



General Assembly

**Amendment**

January Session, 2013

LCO No. 8399

**\*HB0665108399HDO\***

Offered by:

REP. BERGER, 73<sup>rd</sup> Dist.  
REP. PERONE, 137<sup>th</sup> Dist.  
SEN. LEBEAU, 3<sup>rd</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.

SEN. MEYER, 12<sup>th</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.  
SEN. FRANTZ, 36<sup>th</sup> Dist.  
REP. SHABAN, 135<sup>th</sup> Dist.

To: Subst. House Bill No. 6651

File No. 475

Cal. No. 309

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

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

3 "Section 1. (NEW) (*Effective July 1, 2013*) As used in this section,  
4 sections 3, 6, 7 and 8 of this act and sections 32-9cc, 32-9ee and 32-9kk  
5 to 32-9mm, inclusive, of the general statutes, as amended by this act:

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

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

11 (B) Such person made all appropriate inquiries, as set forth in 40  
12 CFR Part 312, into the previous ownership and uses of the property in  
13 accordance with generally accepted good commercial and customary  
14 standards and practices, including, but not limited to, the standards  
15 and practices set forth in the ASTM Standard Practice for  
16 Environmental Site Assessments, Phase I Environmental Site  
17 Assessment Process, E1527-05, as may be amended from time to time.  
18 In the case of property in residential or other similar use at the time of  
19 purchase by a nongovernmental or noncommercial entity, a property  
20 inspection and a title search that reveal no basis for further  
21 investigation shall be considered to satisfy the requirements of this  
22 subparagraph;

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

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

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

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

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

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

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

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

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

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

70 (C) Such person complies with any land use restrictions established

71 or relied on in connection with the response action at the property and  
72 does not impede the effectiveness or integrity of any institutional  
73 control employed in connection with a response action;

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

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

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

80 (6) "Economic development agency" means (A) a municipal  
81 economic development agency or entity created or operating under  
82 chapter 130 or 132 of the general statutes; (B) a nonprofit economic  
83 development corporation formed to promote the common good,  
84 general welfare and economic development of a municipality or a  
85 region that is funded, either directly or through in-kind services, in  
86 part by one or more municipalities; (C) a nonstock corporation or  
87 limited liability company established or controlled by a municipality,  
88 municipal economic development agency or an entity created or  
89 operating under chapter 130 or 132 of the general statutes; or (D) an  
90 agency, as defined in section 32-327 of the general statutes.

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

101 removal, contaminated wood or paint removal, and other  
102 infrastructure remedial activities;

103 (8) "Financial assistance" means grants, loans or loan guarantees, or  
104 any combination thereof;

105 (9) "Innocent landowner" has the same meaning as provided in  
106 section 22a-452d of the general statutes;

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

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

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

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

117 (14) "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 or any other legal entity;

121 (15) "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 (16) "Regulated substance" has the same meaning as provided in  
125 section 22a-134g of the general statutes;

126 (17) "Release" means any discharge, spillage, uncontrolled loss,  
127 seepage, filtration, leakage, injection, escape, dumping, pumping,

128 pouring, emitting, emptying or disposal of a substance;

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

131 (19) "State" means the state of Connecticut;

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

134 (21) "Verification" has the same meaning as provided in section 22a-  
135 134 of the general statutes, as amended by this act.

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

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

150 (b) The office shall:

151 (1) Develop procedures and policies for streamlining the process for  
152 brownfield remediation and development;

153 (2) Identify existing and potential sources of funding for brownfield  
154 remediation and develop procedures for expediting the application for  
155 and release of such funds;

156 (3) Establish an office and maintain an informational Internet web  
157 site to provide assistance and information concerning the state's  
158 technical assistance, funding, regulatory and permitting programs for  
159 brownfield remediation and development;

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

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

166 (6) Identify and prioritize state-wide brownfield development  
167 opportunities, including, but not limited to, in consultation with the  
168 State Historic Preservation Office, municipal officials and regional  
169 planning organizations, the identification of abandoned and  
170 underutilized mills that are important assets to the [municipality or the  
171 region] municipalities or the regions in which such mills are located;

172 (7) Develop and [execute] administer a communication and  
173 outreach program to educate municipalities, economic development  
174 agencies, property owners, [and] potential property owners and other  
175 organizations and individuals with regard to state programs for  
176 brownfield remediation and redevelopment;

177 (8) At the office's discretion, enter into cooperative agreements with  
178 [qualified implementing] economic development agencies and may,  
179 where appropriate, make grants to [these] such organizations for the  
180 purpose of designing, implementing and supervising brownfield  
181 assessment and cleanups, or making further subgrants, provided each  
182 subgrant is in compliance with the terms and conditions of the original  
183 grant; and

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

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

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

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

218 Brownfield Association, with experience in different aspects of  
219 brownfield remediation and development. Said volunteers may assist  
220 the Office of Brownfield Remediation and Development in marketing  
221 the [brownfields] brownfield programs and redevelopment activities  
222 of the state.

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

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

250 standards, whether an audit will not be conducted, or whether any  
251 additional remediation is warranted. For purposes of acknowledging  
252 that the remediation is complete, the commissioner or a licensed  
253 environmental professional may indicate that all actions to remediate  
254 any pollution caused by any release have been taken in accordance  
255 with the remediation standards and that no further remediation is  
256 necessary to achieve compliance except postremediation monitoring or  
257 natural attenuation monitoring.

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

269 (h) The Departments of Economic and Community Development  
270 and Energy and Environmental Protection shall administer the  
271 provisions of subdivision (1) of section 22a-134, section 32-1m,  
272 subdivision (12) of subsection (a) of section 32-9t and sections 32-9cc to  
273 32-9gg, inclusive, within available appropriations and any funds  
274 allocated pursuant to sections 4-66c, 22a-133t and 32-9t.]

275 Sec. 3. (NEW) (*Effective July 1, 2013*) (a) There is established an  
276 account to be known as the "brownfield remediation and development  
277 account", which shall be a separate, nonlapsing account within the  
278 General Fund. There shall be deposited in the account: (1) The  
279 proceeds of bonds issued by the state for deposit into said account and  
280 used in accordance with this section; (2) repayments of assistance  
281 provided pursuant to subsection (c) of section 22a-133u of the general

282 statutes; (3) interest or other income earned on the investment of  
283 moneys in the account; (4) funds recovered pursuant to sections 7 and  
284 8 of this act; (5) any proceeds realized by the state from activities  
285 pursuant to section 32-9kk of the general statutes, as amended by this  
286 act, or section 6 of this act; and (6) all funds required by law to be  
287 deposited in the account. Any balance remaining in the account at the  
288 end of any fiscal year shall be carried forward in the account for the  
289 fiscal year next succeeding.

290 (b) All moneys received in consideration of financial assistance,  
291 including payments of principal and interest on any loans made  
292 pursuant to section 6 of this act, shall be credited to the account and  
293 shall become part of the assets of the account. At the discretion of the  
294 Commissioner of Economic and Community Development and subject  
295 to the approval of the Secretary of the Office of Policy and  
296 Management, any federal, private or other moneys received by the  
297 state in connection with projects undertaken pursuant to section 32-  
298 9kk of the general statutes, as amended by this act, or section 6 of this  
299 act shall be credited to the assets of the account.

300 (c) Notwithstanding any provision of the general statutes, proceeds  
301 from the sale of bonds available pursuant to subdivision (1) of  
302 subsection (b) of section 4-66c of the general statutes may, with the  
303 approval of the Governor and the State Bond Commission, be used to  
304 capitalize the account.

305 (d) The commissioner may use funds in the account (1) to provide  
306 financial assistance for the remediation and development of  
307 brownfields in the state pursuant to section 32-9kk of the general  
308 statutes, as amended by this act, or section 6 of this act, (2) to provide  
309 financial assistance to parcel owners required to perform mitigation  
310 actions pursuant to section 22a-6u of the general statutes, as amended  
311 by this act, and (3) for administrative costs not to exceed five per cent  
312 of such funds.

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

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

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

322 (2) "Commissioner" means the Commissioner of Economic and  
323 Community Development;

324 (3) "Department" means the Department of Economic and  
325 Community Development;

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

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

333 (6) "Municipality" means a town, city, consolidated town and city or  
334 consolidated town and borough;

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

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

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

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

345 (11) "Eligible grant recipients" means municipalities or economic  
346 development agencies; and

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

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

362 (c) An eligible applicant, as defined in subdivision (4) of subsection  
363 (a) of this section, shall submit an application for financial assistance to  
364 the Commissioner of Economic and Community Development on  
365 forms provided by said commissioner and with such information said  
366 commissioner deems necessary, including, but not limited to: (1) A  
367 description of the proposed project; (2) an explanation of the expected  
368 benefits of the project in relation to the purposes of subsections (a) to  
369 (i), inclusive, of this section; (3) information concerning the financial  
370 and technical capacity of the eligible applicant to undertake the

371 proposed project; (4) a project budget; (5) a description of the condition  
372 of the property involved including the results of any environmental  
373 assessment of the property; and (6) the names of any persons known to  
374 be liable for the remediation of the property.

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

396 [(e) (1)] (a) There is established a remedial action and  
397 redevelopment municipal grant program to be administered by the  
398 Department of Economic and Community Development for the  
399 purpose of providing [financial assistance in the form of grants to  
400 eligible grant recipients. Eligible grant recipients may use grant funds  
401 for any development project, including manufacturing, retail,  
402 residential, municipal, educational, parks, community centers and

403 mixed-use development, and the project's associated costs, including  
404 (A) soil, groundwater and infrastructure investigation, (B) assessment,  
405 (C) remediation, (D) abatement, (E) hazardous materials or waste  
406 disposal, (F) long-term groundwater or natural attenuation  
407 monitoring, (G) environmental land use restrictions, (H) attorneys'  
408 fees, (I) planning, engineering and environmental consulting, and (J)  
409 building and structural issues, including demolition, asbestos  
410 abatement, polychlorinated biphenyls removal, contaminated wood or  
411 paint removal, and other infrastructure remedial activities.] grants to  
412 municipalities and economic development agencies for the eligible  
413 costs of brownfield remediation projects, brownfield assessment  
414 projects and reasonable administrative expenses not to exceed five per  
415 cent of any grant awarded. A grant awarded under this section shall  
416 not exceed four million dollars.

417 (b) A grant applicant 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; and  
425 (5) with respect to a brownfield remediation project, a description of  
426 the condition of the brownfield, including the results of any  
427 environmental assessment of the brownfield in the possession of or  
428 available to the applicant.

429 (c) The commissioner may approve, reject or modify any application  
430 properly submitted in accordance with the provisions of this section.  
431 In reviewing an application and determining the amount of the grant,  
432 if any, to be provided, the commissioner shall consider the following  
433 criteria: (1) The availability of funds; (2) the estimated costs of  
434 assessing and remediating the brownfield, if known; (3) the relative

435 economic condition of the municipality in which the brownfield is  
436 located; (4) the relative need of the project for financial assistance; (5)  
437 the degree to which a grant under this section is necessary to induce  
438 the applicant to undertake the project; (6) the public health and  
439 environmental benefits of the project; (7) the relative benefits of the  
440 project to the municipality, the region and the state, including, but not  
441 limited to, the extent to which the project will likely result in a  
442 contribution to the municipality's tax base, the retention and creation  
443 of jobs and the reduction of blight; (8) the time frame in which the  
444 contamination occurred; (9) the relationship of the applicant to the  
445 person or entity that caused the contamination; (10) the length of time  
446 the brownfield has been abandoned; (11) the taxes owed and the  
447 projected revenues that may be restored to the community; (12) the  
448 relative need for assessment of the brownfield within the municipality  
449 or region; and (13) such other criteria as the commissioner may  
450 establish consistent with the purposes of this section.

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

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

465 (4) If the eligible grant recipient develops and sells the property,  
466 such applicant shall return any money received pursuant to this

467 subsection, to the brownfield remediation and development account  
468 established pursuant to subsection (l) of this section, minus twenty per  
469 cent, which such eligible grant recipient shall retain to cover costs of  
470 oversight, administration, development and, if applicable, lost tax  
471 revenue.

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

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

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

495 (f) Any recipient of a loan pursuant to subsection (e) of this section,  
496 as a condition of such loan, shall enter a program for remediation of  
497 the property pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,

498 as amended by this act.

499 (g) The provisions of sections 32-5a and 32-701 shall not apply to  
500 grants provided pursuant to this section.

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

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

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

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

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

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

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

559 (6) Loans made pursuant to this subsection may be used for any

560 purpose, including the present or past costs of investigation,  
561 assessment, remediation, abatement, hazardous materials or waste  
562 disposal, long-term groundwater or natural attenuation monitoring,  
563 costs associated with an environmental land use restriction, attorneys'  
564 fees, planning, engineering and environmental consulting costs, and  
565 building and structural issues, including demolition, asbestos  
566 abatement, polychlorinated biphenyls removal, contaminated wood or  
567 paint removal, and other infrastructure remedial activities.

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

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

587 (9) Each loan recipient pursuant to this subsection may be eligible  
588 for up to two million dollars per year for up to two years, subject to  
589 agency underwriting and reasonable and customary requirements to  
590 assure performance. If additional funds are needed, the Commissioner  
591 of Economic and Community Development may recommend that the

592 project be funded through the State Bond Commission.

593 (10) The loan program established pursuant to this subsection shall  
594 be available to all municipalities and economic development agencies,  
595 and the commissioner may modify the terms of any such loan to a  
596 municipality or economic development agency to provide for  
597 forgiveness of interest, principal, or both, or delay in repayment of  
598 interest, principal, or both, when the commissioner has determined  
599 such forgiveness or delay is in the best interest of the state.

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

621 (h) Financial assistance may be made available for (1) site  
622 investigation and assessment, (2) planning and engineering, including,  
623 but not limited to, the reasonable cost of environmental consultants,

624 laboratory analysis, investigatory and remedial contractors, architects,  
625 attorneys' fees, feasibility studies, appraisals, market studies and  
626 related activities, (3) the acquisition of real property, provided  
627 financial assistance for such acquisition shall not exceed fair market  
628 value as appraised as if clean, (4) the construction of site and  
629 infrastructure improvements related to the site remediation, (5)  
630 demolition, asbestos abatement, hazardous waste removal, PCB  
631 removal and related infrastructure remedial activities, (6) remediation,  
632 groundwater monitoring, including, but not limited to, natural  
633 attenuation groundwater monitoring and costs associated with filing  
634 an environmental land use restriction, (7) environmental insurance,  
635 and (8) other reasonable expenses the commissioner determines are  
636 necessary or appropriate for the initiation, implementation and  
637 completion of the project. The department may purchase participation  
638 interests in loans made by Connecticut Innovations, Incorporated for  
639 the foregoing purposes.

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

652 (j) The commissioner may use any available funds for financial  
653 assistance under the provisions of subsections (a) to (k), inclusive, of  
654 this section and may use such funds for the staffing, marketing and  
655 web site development for the programs established pursuant to

656 subsections (a) to (k), inclusive, of this section and the administration  
657 of the Office of Brownfield Remediation and Development established  
658 pursuant to section 32-9cc, provided such costs do not exceed four per  
659 cent of any such funds authorized.

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

686 (l) There is established a separate nonlapsing account within the  
687 General Fund to be known as the "brownfield remediation and

688 development account". There shall be deposited in the account: (1) The  
689 proceeds of bonds issued by the state for deposit into said account and  
690 used in accordance with this section; (2) repayments of assistance  
691 provided pursuant to subsection (c) of section 22a-133u; (3) interest or  
692 other income earned on the investment of moneys in the account; (4)  
693 funds recovered pursuant to subsections (i) and (k) of this section; and  
694 (5) all funds required by law to be deposited in the account.  
695 Repayment of principal and interest on loans made pursuant to  
696 subsections (a) to (k), inclusive, of this section shall be credited to such  
697 account and shall become part of the assets of the account. Any  
698 balance remaining in such account at the end of any fiscal year shall be  
699 carried forward in the account for the fiscal year next succeeding.

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

708 (n) Notwithstanding any provision of law, proceeds from the sale of  
709 bonds available pursuant to subdivision (1) of subsection (b) of section  
710 4-66c may, with the approval of the Governor and the State Bond  
711 Commission, be used to capitalize the brownfield remediation and  
712 development account created by subsections (l) to (o), inclusive, of this  
713 section.

714 (o) The commissioner may, with the approval of the Secretary of the  
715 Office of Policy and Management, provide financial assistance  
716 pursuant to subsections (a) to (k), inclusive, of this section from the  
717 account established under subsection (l) to (o), inclusive, of this  
718 section.]

719 Sec. 5. Section 32-9ee of the general statutes is repealed and the  
720 following is substituted in lieu thereof (*Effective July 1, 2013*):

721 (a) [Any municipality, economic development agency or entity  
722 established under chapter 130 or 132, nonprofit economic development  
723 corporation formed to promote the common good, general welfare and  
724 economic development of a municipality that is funded, either directly  
725 or through in-kind services, in part by a municipality, or a nonstock  
726 corporation or limited liability company controlled or established by a  
727 municipality, municipal economic development agency or entity  
728 created or operating under chapter 130 or 132 that receives grants  
729 through the Office of Brownfield Remediation and Development or the  
730 Department of Economic and Community Development, including  
731 those municipalities designated by the Commissioner of Economic and  
732 Community Development as part of the municipal brownfield grant  
733 program established in subsection (c) of section 32-9cc for the  
734 investigation and remediation of a brownfield property shall be  
735 considered an innocent party and] Any recipient of a grant pursuant to  
736 section 32-9kk, as amended by this act, or subsection (c) of section 32-  
737 9cc of the general statutes, revision of 1958, revised to January 1, 2013,  
738 shall not be liable under section 22a-427, 22a-432, 22a-433, 22a-451 or  
739 22a-452 for conditions pre-existing or existing on the brownfield  
740 property as of the date of acquisition or control, [as long as the  
741 municipality, economic development agency or entity established  
742 under chapter 130 or 132, nonprofit economic development  
743 corporation formed to promote the common good, general welfare and  
744 economic development of a municipality that is funded, either directly  
745 or through in-kind services, in part by a municipality, or a nonstock  
746 corporation or limited liability company controlled or established by a  
747 municipality, municipal economic development agency or entity  
748 created or operating under chapter 130 or 132] provided such recipient  
749 (1) did not establish, create, cause or contribute to the discharge,  
750 spillage, uncontrolled loss, seepage or filtration of such hazardous  
751 substance, material, waste or pollution that is subject to remediation

752 under section 22a-133k and funded by the Office of Brownfield  
753 Remediation and Development or the Department of Economic and  
754 Community Development; (2) does not exacerbate the conditions; and  
755 (3) complies with reporting of significant environmental hazard  
756 requirements in section 22a-6u, as amended by this act. To the extent  
757 that any conditions are exacerbated, [the municipality, economic  
758 development agency or entity established under chapter 130 or 132,  
759 nonprofit economic development corporation formed to promote the  
760 common good, general welfare and economic development of a  
761 municipality that is funded, either directly or through in-kind services,  
762 in part by a municipality, or nonstock corporation or limited liability  
763 company controlled or established by a municipality, municipal  
764 economic development agency or entity created or operating under  
765 chapter 130 or 132] such recipient shall only be responsible for  
766 responding to contamination exacerbated by its negligent or reckless  
767 activities.

768 (b) [In determining what funds shall be made available for an  
769 eligible brownfield remediation, the Commissioner of Economic and  
770 Community Development shall consider (1) the economic  
771 development opportunities such reuse and redevelopment may  
772 provide, (2) the feasibility of the project, (3) the environmental and  
773 public health benefits of the project, and (4) the contribution of the  
774 reuse and redevelopment to the municipality's tax base.] Upon  
775 remediation (1) as approved by the Department of Energy and  
776 Environmental Protection, or (2) in accordance with section 22a-133x,  
777 22a-134a, 32-99ll or 32-9mm, as amended by this act, of a brownfield  
778 property by a recipient of a grant pursuant to section 32-9kk, as  
779 amended by this act, such recipient may transfer the property to any  
780 person, provided such person is not otherwise liable under section 22a-  
781 427, 22a-432, 22a-433, 22a-451 or 22a-452 with respect to the property.  
782 Any person who acquires title pursuant to this section shall not be  
783 liable under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 with  
784 respect to the property, provided such person (A) does not cause or

785 contribute to the discharge, spillage, uncontrolled loss, seepage or  
786 filtration of such hazardous substance, material or waste, and (B) such  
787 person is not a member, officer, manager, director, shareholder,  
788 subsidiary, successor of, related to, or affiliated with, directly or  
789 indirectly, the person who is otherwise liable under section 22a-427,  
790 22a-432, 22a-433, 22a-451 or 22a-452 with respect to the property. The  
791 Commissioner of Energy and Environmental Protection shall provide  
792 such person with a covenant not to sue pursuant to section 22a-133aa  
793 and shall not require the prospective purchaser or owner to pay a fee  
794 in exchange for such covenant.

795 (c) No person shall acquire title to or hold, possess or maintain any  
796 interest in a property that has been remediated [in accordance with the  
797 municipal brownfield grant program established in subsection (c) of  
798 section 32-9cc] with grant funds awarded pursuant to section 32-9kk,  
799 as amended by this act, if such person (1) is liable under section 22a-  
800 427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with respect to the  
801 property, (2) is otherwise responsible, directly or indirectly, for the  
802 discharge, spillage, uncontrolled loss, seepage or filtration of such  
803 hazardous substance, material or waste, [;] (3) is a member, officer,  
804 manager, director, shareholder, subsidiary, successor of, related to, or  
805 affiliated with, directly or indirectly, the person who is otherwise liable  
806 [to] under section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 [;] with  
807 respect to the property, or (4) is or was an owner, operator or tenant of  
808 the property. If such person elects to acquire title to or hold, possess or  
809 maintain any interest in the property, that person shall reimburse the  
810 state of Connecticut, the municipality and the economic development  
811 agency for any and all costs expended to perform the investigation and  
812 remediation of the property, plus interest at a rate of eighteen per cent.

813 (d) Notwithstanding section 22a-134a, a recipient of a grant  
814 pursuant to section 32-9kk, as amended by this act, may acquire and  
815 convey its interest in the property without such recipient or the  
816 subsequent purchaser incurring liability, including any such liability

817 incurred pursuant to section 22a-134a, provided the property (1) was  
818 remediated pursuant to section 22a-133x, 22a-133y, 32-9ll or 32-9mm,  
819 as amended by this act, or pursuant to an order issued by the  
820 Commissioner of Energy and Environmental Protection and such  
821 remediation was (A) performed in accordance with the standards  
822 adopted pursuant to section 22a-133k, as determined by said  
823 commissioner, or (B) if authorized by said commissioner, verified by a  
824 licensed environmental professional unless such verification has been  
825 rejected by said commissioner subsequent to an audit conducted by  
826 said commissioner and provided the subsequent purchaser has no  
827 direct or related liability for the site conditions; and (2) is not an  
828 establishment, as defined in section 22a-134, based on business  
829 operations occurring after such recipient remediated the property.

830       Sec. 6. (NEW) (*Effective July 1, 2013*) (a) The Department of Economic  
831 and Community Development shall establish a targeted brownfield  
832 development loan program to provide low-interest loans for the  
833 eligible costs of brownfield remediation projects to potential  
834 brownfield purchasers and current brownfield owners who (1) have no  
835 direct or related liability for the conditions of the brownfield, and (2)  
836 seek to develop brownfields for purposes of reducing blight or for  
837 industrial, commercial, residential or mixed use development.

838       (b) Notwithstanding subsection (a) of this section, a current owner  
839 of a brownfield on which a manufacturing facility is located shall be  
840 eligible for a loan under this section, provided neither such owner nor  
841 any partner, member, officer, manager, director, shareholder,  
842 subsidiary or affiliate of such owner (1) is liable under section 22a-427,  
843 22a-432, 22a-433, 22a-451 or 22a-452 of the general statutes with respect  
844 to the property; (2) is otherwise responsible, directly or indirectly, for  
845 the discharge, spillage, uncontrolled loss, seepage or filtration of the  
846 hazardous substance, material or waste; (3) is a member, officer,  
847 manager, director, shareholder, subsidiary, successor of, or affiliated  
848 with, directly or indirectly, the person who is otherwise liable under

849 section 22a-427, 22a-432, 22a-433, 22a-451 or 22a-452 of the general  
850 statutes with respect to the property; or (4) has been found guilty of  
851 knowingly or wilfully violating any environmental law.

852 (c) An applicant for a loan pursuant to this section shall submit an  
853 application to the Commissioner of Economic and Community  
854 Development on forms provided by the commissioner and with such  
855 information the commissioner deems necessary, including, but not  
856 limited to: (1) A description of the proposed project; (2) an explanation  
857 of the expected benefits of the project in relation to the purposes of this  
858 section; (3) information concerning the financial and technical capacity  
859 of the applicant to undertake the proposed project; (4) a project budget;  
860 and (5) a description of the condition of the brownfield involved,  
861 including the results of any environmental assessment of the  
862 brownfield in the possession of or available to the applicant. The  
863 commissioner shall provide loans based upon project merit and  
864 viability, the economic and community development opportunity,  
865 municipal support, contribution to the community's tax base, past  
866 experience of the applicant, compliance history and ability to pay.

867 (d) If a loan recipient is not subject to section 22a-134a of the general  
868 statutes, such recipient shall enter a program for remediation of the  
869 property pursuant to either section 22a-133x, 22a-133y, 32-9ll or 32-  
870 9mm of the general statutes, as amended by this act, as determined by  
871 the commissioner.

872 (e) Loans made pursuant to this section shall have such terms and  
873 conditions and be subject to such eligibility and loan approval criteria  
874 as determined by the commissioner. Such loans shall be for a period  
875 not to exceed twenty years.

876 (f) If a loan recipient sells a property subject to a loan granted  
877 pursuant to this section before the loan is repaid, the loan shall be  
878 payable upon closing of such sale, according to its terms, unless the  
879 commissioner agrees otherwise. The commissioner may carry the loan

880 forward as an encumbrance to the purchaser with the same terms and  
881 conditions as the original loan.

882 (g) A loan recipient may be eligible for a loan of not more than two  
883 million dollars per year for not more than two years, subject to agency  
884 underwriting and reasonable and customary requirements to assure  
885 performance. If additional funds are required, the commissioner may  
886 recommend that the project be funded through other programs  
887 administered by the commissioner.

888 (h) The commissioner may modify the terms of any loan made to a  
889 municipality or economic development agency pursuant to this section  
890 to provide for forgiveness of interest, principal, or both, or delay in  
891 repayment of interest, principal, or both, when the commissioner  
892 determines such forgiveness or delay is in the best interest of the state.

893 (i) The provisions of sections 32-5a and 32-701 of the general statutes  
894 shall not apply to loans provided pursuant to this section.

895 Sec. 7. (NEW) (*Effective July 1, 2013*) The Commissioner of Economic  
896 and Community Development shall establish the terms and conditions  
897 of any financial assistance provided pursuant to section 32-9kk of the  
898 general statutes, as amended by this act, or section 6 of this act. The  
899 commissioner may make any stipulation in connection with an offer of  
900 financial assistance the commissioner deems necessary to implement  
901 the policies and purposes of section 32-9kk of the general statutes, as  
902 amended by this act, or section 6 of this act, including, but not limited  
903 to, (1) a requirement of assurance from a grant or loan recipient that  
904 such recipient will discharge its obligations in connection with the  
905 project, (2) a requirement that a grant or loan recipient provide the  
906 department with appropriate security for such financial assistance,  
907 including, but not limited to, a letter of credit, a lien on real property or  
908 a security interest in goods, equipment, inventory or other property of  
909 any kind, and (3) a requirement that a grant or loan recipient  
910 reimburse the state for such financial assistance in the event that it

911 receives funds for remediation from other sources.

912       Sec. 8. (NEW) (*Effective July 1, 2013*) (a) Whenever funds are used  
913 pursuant to section 32-9kk of the general statutes, as amended by this  
914 act, or section 6 of this act, for purposes of environmental assessments  
915 or remediation of a brownfield, the Commissioner of Energy and  
916 Environmental Protection may seek reimbursement of the costs and  
917 expenses incurred by requesting the Attorney General to bring a civil  
918 action to recover such costs and expenses from any party responsible  
919 for such pollution, provided no such action shall be brought separately  
920 from any action to recover costs and expenses incurred by the  
921 Commissioner of Energy and Environmental Protection in pursuing  
922 action to contain, remove or mitigate any pollution on such site. The  
923 costs and expenses recovered in an action brought pursuant to this  
924 section may include, but shall not be limited to: (1) The actual cost of  
925 identifying, evaluating, planning for and undertaking the remediation  
926 of the site; (2) any administrative costs not exceeding ten per cent of  
927 the actual costs; (3) the costs of recovering the reimbursement; and (4)  
928 interest on the actual costs at a rate of ten per cent per year from the  
929 date such expenses were paid.

930       (b) The defendant in any civil action brought pursuant to this  
931 subsection shall have no cause of action or claim for contribution  
932 against any person with whom the Commissioner of Energy and  
933 Environmental Protection has entered into a covenant not to sue  
934 pursuant to section 22a-133aa or 22a-133bb of the general statutes with  
935 respect to pollution on or emanating from the property that is the  
936 subject of said civil action.

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

941       Sec. 9. Section 32-9ll of the general statutes is repealed and the

942 following is substituted in lieu thereof (*Effective July 1, 2013*):

943 (a) There is established an abandoned brownfield cleanup program.  
944 The Commissioner of Economic and Community Development shall  
945 determine, in consultation with the Commissioner of Energy and  
946 Environmental Protection, properties and persons eligible for said  
947 program.

948 (b) For a person [, a municipality] or a property to be eligible, the  
949 Commissioner of Economic and Community Development shall  
950 determine if (1) the property is a brownfield, as defined in section [32-  
951 9kk, and such property] 1 of this act, that has been unused or  
952 significantly underused for at least five years before an application is  
953 filed with the commissioner pursuant to subsection [(g)] (h) of this  
954 section; (2) such person [or municipality] intends to acquire title to  
955 such property for the purpose of redeveloping such property; (3) the  
956 redevelopment of such property has a regional or municipal economic  
957 development benefit; (4) such person [or municipality] did not  
958 establish or create a facility or condition at or on such property that can  
959 reasonably be expected to create a source of pollution to the waters of  
960 the state for the purposes of section 22a-432 and is not affiliated with  
961 any person responsible for such pollution or source of pollution  
962 through any direct or indirect familial relationship or any contractual,  
963 corporate or financial relationship other than a relationship by which  
964 such owner's interest in such property is to be conveyed or financed;  
965 (5) such person [or municipality] is not otherwise required by law, an  
966 order or consent order issued by the Commissioner of Energy and  
967 Environmental Protection or a stipulated judgment to remediate  
968 pollution on or emanating from such property; (6) the person  
969 responsible for pollution on or emanating from the property is  
970 indeterminable, is no longer in existence, is required by law to  
971 remediate releases on and emanating from the property or is otherwise  
972 unable to perform necessary remediation of such property; and (7) the  
973 property and the person meet any other criteria said commissioner

974 deems necessary.

975 [(c) For the purposes of this section, "municipality" means a  
976 municipality, economic development agency or entity established  
977 under chapter 130 or 132, nonprofit economic development  
978 corporation formed to promote the common good, general welfare and  
979 economic development of a municipality that is funded, either directly  
980 or through in-kind services, in part by a municipality, or a nonstock  
981 corporation or limited liability company controlled or established by a  
982 municipality, municipal economic development agency or entity  
983 created or operating under chapter 130 or 132.]

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

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

991 [(f)] (e) Notwithstanding subsection (b) of this section, the  
992 Commissioner of Economic and Community Development may waive  
993 the requirement of subdivision (1) of subsection (b) of this section, if  
994 the person [or municipality] seeking eligibility under this section  
995 otherwise demonstrates the eligibility of the property and the value of  
996 the redevelopment of such property.

997 [(g)] (f) Upon designation by the Commissioner of Economic and  
998 Community Development, in consultation with the Commissioner of  
999 Energy and Environmental Protection, of an eligible person [or  
1000 municipality that] who holds title to such property, such eligible  
1001 person [, or municipality] shall (1) enter and remain in the voluntary  
1002 remediation program established in section 22a-133x; (2) investigate  
1003 pollution on such property in accordance with prevailing standards

1004 and guidelines and remediate pollution on such property in  
1005 accordance with regulations established for remediation adopted by  
1006 the Commissioner of Energy and Environmental Protection and in  
1007 accordance with applicable schedules; and (3) eliminate further  
1008 emanation or migration of any pollution from such property.

1009 [(h)] (g) An eligible person [or municipality that] who has been  
1010 accepted by the commissioner or that holds title to an eligible property  
1011 designated to be in the abandoned brownfield cleanup program shall  
1012 not be responsible for investigating or remediating any pollution or  
1013 source of pollution that has emanated from such property prior to such  
1014 person taking title to such property, and shall not be liable to the state  
1015 or any [third party] person for the release of any regulated substance at  
1016 or from the eligible property prior to taking title to such eligible  
1017 property except and only to the extent that such applicant caused or  
1018 contributed to the release of a regulated substance that is subject to  
1019 remediation or negligently or recklessly exacerbated such condition.

1020 [(i)] (h) Any applicant seeking a designation of eligibility for a  
1021 person or a property under the abandoned brownfield cleanup  
1022 program shall apply to the Commissioner of Economic and  
1023 Community Development at such times and on such forms as the  
1024 commissioner may prescribe.

1025 [(j)] (i) Not later than sixty days after receipt of the application, the  
1026 Commissioner of Economic and Community Development shall  
1027 determine if the application is complete and shall notify the applicant  
1028 of such determination.

1029 [(k)] (j) Not later than ninety days after determining that the  
1030 application is complete, the Commissioner of Economic and  
1031 Community Development shall determine whether to include the  
1032 property and applicant in the abandoned brownfield cleanup program.

1033 [(l)] (k) Designation of a property in the abandoned brownfield

1034 cleanup program by the Commissioner of Economic and Community  
1035 Development shall not limit the applicant's or any other person's  
1036 ability to seek funding for such property under any other brownfield  
1037 grant or loan program administered by the Department of Economic  
1038 and Community Development, Connecticut Innovations, Incorporated  
1039 or the Department of Energy and Environmental Protection.

1040 [(m)] (l) Designation of a property in the abandoned brownfield  
1041 cleanup program by the Commissioner of Economic and Community  
1042 Development shall exempt such eligible person [or eligible  
1043 municipality] from filing as an establishment pursuant to sections 22a-  
1044 134a to 22a-134d, inclusive, if such real property or prior business  
1045 operations constitute an establishment.

1046 [(n)] (m) Upon completion of the requirements of subsection [(g)] (f)  
1047 of this section to the satisfaction of the Commissioner of Energy and  
1048 Environmental Protection, such person [or municipality] shall qualify  
1049 for a covenant not to sue from the Commissioner of Energy and  
1050 Environmental Protection without fee, pursuant to section 22a-133aa,  
1051 as amended by this act.

1052 [(o)] (n) Any person [or municipality] designated as an eligible  
1053 person under the abandoned brownfield cleanup program [shall be  
1054 considered an innocent party and] shall not be liable to the  
1055 Commissioner of Energy and Environmental Protection or any person  
1056 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar  
1057 statute or common law for conditions preexisting or existing on the  
1058 brownfield property as of the date of acquisition or control as long as  
1059 the person [or municipality] (1) did not establish, cause or contribute to  
1060 the discharge, spillage, uncontrolled loss, seepage or filtration of such  
1061 hazardous substance, material, waste or pollution; (2) does not  
1062 exacerbate the conditions; and (3) complies with reporting of  
1063 significant environmental hazard requirements in section 22a-6u, as  
1064 amended by this act. To the extent that any conditions are exacerbated,  
1065 the person [or municipality] shall only be responsible for responding

1066 to contamination exacerbated by its negligent or reckless activities.

1067 [(p)] (o) Any person [or municipality that] who acquires a property  
1068 in the abandoned brownfield cleanup program shall apply to the  
1069 Commissioner of Economic and Community Development on a form  
1070 prescribed by [said] the commissioner to determine if such person [or  
1071 municipality] qualifies as an eligible party under the abandoned  
1072 brownfield cleanup program. If the [Commissioner of Economic and  
1073 Community Development] commissioner determines that such person  
1074 [or municipality] is an eligible party, such eligible party shall be  
1075 subject to the provisions of this section, and shall receive liability relief  
1076 pursuant to subsections [(h), (m), (n) and (o)] (g), (l), (m) and (n) of this  
1077 section.

1078 Sec. 10. Section 32-9mm of the general statutes is repealed and the  
1079 following is substituted in lieu thereof (*Effective July 1, 2013*):

1080 [(a) As used in this section:

1081 (1) "Bona fide prospective purchaser" means a person that acquires  
1082 ownership of a property after July 1, 2011, and establishes by a  
1083 preponderance of the evidence that:

1084 (A) All disposal of regulated substances at the property occurred  
1085 before the person acquired the property;

1086 (B) Such person made all appropriate inquiries, as set forth in 40  
1087 CFR Part 312, into the previous ownership and uses of the property in  
1088 accordance with generally accepted good commercial and customary  
1089 standards and practices, including, but not limited to, the standards  
1090 and practices set forth in the ASTM Standard Practice for  
1091 Environmental Site Assessments, Phase I Environmental Site  
1092 Assessment Process, E1527-05, as may be amended from time to time.  
1093 In the case of property in residential or other similar use at the time of  
1094 purchase by a nongovernmental or noncommercial entity, a property  
1095 inspection and a title search that reveal no basis for further

1096 investigation shall be considered to satisfy the requirements of this  
1097 subparagraph;

1098 (C) Such person provides all legally required notices with respect to  
1099 the discovery or release of any regulated substances at the property;

1100 (D) Such person exercises appropriate care with respect to regulated  
1101 substances found at the property by taking reasonable steps to (i) stop  
1102 any continuing release, (ii) prevent any threatened future release, and  
1103 (iii) prevent or limit human, environmental or natural resource  
1104 exposure to any previously released regulated substance;

1105 (E) Such person provides full cooperation, assistance and access to  
1106 persons authorized to conduct response actions or natural resource  
1107 restoration at the property, including, but not limited to, the  
1108 cooperation and access necessary for the installation, integrity,  
1109 operation and maintenance of any complete or partial response actions  
1110 or natural resource restoration at the property;

1111 (F) Such person complies with any land use restrictions established  
1112 or relied on in connection with the response action at the property and  
1113 does not impede the effectiveness or integrity of any institutional  
1114 control employed at the property in connection with a response action;  
1115 and

1116 (G) Such person complies with any request for information from the  
1117 Commissioner of Energy and Environmental Protection.

1118 (2) "Brownfield" has the same meaning as provided in section 32-  
1119 9kk.

1120 (3) "Brownfield investigation plan and remediation schedule" means  
1121 a plan and schedule for investigation and a schedule for remediation  
1122 of an eligible property under this section. Such investigation plan and  
1123 remediation schedule shall include both interim status or other  
1124 appropriate interim target dates and a date for project completion not

1125 later than eight years after a licensed environmental professional  
1126 submits such investigation plan and remediation schedule to the  
1127 Commissioner of Energy and Environmental Protection, provided the  
1128 Commissioner of Energy and Environmental Protection may extend  
1129 such dates for good cause. The plan shall provide a schedule for  
1130 activities including, but not limited to, completion of the investigation  
1131 of the property in accordance with prevailing standards and  
1132 guidelines, submittal of a complete investigation report, submittal of a  
1133 detailed written plan for remediation, publication of notice of remedial  
1134 actions, completion of remediation in accordance with standards  
1135 adopted by said commissioner pursuant to section 22a-133k and  
1136 submittal to said commissioner of a remedial action report. Except as  
1137 otherwise provided in this section, in any detailed written plan for  
1138 remediation submitted under this section, the applicant shall only be  
1139 required to investigate and remediate conditions existing within the  
1140 property boundaries and shall not be required to investigate or  
1141 remediate any pollution or contamination that exists outside of the  
1142 property's boundaries, including any contamination that may exist or  
1143 has migrated to sediments, rivers, streams or off site.

1144 (4) "Commissioner" means the Commissioner of Economic and  
1145 Community Development.

1146 (5) "Contiguous property owner" means a person who owns real  
1147 property contiguous to or otherwise similarly situated with respect to,  
1148 and that is or may be contaminated by a release or threatened release  
1149 of a regulated substance from, real property that is not owned by that  
1150 person, provided:

1151 (A) With respect to the property owned by such person, such person  
1152 takes reasonable steps to (i) stop any continuing release of any  
1153 regulated substance released on or from the property, (ii) prevent any  
1154 threatened future release of any regulated substance released on or  
1155 from the property, and (iii) prevent or limit human, environmental or  
1156 natural resource exposure to any regulated substance released on or

1157 from the property;

1158 (B) Such person provides full cooperation, assistance and access to  
1159 persons authorized to conduct response actions or natural resource  
1160 restoration at the property from which there has been a release or  
1161 threatened release, including, but not limited to, the cooperation and  
1162 access necessary for the installation, integrity, operation and  
1163 maintenance of any complete or partial response action or natural  
1164 resource restoration at the property;

1165 (C) Such person complies with any land use restrictions established  
1166 or relied on in connection with the response action at the property and  
1167 does not impede the effectiveness or integrity of any institutional  
1168 control employed in connection with a response action;

1169 (D) Such person complies with any request for information from the  
1170 Commissioner of Energy and Environmental Protection; and

1171 (E) Such person provides all legally required notices with respect to  
1172 the discovery or release of any hazardous substances at the property.

1173 (6) "Distressed municipality" has the same meaning as provided in  
1174 section 32-9p.

1175 (7) "Economic development agency" means a municipality,  
1176 municipal economic development agency or entity created or  
1177 operating under chapter 130 or 132, nonprofit economic development  
1178 corporation formed to promote the common good, general welfare and  
1179 economic development of a municipality that is funded, either directly  
1180 or through in-kind services, in part by a municipality, or nonstock  
1181 corporation or limited liability company established or controlled by a  
1182 municipality, municipal economic development agency or entity  
1183 created or operating under chapter 130 or 132.

1184 (8) "Innocent landowner" has the same meaning as provided in  
1185 section 22a-452d.

1186 (9) "Interim verification" has the same meaning as provided in  
1187 section 22a-134.

1188 (10) "Municipality" has the same meaning as in section 32-9kk.

1189 (11) "National priorities list" means the list of hazardous waste  
1190 disposal sites compiled by the United States Environmental Protection  
1191 Agency pursuant to 42 USC 9605.

1192 (12) "PCB regulations" means the polychlorinated biphenyls  
1193 manufacturing, processing, distribution in commerce and use  
1194 prohibitions found at 40 CFR Part 761.

1195 (13) "Person" means any individual, firm, partnership, association,  
1196 syndicate, company, trust, corporation, limited liability company,  
1197 municipality, economic development agency, agency or political or  
1198 administrative subdivision of the state and any other legal entity.

1199 (14) "Principles of smart growth" means standards and objectives  
1200 that support and encourage smart growth when used to guide actions  
1201 and decisions, including, but not limited to, standards and criteria for  
1202 (A) integrated planning or investment that coordinates tax,  
1203 transportation, housing, environmental and economic development  
1204 policies at the state, regional and local level, (B) the reduction of  
1205 reliance on the property tax by municipalities by creating efficiencies  
1206 and coordination of services on the regional level while reducing  
1207 interlocal competition for grand list growth, (C) the redevelopment of  
1208 existing infrastructure and resources, including, but not limited to,  
1209 brownfields and historic places, (D) transportation choices that  
1210 provide alternatives to automobiles, including rail, public transit,  
1211 bikeways and walking, while reducing energy consumption, (E) the  
1212 development or preservation of housing affordable to households of  
1213 varying income in locations proximate to transportation or  
1214 employment centers or locations compatible with smart growth, (F)  
1215 concentrated, mixed-use, mixed income development proximate to

1216 transit nodes and civic, employment or cultural centers, and (G) the  
1217 conservation and protection of natural resources by (i) preserving open  
1218 space, water resources, farmland, environmentally sensitive areas and  
1219 historic properties, and (ii) furthering energy efficiency.

1220 (15) "Regulated substance" means any element, compound or  
1221 material that, when added to air, water, soil or sediment, may alter the  
1222 physical, chemical, biological or other characteristic of such air, water,  
1223 soil or sediment.

1224 (16) "Release" means any discharge, spillage, uncontrolled loss,  
1225 seepage, filtration, leakage, injection, escape, dumping, pumping,  
1226 pouring, emitting, emptying or disposal of a substance.

1227 (17) "Remediation standards" has the same meaning as provided in  
1228 section 22a-134.

1229 (18) "RCRA" means the Resource Conservation and Recovery Act  
1230 promulgated pursuant to 42 USC.

1231 (19) "Smart growth" means economic, social and environmental  
1232 development that (A) promotes, through financial and other  
1233 incentives, economic competitiveness in the state while preserving  
1234 natural resources, and (B) uses a collaborative approach to planning,  
1235 decision-making and evaluation between and among all levels of  
1236 government and the communities and the constituents they serve.

1237 (20) "State of Connecticut Superfund Priority List" means the list of  
1238 hazardous waste disposal sites compiled by the Connecticut  
1239 Department of Energy and Environmental Protection pursuant to  
1240 section 22a-133f.

1241 (21) "Transit-oriented development" has the same meaning as  
1242 provided in section 13b-79o.

1243 (22) "UST regulations" means regulations adopted pursuant to

1244 subsection (d) of section 22a-449.

1245 (23) "Verification" has the same meaning as provided in section 22a-  
1246 134.]

1247 [(b)] (a) The commissioner shall, within available appropriations,  
1248 establish a brownfield remediation and revitalization program to  
1249 provide certain liability protections to program participants. Not more  
1250 than thirty-two properties [a] per year shall be accepted into the  
1251 program. Participation in the program shall be by accepted application  
1252 pursuant to this subsection or by approved nomination pursuant to  
1253 subsection [(d)] (c) of this section. To be considered for acceptance, an  
1254 applicant shall submit to the commissioner, on a form prescribed by  
1255 the commissioner, a certification that: (1) The applicant meets the  
1256 definition of a bona fide prospective purchaser, innocent [land owner]  
1257 landowner or contiguous property owner; (2) the property meets the  
1258 definition of a brownfield and has been subject to a release of a  
1259 regulated substance in an amount that is in excess of the remediation  
1260 standards; (3) the applicant did not establish, create or maintain a  
1261 source of pollution to the waters of the state for purposes of section  
1262 22a-432 and is not responsible pursuant to any other provision of the  
1263 general statutes for any pollution or source of pollution on the  
1264 property; (4) the applicant is not affiliated with any person responsible  
1265 for such pollution or source of pollution through any direct or indirect  
1266 familial relationship or any contractual, corporate or financial  
1267 relationship other than that by which such purchaser's interest in such  
1268 property is to be conveyed or financed; and (5) the property is not (A)  
1269 currently the subject of an enforcement action, including any consent  
1270 order issued by the Department of Energy and Environmental  
1271 Protection or the United States Environmental Protection Agency  
1272 under any current Department of Energy and Environmental  
1273 Protection or United States Environmental Protection Agency  
1274 program, (B) listed on the national priorities list [,] of hazardous waste  
1275 disposal sites compiled by the United States Environmental Protection

1276 Agency pursuant to 42 USC 9605, (C) listed on the State of Connecticut  
1277 Superfund Priority List, or (D) subject to corrective action as may be  
1278 required by [RCRA] the federal Resource Conservation and Recovery  
1279 Act of 1976, 42 USC 6901 et seq. The commissioner may review such  
1280 certifications to ensure accuracy, in consultation with the  
1281 Commissioner of Energy and Environmental Protection, and  
1282 applications will not be considered if such certifications are found  
1283 inaccurate.

1284 [(c)] (b) To ensure a geographic distribution and a diversity of  
1285 projects and broad access to the brownfield remediation and  
1286 revitalization program, the commissioner, in consultation with the  
1287 Commissioner of Energy and Environmental Protection, shall review  
1288 all applications received and determine admission of eligible  
1289 properties into the brownfield remediation and revitalization program  
1290 taking into consideration state-wide portfolio factors including: (1) Job  
1291 creation and retention; (2) sustainability; (3) readiness to proceed; (4)  
1292 geographic distribution of projects; (5) population of the municipality  
1293 where the property is located; (6) project size; (7) project complexity;  
1294 (8) duration and degree to which the property has been underused; (9)  
1295 projected increase to the municipal grand list; (10) consistency of the  
1296 property as remediated and developed with municipal or regional  
1297 planning objectives; (11) development plan's support for and  
1298 furtherance of principles of smart growth, as defined in section 1 of  
1299 public act 09-230, or transit-oriented development, as defined in  
1300 section 13b-790; and (12) other factors as may be determined by the  
1301 commissioner. Admittance into the brownfield remediation and  
1302 revitalization program shall not indicate approval or award of funding  
1303 requested under any federal, state or municipal grant or loan program,  
1304 including, but not limited to, any state brownfield grant or loan  
1305 program.

1306 [(d)] (c) The commissioner shall accept nominations of properties for  
1307 participation in the program established pursuant to subsection [(b)]

1308 (a) of this section by a municipality or an economic development  
1309 agency, where no bona fide prospective purchaser, contiguous  
1310 property owner or innocent [land owner] landowner has applied for  
1311 participation in the program. For a property to be considered for  
1312 approval for nomination to the program established pursuant to this  
1313 section, a municipality shall submit to the commissioner, on a form  
1314 prescribed by the commissioner, a certification that the property meets  
1315 the eligibility requirements provided in subdivisions (2) and (5) of  
1316 subsection [(b)] (a) of this section and any other relevant factors,  
1317 including state-wide portfolio factors provided in subsection [(c)] (b) of  
1318 this section, as may be determined by the commissioner. After the  
1319 commissioner approves a property's nomination, any subsequent  
1320 applicant shall apply in accordance with subsections [(b) and (g)] (a)  
1321 and (f) of this section. In any such application, the applicant shall  
1322 demonstrate it satisfies the eligibility requirements provided in  
1323 subdivisions (1), (3) and (4) of subsection [(b)] (a) of this section and  
1324 shall demonstrate satisfaction of subdivisions (2) and (5) of subsection  
1325 [(b)] (a) of this section for the period after the commissioner's  
1326 acceptance of the municipality's or economic development agency's  
1327 nomination of the property.

1328 [(e)] (d) (1) Properties otherwise eligible for the brownfield  
1329 remediation and revitalization program currently being investigated  
1330 and remediated in accordance with the state voluntary remediation  
1331 programs under sections 22a-133x and 22a-133y, the property transfer  
1332 program under section 22a-134, as amended by this act, and the  
1333 covenant not to sue programs under section 22a-133aa or 22a-133bb  
1334 shall not be excluded from eligibility in said program, provided the  
1335 other requirements set forth in this section are met.

1336 (2) Properties otherwise eligible for the brownfield remediation and  
1337 revitalization program that have been subject to a release requiring  
1338 action pursuant to the PCB regulations or that have been subject to a  
1339 release requiring action pursuant to the UST regulations shall not be

1340 deemed ineligible, but no provision of this section shall affect any  
1341 eligible party's obligation under such regulations to investigate or  
1342 remediate the extent of any such release.

1343 ~~[(f)]~~ (e) Inclusion of a property within the brownfield remediation  
1344 and revitalization program by the commissioner shall not limit any  
1345 person's ability to seek funding for such property under any federal,  
1346 state or municipal grant or loan program, including, but not limited to,  
1347 any state brownfield grant or loan program. Admittance into the  
1348 brownfield remediation and revitalization program shall not indicate  
1349 approval or award of funding requested under any federal, state or  
1350 municipal grant or loan program, including, but not limited to, any  
1351 state brownfield grant or loan program.

1352 ~~[(g)]~~ (f) Any applicant seeking a designation of eligibility for a  
1353 person or a property under the brownfield remediation and  
1354 revitalization program shall apply to the commissioner at such times  
1355 and on such forms as the commissioner may prescribe. The application  
1356 shall include, but not be limited to, (1) a title search, (2) the Phase I  
1357 Environmental Site Assessment conducted by or for the bona fide  
1358 prospective purchaser or the contiguous property owner, which shall  
1359 be prepared in accordance with prevailing standards and guidelines,  
1360 (3) a current property inspection, (4) documentation demonstrating  
1361 satisfaction of the eligibility criteria set forth in subsection ~~[(b)]~~ (a) of  
1362 this section, (5) information about the project that relates to the state-  
1363 wide portfolio factors set forth in subsection ~~[(c)]~~ (b) of this section,  
1364 and (6) such other information as the commissioner may request to  
1365 determine admission.

1366 ~~[(h)]~~ (g) Any applicant accepted into the brownfield remediation  
1367 and revitalization program by the commissioner shall pay the  
1368 Commissioner of Energy and Environmental Protection a fee equal to  
1369 five per cent of the assessed value of the land, as stated on the last-  
1370 completed grand list of the relevant town. The fee shall be paid in two  
1371 installments, each equal to fifty per cent of such fee, subject to potential

1372 reductions as specified in subsection [(i)] (h) of this section. The first  
1373 installment shall be due not later than one hundred eighty days after  
1374 the later of the date [the eligible] such applicant is notified that the  
1375 application has been accepted by the commissioner or the date that  
1376 [the eligible] such applicant takes title to the eligible property. The  
1377 second installment shall be due not later than four years after the  
1378 acceptance date. Upon request by [an eligible] such applicant, a  
1379 municipality or an economic development agency, the commissioner  
1380 may, at the commissioner's discretion, extend either or both of the  
1381 installment due dates. Such fee shall be deposited into the Special  
1382 Contaminated Property Remediation and Insurance Fund established  
1383 pursuant to section 22a-133t and shall be available for use by the  
1384 Commissioner of Energy and Environmental Protection pursuant to  
1385 section 22a-133u, as amended by this act.

1386 [(i)] (h) (1) The first installment of the fee in subsection [(h)] (g) of  
1387 this section shall be reduced by ten per cent for any eligible party that  
1388 completes and submits to the Commissioner of Energy and  
1389 Environmental Protection documentation, approved in writing by a  
1390 licensed environmental professional and on a form prescribed by said  
1391 commissioner, that the investigation of the property has been  
1392 completed in accordance with prevailing standards and guidelines  
1393 within one hundred eighty days after the date the application is  
1394 accepted by the commissioner.

1395 (2) The second installment of the fee in subsection [(h)] (g) of this  
1396 section shall be eliminated for any eligible party that submits the  
1397 remedial action report and verification or interim verification to the  
1398 Commissioner of Energy and Environmental Protection within four  
1399 years after the date the application is accepted by the commissioner. In  
1400 the event an eligible party submits a request for the Commissioner of  
1401 Energy and Environmental Protection's approval, where such approval  
1402 is required pursuant to the remediation standard and where said  
1403 commissioner issues a decision on such request beyond sixty days

1404 after submittal, such four-year period shall be extended by the number  
1405 of days equal to the number of days between the sixtieth day and the  
1406 date a decision is issued by said commissioner, but not including the  
1407 number of days that a request by said commissioner for supplemental  
1408 information remains pending with the eligible party.

1409 (3) The second installment of the fee in subsection [(h)] (g) of this  
1410 section shall be reduced by, or any eligible party shall receive a refund  
1411 in the amount equal to, twice the reasonable environmental service  
1412 costs of such investigation, as determined by the Commissioner of  
1413 Energy and Environmental Protection, for any eligible party that  
1414 completes and submits to the Commissioner of Energy and  
1415 Environmental Protection documentation, approved in writing by a  
1416 licensed environmental professional and on a form that may be  
1417 prescribed by said commissioner, that the investigation of the nature  
1418 and extent of any contamination that has migrated from the property  
1419 has been completed in accordance with prevailing standards and  
1420 guidelines. Such refund shall not exceed the amount of the second  
1421 installment of the fee in subsection [(h)] (g) of this section.

1422 (4) No municipality or economic development agency seeking  
1423 designation of eligibility shall be required to pay a fee, provided, upon  
1424 transfer of the eligible property from the municipality or economic  
1425 development agency to an eligible person, that eligible person shall  
1426 pay to the Commissioner of Energy and Environmental Protection the  
1427 fee in subsection [(h)] (g) of this section in accordance with the  
1428 applicable requirements in this subsection.

1429 (5) A municipality or economic development agency may submit a  
1430 fee waiver request to the commissioner to waive a portion or the entire  
1431 fee for an eligible property located within that municipality. The  
1432 commissioner, at his or her discretion, shall consider the following  
1433 factors in determining whether to approve a fee waiver or reduction:  
1434 (A) Location of the [eligible project] brownfield within a distressed  
1435 municipality, as defined in section 32-9p; (B) demonstration by the

1436 municipality or economic development agency that the project is of  
1437 significant economic impact; (C) demonstration by the municipality or  
1438 economic development agency that the project has a significant  
1439 community benefit to the municipality; (D) demonstration that the  
1440 eligible party is a governmental or nonprofit entity; and (E)  
1441 demonstration that the fee required will have a detrimental effect on  
1442 the overall success of the project.

1443 [(j)] (i) An applicant whose application has been accepted into the  
1444 brownfield remediation and revitalization program shall not be liable  
1445 to the state or any [third party] person for the release of any regulated  
1446 substance at or from the eligible property, except and only to the  
1447 extent that such applicant (A) caused or contributed to the release of a  
1448 regulated substance that is subject to remediation or exacerbated such  
1449 condition, or (B) the Commissioner of Energy and Environmental  
1450 Protection determines the existence of any of the conditions set forth in  
1451 subdivision (4) of subsection [(n)] (m) of this section.

1452 [(k)] (j) (1) An applicant whose application to the brownfield  
1453 remediation and revitalization program has been accepted by the  
1454 commissioner (A) shall investigate the release or threatened release of  
1455 any regulated substance within the boundaries of the property in  
1456 accordance with prevailing standards and guidelines and remediate  
1457 such release or threatened release within the boundaries of such  
1458 property in accordance with the brownfield investigation plan and  
1459 remediation schedule and this section, and (B) shall not be required to  
1460 characterize, abate and remediate the release of a regulated substance  
1461 beyond the boundary of the eligible property, except for releases  
1462 caused or contributed to by such applicant.

1463 (2) Not later than one hundred eighty days after the first installment  
1464 due date, including any extension thereof by the commissioner, of the  
1465 fee required pursuant to subsection [(h)] (g) of this section, the eligible  
1466 party shall submit to the commissioner and the Commissioner of  
1467 Energy and Environmental Protection a brownfield investigation plan

1468 and remediation schedule that is signed and stamped by a licensed  
1469 environmental professional. Unless otherwise approved in writing by  
1470 the Commissioner of Energy and Environmental Protection, [the  
1471 eligible party shall submit a] such brownfield investigation plan and  
1472 remediation schedule [which provides] shall provide that (A) the  
1473 investigation shall be completed not later than two years after the first  
1474 installment due date, including any extension thereof by the  
1475 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1476 this section, (B) remediation shall be initiated not later than three years  
1477 from the first installment due date, including any extension thereof by  
1478 the commissioner, of the fee required pursuant to subsection [(h)] (g)  
1479 of this section, and (C) remediation shall be completed sufficiently to  
1480 support either a verification or interim verification not later than eight  
1481 years after the first installment due date, including any extension  
1482 thereof by the commissioner, of the fee required pursuant to  
1483 subsection [(h)] (g) of this section. The schedule shall also include a  
1484 schedule for providing public notice of the remediation prior to the  
1485 initiation of such remediation in accordance with subdivision (1) of  
1486 subsection [(k)] (j) of this section. Not later than two years after the first  
1487 installment due date, including any extension thereof by the  
1488 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1489 this section, unless the Commissioner of Energy and Environmental  
1490 Protection has specified a later day, in writing, the eligible party shall  
1491 submit to the Commissioner of Energy and Environmental Protection  
1492 documentation, approved in writing by a licensed environmental  
1493 professional and in a form prescribed by the Commissioner of Energy  
1494 and Environmental Protection, that the investigation of the property  
1495 has been completed in accordance with prevailing standards and  
1496 guidelines. Not later than three years after the first installment due  
1497 date, including any extension thereof by the commissioner, of the fee  
1498 required pursuant to subsection [(h)] (g) of this section, unless the  
1499 Commissioner of Energy and Environmental Protection has specified a  
1500 later day, in writing, the eligible party shall notify the Commissioner of  
1501 Energy and Environmental Protection and the commissioner in a form

1502 prescribed by the Commissioner of Energy and Environmental  
1503 Protection that the remediation has been initiated, and shall submit to  
1504 the Commissioner of Energy and Environmental Protection a remedial  
1505 action plan, approved in writing by a licensed environmental  
1506 professional in a form prescribed by the Commissioner of Energy and  
1507 Environmental Protection. Not later than eight years after the first  
1508 installment due date, including any extension thereof by the  
1509 commissioner, of the fee required pursuant to subsection [(h)] (g) of  
1510 this section, unless the Commissioner of Energy and Environmental  
1511 Protection has specified a later day, in writing, the eligible party shall  
1512 complete remediation of the property and submit the remedial action  
1513 report and verification or interim verification to the Commissioner of  
1514 Energy and Environmental Protection and the commissioner. The  
1515 Commissioner of Energy and Environmental Protection shall grant a  
1516 reasonable extension if the eligible party demonstrates to the  
1517 satisfaction of the Commissioner of Energy and Environmental  
1518 Protection that: [(A)] (i) Such eligible party has made reasonable  
1519 progress toward investigation and remediation of the eligible  
1520 property; and [(B)] (ii) despite best efforts, circumstances beyond the  
1521 control of the eligible party have significantly delayed the remediation  
1522 of the eligible property.

1523 (3) An eligible party who submits an interim verification for an  
1524 eligible property, and any subsequent owner of such eligible property,  
1525 shall, until the remediation standards for groundwater are achieved,  
1526 (A) operate and maintain the long-term remedy for groundwater in  
1527 accordance with the remedial action plan, the interim verification and  
1528 any approvals issued by the Commissioner of Energy and  
1529 Environmental Protection, (B) prevent exposure to any groundwater  
1530 plume containing a regulated substance in excess of the remediation  
1531 standards on the property, (C) take all reasonable action to contain any  
1532 groundwater plume on the property, and (D) submit annual status  
1533 reports to the Commissioner of Energy and Environmental Protection  
1534 and the commissioner.

1535 (4) Before commencement of remedial action pursuant to the plan  
1536 and schedule, the eligible party shall: (A) Publish notice of the  
1537 remedial action in a newspaper having a substantial circulation in the  
1538 town where the property is located, (B) notify the director of health of  
1539 the municipality where the property is located, and (C) either (i) erect  
1540 and maintain for at least thirty days in a legible condition a sign not  
1541 less than six feet by four feet on the property, which shall be clearly  
1542 visible from the public highway and shall include the words  
1543 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
1544 FURTHER INFORMATION CONTACT:" and include a telephone  
1545 number for an office from which any interested person may obtain  
1546 additional information about the remedial action, or (ii) mail notice of  
1547 the remedial action to each owner of record of property which abuts  
1548 such property, at the address on the last-completed grand list of the  
1549 relevant town. Public comments shall be directed to the eligible party  
1550 for a thirty-day period starting with the last provided public notice  
1551 provision and such eligible party shall provide all comments and any  
1552 responses to the Commissioner of Energy and Environmental  
1553 Protection prior to commencing remedial action.

1554 (5) The remedial action shall be conducted under the supervision of  
1555 a licensed environmental professional and the remedial action report  
1556 shall be submitted to the commissioner and the Commissioner of  
1557 Energy and Environmental Protection signed and stamped by a  
1558 licensed environmental professional. In such report, the licensed  
1559 environmental professional shall include a detailed description of the  
1560 remedial actions taken and issue a verification or interim verification,  
1561 in which he or she shall render an opinion, in accordance with the  
1562 standard of care provided in subsection (c) of section 22a-133w, that  
1563 the action taken to contain, remove or mitigate the release of regulated  
1564 substances within the boundaries of such property is in accordance  
1565 with the remediation standards.

1566 (6) All applications for permits required to implement such plan

1567 and schedule in this section shall be submitted to the permit  
1568 ombudsman within the Department of Economic and Community  
1569 Development.

1570 (7) Each eligible party participating in the brownfield remediation  
1571 and revitalization program shall maintain all records related to its  
1572 implementation of such plan and schedule and completion of the  
1573 remedial action of the property for a period of not less than ten years  
1574 and shall make such records available to the commissioner or the  
1575 Commissioner of Energy and Environmental Protection at any time  
1576 upon request by either.

1577 (8) (A) [Within] Not later than sixty days [of] after receiving a  
1578 remedial action report signed and stamped by a licensed  
1579 environmental professional and a verification or interim verification,  
1580 the Commissioner of Energy and Environmental Protection shall notify  
1581 the eligible party and the commissioner whether the Commissioner of  
1582 Energy and Environmental Protection will conduct an audit of such  
1583 remedial action. Any such audit shall be conducted not later than one  
1584 hundred eighty days after the Commissioner of Energy and  
1585 Environmental Protection receives a remedial action report signed and  
1586 stamped by a licensed environmental professional and a verification or  
1587 interim verification. [Within] Not later than fourteen days [of] after  
1588 completion of an audit, the Commissioner of Energy and  
1589 Environmental Protection shall send written audit findings to the  
1590 eligible party, the commissioner and the licensed environmental  
1591 professional. The audit findings may approve or disapprove the  
1592 report, provided any disapproval shall set forth the reasons for such  
1593 disapproval.

1594 (B) The Commissioner of Energy and Environmental Protection may  
1595 request additional information during an audit conducted pursuant to  
1596 this subdivision. If such information has not been provided to said  
1597 commissioner within fourteen days of such request, the time frame for  
1598 said commissioner to complete the audit shall be suspended until the

1599 information is provided to said commissioner. The Commissioner of  
1600 Energy and Environmental Protection may choose to conduct such  
1601 audit if and when the eligible party fails to provide a response to said  
1602 commissioner's request for additional information within sixty days.

1603 (C) The Commissioner of Energy and Environmental Protection  
1604 shall not conduct an audit of a verification or interim verification  
1605 pursuant to this subdivision after one hundred eighty days from  
1606 receipt of such verification unless (i) said commissioner has reason to  
1607 believe that a verification was obtained through the submittal of  
1608 materially inaccurate or erroneous information, or otherwise  
1609 misleading information material to the verification or that material  
1610 misrepresentations were made in connection with the submittal of the  
1611 verification, (ii) any post-verification monitoring or operations and  
1612 maintenance is required as part of a verification and has not been  
1613 done, (iii) a verification that relies upon an environmental land use  
1614 restriction was not recorded on the land records of the municipality in  
1615 which such land is located in accordance with section 22a-133o, as  
1616 amended by this act, and applicable regulations, (iv) said  
1617 commissioner determines that there has been a violation of law  
1618 material to the verification, or (v) said commissioner determines that  
1619 information exists indicating that the remediation may have failed to  
1620 prevent a substantial threat to public health or the environment for  
1621 releases on the property.

1622 [(l)] (k) Not later than sixty days after receiving a notice of  
1623 disapproval or a verification or interim verification from the  
1624 Commissioner of Energy and Environmental Protection, the eligible  
1625 party shall submit to said commissioner and to the commissioner a  
1626 report of cure of noted deficiencies. Within sixty days after receiving  
1627 such report of cure of noted deficiencies by said commissioner, said  
1628 commissioner shall issue a successful audit closure letter or a written  
1629 disapproval of such report of cure of noted deficiencies.

1630 [(m)] (l) Before approving a verification or interim verification, the

1631 Commissioner of Energy and Environmental Protection may enter into  
1632 a memorandum of understanding with the eligible party with regard  
1633 to any further remedial action or monitoring activities on or at such  
1634 property that said commissioner deems necessary for the protection of  
1635 human health or the environment.

1636 [(n)] (m) (1) An eligible party who has been accepted into the  
1637 brownfield remediation and revitalization program shall have no  
1638 obligation as part of its plan and schedule to characterize, abate and  
1639 remediate any plume of a regulated substance outside the boundaries  
1640 of the subject property, provided the notification requirements of  
1641 section 22a-6u, as amended by this act, pertaining to significant  
1642 environmental hazards shall continue to apply to the property and the  
1643 eligible party shall not be required to characterize, abate or remediate  
1644 any such significant environmental hazard outside the boundaries of  
1645 the subject property unless such significant environmental hazard  
1646 arises from the actions of the eligible party after its acquisition of or  
1647 control over the property from which such significant environmental  
1648 hazard has emanated outside its own boundaries. If an eligible party  
1649 who has been accepted into the brownfield remediation and  
1650 revitalization program conveys or otherwise transfers its ownership of  
1651 the subject property and such eligible party is in compliance with the  
1652 provisions of this section and the brownfield investigation plan and  
1653 remediation schedule at the time of conveyance or transfer of  
1654 ownership, the provisions of this section shall apply to such transferee,  
1655 if such transferee meets the eligibility criteria set forth in this section,  
1656 pays the fee required by subsection [(h)] (g) of this section and  
1657 complies with all the obligations undertaken by the eligible party  
1658 under this section. In such case, all references to applicant or eligible  
1659 party shall mean the subsequent owner or transferee.

1660 (2) After the Commissioner of Energy and Environmental Protection  
1661 issues either a no audit letter or a successful audit closure letter, or no  
1662 audit decision has been made by said commissioner within one

1663 hundred eighty days after the submittal of the remedial action report  
1664 and verification or interim verification, such eligible party shall not be  
1665 liable to the state or any [third party] person for (A) costs incurred in  
1666 the remediation of, equitable relief relating to, or damages resulting  
1667 from the release of regulated substances addressed in the brownfield  
1668 investigation plan and remediation schedule, and (B) historical off-site  
1669 impacts including air deposition, waste disposal, impacts to sediments  
1670 and natural resource damages. No eligible party shall be afforded any  
1671 relief from liability such eligible party may have from a release  
1672 requiring action pursuant to the PCB regulations or a release requiring  
1673 action pursuant to the UST regulations.

1674 (3) The provisions of this section concerning liability shall extend to  
1675 any person who acquires title to all or part of the property for which a  
1676 remedial action report and verification or interim verification have  
1677 been submitted pursuant to this section, provided (A) there is payment  
1678 of a fee of ten thousand dollars to said commissioner for each such  
1679 extension, (B) such person acquiring all or part of the property meets  
1680 the criteria of this section, and (C) the Commissioner of Energy and  
1681 Environmental Protection has issued either a successful audit closure  
1682 letter or no audit letter, or no audit decision has been made by said  
1683 commissioner [within] not later than one hundred eighty days after the  
1684 submittal of the remedial action report and verification or interim  
1685 verification. No municipality or economic development agency that  
1686 acquires title to all or part of the property shall be required to pay a  
1687 fee, provided the municipality or economic development agency shall  
1688 collect and pay the fee upon transfer of the property to another person  
1689 for purposes of development. Such fee shall be deposited into the  
1690 Special Contaminated Property Remediation and Insurance Fund  
1691 established under section 22a-133t and such funds shall be for the  
1692 exclusive use by the Department of Energy and Environmental  
1693 Protection.

1694 (4) Neither a successful audit closure nor no audit letter issued

1695 pursuant to this section, nor the expiration of one hundred eighty days  
1696 after the submittal of the remedial action report and verification or  
1697 interim verification without an audit decision by the Commissioner of  
1698 Energy and Environmental Protection, shall preclude said  
1699 commissioner from taking any appropriate action, including, but not  
1700 limited to, any action to require remediation of the property by the  
1701 eligible party or, as applicable, to its successor, if said commissioner  
1702 determines that:

1703 (A) The successful audit closure, no audit letter, or the expiration of  
1704 one hundred eighty days after the submittal of the remedial action  
1705 report and verification or interim verification without an audit  
1706 decision by the Commissioner of Energy and Environmental  
1707 Protection was based on information provided by the person  
1708 submitting such remedial action report and verification or interim  
1709 verification that the Commissioner of Energy and Environmental  
1710 Protection can show that such person knew, or had reason to know,  
1711 was false or misleading, and, in the case of the successor to an  
1712 applicant, that such successor was aware or had reason to know that  
1713 such information was false or misleading;

1714 (B) New information confirms the existence of previously unknown  
1715 contamination that resulted from a release that occurred before the  
1716 date that an application has been accepted into the brownfield  
1717 remediation and revitalization program;

1718 (C) The eligible party who received the successful audit closure or  
1719 no audit letter or where one hundred eighty days lapsed without an  
1720 audit decision by the Commissioner of Energy and Environmental  
1721 Protection has materially failed to complete the remedial action  
1722 required by the brownfield investigation plan and remediation  
1723 schedule or to carry out or comply with monitoring, maintenance or  
1724 operating requirements pertinent to a remedial action including the  
1725 requirements of any environmental land use restriction; or

1726 (D) The threat to human health or the environment is increased  
1727 beyond an acceptable level due to substantial changes in exposure  
1728 conditions at such property, including, but not limited to, a change  
1729 from nonresidential to residential use of such property.

1730 (5) If an eligible party who has been accepted into the brownfield  
1731 remediation and revitalization program conveys or otherwise transfers  
1732 all or part of its ownership interest in the subject property at any time  
1733 before the issuance of a successful audit closure or no audit letter or  
1734 the expiration of one hundred eighty days after the submittal of the  
1735 remedial action report and verification or interim verification without  
1736 an audit decision by the Commissioner of Energy and Environmental  
1737 Protection, the eligible party conveying or otherwise transferring its  
1738 ownership interest shall not be liable to the state or any [third party]  
1739 person for (A) costs incurred in the remediation of, equitable relief  
1740 relating to, or damages resulting from the release of regulated  
1741 substances addressed in the brownfield investigation plan and  
1742 remediation schedule, and (B) historical off-site impacts including air  
1743 deposition, waste disposal, impacts to sediments and natural resource  
1744 damages, provided the eligible party complied with its obligations  
1745 under this section during the period when the eligible party held an  
1746 ownership interest in the subject property. Nothing in this subsection  
1747 shall provide any relief from liability such eligible party may have  
1748 related to a release requiring action pursuant to the PCB regulations, or  
1749 a release requiring action pursuant to the UST regulations.

1750 (6) Upon the Commissioner of Energy and Environmental  
1751 Protection's issuance of a successful audit closure letter, no audit letter,  
1752 or one hundred eighty days have passed since the submittal of a  
1753 verification or interim verification and said commissioner has not  
1754 audited the verification or interim verification, the immediate prior  
1755 owner regardless of its own eligibility to participate in the  
1756 comprehensive brownfield remediation and revitalization program  
1757 shall have no liability to the state or any [third party] person for any

1758 future investigation and remediation of the release of any regulated  
1759 substance at the eligible property addressed in the verification or  
1760 interim verification, provided the immediate prior owner has complied  
1761 with any legal obligation such owner had with respect to investigation  
1762 and remediation of releases at and from the property, and provided  
1763 further the immediate prior owner shall retain any and all liability  
1764 such immediate prior owner would otherwise have for the  
1765 investigation and remediation of the release of any regulated substance  
1766 beyond the boundary of the eligible property. In any event, the  
1767 immediate prior owner shall remain liable for (A) penalties or fines, if  
1768 any, relating to the release of any regulated substance at or from the  
1769 eligible property, (B) costs and expenses, if any, recoverable or  
1770 reimbursable pursuant to sections 22a-134b, 22a-451 and 22a-452, and  
1771 (C) obligations of the immediate prior owner as a certifying party on a  
1772 Form III or IV submitted pursuant to sections 22a-134 to 22a-134e,  
1773 inclusive, as amended by this act.

1774 [(o)] (n) A person whose application to the brownfield remediation  
1775 and revitalization program has been accepted by the commissioner or  
1776 any subsequent eligible party whose application to the brownfield  
1777 remediation and revitalization program has been accepted by the  
1778 commissioner shall be exempt for filing as an establishment pursuant  
1779 to sections 22a-134a to 22a-134d, inclusive, if such real property or  
1780 prior business operations constitute an establishment. Nothing in this  
1781 section shall be construed to alter any existing legal requirement  
1782 applicable to any certifying party at a property under sections 22a-134  
1783 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1784 [(p)] (o) Notwithstanding the provisions of this section, eligible  
1785 parties shall investigate and remediate, and remain subject to all  
1786 applicable statutes and requirements, the extent of any new release  
1787 that occurs during their ownership of the property.

1788 Sec. 11. Section 12-65e of the general statutes is repealed and the  
1789 following is substituted in lieu thereof (*Effective July 1, 2013*):

1790 Any municipality which has adopted a resolution, in accordance  
1791 with the provisions of section 12-65d, designating such municipality or  
1792 any part thereof as a rehabilitation area, may, upon application of the  
1793 owner of any real property located in such area who agrees to  
1794 rehabilitate such property or construct (1) new multifamily rental  
1795 housing or cooperative housing on such property, or (2) if such  
1796 property is a brownfield, as defined in [section 32-9cc] section 1 of this  
1797 act, new multifamily rental housing, cooperative housing, common  
1798 interest communities or mixed-use or commercial structures on such  
1799 property, enter into an agreement to fix the assessment of the property,  
1800 during the period of rehabilitation or construction, as of the date of the  
1801 agreement, but for not longer than seven years, and upon completion  
1802 of such rehabilitation or construction, to defer any increase in  
1803 assessment attributable to such rehabilitation or construction for a  
1804 period not to exceed eleven years, contingent upon the continued use  
1805 of the property for the purposes specified in the agreement, provided  
1806 such property meets the criteria established by such municipality in  
1807 accordance with section 12-65d and provided further such deferral  
1808 shall be determined as follows: For the first year following completion  
1809 of such rehabilitation or construction, the entire increase shall be  
1810 deferred; thereafter a minimum of ten per cent of the increase shall be  
1811 assessed against the property each year until one hundred per cent of  
1812 such increase has been so assessed. The agreement shall provide that,  
1813 in the event of a general revaluation by the municipality in the year in  
1814 which such rehabilitation or construction is completed resulting in any  
1815 increase in the assessment on such property, only that portion of the  
1816 increase resulting from such rehabilitation or construction shall be  
1817 deferred; and in the event of a general revaluation in any year after the  
1818 year in which such rehabilitation or construction is completed, such  
1819 deferred assessment shall be increased or decreased in proportion to  
1820 the increase or decrease in the total assessment on such property as a  
1821 result of such general revaluation. Such agreement shall further  
1822 provide that such rehabilitation or construction shall be completed by  
1823 a date fixed by the municipality and that the completed rehabilitation

1824 or construction shall be subject to inspection and certification by the  
1825 local building official as being in conformance with the criteria  
1826 established under section 12-65d and such provisions of the state  
1827 building and health codes and the local housing code as may apply.  
1828 Any such tax deferral shall be contingent upon the continued use of  
1829 the property for those purposes specified in the agreement creating  
1830 such deferral and such deferral shall cease upon the sale or transfer of  
1831 the property for any other purpose unless the municipality shall have  
1832 consented thereto.

1833 Sec. 12. Subsection (a) of section 12-217mm of the general statutes is  
1834 repealed and the following is substituted in lieu thereof (*Effective July*  
1835 *1, 2013*):

1836 (a) As used in this section:

1837 (1) "Allowable costs" means the amounts chargeable to a capital  
1838 account, including, but not limited to: (A) Construction or  
1839 rehabilitation costs; (B) commissioning costs; (C) architectural and  
1840 engineering fees allocable to construction or rehabilitation, including  
1841 energy modeling; (D) site costs, such as temporary electric wiring,  
1842 scaffolding, demolition costs and fencing and security facilities; and (E)  
1843 costs of carpeting, partitions, walls and wall coverings, ceilings,  
1844 lighting, plumbing, electrical wiring, mechanical, heating, cooling and  
1845 ventilation but "allowable costs" does not include the purchase of land,  
1846 any remediation costs or the cost of telephone systems or computers;

1847 (2) "Brownfield" has the same meaning as in [subsection (g) of  
1848 section 32-9cc] section 1 of this act;

1849 (3) "Eligible project" means a real estate development project that is  
1850 designed to meet or exceed the applicable LEED Green Building  
1851 Rating System gold certification or other certification determined by  
1852 the Commissioner of Energy and Environmental Protection to be  
1853 equivalent, but if a single project has more than one building, "eligible

1854 project" means only the building or buildings within such project that  
1855 is designed to meet or exceed the applicable LEED Green Building  
1856 Rating System gold certification or other certification determined by  
1857 the Commissioner of Energy and Environmental Protection to be  
1858 equivalent;

1859 (4) "Energy Star" means the voluntary labeling program  
1860 administered by the United States Environmental Protection Agency  
1861 designed to identify and promote energy-efficient products,  
1862 equipment and buildings;

1863 (5) "Enterprise zone" means an area in a municipality designated by  
1864 the Commissioner of Economic and Community Development as an  
1865 enterprise zone in accordance with the provisions of section 32-70;

1866 (6) "LEED Accredited Professional Program" means the professional  
1867 accreditation program for architects, engineers and other building  
1868 professionals as administered by the United States Green Building  
1869 Council;

1870 (7) "LEED Green Building Rating System" means the Leadership in  
1871 Energy and Environmental Design green building rating system  
1872 developed by the United States Green Building Council as of the date  
1873 that the project is registered with the United States Green Building  
1874 Council;

1875 (8) "Mixed-use development" means a development consisting of  
1876 one or more buildings that includes residential use and in which no  
1877 more than seventy-five per cent of the interior square footage has at  
1878 least one of the following uses: (A) Commercial use; (B) office use; (C)  
1879 retail use; or (D) any other nonresidential use that the Secretary of the  
1880 Office of Policy and Management determines does not pose a public  
1881 health threat or nuisance to nearby residential areas;

1882 (9) "Secretary" means the Secretary of the Office of Policy and  
1883 Management; and

1884 (10) "Site improvements" means any construction work on, or  
1885 improvement to, streets, roads, parking facilities, sidewalks, drainage  
1886 structures and utilities.

1887 Sec. 13. Subsection (a) of section 12-81r of the general statutes is  
1888 repealed and the following is substituted in lieu thereof (*Effective July*  
1889 *1, 2013*):

1890 (a) Any municipality may (1) enter into an agreement with the  
1891 owner of any real property to abate the property tax due as of the date  
1892 of the agreement for a period not to exceed seven years if the property  
1893 has been subject to a spill, as defined in section 22a-452c, and the  
1894 owner agrees to conduct any environmental site assessment,  
1895 demolition and remediation of the spill necessary to redevelop the  
1896 property. Any such tax abatement shall only be for the period of  
1897 remediation and redevelopment and shall be contingent upon the  
1898 continuation and completion of the remediation and redevelopment  
1899 process with respect to the purposes specified in the agreement. The  
1900 abatement shall cease upon the sale or transfer of the property for any  
1901 other purpose unless the municipality consents to its continuation. The  
1902 municipality may also establish a recapture provision in the event of  
1903 sale provided such recapture shall not exceed the original amount of  
1904 taxes abated and may not go back further than the date of the  
1905 agreement; (2) forgive all or a portion of the principal balance and  
1906 interest due on delinquent property taxes for the benefit of any  
1907 prospective purchaser who has obtained an environmental  
1908 investigation or remediation plan approved by the Commissioner of  
1909 Energy and Environmental Protection or a licensed environmental  
1910 professional under section 22a-133w, 22a-133x or 22a-133y and  
1911 completes such remediation plan for an establishment, as defined in  
1912 section 22a-134, as amended by this act, deemed by the municipality to  
1913 be abandoned or a brownfield, as defined in [subdivision (1) of  
1914 subsection (a) of section 32-9kk] section 1 of this act; or (3) enter into an  
1915 agreement with the owner of any real property to fix the assessment of

1916 the property as of the last assessment date prior to commencement of  
1917 remediation activities for a period not to exceed seven years, provided  
1918 the property has been the subject of a remediation approved by the  
1919 Commissioner of Energy and Environmental Protection or verified by  
1920 a licensed environmental professional pursuant to section 22a-133w,  
1921 22a-133x, 22a-133y or 22a-134, as amended by this act.

1922 Sec. 14. Subsection (c) of section 22a-2d of the general statutes is  
1923 repealed and the following is substituted in lieu thereof (*Effective July*  
1924 *1, 2013*):

1925 (c) Wherever the words "Commissioner of Environmental  
1926 Protection" are used or referred to in the following sections of the  
1927 general statutes, the words "Commissioner of Energy and  
1928 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-  
1929 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-  
1930 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-  
1931 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-  
1932 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,  
1933 10-388, 10-389, 10-391, 12-81, 12-81r, as amended by this act, 12-107d,  
1934 12-217mm, as amended by this act, 12-263m, 12-407, 12-412, 13a-80i,  
1935 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51,  
1936 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-  
1937 100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125,  
1938 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-  
1939 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,  
1940 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-  
1941 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,  
1942 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-  
1943 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,  
1944 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as  
1945 amended by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-  
1946 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, as  
1947 amended by this act, 22a-6v, 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb,

1948 22a-6cc, 22a-7a, 22a-7b, 22a-8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b,  
1949 22a-21c, 22a-21d, 22a-21h, 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-  
1950 27f, 22a-27l, 22a-27p, 22a-27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-  
1951 27w, 22a-29, 22a-35a, 22a-38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c,  
1952 22a-45d, 22a-47, 22a-54, 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-  
1953 66k, 22a-66l, 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-  
1954 113n, 22a-113t, 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b,  
1955 22a-133k, 22a-133l, 22a-133m, 22a-133n, 22a-133u, as amended by this  
1956 act, 22a-133v, 22a-133w, 22a-133y, 22a-133z, 22a-133aa, as amended by  
1957 this act, 22a-133bb, 22a-133ee, 22a-134, as amended by this act, 22a-  
1958 134e, 22a-134f, 22a-134g, 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-  
1959 134m, 22a-134n, 22a-134p, 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148,  
1960 22a-149, 22a-150, 22a-151, 22a-153, 22a-154, 22a-155, 22a-156, 22a-158,  
1961 22a-160, 22a-162, 22a-170, 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-  
1962 174e, 22a-174f, 22a-174g, 22a-174h, 22a-174i, 22a-174j, 22a-174k, 22a-  
1963 174l, 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-188a,  
1964 22a-191, 22a-191a, 22a-192, 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-  
1965 198, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-200c, 22a-201a, 22a-201b,  
1966 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e, 22a-208f, 22a-208g,  
1967 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q, 22a-208v, 22a-208w,  
1968 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d,  
1969 22a-209f, 22a-209g, 22a-209h, 22a-209i, 22a-213a, 22a-214, 22a-219b, 22a-  
1970 219c, 22a-219e, 22a-220, 22a-220a, 22a-220d, 22a-222, 22a-223, 22a-225,  
1971 22a-227, 22a-228, 22a-230, 22a-231, 22a-233a, 22a-235, 22a-235a, 22a-237,  
1972 22a-238, 22a-239, 22a-240, 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-  
1973 241g, 22a-241h, 22a-241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-  
1974 248, 22a-250, 22a-250a, 22a-250b, 22a-250c, 22a-252, 22a-255b, 22a-255c,  
1975 22a-255d, 22a-255f, 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m,  
1976 22a-256o, 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260,  
1977 22a-264, 22a-283, 22a-285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-  
1978 285j, 22a-295, 22a-300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-  
1979 317, 22a-318, 22a-319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-  
1980 328, 22a-336, 22a-337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f,  
1981 22a-339g, 22a-339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-

1982 354b, 22a-354c, 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-  
1983 354j, 22a-354k, 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-  
1984 354v, 22a-354w, 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc,  
1985 22a-355, 22a-357, 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-364, 22a-367,  
1986 22a-368a, 22a-378a, 22a-381, 22a-401, 22a-402, 22a-406, 22a-409, 22a-416,  
1987 22a-423, 22a-426, 22a-430b, 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-  
1988 444, 22a-445, 22a-449, 22a-449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i,  
1989 22a-449j, 22a-449k, 22a-449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a,  
1990 22a-452a, 22a-452e, 22a-453a, 22a-454c, 22a-457a, 22a-457b, 22a-458,  
1991 22a-459, 22a-461, 22a-462, 22a-463, 22a-471, 22a-472, 22a-474, 22a-475,  
1992 22a-482, 22a-485, 22a-497, 22a-500, 22a-501, 22a-517, 22a-521, 22a-522,  
1993 22a-523, 22a-524, 22a-525, 22a-526, 22a-527, 22a-601, 22a-602, 22a-605,  
1994 22a-613, 22a-616, 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-637,  
1995 22a-638, 22a-902, 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b,  
1996 23-10, 23-10b, 23-10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a,  
1997 23-15b, 23-16, 23-16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-  
1998 24a, 23-25, 23-26b, 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-  
1999 32a, 23-33, 23-37a, 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f,  
2000 23-65g, 23-65h, 23-65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-  
2001 65q, 23-73, 23-75, 23-77, 23-101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-  
2002 33o, 25-34, 25-68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72,  
2003 25-74, 25-76, 25-80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-  
2004 102e, 25-102f, 25-102t, 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q,  
2005 25-131, 25-139, 25-155, 25-157, 25-178, 25-199, 25-199a, 25-201, 25-231,  
2006 26-1, 26-3, 26-3a, 26-3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-  
2007 18, 26-25a, 26-25b, 26-27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30,  
2008 26-31, 26-31a, 26-40a, 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c,  
2009 26-67e, 26-74, 26-80a, 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-  
2010 107h, 26-107i, 26-115, 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-  
2011 142b, 26-157c, 26-157d, 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-  
2012 192j, 26-297, 26-313, 26-314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e,  
2013 [32-9dd,] 32-9kk, 32-9ll, as amended by this act, 32-11a, 32-23x, 32-242,  
2014 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-  
2015 66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2016 Sec. 15. Subsection (d) of section 22a-2d of the general statutes is  
2017 repealed and the following is substituted in lieu thereof (*Effective July*  
2018 *1, 2013*):

2019 (d) Wherever the words "Department of Environmental Protection"  
2020 are used or referred to in the following sections of the general statutes,  
2021 the words "Department of Energy and Environmental Protection" shall  
2022 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-  
2023 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-  
2024 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,  
2025 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-  
2026 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-  
2027 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-  
2028 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-  
2029 5b, 22a-6, as amended by this act, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r,  
2030 22a-6u, as amended by this act, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a,  
2031 22a-21, 22a-21a, 22a-21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-  
2032 25, 22a-26, 22a-26a, 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-  
2033 47a, 22a-58, 22a-61, 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122,  
2034 22a-123, 22a-126, 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-  
2035 170, 22a-174, 22a-174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b,  
2036 22a-200c, 22a-200d, 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-  
2037 239a, 22a-244, 22a-245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m,  
2038 22a-256y, 22a-259, 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336,  
2039 22a-352, 22a-355, 22a-361, 22a-363b, 22a-416, 22a-426, 22a-446, 22a-449f,  
2040 22a-449l, 22a-449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-521, 22a-  
2041 601, 22a-629, 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-10d, 23-15,  
2042 23-15b, 23-19, 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-  
2043 65k, 23-67, 23-68, 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d, 25-33p,  
2044 25-37d, 25-37e, 25-37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157,  
2045 25-157a, 25-157b, 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a, 26-15,  
2046 26-15a, 26-15b, 26-17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-  
2047 66a, 26-66b, 26-72, 26-86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-  
2048 304, 26-314, 28-31, 29-28, 29-36f, 30-55a, 32-1e, 32-9t, [32-9dd,] 32-9kk,

2049 32-9ll, 32-11a, 32-23d, 32-23x, 32-242, 32-242a, 32-726, as amended by  
2050 this act, 46b-220, 47-46a, 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-  
2051 44a, 53a-217e, 54-56g and 54-143.

2052 Sec. 16. Subsections (i) to (k), inclusive, of section 22a-6 of the  
2053 general statutes are repealed and the following is substituted in lieu  
2054 thereof (*Effective July 1, 2013*):

2055 (i) Notwithstanding the provisions of subsection (a) of this section,  
2056 no person shall be required to pay any fee established by the  
2057 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by  
2058 this act, 22a-134a or 22a-134e for any new or pending application,  
2059 provided such person has received financial assistance from any  
2060 department, institution, agency or authority of the state for the  
2061 purpose of investigation or remediation, or both, of a brownfield, [site,  
2062 as defined in section 32-9kk] as defined in section 1 of this act, and  
2063 such activity would otherwise require a fee to be paid to the  
2064 commissioner for the activity conducted with such financial assistance.

2065 (j) Notwithstanding the provisions of subsection (a) of this section,  
2066 no department, institution, agency or authority of the state or the state  
2067 system of higher education shall be required to pay any fee established  
2068 by the commissioner pursuant to section 22a-133x, 22a-133aa, as  
2069 amended by this act, 22a-134a or 22a-134e for any new or pending  
2070 application, provided such division of the state is conducting an  
2071 investigation or remediation, or both, of a brownfield, [site, as defined  
2072 in section 32-9kk] as defined in section 1 of this act, and siting a state  
2073 facility on such brownfield site.

2074 (k) Notwithstanding the provisions of subsection (a) of this section,  
2075 no person shall be required to pay any fee associated with a  
2076 brownfield, as defined in [section 32-9kk] section 1 of this act, due to  
2077 the commissioner resulting from the actions of another party prior to  
2078 their acquisition of such brownfield, provided such person intends to  
2079 investigate and remediate such brownfield.

2080 Sec. 17. Subsection (b) of section 22a-133u of the general statutes is  
2081 repealed and the following is substituted in lieu thereof (*Effective July*  
2082 *1, 2013*):

2083 (b) The Commissioner of Economic and Community Development  
2084 may use any funds deposited into the Special Contaminated Property  
2085 Remediation and Insurance Fund pursuant to section 3 of public act  
2086 96-250 for (1) loans to municipalities, individuals or firms for Phase II  
2087 environmental site assessments, Phase III investigations of real  
2088 property or for any costs of demolition, including related lead and  
2089 asbestos removal or abatement costs or costs related to the remediation  
2090 of environmental pollution, undertaken to prepare contaminated real  
2091 property for development subsequent to any Phase III investigation,  
2092 (2) expenses related to administration of this subsection provided such  
2093 expenses may not exceed one hundred twenty-five thousand dollars  
2094 per year, (3) funding the remedial action and redevelopment  
2095 municipal grant program established pursuant to [subsection (e) of]  
2096 section 32-9kk, as amended by this act, and (4) funding the targeted  
2097 brownfield development loan program developed pursuant to  
2098 [subsection (f) of section 32-9kk] section 6 of this act.

2099 Sec. 18. Subsection (g) of section 22a-133aa of the general statutes is  
2100 repealed and the following is substituted in lieu thereof (*Effective July*  
2101 *1, 2013*):

2102 (g) Any prospective purchaser or municipality remediating  
2103 property pursuant to the abandoned brownfield cleanup program  
2104 established pursuant to section 32-9ll, as amended by this act, shall  
2105 qualify for a covenant not to sue from the Commissioner of Energy  
2106 and Environmental Protection without fee. Such covenant not to sue  
2107 shall be transferable to subsequent owners provided the property is  
2108 undergoing remediation or is remediated in accordance with  
2109 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2110 Sec. 19. Subdivision (1) of section 22a-134 of the general statutes is

2111 repealed and the following is substituted in lieu thereof (*Effective July*  
2112 *1, 2013*):

2113 (1) "Transfer of establishment" means any transaction or proceeding  
2114 through which an establishment undergoes a change in ownership, but  
2115 does not mean:

2116 (A) Conveyance or extinguishment of an easement;

2117 (B) Conveyance of an establishment through a foreclosure, as  
2118 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2119 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2120 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2121 or by condemnation pursuant to section 32-224 or purchase pursuant  
2122 to a resolution by the legislative body of a municipality authorizing the  
2123 acquisition through eminent domain for establishments that also meet  
2124 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2125 act, or a subsequent transfer by such municipality that has foreclosed  
2126 on the property, foreclosed municipal tax liens or that has acquired  
2127 title to the property through section 12-157, or is within the pilot  
2128 program established in subsection (c) of section 32-9cc of the general  
2129 statutes, revision of 1958, revised to January 1, 2013, or the remedial  
2130 action and redevelopment municipal grant program established in  
2131 section 32-9kk, as amended by this act, or has acquired such property  
2132 through the exercise of eminent domain pursuant to section 8-128, 8-  
2133 169e or 8-193 or by condemnation pursuant to section 32-224 or a  
2134 resolution adopted in accordance with this subparagraph, provided (i)  
2135 the party acquiring the property from the municipality did not  
2136 establish, create or contribute to the contamination at the establishment  
2137 and is not affiliated with any person who established, created or  
2138 contributed to such contamination or with any person who is or was  
2139 an owner or certifying party for the establishment, and (ii) on or before  
2140 the date the party acquires the property from the municipality, such  
2141 party or municipality enters and subsequently remains in the  
2142 voluntary remediation program administered by the commissioner

2143 pursuant to section 22a-133x and remains in compliance with  
2144 schedules and approvals issued by the commissioner. For purposes of  
2145 this subparagraph, subsequent transfer by a municipality includes any  
2146 transfer to, from or between a municipality, municipal economic  
2147 development agency or entity created or operating under chapter 130  
2148 or 132, a nonprofit economic development corporation formed to  
2149 promote the common good, general welfare and economic  
2150 development of a municipality that is funded, either directly or  
2151 through in-kind services, in part by a municipality, or a nonstock  
2152 corporation or limited liability company controlled or established by a  
2153 municipality, municipal economic development agency or entity  
2154 created or operating under chapter 130 or 132;

2155 (C) Conveyance of a deed in lieu of foreclosure to a lender, as  
2156 defined in and that qualifies for the secured lender exemption  
2157 pursuant to subsection (b) of section 22a-452f;

2158 (D) Conveyance of a security interest, as defined in subdivision (7)  
2159 of subsection (b) of section 22a-452f;

2160 (E) Termination of a lease and conveyance, assignment or execution  
2161 of a lease for a period less than ninety-nine years including  
2162 conveyance, assignment or execution of a lease with options or similar  
2163 terms that will extend the period of the leasehold to ninety-nine years,  
2164 or from the commencement of the leasehold, ninety-nine years,  
2165 including conveyance, assignment or execution of a lease with options  
2166 or similar terms that will extend the period of the leasehold to ninety-  
2167 nine years, or from the commencement of the leasehold;

2168 (F) Any change in ownership approved by the Probate Court;

2169 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2170 executor or administrator under the terms of a testamentary trust or  
2171 will, or by intestate succession;

2172 (H) Corporate reorganization not substantially affecting the

2173 ownership of the establishment;

2174 (I) The issuance of stock or other securities of an entity which owns  
2175 or operates an establishment;

2176 (J) The transfer of stock, securities or other ownership interests  
2177 representing less than forty per cent of the ownership of the entity that  
2178 owns or operates the establishment;

2179 (K) Any conveyance of an interest in an establishment where the  
2180 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2181 sibling or sibling of a parent of the transferee;

2182 (L) Conveyance of an interest in an establishment to a trustee of an  
2183 inter vivos trust created by the transferor solely for the benefit of one  
2184 or more siblings, spouses, children, parents, grandchildren, children of  
2185 a sibling or siblings of a parent of the transferor;

2186 (M) Any conveyance of a portion of a parcel upon which portion no  
2187 establishment is or has been located and upon which there has not  
2188 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2189 of hazardous waste, provided either the area of such portion is not  
2190 greater than fifty per cent of the area of such parcel or written notice of  
2191 such proposed conveyance and an environmental condition  
2192 assessment form for such parcel is provided to the commissioner sixty  
2193 days prior to such conveyance;

2194 (N) Conveyance of a service station, as defined in subdivision (5) of  
2195 this section;

2196 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2197 had been developed solely for residential use and such use has not  
2198 changed;

2199 (P) Any conveyance of an establishment to any entity created or  
2200 operating under chapter 130 or 132, or to an urban rehabilitation

2201 agency, as defined in section 8-292, or to a municipality under section  
2202 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2203 of the corporation;

2204 (Q) Any conveyance of a parcel in connection with the acquisition of  
2205 properties to effectuate the development of the overall project, as  
2206 defined in section 32-651;

2207 (R) The conversion of a general or limited partnership to a limited  
2208 liability company under section 34-199;

2209 (S) The transfer of general partnership property held in the names of  
2210 all of its general partners to a general partnership which includes as  
2211 general partners immediately after the transfer all of the same persons  
2212 as were general partners immediately prior to the transfer;

2213 (T) The transfer of general partnership property held in the names  
2214 of all of its general partners to a limited liability company which  
2215 includes as members immediately after the transfer all of the same  
2216 persons as were general partners immediately prior to the transfer;

2217 (U) Acquisition of an establishment by any governmental or quasi-  
2218 governmental condemning authority;

2219 (V) Conveyance of any real property or business operation that  
2220 would qualify as an establishment solely as a result of (i) the  
2221 generation of more than one hundred kilograms of universal waste in  
2222 a calendar month, (ii) the storage, handling or transportation of  
2223 universal waste generated at a different location, or (iii) activities  
2224 undertaken at a universal waste transfer facility, provided any such  
2225 real property or business operation does not otherwise qualify as an  
2226 establishment; there has been no discharge, spillage, uncontrolled loss,  
2227 seepage or filtration of a universal waste or a constituent of universal  
2228 waste that is a hazardous substance at or from such real property or  
2229 business operation; and universal waste is not also recycled, treated,  
2230 except for treatment of a universal waste pursuant to 40 CFR

2231 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2232 such real property or business operation;

2233 (W) Conveyance of a unit in a residential common interest  
2234 community in accordance with section 22a-134i;

2235 (X) Acquisition of an establishment that is in the abandoned  
2236 brownfield cleanup program established pursuant to section 32-9ll, as  
2237 amended by this act, and all subsequent transfers of the establishment,  
2238 provided the establishment is undergoing remediation or is  
2239 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2240 9ll, as amended by this act;

2241 (Y) Any transfer of title from a bankruptcy court or a municipality  
2242 to a nonprofit organization;

2243 (Z) Acquisition of an establishment that is in the brownfield  
2244 remediation and revitalization program and all subsequent transfers of  
2245 the establishment, provided the establishment is in compliance with  
2246 the brownfield investigation plan and remediation schedule, the  
2247 commissioner has issued a no audit letter or successful audit closure  
2248 letter in response to a verification or interim verification submitted  
2249 regarding the remediation of such establishment under the brownfield  
2250 remediation and revitalization program, or one hundred eighty days  
2251 has expired since a verification or interim verification submitted  
2252 regarding the remediation of such establishment under the brownfield  
2253 remediation and revitalization program without an audit decision  
2254 from the Commissioner of Energy and Environmental Protection;

2255 (AA) Conveyance of an establishment in connection with the  
2256 acquisition of properties to effectuate the development of a project  
2257 certified and approved pursuant to section 32-9v, provided any such  
2258 property is investigated and remediated in accordance with section  
2259 22a-133y; or

2260 (BB) Conveyance from the Department of Transportation to the

2261 Connecticut Airport Authority of any properties comprising (i)  
2262 Bradley International Airport and all related improvements and  
2263 facilities now in existence and as hereafter acquired, added, extended,  
2264 improved and equipped, including any property or facilities  
2265 purchased with funds of, or revenues derived from, Bradley  
2266 International Airport, and any other property or facilities allocated by  
2267 the state, the Connecticut Airport Authority or otherwise to Bradley  
2268 International Airport, (ii) the state-owned and operated general  
2269 aviation airports, including Danielson Airport, Groton/New London  
2270 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2271 Windham Airport and any such other airport as may be owned,  
2272 operated or managed by the Connecticut Airport Authority and  
2273 designated as general aviation airports, (iii) any other airport as may  
2274 be owned, operated or managed by the Connecticut Airport Authority,  
2275 and (iv) any airport site or any part thereof, including, but not limited  
2276 to, any restricted landing areas and any air navigation facilities.

2277 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes, as  
2278 amended by section 53 of public act 11-241, section 7 of public act 12-  
2279 32, section 7 of public act 12-183 and section 3 of public act 12-196, is  
2280 repealed and the following is substituted in lieu thereof (*Effective*  
2281 *January 1, 2014*):

2282 (1) "Transfer of establishment" means any transaction or proceeding  
2283 through which an establishment undergoes a change in ownership, but  
2284 does not mean:

2285 (A) Conveyance or extinguishment of an easement;

2286 (B) Conveyance of an establishment through a foreclosure, as  
2287 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
2288 tax lien or through a tax warrant sale pursuant to section 12-157, an  
2289 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193  
2290 or by condemnation pursuant to section 32-224 or purchase pursuant  
2291 to a resolution by the legislative body of a municipality authorizing the

2292 acquisition through eminent domain for establishments that also meet  
2293 the definition of a brownfield, as defined in section [32-9kk] 1 of this  
2294 act, or a subsequent transfer by such municipality that has foreclosed  
2295 on the property, foreclosed municipal tax liens or that has acquired  
2296 title to the property through section 12-157, or is within the pilot  
2297 program established in subsection (c) of section 32-9cc of the general  
2298 statutes, revision of 1958, revised to January 1, 2013, or the remedial  
2299 action and redevelopment municipal grant program established in  
2300 section 32-9kk, as amended by this act, or has acquired such property  
2301 through the exercise of eminent domain pursuant to section 8-128, 8-  
2302 169e or 8-193 or by condemnation pursuant to section 32-224 or a  
2303 resolution adopted in accordance with this subparagraph, provided (i)  
2304 the party acquiring the property from the municipality did not  
2305 establish, create or contribute to the contamination at the establishment  
2306 and is not affiliated with any person who established, created or  
2307 contributed to such contamination or with any person who is or was  
2308 an owner or certifying party for the establishment, and (ii) on or before  
2309 the date the party acquires the property from the municipality, such  
2310 party or municipality enters and subsequently remains in the  
2311 voluntary remediation program administered by the commissioner  
2312 pursuant to section 22a-133x and remains in compliance with  
2313 schedules and approvals issued by the commissioner. For purposes of  
2314 this subparagraph, subsequent transfer by a municipality includes any  
2315 transfer to, from or between a municipality, municipal economic  
2316 development agency or entity created or operating under chapter 130  
2317 or 132, a nonprofit economic development corporation formed to  
2318 promote the common good, general welfare and economic  
2319 development of a municipality that is funded, either directly or  
2320 through in-kind services, in part by a municipality, or a nonstock  
2321 corporation or limited liability company controlled or established by a  
2322 municipality, municipal economic development agency or entity  
2323 created or operating under chapter 130 or 132;

2324 (C) Conveyance of a deed in lieu of foreclosure to a lender, as

2325 defined in and that qualifies for the secured lender exemption  
2326 pursuant to subsection (b) of section 22a-452f;

2327 (D) Conveyance of a security interest, as defined in subdivision (7)  
2328 of subsection (b) of section 22a-452f;

2329 (E) Termination of a lease and conveyance, assignment or execution  
2330 of a lease for a period less than ninety-nine years including  
2331 conveyance, assignment or execution of a lease with options or similar  
2332 terms that will extend the period of the leasehold to ninety-nine years,  
2333 or from the commencement of the leasehold, ninety-nine years,  
2334 including conveyance, assignment or execution of a lease with options  
2335 or similar terms that will extend the period of the leasehold to ninety-  
2336 nine years, or from the commencement of the leasehold;

2337 (F) Any change in ownership approved by the Probate Court;

2338 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
2339 executor or administrator under the terms of a testamentary trust or  
2340 will, or by intestate succession;

2341 (H) Corporate reorganization not substantially affecting the  
2342 ownership of the establishment;

2343 (I) The issuance of stock or other securities of an entity which owns  
2344 or operates an establishment;

2345 (J) The transfer of stock, securities or other ownership interests  
2346 representing less than forty per cent of the ownership of the entity that  
2347 owns or operates the establishment;

2348 (K) Any conveyance of an interest in an establishment where the  
2349 transferor is the sibling, spouse, child, parent, grandparent, child of a  
2350 sibling or sibling of a parent of the transferee;

2351 (L) Conveyance of an interest in an establishment to a trustee of an  
2352 inter vivos trust created by the transferor solely for the benefit of one

2353 or more siblings, spouses, children, parents, grandchildren, children of  
2354 a sibling or siblings of a parent of the transferor;

2355 (M) Any conveyance of a portion of a parcel upon which portion no  
2356 establishment is or has been located and upon which there has not  
2357 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
2358 of hazardous waste, provided either the area of such portion is not  
2359 greater than fifty per cent of the area of such parcel or written notice of  
2360 such proposed conveyance and an environmental condition  
2361 assessment form for such parcel is provided to the commissioner sixty  
2362 days prior to such conveyance;

2363 (N) Conveyance of a service station, as defined in subdivision (5) of  
2364 this section;

2365 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
2366 had been developed solely for residential use and such use has not  
2367 changed;

2368 (P) Any conveyance of an establishment to any entity created or  
2369 operating under chapter 130 or 132, or to an urban rehabilitation  
2370 agency, as defined in section 8-292, or to a municipality under section  
2371 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
2372 of the corporation;

2373 (Q) Any conveyance of a parcel in connection with the acquisition of  
2374 properties to effectuate the development of the overall project, as  
2375 defined in section 32-651;

2376 (R) The conversion of a general or limited partnership to a limited  
2377 liability company;

2378 (S) The transfer of general partnership property held in the names of  
2379 all of its general partners to a general partnership which includes as  
2380 general partners immediately after the transfer all of the same persons  
2381 as were general partners immediately prior to the transfer;

2382 (T) The transfer of general partnership property held in the names  
2383 of all of its general partners to a limited liability company which  
2384 includes as members immediately after the transfer all of the same  
2385 persons as were general partners immediately prior to the transfer;

2386 (U) Acquisition of an establishment by any governmental or quasi-  
2387 governmental condemning authority;

2388 (V) Conveyance of any real property or business operation that  
2389 would qualify as an establishment solely as a result of (i) the  
2390 generation of more than one hundred kilograms of universal waste in  
2391 a calendar month, (ii) the storage, handling or transportation of  
2392 universal waste generated at a different location, or (iii) activities  
2393 undertaken at a universal waste transfer facility, provided any such  
2394 real property or business operation does not otherwise qualify as an  
2395 establishment; there has been no discharge, spillage, uncontrolled loss,  
2396 seepage or filtration of a universal waste or a constituent of universal  
2397 waste that is a hazardous substance at or from such real property or  
2398 business operation; and universal waste is not also recycled, treated,  
2399 except for treatment of a universal waste pursuant to 40 CFR  
2400 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
2401 such real property or business operation;

2402 (W) Conveyance of a unit in a residential common interest  
2403 community in accordance with section 22a-134i;

2404 (X) Acquisition of an establishment that is in the abandoned  
2405 brownfield cleanup program established pursuant to section 32-9ll, as  
2406 amended by this act, and all subsequent transfers of the establishment,  
2407 provided the establishment is undergoing remediation or is  
2408 remediated in accordance with subsection [(g)] (f) of [said] section 32-  
2409 9ll, as amended by this act;

2410 (Y) Any transfer of title from a bankruptcy court or a municipality  
2411 to a nonprofit organization;

2412 (Z) Acquisition of an establishment that is in the brownfield  
2413 remediation and revitalization program and all subsequent transfers of  
2414 the establishment, provided the establishment is in compliance with  
2415 the brownfield investigation plan and remediation schedule, the  
2416 commissioner has issued a no audit letter or successful audit closure  
2417 letter in response to a verification or interim verification submitted  
2418 regarding the remediation of such establishment under the brownfield  
2419 remediation and revitalization program, or a one-hundred-eighty-day  
2420 period has expired since a verification or interim verification  
2421 submitted regarding the remediation of such establishment under the  
2422 brownfield remediation and revitalization program without an audit  
2423 decision from the Commissioner of Energy and Environmental  
2424 Protection;

2425 (AA) Conveyance of an establishment in connection with the  
2426 acquisition of properties to effectuate the development of a project  
2427 certified and approved pursuant to section 32-9v, provided any such  
2428 property is investigated and remediated in accordance with section  
2429 22a-133y; or

2430 (BB) Conveyance from the Department of Transportation to the  
2431 Connecticut Airport Authority of any properties comprising (i)  
2432 Bradley International Airport and all related improvements and  
2433 facilities now in existence and as hereafter acquired, added, extended,  
2434 improved and equipped, including any property or facilities  
2435 purchased with funds of, or revenues derived from, Bradley  
2436 International Airport, and any other property or facilities allocated by  
2437 the state, the Connecticut Airport Authority or otherwise to Bradley  
2438 International Airport, (ii) the state-owned and operated general  
2439 aviation airports, including Danielson Airport, Groton/New London  
2440 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
2441 Windham Airport and any such other airport as may be owned,  
2442 operated or managed by the Connecticut Airport Authority and  
2443 designated as general aviation airports, (iii) any other airport as may

2444 be owned, operated or managed by the Connecticut Airport Authority,  
2445 and (iv) any airport site or any part thereof, including, but not limited  
2446 to, any restricted landing areas and any air navigation facilities.

2447 Sec. 21. Subsection (e) of section 25-68d of the general statutes is  
2448 repealed and the following is substituted in lieu thereof (*Effective July*  
2449 *1, 2013*):

2450 (e) The use of a mill that is located on a brownfield, as defined in  
2451 section [32-9kk] 1 of this act, shall be exempt from the certification  
2452 requirements of subdivision (4) of subsection (b) of this section,  
2453 provided the agency demonstrates: (1) The activity is subject to the  
2454 environmental remediation requirements of the regulations adopted  
2455 pursuant to section 22a-133k, (2) the activity is limited to the areas of  
2456 the property where historical mill uses occurred, (3) any critical  
2457 activity is above the five-hundred-year flood elevation, and (4) the  
2458 activity complies with the provisions of the National Flood Insurance  
2459 Program.

2460 Sec. 22. Subdivision (8) of subsection (a) of section 32-1m of the  
2461 general statutes is repealed and the following is substituted in lieu  
2462 thereof (*Effective July 1, 2013*):

2463 (8) (A) A summary of the department's brownfield-related efforts  
2464 and activities within the Office of Brownfield Remediation and  
2465 Development established pursuant to subsections (a) to [(f)] (d),  
2466 inclusive, of section 32-9cc in the preceding state fiscal year, except for  
2467 activity under the Special Contaminated Property Remediation and  
2468 Insurance Fund program. Such efforts shall include, but not be limited  
2469 to, (i) total portfolio investment in brownfield remediation projects, (ii)  
2470 total investment in brownfield remediation projects in the preceding  
2471 state fiscal year, (iii) total number of brownfield remediation projects,  
2472 (iv) total number of brownfield remediation projects in the preceding  
2473 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)  
2474 total of reclaimed and remediated acreage in the preceding state fiscal

2475 year, (vii) leverage ratio for the total portfolio investment in  
2476 brownfield remediation projects, and (viii) leverage ratio for the total  
2477 portfolio investment in brownfield remediation projects in the  
2478 preceding state fiscal year. Such summary shall include a list of such  
2479 brownfield remediation projects and, for each such project, the name  
2480 of the developer and the location by street address and municipality  
2481 and a tracking of all funds administered through or by said office;

2482 (B) A summary of the department's efforts with regard to the  
2483 Special Contaminated Property Remediation and Insurance Fund,  
2484 including, but not limited to, (i) the number of applications received in  
2485 the preceding state fiscal year, (ii) the number and amounts of loans  
2486 made in such year, (iii) the names of the applicants for such loans, (iv)  
2487 the average time period between submission of application and the  
2488 decision to grant or deny the loan, (v) a list of the applications  
2489 approved and the applications denied and the reasons for such  
2490 denials, and (vi) for each project, the location by street address and  
2491 municipality; and

2492 (C) A summary of the department's efforts with regard to the dry  
2493 cleaning grant program, established pursuant to section 12-263m,  
2494 including, but not limited to, (i) information as to the number of  
2495 applications received, (ii) the number and amounts of grants made  
2496 since the inception of the program, (iii) the names of the applicants,  
2497 (iv) the time period between submission of application and the  
2498 decision to grant or deny the loan, (v) which applications were  
2499 approved and which applications were denied and the reasons for any  
2500 denials, and (vi) a recommendation as to whether the surcharge and  
2501 grant program established pursuant to section 12-263m should  
2502 continue.

2503 Sec. 23. Section 32-22b of the general statutes is repealed and the  
2504 following is substituted in lieu thereof (*Effective July 1, 2013*):

2505 Connecticut Innovations, Incorporated may establish a loan

2506 guarantee program to provide guarantees of not more than thirty per  
2507 cent of the loan to lenders who provide financing to [eligible  
2508 developers or eligible property owners as defined in subsection (a) of  
2509 section 32-9kk] recipients of financial assistance pursuant to section 32-  
2510 9kk, as amended by this act, or section 6 of this act.

2511 Sec. 24. Subsection (b) of section 32-276 of the general statutes is  
2512 repealed and the following is substituted in lieu thereof (*Effective July*  
2513 *1, 2013*):

2514 (b) (1) The commissioner shall establish an office of the permit  
2515 ombudsman for the purpose of expediting review of permit  
2516 applications for projects that would (A) create at least one hundred  
2517 jobs, (B) create fifty jobs, if such project is to be located in an enterprise  
2518 zone designated pursuant to section 32-70, (C) be located in a  
2519 brownfield, as defined in section [32-9cc] 1 of this act, (D) be  
2520 compatible with the state's responsible growth initiatives, (E) be  
2521 considered transit-oriented development, as defined in section 13b-  
2522 79kk, (F) develop green technology business, or (G) meet the criteria  
2523 set forth in subdivision (2) of this subsection. Projects ineligible for  
2524 review under this section are projects for which the primary purpose is  
2525 to (i) effect the final disposal of solid waste, biomedical waste or  
2526 hazardous waste in this state, (ii) produce electrical power, unless the  
2527 production of electricity is incidental and not the primary function of  
2528 the project, (iii) extract natural resources, (iv) produce oil, or (v)  
2529 construct, maintain or operate an oil, petroleum, natural gas or sewage  
2530 pipeline. For purposes of this section, "responsible growth initiatives"  
2531 includes the principles of smart growth, as defined in section 1 of  
2532 public act 09-230, and "green technology business" means an eligible  
2533 business with not less than twenty-five per cent of its employment  
2534 positions being positions in which green technology is employed or  
2535 developed and may include the occupation codes identified as green  
2536 jobs by the Department of Economic and Community Development  
2537 and the Labor Department for such purposes.

2538 (2) Notwithstanding the provisions of subdivision (1) of this  
2539 subsection, the commissioner may, upon consideration of the  
2540 economic impact factors of the project that include, but are not limited  
2541 to: (A) The proposed wage and skill levels relative to those existing in  
2542 the area in which the project may be located, (B) the project's potential  
2543 to diversify and strengthen the state and local economy, (C) the  
2544 amount of capital investment, and (D) in the judgment of the  
2545 commissioner, after consultation with the Departments of Energy and  
2546 Environmental Protection, Transportation and Public Health that there  
2547 is consistency with the strategic economic development priorities of  
2548 the state and the municipality, deem projects eligible for expedited  
2549 permitting pursuant to this section.

2550 Sec. 25. Subsection (b) of section 32-329 of the general statutes is  
2551 repealed and the following is substituted in lieu thereof (*Effective July*  
2552 *1, 2013*):

2553 (b) The proceeds of the sale of said bonds, to the extent of the  
2554 amount stated in subsection (a) of this section, shall be used by the  
2555 Department of Economic and Community Development for the  
2556 purposes of [section] sections 32-328, 32-9kk, as amended by this act,  
2557 and section 6 of this act.

2558 Sec. 26. Section 2 of public act 10-135, as amended by section 15 of  
2559 public 11-141 and section 12 of public act 12-183, is repealed and the  
2560 following is substituted in lieu thereof (*Effective from passage*):

2561 (a) There is established a working group to examine the remediation  
2562 and development of brownfields in this state, including, but not  
2563 limited to, the remediation scheme for such properties, permitting  
2564 issues and liability issues, including those set forth by sections 22a-14  
2565 to 22a-20, inclusive, of the general statutes.

2566 (b) The working group shall consist of the following [thirteen]  
2567 members, each of whom shall have expertise related to brownfield

2568 redevelopment in environmental law, engineering, finance,  
2569 development, consulting, insurance or another relevant field:

2570 (1) Four appointed by the Governor;

2571 (2) ~~[One]~~ Two appointed by the president pro tempore of the  
2572 Senate, one of whom shall represent the Connecticut Conference of  
2573 Municipalities;

2574 (3) ~~[One]~~ Two appointed by the speaker of the House of  
2575 Representatives, one of whom shall represent an environmental  
2576 organization;

2577 (4) One appointed by the majority leader of the Senate;

2578 (5) One appointed by the majority leader of the House of  
2579 Representatives;

2580 (6) One appointed by the minority leader of the Senate;

2581 (7) One appointed by the minority leader of the House of  
2582 Representatives;

2583 (8) The Commissioner of Economic and Community Development,  
2584 or the commissioner's designee, who shall serve ex officio;

2585 (9) The Commissioner of Energy and Environmental Protection,  
2586 or the commissioner's designee, who shall serve ex officio; [and]

2587 (10) The Secretary of the Office of Policy and Management,  
2588 or the secretary's designee, who shall serve ex officio; and

2589 (11) The Commissioner of Public Health, or the commissioner's  
2590 designee, who shall serve ex officio.

2591 (c) Any member of the working group as of the effective date of this  
2592 section shall continue to serve and all new appointments to the  
2593 working group shall be made no later than thirty days after the

2594 effective date of this section. Any vacancy shall be filled by the  
2595 appointing authority.

2596 (d) The working group shall select chairpersons of the working  
2597 group. Such chairpersons shall schedule the first meeting of the  
2598 working group, which shall be held no later than sixty days after the  
2599 effective date of this section.

2600 (e) On or before January 15, [2013] 2015, the working group shall  
2601 report, in accordance with the provisions of section 11-4a of the general  
2602 statutes, on its findings and recommendations to the Governor and the  
2603 joint standing committees of the General Assembly having cognizance  
2604 of matters relating to commerce and the environment.

2605 Sec. 27. (*Effective July 1, 2013*) Any funds in (1) the Connecticut  
2606 brownfields remediation account established pursuant to section 32-9ff  
2607 of the general statutes, revision of 1958, revised to January 1, 2013, (2)  
2608 the Brownfield Remediation and Development Account established  
2609 pursuant to subsection (l) of section 32-9kk of the general statutes,  
2610 revision of 1958, revised to January 1, 2013, or (3) any other account  
2611 from which the Commissioner of Economic and Community  
2612 Development may use funds to provide financial assistance for the  
2613 remediation or development of brownfields shall be transferred to the  
2614 brownfield remediation and development account established  
2615 pursuant to section 3 of this act and shall become part of the assets of  
2616 said account.

2617 Sec. 28. (NEW) (*Effective from passage*) The Commissioner of Energy  
2618 and Environmental Protection, in consultation with the Commissioner  
2619 of Public Health, shall evaluate risk-based decision making related to  
2620 the remediation of contaminated sites. The commissioner shall,  
2621 within existing resources, engage independent experts in the field,  
2622 with broad national experience, to conduct such evaluation and  
2623 prepare a report that includes an assessment of the existing process of  
2624 risk-based decision making including risk assessment and risk

2625 management tools utilized to protect public health, general welfare  
2626 and the environment. Such evaluation and report shall also include  
2627 identification of best practices in ecological and human health risk  
2628 assessment and risk management used by the United States  
2629 Environmental Protection Agency and other regulatory agencies, and  
2630 those published by the National Academy of Sciences. The  
2631 commissioner shall provide opportunities for public review and input  
2632 during the evaluation process. Upon completion of the evaluation and  
2633 report, the commissioner shall consider the evaluation and report and  
2634 make recommendations for statutory and regulatory changes to the  
2635 risk-based decision making process including, but not limited to, those  
2636 in section 22a-6u of the general statutes, as amended by this act, not  
2637 later than October 1, 2014. For purposes of this section, "commissioner"  
2638 means the Commissioner of Energy and Environmental Protection.

2639 Sec. 29. (NEW) (*Effective from passage*) Notwithstanding any  
2640 provision of the general statutes, in any regulation that the  
2641 Commissioner of Energy and Environmental Protection adopts on or  
2642 after July 1, 2014, concerning the establishment of a unified clean-up  
2643 program to address releases, including oil and hazardous substances,  
2644 the commissioner shall include provisions that shorten the timeframes  
2645 within which the commissioner shall determine whether to audit a  
2646 final verification submitted by a licensed environmental professional  
2647 or other person, if authorized by law, and to indicate at the end of such  
2648 process that no further action is required, including reopeners, as  
2649 appropriate.

2650 Sec. 30. (NEW) (*Effective July 1, 2013*) (a) For the purposes of this  
2651 section:

2652 (1) "Applicant" means any (A) municipality, (B) economic  
2653 development agency or entity established pursuant to chapter 130 or  
2654 132 of the general statutes, (C) nonprofit economic development  
2655 corporation formed to promote the common good, general welfare and  
2656 economic development of a municipality and that is funded, either

2657 directly or through in-kind services, in part by a municipality, or (D) a  
2658 nonstock corporation or limited liability company controlled or  
2659 established by a municipality, municipal economic development  
2660 agency or entity created or operating pursuant to chapter 130 or 132 of  
2661 the general statutes;

2662 (2) "Municipality" has the same meaning as provided in section 8-  
2663 187 of the general statutes;

2664 (3) "Brownfield" has the same meaning as provided in section 1 of  
2665 this act;

2666 (4) "Commissioner" means the Commissioner of Energy and  
2667 Environmental Protection;

2668 (5) "Regulated substance" means any oil or petroleum or chemical  
2669 liquid or solid, liquid or gaseous product or hazardous waste; and

2670 (6) "Person" has the same meaning as provided in section 22a-2 of  
2671 the general statutes.

2672 (b) There is established a brownfield liability relief program to assist  
2673 applicants with the redevelopment of eligible brownfields and to  
2674 provide such applicants with liability relief for such brownfields. The  
2675 Commissioner of Energy and Environmental Protection shall  
2676 administer such relief program and accept brownfields into such  
2677 program based on the eligibility criteria, as established in this section.

2678 (c) Prior to acquiring a brownfield, any applicant may apply to the  
2679 commissioner, on such forms as the commissioner prescribes, to obtain  
2680 liability relief as described in subsection (d) of this section. Any  
2681 brownfield shall be eligible for the program if the commissioner  
2682 determines that: (1) The property is a brownfield; (2) such applicant  
2683 intends to acquire title to such brownfield for the purpose of  
2684 redeveloping or facilitating the redevelopment of such brownfield; (3)  
2685 such applicant did not establish or create a facility or condition at or on

2686 such brownfield that can reasonably be expected to create a source of  
2687 pollution, as defined in section 22a-423 of the general statutes, to the  
2688 waters of the state; (4) such applicant is not affiliated with any person  
2689 responsible for such pollution or source of pollution through any  
2690 contractual, corporate or financial relationship other than a  
2691 municipality's exercise of such municipality's police, regulatory or tax  
2692 powers or a contractual relationship in which such person's interest in  
2693 such brownfield will be conveyed or financed; (5) such applicant is not  
2694 otherwise required by law, an order or consent order issued by the  
2695 commissioner or a stipulated judgment to remediate pollution on or  
2696 emanating from such brownfield; and (6) such brownfield and  
2697 applicant meet any other criteria that said commissioner deems  
2698 necessary.

2699 (d) (1) Upon the acceptance of any brownfield into such program by  
2700 the commissioner and upon such applicant taking title to such  
2701 property, such applicant shall not be liable to the state or any person  
2702 for the release of any regulated substance at or from the eligible  
2703 brownfield that occurred prior to such applicant taking title to such  
2704 brownfield, except such applicant shall be liable to the state or any  
2705 person to the extent that such applicant caused or contributed to the  
2706 release of a regulated substance that is subject to remediation and to  
2707 the extent that such applicant negligently or recklessly exacerbated the  
2708 condition of such brownfield.

2709 (2) Any applicant that owns a brownfield that is accepted in such  
2710 brownfield liability relief program shall not be liable to the  
2711 commissioner or any person under section 22a-427, 22a-430, 22a-432,  
2712 22a-433, 22a-451 or 22a-452 of the general statutes nor under any  
2713 theory of common law for any prior existing condition on such  
2714 brownfield or any existing condition on such brownfield property as of  
2715 the date of taking title to such brownfield provided such applicant (A)  
2716 did not establish, cause or contribute to the discharge, spillage,  
2717 uncontrolled loss, seepage or filtration of such hazardous substance,

2718 material, waste or pollution, (B) does not exacerbate any such  
2719 condition on such brownfield, (C) complies with the reporting and  
2720 mitigation or abatement of significant environmental hazard  
2721 requirements in section 22a-6u of the general statutes, as amended by  
2722 this act, and (D) makes good faith efforts to minimize the risk to public  
2723 health and the environment posed by such brownfield and the  
2724 conditions or materials present at such brownfield. To the extent that  
2725 any preexisting releases on such brownfield are exacerbated by such  
2726 applicant, such applicant shall only be responsible for responding to  
2727 contamination exacerbated by such applicant's negligent or reckless  
2728 activities.

2729 (e) After acceptance of any brownfield into such program by the  
2730 commissioner and upon such applicant taking title to such property,  
2731 such applicant shall (1) submit a plan and schedule that outlines an  
2732 applicant's intention to facilitate the investigation, remediation and  
2733 redevelopment of such brownfield; and (2) continue to minimize risk  
2734 to public health and the environment potentially posed by such  
2735 brownfield and the conditions and materials present at such  
2736 brownfield.

2737 (f) The commissioner shall determine whether an application  
2738 submitted pursuant to this section is complete. If the commissioner  
2739 determines that an application is complete and that such brownfield  
2740 and applicant meet the requirements for eligibility, as established in  
2741 subsection (c) of this section, the commissioner shall notify such  
2742 applicant that such brownfield has been accepted into the brownfield  
2743 liability relief program.

2744 (g) Acceptance of a brownfield in such brownfield liability relief  
2745 program shall not limit such applicant's or any other person's ability to  
2746 seek funding for such brownfield under any other brownfield grant or  
2747 loan program administered by the Department of Economic and  
2748 Community Development, the Connecticut Brownfield  
2749 Redevelopment Authority, or the Department of Energy and

2750 Environmental Protection.

2751 (h) Acceptance of a brownfield in such brownfield liability relief  
2752 program shall exempt such applicant from the requirement to file as an  
2753 establishment pursuant to sections 22a-134a to 22a-134d, inclusive, of  
2754 the general statutes, if such brownfield constitutes an establishment, as  
2755 defined in section 22a-134 of the general statutes, as amended by this  
2756 act.

2757 Sec. 31. Subsections (a) to (g), inclusive, of section 22a-6u of the  
2758 general statutes are repealed and the following is substituted in lieu  
2759 thereof (*Effective July 1, 2015*):

2760 (a) For the purposes of this section:

2761 (1) "Commissioner" means the Commissioner of Energy and  
2762 Environmental Protection, or his designee;

2763 (2) "Mitigation" means actions, including, but not limited to,  
2764 placement of gravel or pavement, fencing, water filtration or such  
2765 other interim measures, taken to control the contamination or  
2766 condition that reasonably prevent exposure, including continuing  
2767 inspection, maintenance or monitoring as necessary for the specific  
2768 measures taken;

2769 [(2)] (3) "Parcel" means a piece, tract or lot of land, together with  
2770 buildings and other improvements situated thereon, a legal description  
2771 of which piece, parcel, tract or lot is contained in a deed or other  
2772 instrument of conveyance and which piece, tract or lot is not the  
2773 subject of an order or consent order of the commissioner which  
2774 involves requirements for investigation or reporting regarding  
2775 environmental contamination;

2776 [(3)] (4) "Person" means person, as defined in section 22a-2;

2777 [(4)] (5) "Pollution" means pollution, as defined in section 22a-423;

2778 [(5)] (6) "Release" means any discharge, uncontrolled loss, seepage,  
2779 filtration, leakage, injection, escape, dumping, pumping, pouring,  
2780 emitting, emptying or disposal of oil or petroleum or chemical liquids  
2781 or solids, liquid or gaseous products or hazardous wastes;

2782 [(6)] (7) "Residential activity" means any activity related to (A) a  
2783 residence or dwelling, including, but not limited to, a house,  
2784 apartment, or condominium, or (B) a school, hospital, day care center,  
2785 playground or outdoor recreational area;

2786 [(7)] (8) "Substance" means an element, compound or material  
2787 which, when added to air, water, soil or sediment, may alter the  
2788 physical, chemical, biological or other characteristics of such air, water,  
2789 soil or sediment;

2790 [(8)] (9) "Upgradient direction" means in the direction of an increase  
2791 in hydraulic head; and

2792 [(9)] (10) "Technical environmental professional" means an  
2793 individual, including, but not limited to, an environmental  
2794 professional licensed pursuant to section 22a-133v, who collects soil,  
2795 water, vapor or air samples for purposes of investigating and  
2796 remediating sources of pollution to soil or waters of the state and who  
2797 may be directly employed by, or retained as a consultant by, a public  
2798 or private employer.

2799 (b) (1) If a technical environmental professional determines in the  
2800 course of investigating or remediating pollution after [October 1, 1998]  
2801 July 1, 2015, which pollution is on or emanating from a parcel, that  
2802 such pollution is causing or has caused contamination of a public or  
2803 private drinking water well with: [a] (A) A substance for which the  
2804 Commissioner of Energy and Environmental Protection has  
2805 established a [ground water] groundwater protection criterion in  
2806 regulations adopted pursuant to section 22a-133k at a concentration  
2807 above the [ground water] groundwater protection criterion for such

2808 substance, or (B) the presence of nonaqueous phase liquid, such  
2809 professional shall notify his or her client and the owner of the parcel, if  
2810 the owner of the parcel that is the source of such contamination can  
2811 reasonably be identified, not later than twenty-four hours after  
2812 determining that the contamination exists. If, seven days after such  
2813 determination, the owner of the subject parcel has not notified the  
2814 commissioner, the client of the professional shall notify the  
2815 commissioner. If the owner notifies the commissioner, the owner shall  
2816 provide documentation to the client of the professional which verifies  
2817 that the owner has notified the commissioner.

2818 (2) The owner of a parcel on which exists a source of contamination  
2819 to soil or waters of the state shall notify the commissioner if such  
2820 owner becomes aware that such pollution is causing or has caused  
2821 contamination of a private or public drinking water well with either  
2822 (A) a substance for which the commissioner has established a [ground  
2823 water] groundwater protection criterion in regulations adopted  
2824 pursuant to section 22a-133k at a concentration at or above the [ground  
2825 water] groundwater protection criterion for such substance, or (B) the  
2826 presence of nonaqueous phase liquid. Notice under this section shall  
2827 be given to the commissioner [(A) orally] verbally, not later than one  
2828 business day after such person becomes aware that the contamination  
2829 exists, and [(B)] in writing, not later than five days after such [oral]  
2830 verbal notice.

2831 (3) Not later than thirty days after the date the owner of such parcel  
2832 that is the source of the contamination becomes aware of such  
2833 contamination, such owner shall determine the presence of any other  
2834 water supply wells located within five hundred feet of the polluted  
2835 well by conducting a receptor survey and such owner shall seek access  
2836 to sample drinking water supply wells that are located on adjacent  
2837 parcels of property if such wells are within five hundred feet of the  
2838 polluted well. If such access is granted, such owner shall sample and  
2839 analyze the water quality of such wells. Not later than thirty days after

2840 becoming aware of such contamination, the owner of such parcel shall  
2841 submit a report to the commissioner that includes proposals, as  
2842 necessary, for further action to identify and eliminate exposure to  
2843 contaminants on an ongoing basis.

2844 (c) (1) If a technical environmental professional determines in the  
2845 course of investigating or remediating pollution after [October 1, 1998]  
2846 July 1, 2015, which pollution is on or emanating from a parcel, that  
2847 such pollution is causing or has caused contamination of a public or  
2848 private drinking water well with: (A) A substance for which the  
2849 commissioner has established a [ground water] groundwater  
2850 protection criterion in regulations adopted pursuant to section 22a-  
2851 133k at a concentration less than such [ground water] groundwater  
2852 protection criterion for such substance; or (B) any other substance  
2853 resulting from the release which is the subject of the investigation or  
2854 remediation, such professional shall notify his client and the owner of  
2855 the parcel, if the owner can reasonably be identified, not later than  
2856 seven days after determining that the contamination exists.

2857 (2) The owner of a parcel on which exists a source of pollution to  
2858 soil or the waters of the state shall notify the commissioner if such  
2859 owner becomes aware that such pollution is causing or has caused  
2860 contamination of a private or public drinking water well with: (A) A  
2861 substance for which the commissioner has established a [ground  
2862 water] groundwater protection criterion in regulations adopted  
2863 pursuant to section 22a-133k at a concentration less than such [ground  
2864 water] groundwater protection criterion for such substance; or (B) any  
2865 other substance which was part of the release which caused such  
2866 pollution. Notice under this subdivision shall be given in writing not  
2867 later than [seven] thirty days after the time such person becomes aware  
2868 that the contamination exists.

2869 (3) Not later than thirty days after the date such owner becomes  
2870 aware that such contamination exists, such owner shall perform  
2871 confirmatory sampling of the well. Not later than thirty days after the

2872 date such owner becomes aware of such contamination pursuant to  
2873 subdivision (1) of subsection (c) of this section, such owner shall  
2874 submit a report concerning such confirmatory sampling to the  
2875 commissioner that includes proposals, as necessary, for any further  
2876 action to identify and eliminate exposure to contaminants on an  
2877 ongoing basis. If such confirmatory sampling demonstrates a  
2878 concentration above the groundwater protection criterion for such  
2879 substance, such owner shall proceed in accordance with the provisions  
2880 of subdivisions (2) and (3) of subsection (b) of this section.

2881 (d) (1) If a technical environmental professional determines in the  
2882 course of investigating or remediating pollution after [October 1, 1998]  
2883 July 1, 2015, which pollution is on or emanating from a parcel, that  
2884 such pollution of soil within two feet of the ground surface contains a  
2885 substance [, except for total petroleum hydrocarbon,] at a  
2886 concentration at or above thirty times the industrial/commercial direct  
2887 exposure criterion for such substance if the parcel is in industrial or  
2888 commercial use, or at or above fifteen times the industrial/commercial  
2889 direct exposure criterion for antimony, arsenic, barium, beryllium,  
2890 cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium,  
2891 silver, thallium, vanadium, zinc or polychlorinated biphenyls,  
2892 excluding arsenic or lead from pesticide application in accordance with  
2893 chapter 441, if the parcel is in industrial or commercial use and such  
2894 soil pollution is not more than three hundred feet from any residence,  
2895 school, park, playground or daycare facility, or at or above fifteen  
2896 times the residential direct exposure criterion if the parcel is in  
2897 residential use, which criteria are specified in regulations adopted  
2898 pursuant to section 22a-133k, such professional shall notify his client  
2899 and the owner of the parcel, if such owner is reasonably identified, not  
2900 later than seven days after determining that the contamination exists,  
2901 except that notice will not be required if [the] either: (A) The land-use  
2902 of such parcel is not residential activity and the substance is one of the  
2903 following: Acetone, 2-butanone, chlorobenzene, 1,2-dichlorobenzene,  
2904 1,3-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethylene,

2905 trans-1,2-dichloroethylene, ethylbenzene, methyl-tert-butyl-ether,  
2906 methyl isobutyl ketone, styrene, toluene, 1,1,1-trichloroethane, xylenes,  
2907 acenaphthylene, anthracene, butyl benzyl phthalate, 2-chlorophenol,  
2908 di-n-butyl phthalate, di-n-octyl phthalate, 2,4-dichlorophenol,  
2909 fluoranthene, fluorene, naphthalene, phenanthrene, phenol and  
2910 pyrene, (B) the substance is total petroleum hydrocarbons, or (C) the  
2911 substance is antimony, arsenic, barium, beryllium, cadmium,  
2912 chromium, copper, cyanide, lead, mercury, nickel, selenium, silver,  
2913 thallium, vanadium, zinc, or polychlorinated biphenyls below thirty  
2914 times industrial/commercial direct exposure criteria at an area of an  
2915 industrial/commercial property that is covered with pavement that is  
2916 maintained in a manner that preserves the integrity of such coverage  
2917 or fenced off from the general public.

2918 (2) The owner of the subject parcel shall notify the commissioner in  
2919 writing not later than ninety days after the time such owner becomes  
2920 aware that the contamination exists except that notification will not be  
2921 required if by the end of said ninety days: (A) The contaminated soil is  
2922 remediated in accordance with regulations adopted pursuant to  
2923 section 22a-133k; (B) the contaminated soil is inaccessible soil as that  
2924 term is defined in regulations adopted pursuant to section 22a-133k;  
2925 [or] (C) the contaminated soil which exceeds thirty or fifteen times  
2926 such criterion, as applicable, is treated or disposed of in accordance  
2927 with all applicable laws and regulations; or (D) the substance is lead on  
2928 a residential property that is already in a lead abatement program  
2929 administered by the local health department for the town in which  
2930 such residential property is located. Any owner who is not required to  
2931 notify the commissioner pursuant to subparagraph (A), (B) or (C) of  
2932 this subdivision may voluntarily submit a notification at any time to  
2933 the commissioner and the department shall issue a certificate of  
2934 completion for purposes of this section if the area that exceeds fifteen  
2935 or thirty times such criterion, as applicable, was treated or disposed of  
2936 in accordance with all applicable laws and regulations. The  
2937 department shall wait until ninety days after the notice is received

2938 before determining whether to post a notification received under this  
2939 subsection on its Internet web site list of notices received under this  
2940 subsection.

2941 (3) If notice is not otherwise exempted pursuant to the provisions of  
2942 subdivision (2) of this subsection, not later than ninety days after the  
2943 owner becomes aware of such contamination, such owner shall, at a  
2944 minimum: (A) Evaluate the extent of such contaminated soil that  
2945 exceeds fifteen or thirty times the applicable direct exposure criteria, as  
2946 applicable, (B) prevent exposure to such soil, and (C) submit, with the  
2947 required notification, a report on such evaluation and prevention to  
2948 the commissioner that includes proposals for other action, as  
2949 necessary, including, but not limited to, maintenance and monitoring  
2950 of interim controls to prevent exposure to soil that exceeds fifteen or  
2951 thirty times, as applicable, the applicable criteria.

2952 (e) (1) If a technical environmental professional determines in the  
2953 course of investigating or remediating pollution after [October 1, 1998]  
2954 July 1, 2015, which pollution is on or emanating from a parcel, that  
2955 such pollution is causing or has caused [ground water] groundwater  
2956 within fifteen feet [beneath] of an industrial or commercial building to  
2957 be contaminated with a volatile organic substance at a concentration at  
2958 or above [thirty] ten times the industrial/commercial volatilization  
2959 criterion for [ground water] groundwater for such substance or, if such  
2960 contamination is [beneath] within fifteen feet of a residential building,  
2961 at a concentration at or above [thirty] ten times the residential  
2962 volatilization criterion, which criteria are specified in regulations  
2963 adopted pursuant to section 22a-133k, such professional shall, not later  
2964 than seven days after determining that the contamination exists, notify  
2965 his client and the owner of the subject parcel, if such owner can  
2966 reasonably be identified.

2967 (2) The owner of such parcel shall notify the commissioner in  
2968 writing not later than thirty days after such person becomes aware that  
2969 the contamination exists except that notification is not required if: (A)

2970 The concentration of such substance in the soil vapor beneath such  
2971 building is at or below [thirty] ten times the soil vapor volatilization  
2972 criterion, appropriate for the land-use for the parcel, for such  
2973 substance as specified in regulations adopted pursuant to section 22a-  
2974 133k; (B) the concentration of such substance in groundwater is below  
2975 [thirty] ten times a site-specific volatilization criterion for [ground  
2976 water] groundwater for such substance calculated in accordance with  
2977 regulations adopted pursuant to section 22a-133k; (C) [ground water]  
2978 groundwater volatilization criterion, appropriate for the land-use of  
2979 the parcel, for such substance specified in regulations adopted  
2980 pursuant to section 22a-133k is fifty thousand parts per billion; [or] (D)  
2981 not later than thirty days after the time such person becomes aware  
2982 that the contamination exists, an indoor air monitoring program is  
2983 initiated in accordance with subdivision (3) of this subsection; (E) the  
2984 parcel contains a building that is not occupied, provided the owner  
2985 shall submit the required notification not later than the date such  
2986 building is reoccupied, unless by the date of reoccupancy data  
2987 confirms concentrations no longer exceed the notification threshold or  
2988 another exception in this subdivision applies; or (F) the parcel contains  
2989 a building in an industrial/commercial use and such volatile organic  
2990 compounds are used in industrial activities, and the use of such  
2991 volatile organic compounds in such building is regulated by the  
2992 federal Occupational Safety and Health Administration.

2993 (3) An indoor air quality monitoring program for the purposes of  
2994 this subsection shall consist of sampling of indoor air once every two  
2995 months for a duration of not less than one year, sampling of indoor air  
2996 immediately overlying such contaminated [ground water]  
2997 groundwater, and analysis of air samples for any volatile organic  
2998 substance which exceeded [thirty] ten times the volatilization criterion  
2999 as specified in or calculated in accordance with regulations adopted  
3000 pursuant to section 22a-133k. The owner of the subject parcel shall  
3001 notify the commissioner if: (A) The concentration in any indoor air  
3002 sample exceeds [thirty] ten times the target indoor air concentration,

3003 appropriate for the land-use of the parcel, as specified in regulations  
3004 adopted pursuant to section 22a-133k; or (B) the indoor air monitoring  
3005 program is not conducted in accordance with this subdivision. Notice  
3006 shall be given to the commissioner in writing not later than seven days  
3007 after the time such person becomes aware that such a condition exists.

3008 (4) Not later than thirty days after the date the owner becomes  
3009 aware of such contamination, the owner shall submit to the  
3010 commissioner with the required notification a proposed plan to  
3011 mitigate exposure to or permanently abate the contamination or  
3012 condition.

3013 (f) (1) If a technical environmental professional determines in the  
3014 course of investigating or remediating pollution after [October 1, 1998]  
3015 July 1, 2015, which pollution is on or emanating from a parcel, that  
3016 such pollution is causing or has caused contamination of [ground  
3017 water] groundwater which is discharging to surface water and such  
3018 [ground water] groundwater is contaminated with: [a substance] (A) A  
3019 substance for which an acute aquatic life criterion is listed in appendix  
3020 D of the most recent water quality standards adopted by the  
3021 commissioner at a concentration which exceeds ten times [(A)] (i) such  
3022 criterion for such substance in said appendix D, or [(B)] (ii) such  
3023 criterion for such substance times a site specific dilution factor  
3024 calculated in accordance with regulations adopted pursuant to section  
3025 22a-133k, or (B) a nonaqueous phase liquid, such professional shall  
3026 notify his client and the owner of such parcel, if such owner can  
3027 reasonably be identified, not later than seven days after determining  
3028 that the contamination exists.

3029 (2) [The] For nonaqueous phase liquid that is not otherwise reported  
3030 to the commissioner pursuant to the general statutes or regulations of  
3031 Connecticut state agencies, the owner of such parcel shall notify the  
3032 commissioner (A) verbally, not later than one business day after such  
3033 person becomes aware such contamination entered a surface water  
3034 body, and (B) in writing, not later than thirty days after the date such

3035 owner becomes aware of such contamination. For contamination with  
3036 a substance, as described in subdivision (1) of this subsection, such  
3037 owner shall notify the commissioner, in writing, not later than [seven]  
3038 thirty days after the time such person becomes aware that the  
3039 contamination exists. [except that notice] Notice shall not be required  
3040 pursuant to this subdivision if such person knows that the polluted  
3041 discharge at that concentration [has been] or in such physical state was  
3042 reported to the commissioner, in writing, within the preceding year.

3043 (3) For any contamination with a substance as described in  
3044 subdivision (1) of this subsection, not later than the date written  
3045 notification is due pursuant to this subsection, the owner shall submit  
3046 with such notification a proposed plan to monitor, abate or mitigate  
3047 the contamination or condition.

3048 (g) (1) If a technical environmental professional determines in the  
3049 course of investigating or remediating pollution after [October 1, 1998]  
3050 July 1, 2015, which pollution is on or emanating from a parcel, that  
3051 such pollution is causing or has caused contamination of [ground  
3052 water] groundwater within five hundred feet in an upgradient  
3053 direction or two hundred feet in any direction of a private or public  
3054 drinking water well which [ground water] groundwater is  
3055 contaminated with a substance resulting from a release for which the  
3056 commissioner has established a [ground water] groundwater  
3057 protection criterion in regulations adopted pursuant to section 22a-  
3058 133k at a concentration at or above the [ground water] groundwater  
3059 protection criterion for such substance, such technical environmental  
3060 professional shall notify his client and the owner of the subject parcel,  
3061 if such owner can reasonably be identified, not later than seven days  
3062 after determining that the contamination exists.

3063 (2) The owner of the subject parcel shall notify the commissioner in  
3064 writing not later than [seven] thirty days after the time such owner  
3065 becomes aware that the contamination exists.

3066       (3) Not later than thirty days after the date such owner becomes  
3067 aware of such contamination, such owner shall determine the presence  
3068 of any other water supply wells located within five hundred feet of  
3069 such polluted groundwater by conducting a receptor survey. Such  
3070 owner shall seek access for the purpose of sampling drinking water  
3071 supply wells that are on adjacent properties if such wells are within  
3072 five hundred feet of such polluted groundwater. If such access is  
3073 granted, such owner shall sample and analyze the water quality of  
3074 such wells. Not later than thirty days after the date such owner  
3075 becomes aware of such polluted groundwater, such owner shall  
3076 submit with the required notification a report to the commissioner  
3077 concerning such evaluation that includes proposals, as necessary, for  
3078 further action to identify and eliminate any exposure to contaminants  
3079 on an ongoing basis.

3080       Sec. 32. Subsections (j) to (m), inclusive, of section 22a-6u of the  
3081 general statutes are repealed and the following is substituted in lieu  
3082 thereof (*Effective July 1, 2015*):

3083       (j) All notices, oral or written, provided under this section shall  
3084 include the nature of the contamination or condition, the address of the  
3085 property where the contamination or condition is located, the location  
3086 of such contamination or condition, any property known to be affected  
3087 by such contamination or condition, any steps being taken to abate,  
3088 remediate or monitor such contamination or condition, and the name  
3089 and address of the person making such notification. Written  
3090 notification shall be clearly marked as notification required by this  
3091 section and shall be either personally delivered to the [Water  
3092 Management Bureau] Remediation Division of the Department of  
3093 Energy and Environmental Protection or sent by certified mail, return  
3094 receipt requested, to the [Water Management Bureau] Remediation  
3095 Division of the Department of Energy and Environmental Protection.

3096       (k) (1) The commissioner shall provide written acknowledgment of  
3097 receipt of a written notice pursuant to this section not later than ten

3098 days after receipt of such notice [. Such acknowledgment shall be  
3099 accompanied by (1) a statement that] and in such acknowledgement  
3100 may provide any information that the commissioner deems  
3101 appropriate.

3102 (2) In accordance with the timeframes specified in this section, the  
3103 owner of the parcel [has up to ninety days within which to] shall  
3104 submit to the commissioner either (A) (i) a mitigation plan to prevent  
3105 exposures, (ii) a plan to remediate the contamination or condition, or  
3106 (iii) a plan to abate the contamination or condition, (B) documentation  
3107 that the condition was mitigated and that there are no complete  
3108 exposure pathways, along with a plan to maintain such mitigation  
3109 measures, or (C) documentation that describes how the contamination  
3110 or condition was abated, as applicable. Submittals described in this  
3111 subsection may be submitted concomitantly with other notices  
3112 required in this section.

3113 (3) If such plan, as described in subdivision (2) of this subsection, is  
3114 not submitted or is [not approved] disapproved by the commissioner,  
3115 the commissioner shall prescribe the action to be taken [, or (2)] or  
3116 issue a directive as to action required to [remediate] mitigate or abate  
3117 the contamination or condition. If a plan is submitted which details  
3118 actions to be taken, or a report is submitted which details actions  
3119 taken, to mitigate or abate the contamination or conditions [such that  
3120 notice under this section would not be required,] and such plan or  
3121 report is acceptable to the commissioner, the commissioner shall  
3122 approve such plan or report in writing. When [actions implementing  
3123 an approved plan are completed,] a report is submitted that  
3124 demonstrates permanent abatement of the contamination or condition,  
3125 such that notice under this section would not be required, the  
3126 commissioner shall issue a certificate of compliance upon finding such  
3127 report to be acceptable.

3128 (l) An owner who has submitted written notice pursuant to this  
3129 section shall, not later than five days after the commencement of an

3130 activity by any person that increases the likelihood of human exposure  
3131 to known contaminants, including, but not limited to, construction,  
3132 demolition, significant soil disruption or the installation of utilities,  
3133 post such notice in a conspicuous place on such property and, in the  
3134 case of a place of business, in a conspicuous place inside the place of  
3135 business. An owner who violates this [subsection] section shall pay a  
3136 civil penalty of one hundred dollars for each offense. Each violation  
3137 shall be a separate and distinct offense and, in the case of a continuing  
3138 violation, each day's continuance thereof shall be deemed to be a  
3139 separate and distinct offense. The Attorney General, upon complaint of  
3140 the commissioner, shall institute an action in the superior court for the  
3141 judicial district of Hartford to recover such penalty.

3142 (m) Not later than ten days after receipt of any written notice  
3143 received under this section, the commissioner shall [:(1) Forward]  
3144 forward a copy of such notice to the chief elected official of the  
3145 municipality in which the subject pollution was discovered [by the  
3146 technical environmental professional, (2) forward a copy of such notice  
3147 to the state senator and state representative representing the area in  
3148 which the subject pollution was discovered by the technical  
3149 environmental professional, (3) forward a copy of such notice to the  
3150 Labor Commissioner where the Division of Occupational Safety and  
3151 Health, within the Labor Department, has jurisdiction over the  
3152 employers, employees and places of employment on the subject  
3153 property, (4) forward a copy of such notice to the employee  
3154 representatives who request such reports, (5) forward a copy of such  
3155 notice to the federal Occupational Safety and Health Administration,  
3156 and (6) maintain a list on the department's Internet web site of all the  
3157 notices received under this section] and to the local health director of  
3158 such municipality or region. Any forwarding of such notice, as  
3159 required by this subsection, may be performed by electronic means.  
3160 The commissioner shall maintain a list of all notices received under  
3161 this section that pertain to conditions that have not been mitigated or  
3162 permanently abated at the time of notification. Such list shall be on the

3163 department's Internet web site and shall be amended to remove notices  
3164 after the condition is mitigated or permanently abated.

3165 Sec. 33. Section 22a-133o of the general statutes is repealed and the  
3166 following is substituted in lieu thereof (*Effective October 1, 2013*):

3167 (a) An owner of land may execute and record an environmental use  
3168 restriction under sections 22a-133n to 22a-133r, inclusive, as amended  
3169 by this act, on the land records of the municipality in which such land  
3170 is located if (1) the commissioner has adopted standards for the  
3171 remediation of contaminated land pursuant to section 22a-133k and  
3172 adopted regulations pursuant to section 22a-133q, as amended by this  
3173 act, (2) the commissioner, or in the case of land for which remedial  
3174 action was supervised under section 22a-133y or for a notice of activity  
3175 and use limitation, a licensed environmental professional, determines,  
3176 as evidenced by his signature on such restriction, that it is consistent  
3177 with the purposes and requirements of sections 22a-133n to 22a-133r,  
3178 inclusive, as amended by this act, and of such standards and  
3179 regulations, and (3) such restriction will effectively protect public  
3180 health and the environment from the hazards of pollution. Such  
3181 environmental use restriction may be in the form of an environmental  
3182 land use restriction, as described in subsection (b) of this section, or a  
3183 notice of activity and use limitation, as described in subsection (c) of  
3184 this section.

3185 (b) (1) No owner of land may record an environmental land use  
3186 restriction on the land records of the municipality in which such land  
3187 is located unless he simultaneously records documents which  
3188 demonstrate that each person holding an interest in such land or any  
3189 part thereof, including without limitation each mortgagee, lessee,  
3190 lienor and encumbrancer, irrevocably subordinates such interest to the  
3191 environmental land use restriction, provided the commissioner may  
3192 waive such requirement if he finds that the interest in such land is so  
3193 minor as to be unaffected by the environmental land use restriction.  
3194 The commissioner shall waive the requirement to obtain subordination

3195 agreements for any interest in land that, when acted upon, is not  
3196 capable of creating a condition contrary to any purpose of such  
3197 environmental land use restriction. An environmental land use  
3198 restriction shall run with land, shall bind the owner of the land and his  
3199 successors and assigns, and shall be enforceable notwithstanding lack  
3200 of privity of estate or contract or benefit to particular land.

3201 [(c)] (2) Within seven days after executing an environmental land  
3202 use restriction and receiving thereon the signature of the commissioner  
3203 or licensed environmental professional, as the case may be, the owner  
3204 of the land involved therein shall record such restriction and  
3205 documents required under [subsection (b) of this section] subdivision  
3206 (1) of this subsection on the land records of the municipality in which  
3207 such land is located and shall submit to the commissioner a certificate  
3208 of title certifying that each interest in such land or any part thereof is  
3209 irrevocably subordinated to the environmental land use restriction in  
3210 accordance with [said subsection (b)] subdivision (1) of this subsection.

3211 [(d)] (3) An owner of land with respect to which an environmental  
3212 land use restriction applies may be released, wholly or in part,  
3213 permanently or temporarily, from the limitations of such restriction  
3214 only with the commissioner's written approval which shall be  
3215 consistent with the regulations adopted pursuant to section 22a-133q<sub>2</sub>  
3216 as amended by this act, and shall be recorded on the land records of  
3217 the municipality in which such land is located. The commissioner may  
3218 waive the requirement to record such release if he finds that the  
3219 activity which is the subject of such release does not affect the overall  
3220 purpose for which the environmental land use restriction was  
3221 implemented, or for a temporary release, the activity is sufficiently  
3222 limited in scope and duration, and does not alter the size of the area  
3223 subject to the environmental land use restriction. The commissioner  
3224 shall not approve any such permanent release unless the owner  
3225 demonstrates that he has remediated the land, or such portion thereof  
3226 as would be affected by the release, in accordance with the standards

3227 established pursuant to section 22a-133k.

3228 ~~[(e)]~~ (4) An environmental land use restriction shall survive  
3229 foreclosure of a mortgage, lien or other encumbrance.

3230 (c) (1) A notice of activity and use limitation may be used and  
3231 recorded for releases remediated in accordance with the regulations  
3232 adopted pursuant to sections 22a-133k and 22a-133q, as amended by  
3233 this act, for the following purposes:

3234 (A) To achieve compliance with industrial/commercial direct  
3235 exposure criteria, groundwater volatilization criteria, and soil vapor  
3236 criteria, as established in regulations adopted pursuant to section 22a-  
3237 133k, by preventing residential activity and use of the area to be  
3238 affected through the notice of activity and use limitation, provided  
3239 such property is zoned for industrial or commercial use, is not used for  
3240 any residential use, and no holder of an interest in such property, other  
3241 than such owner, has a right of residential use, as defined in  
3242 regulations adopted pursuant to section 22a-133k;

3243 (B) To prevent disturbance of polluted soil that exceeds the  
3244 applicable direct exposure criteria but that is inaccessible soil, in  
3245 compliance with the provisions of the regulations adopted pursuant to  
3246 section 22a-133k, provided pollutant concentrations in such  
3247 inaccessible soil do not exceed ten times the applicable direct exposure  
3248 criteria;

3249 (C) To prevent disturbance of an engineered control to the extent  
3250 such engineered control is for the sole remedial purpose of eliminating  
3251 exposure to polluted soil that exceeds the direct exposure criteria,  
3252 provided pollutant concentrations in such soil do not exceed ten times  
3253 the applicable direct exposure criteria;

3254 (D) To prevent demolition of a building or permanent structure that  
3255 renders polluted soil environmentally isolated, provided: (i) The  
3256 pollutant concentrations in the environmentally isolated soil do not

3257 exceed ten times the applicable direct exposure criteria and the  
3258 applicable pollutant mobility criteria, or (ii) the total volume of soil  
3259 that is environmentally isolated that exceeds ten times the applicable  
3260 direct exposure criteria and the applicable pollutant mobility criteria is  
3261 less than or equal to ten cubic yards; or

3262 (E) Any other purpose the commissioner may prescribe by  
3263 regulations adopted in accordance with the provisions of chapter 54.

3264 (2) No owner shall record a notice of activity and use limitation on  
3265 the land records of the municipality in which such land is located  
3266 unless such owner, not later than sixty days prior to such recordation,  
3267 provides written notice to each person who holds an interest in such  
3268 land or any part thereof, including each mortgagee, lessee, lienor and  
3269 encumbrancer. Such written notice of the proposed notice of activity  
3270 and use limitation shall be sent by certified mail, return receipt  
3271 requested, and shall include notice of the existence and location of  
3272 pollution within such area and the terms of such proposed activity and  
3273 use limitation. Any such person who holds an interest may waive such  
3274 sixty-day-notice period in relation to such interest provided such  
3275 waiver is in writing.

3276 (3) A notice of activity and use limitation recorded pursuant to this  
3277 subsection shall be implemented and adhered to by the owner and  
3278 subsequent holders of interests in the property, such owner's  
3279 successors and assigns, and any person who has a license to use such  
3280 property or to conduct remediation on any portion of such property.

3281 (4) Any notice of activity and use limitation shall be effective when  
3282 recorded on the land records of the municipality in which such  
3283 property is located.

3284 (5) (A) Any notice of activity and use limitation document, as  
3285 described in this subsection, shall be prepared on a form prescribed by  
3286 the commissioner.

3287 (B) A notice of activity and use limitation decision document, signed  
3288 by the commissioner or signed and sealed by a licensed environmental  
3289 professional, shall be referenced in and recorded with any such notice  
3290 of activity and use limitation, and shall specify:

3291 (i) Why the notice of activity and use limitation is appropriate for  
3292 achieving and maintaining compliance with the regulations adopted  
3293 pursuant to section 22a-133k;

3294 (ii) Any activities and uses that are inconsistent with maintaining  
3295 compliance with such regulations;

3296 (iii) Any activities and uses to be permitted;

3297 (iv) Any obligations and conditions necessary to meet the objectives  
3298 of the notice of activity and use limitation; and

3299 (v) The nature and extent of pollution in the area that is the basis for  
3300 the notice of activity and use limitation, including a listing of  
3301 contaminants and concentrations for such contaminants, and the  
3302 horizontal and vertical extent of such contaminants.

3303 (6) A notice of activity and use limitation shall not be used in any  
3304 area where a prior holder of interest in the property has an interest that  
3305 allows for the conduct of an activity that interferes with the conditions  
3306 or purposes described in subparagraphs (A) to (E), inclusive, of  
3307 subdivision (1) of this subsection or if such interest allows for intrusion  
3308 into the polluted soil.

3309 (7) Upon transfer of any interest in or a right to use property, or a  
3310 portion of property that is subject to a notice of activity and use  
3311 limitation, the owner of such land, any lessee of such land and any  
3312 person who has the right to subdivide or sublease such property, shall  
3313 incorporate such notice in full or by reference into all future deeds,  
3314 easements, mortgages, leases, licenses, occupancy agreements and any  
3315 other instrument of transfer provided the failure to incorporate such

3316 notice shall not affect the enforceability of any such notice of activity  
3317 and use limitation.

3318 (8) If a notice of activity and use limitation is extinguished by  
3319 foreclosure of a mortgage, lien or other encumbrance, the owner of the  
3320 subject land shall promptly, but not later than one year from the date  
3321 of such foreclosure, or other schedule if approved in writing by the  
3322 commissioner, remediate the pollution that was the subject of the  
3323 notice of activity and use limitation consistent with standards adopted  
3324 under section 22a-133k. In the event a notice of activity and use  
3325 limitation is extinguished by such foreclosure, if notice to the  
3326 commissioner is not otherwise provided as part of the foreclosure  
3327 proceedings the owner shall, not later than thirty days from the date of  
3328 such foreclosure, provide written notice to the commissioner by  
3329 certified mail, return receipt requested, of such foreclosure, the name  
3330 of the owner, the address of the land, and the identification of the  
3331 notice of activity and use limitation.

3332 (9) Any owner of a parcel of property that is subject to a notice of  
3333 activity and use limitation may remediate the pollution on such parcel  
3334 in accordance with the regulations adopted pursuant to sections 22a-  
3335 133k and 22a-133q, as amended by this act. Such owner, upon  
3336 completion of such remediation, may terminate the notice of activity  
3337 and use limitation in accordance with regulations adopted pursuant to  
3338 section 22a-133q, as amended by this act.

3339 Sec. 34. Section 22a-133p of the general statutes is repealed and the  
3340 following is substituted in lieu thereof (*Effective October 1, 2013*):

3341 (a) The Attorney General, at the request of the commissioner, shall  
3342 institute a civil action in the superior court for the judicial district of  
3343 Hartford or for the judicial district wherein the subject land is located  
3344 for injunctive or other equitable relief to enforce an environmental land  
3345 use restriction, a notice of activity and use limitation or the provisions  
3346 of sections 22a-133n to 22a-133q, inclusive, as amended by this act, and

3347 regulations adopted [thereunder] pursuant to said sections or to  
3348 recover a civil penalty pursuant to subsection (e) of this section.

3349 (b) The commissioner may issue orders pursuant to sections 22a-6<sub>z</sub>,  
3350 as amended by this act, and 22a-7 to enforce an environmental land  
3351 use restriction, a notice of activity and use limitation or the provisions  
3352 of sections 22a-133n to 22a-133q, inclusive, as amended by this act, and  
3353 regulations adopted [thereunder] pursuant to said sections.

3354 (c) In any administrative or civil proceeding instituted by the  
3355 commissioner to enforce an environmental land use restriction, a  
3356 notice of activity and use limitation or the provisions of sections 22a-  
3357 133n to 22a-133q, inclusive, as amended by this act, and regulations  
3358 adopted [thereunder] pursuant to said sections, any other person may  
3359 intervene as a matter of right.

3360 (d) In any civil or administrative action to enforce an environmental  
3361 land use restriction, a notice of activity and use limitation or the  
3362 provisions of sections 22a-133n to 22a-133q, inclusive, as amended by  
3363 this act, and regulations adopted thereunder, the owner of the subject  
3364 land, and any lessee thereof, shall be strictly liable for any violation of  
3365 such restriction, limitation or the provisions of sections 22a-133n to  
3366 22a-133q, inclusive, as amended by this act, and regulations adopted  
3367 [thereunder] pursuant to said sections and shall be jointly and  
3368 severally liable for abating such violation.

3369 (e) Any owner of land with respect to which an environmental land  
3370 use restriction or a notice of activity and use limitation applies, and  
3371 any lessee of such land, who violates any provision of such restriction  
3372 or limitation or violates the provisions of sections 22a-133n to 22a-  
3373 133q, inclusive, as amended by this act, and regulations adopted  
3374 [thereunder] pursuant to said sections shall be assessed a civil penalty  
3375 under section 22a-438. The penalty provided in this subsection shall be  
3376 in addition to any injunctive or other equitable relief.

3377 Sec. 35. Section 22a-133q of the general statutes is repealed and the  
3378 following is substituted in lieu thereof (*Effective October 1, 2013*):

3379 The commissioner shall adopt regulations, in accordance with the  
3380 provisions of chapter 54, to carry out the purposes of sections 22a-133n  
3381 to 22a-133r, inclusive, as amended by this act. Such regulations may  
3382 include, but not be limited to, provisions regarding the form, contents,  
3383 fees, financial surety, monitoring and reporting, filing procedure for,  
3384 and release from, environmental land use restrictions and notice of  
3385 activity and use limitations.

3386 Sec. 36. Section 22a-133r of the general statutes is repealed and the  
3387 following is substituted in lieu thereof (*Effective October 1, 2013*):

3388 In the event that a court of competent jurisdiction finds for any  
3389 reason that an environmental land use restriction or notice of activity  
3390 and use limitation is void or without effect for any reason, the owner  
3391 of the subject land, in accordance with a schedule prescribed by the  
3392 commissioner, shall promptly abate pollution thereon consistently  
3393 with standards adopted under section 22a-133k for remediation of land  
3394 used for residential or recreational purposes.

3395 Sec. 37. Sections 32-9dd, 32-9ff and 32-9gg of the general statutes are  
3396 repealed. (*Effective July 1, 2013*)"

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

Sec. 10	<i>July 1, 2013</i>	32-9mm
Sec. 11	<i>July 1, 2013</i>	12-65e
Sec. 12	<i>July 1, 2013</i>	12-217mm(a)
Sec. 13	<i>July 1, 2013</i>	12-81r(a)
Sec. 14	<i>July 1, 2013</i>	22a-2d(c)
Sec. 15	<i>July 1, 2013</i>	22a-2d(d)
Sec. 16	<i>July 1, 2013</i>	22a-6(i) to (k)
Sec. 17	<i>July 1, 2013</i>	22a-133u(b)
Sec. 18	<i>July 1, 2013</i>	22a-133aa(g)
Sec. 19	<i>July 1, 2013</i>	22a-134(1)
Sec. 20	<i>January 1, 2014</i>	22a-134(1)
Sec. 21	<i>July 1, 2013</i>	25-68d(e)
Sec. 22	<i>July 1, 2013</i>	32-1m(a)(8)
Sec. 23	<i>July 1, 2013</i>	32-22b
Sec. 24	<i>July 1, 2013</i>	32-276(b)
Sec. 25	<i>July 1, 2013</i>	32-329(b)
Sec. 26	<i>from passage</i>	PA 10-135Section 2
Sec. 27	<i>July 1, 2013</i>	New section
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>July 1, 2013</i>	New section
Sec. 31	<i>July 1, 2015</i>	22a-6u(a) to (g)
Sec. 32	<i>July 1, 2015</i>	22a-6u(j) to (m)
Sec. 33	<i>October 1, 2013</i>	22a-133o
Sec. 34	<i>October 1, 2013</i>	22a-133p
Sec. 35	<i>October 1, 2013</i>	22a-133q
Sec. 36	<i>October 1, 2013</i>	22a-133r
Sec. 37	<i>July 1, 2013</i>	Repealer section