9dd and 32-9ff of the general statutes are
 2608 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	<i>October 1, 2013</i>	32-9ll
Sec. 11	<i>October 1, 2013</i>	32-9mm
Sec. 12	<i>October 1, 2013</i>	12-65e
Sec. 13	<i>October 1, 2013</i>	12-217mm(a)
Sec. 14	<i>October 1, 2013</i>	12-81r(a)
Sec. 15	<i>October 1, 2013</i>	22a-2d(c)
Sec. 16	<i>October 1, 2013</i>	22a-2d(d)
Sec. 17	<i>October 1, 2013</i>	22a-6(i) to (k)
Sec. 18	<i>October 1, 2013</i>	22a-133u(b)

Sec. 19	<i>October 1, 2013</i>	22a-133aa(g)
Sec. 20	<i>October 1, 2013</i>	22a-134(1)
Sec. 21	<i>January 1, 2014</i>	22a-134(1)
Sec. 22	<i>October 1, 2013</i>	25-68d(e)
Sec. 23	<i>October 1, 2013</i>	32-1m(a)(8)
Sec. 24	<i>October 1, 2013</i>	32-22b
Sec. 25	<i>October 1, 2013</i>	32-276(b)
Sec. 26	<i>October 1, 2013</i>	New section
Sec. 27	<i>October 1, 2013</i>	Repealer section

Statement of Purpose:

To implement the recommendations of the State of Connecticut Brownfields Working Group by streamlining and consolidating the state's brownfield remediation programs and statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]