



General Assembly

**Substitute Bill No. 1**

February Session, 2014



**AN ACT ENCOURAGING ECONOMIC DEVELOPMENT THROUGH THE  
REMEDiation OF STATE-OWNED BROWNFIELDS.**

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

1 Section 1. Section 22a-133m of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) An urban sites remedial action program is established to  
4 identify, evaluate, plan for and undertake the remediation of polluted  
5 real property.

6 (b) The Commissioner of Economic and Community Development,  
7 in consultation with the Commissioner of Energy and Environmental  
8 Protection, shall establish the priority of sites for evaluation and  
9 remediation based upon the following factors: (1) The estimated cost of  
10 evaluating and remediating the site, if known; (2) the anticipated  
11 complexity of an evaluation of the site; (3) the estimated schedule for  
12 completing an evaluation; (4) the potential economic development  
13 benefits of the site to the state of Connecticut; (5) whether the site  
14 would not otherwise be remediated without the assistance of this  
15 program; and (6) any other factors which the commissioners deem  
16 relevant. No real property shall be eligible for evaluation or  
17 remediation under this section unless the Commissioner of Economic  
18 and Community Development finds that the state owns the site or

19 otherwise has or obtains the power to approve the type of  
20 development which first occurs on the site after remediation. Except  
21 for any site proposed for acquisition under subsection (e) of this  
22 section, no real property shall be eligible for evaluation or remediation  
23 under this section unless (A) the site is located in a distressed  
24 municipality, as defined in section 32-9p, or a targeted investment  
25 community, as defined in section 32-222, or (B) the Commissioner of  
26 Economic and Community Development determines that a significant  
27 economic benefit to the region or the state will result from remediation  
28 and development of such site. For purposes of this section,  
29 "responsible party" means any person, as defined in section 22a-2, who  
30 created a source of pollution on the site or an owner of the site during  
31 the investigation or remediation funded pursuant to this section.

32 (c) The cost of evaluating and remediating sites pursuant to this  
33 section shall be paid from (1) funds authorized pursuant to subsection  
34 (a) of section 29 of special act 89-52, and (2) funds authorized for such  
35 evaluation or remediation pursuant to any other public or special act.

36 (d) Whenever funds are used pursuant to this section for purposes  
37 of evaluating or remediating a polluted site, the Commissioner of  
38 Energy and Environmental Protection may seek reimbursement of the  
39 costs and expenses incurred by requesting the Attorney General to  
40 bring a civil action to recover such costs and expenses from any party  
41 responsible for such pollution provided no such action shall be  
42 brought separately from any action to recover costs and expenses  
43 incurred by the commissioner in pursuing action to contain, remove or  
44 mitigate any pollution on such site. The costs and expenses recovered  
45 may include but shall not be limited to (1) the actual cost of  
46 identifying, evaluating, planning for and undertaking the remediation  
47 of the site; (2) any administrative costs not exceeding ten per cent of  
48 the actual costs; (3) the costs of recovering the reimbursement; and (4)  
49 interest on the actual costs at a rate of ten per cent a year from the date  
50 such expenses were paid. The defendant in any civil action brought  
51 pursuant to this subsection shall have no cause of action or claim for

52 contribution against any person with whom the commissioner has  
53 entered into a covenant not to sue pursuant to sections 22a-133aa and  
54 22a-133bb with respect to pollution on or emanating from the property  
55 which is the subject of said civil action.

56 (e) The Commissioner of Economic and Community Development,  
57 in consultation with the Commissioner of Energy and Environmental  
58 Protection, or a regional economic development entity using funds  
59 allocated under subsection (f) of this section, may acquire polluted  
60 commercial or industrial property for the purpose of remediation of  
61 the pollution and for the lease or sale of such property in order to  
62 promote business growth or expansion through the reuse or  
63 redevelopment of such property. Such acquisition may include, but not  
64 be limited to, condemnation of the property in accordance with the  
65 provisions of part I of chapter 835. For purposes of this subsection, the  
66 Commissioner of Economic and Community Development shall be  
67 exempt from all of the requirements of sections 22a-134 to 22a-134e,  
68 inclusive, section 4b-3, and section 4b-21. When acquiring polluted  
69 property under this subsection, the Commissioner of Economic and  
70 Community Development may accept on behalf of the state of  
71 Connecticut the liability, at the time of the acquisition, for all costs of  
72 remediation of the polluted property provided the transferor shall be  
73 liable for all costs in excess of fifteen million dollars and further  
74 provided the commissioner shall not accept any liability under federal  
75 law. The Commissioner of Economic and Community Development  
76 may enter into lease, sale, or other agreements for the use of the real  
77 property acquired pursuant to this subsection. All moneys received by  
78 the state pursuant to any such agreement shall be deposited into the  
79 Urban Site Remediation Fund established under subsection (f) of this  
80 section.

81 (f) There is established an Urban Site Remediation Fund. The fund  
82 may contain any moneys required by law to be deposited in the fund  
83 and shall be held by the Treasurer separate and apart from all other  
84 moneys, funds and accounts. Any balance remaining in the fund at the

85 end of any fiscal year shall be carried forward in the fund for the fiscal  
86 year next succeeding. The fund shall be used (1) by the Commissioner  
87 of Energy and Environmental Protection (A) for costs incurred in the  
88 assessment and remedial activities conducted at real property acquired  
89 pursuant to subsection (e) of this section, or (B) to reimburse the costs  
90 to obtain directors' and officers' liability and general liability insurance  
91 of (i) a municipal economic development agency or entity created or  
92 operating under chapter 130 or 132, or (ii) a nonprofit economic  
93 development corporation formed to promote the common good,  
94 general welfare and economic development of a municipality that is  
95 funded, either directly or through in-kind services, in part by a  
96 municipality, or a nonstock corporation or limited liability company  
97 controlled or established by a municipality, municipal economic  
98 development agency or entity created or operating under chapter 130  
99 or 132; and (2) by the Commissioner of Economic and Community  
100 Development to pay any local property taxes on real property acquired  
101 pursuant to subsection (e) of this section and the costs of administering  
102 the program. The Commissioner of Economic and Community  
103 Development may allocate money from the fund to a regional  
104 economic development entity organized for the purpose of  
105 remediating contaminated real property.

106 (g) The Commissioner of Energy and Environmental Protection  
107 shall conduct an assessment to evaluate the potential cost of remedial  
108 activities of any site proposed for acquisition under subsection (e) of  
109 this section prior to the transfer of the real property to the  
110 Commissioner of Economic and Community Development. The  
111 Commissioner of Energy and Environmental Protection, after transfer  
112 of the property to the Commissioner of Economic and Community  
113 Development, shall conduct remedial actions necessary to remediate  
114 the pollution at or on the site and shall certify to the Commissioner of  
115 Economic and Community Development that such actions have  
116 minimized and mitigated any threat to human health or the  
117 environment and have contained, removed or otherwise mitigated the  
118 effects of any pollution in the property. The Commissioner of Energy

119 and Environmental Protection may use funds authorized pursuant to  
120 subsection (a) of section 29 of special act 89-52 and funds authorized  
121 for such purpose pursuant to any other public or special act for the  
122 purposes of this subsection. The Commissioner of Economic and  
123 Community Development shall adopt regulations, in accordance with  
124 the provisions of chapter 54, to carry out the provisions of this  
125 subsection and subsections (e) and (f) of this section.

126 (h) The Commissioner of Energy and Environmental Protection and  
127 the Commissioner of Economic and Community Development shall  
128 jointly identify urban community sites known to have, or suspected to  
129 have, environmental contamination which, if remediated and  
130 developed, will improve the urban environment. The Commissioner of  
131 Energy and Environmental Protection and the Commissioner of  
132 Economic and Community Development shall jointly establish the  
133 priority of such sites for evaluation and remediation based upon the  
134 following factors: (1) The potential benefits of remediation to the  
135 environment; (2) the estimated cost of evaluating and remediating the  
136 site, if known; (3) the potential benefits to the local community of such  
137 site; (4) community support for remediation and redevelopment of  
138 such site; (5) the commitment from investors or the municipality to  
139 redevelop the site; and (6) any other factors which the commissioners  
140 deem relevant. No real property shall be eligible for evaluation and  
141 remediation under this subsection unless (A) the site is located in a  
142 distressed municipality, as defined in section 32-9p, a targeted  
143 investment community, as defined in section 32-222, or an enterprise  
144 corridor zone, as defined in section 32-80, or in such other municipality  
145 as the Commissioner of Economic and Community Development may  
146 designate, and (B) the site is not undergoing evaluation or remediation  
147 under subsections (a) to (g), inclusive, of this section.

148 (i) On or before January 1, 2015, the Commissioner of Economic and  
149 Community Development and the Commissioner of Energy and  
150 Environmental Protection shall jointly select three sites prioritized  
151 pursuant to subsection (b) or (h) of this section for expedited

152 evaluation and remediation. For each site selected pursuant to this  
153 subsection: (1) Said commissioners, in consultation with municipal  
154 officials, business leaders and residents of the municipality in which  
155 such site is located, shall identify the appropriate use of such site once  
156 remediated, and (2) on or before March 1, 2015, the Department of  
157 Energy and Environmental Protection shall commence evaluation and  
158 remediation of such site to the standards established pursuant to  
159 section 22a-133k appropriate for such use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	22a-133m

**FIN**      *Joint Favorable Subst.*