



General Assembly

Amendment

February Session, 2014

LCO No. 3999

HB0557303999HDO

Offered by:

REP. BERGER, 73rd Dist.
REP. PERONE, 137th Dist.
SEN. LEBEAU, 3rd Dist.
REP. GENTILE, 104th Dist.
SEN. MEYER, 12th Dist.

REP. LAVIELLE, 143rd Dist.
SEN. FRANTZ, 36th Dist.
REP. SHABAN, 135th Dist.
SEN. CHAPIN, 30th Dist.

To: Subst. House Bill No. 5573

File No. 414

Cal. No. 249

"AN ACT CONCERNING BROWNFIELD REMEDIATION AND DEVELOPMENT."

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

3 "Section 1. Section 22a-133x of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective from passage*):

5 (a) For the purposes of this section: [, "applicant"]

6 (1) "Applicant" means the person who submits the environmental
7 condition assessment form to the commissioner pursuant to this
8 section; [.]

9 (2) "Interim verification" means a written opinion by a licensed
10 environmental professional, on a form prescribed by the

11 commissioner, that (A) the investigation of the parcel, portion of the
12 parcel or release area has been performed in accordance with
13 prevailing standards and guidelines, (B) the remediation has been
14 completed in accordance with the remediation standards, except that,
15 for remediation standards for groundwater, the selected remedy is in
16 operation but has not achieved the remediation standards for
17 groundwater, (C) identifies the long-term remedy being implemented
18 to achieve groundwater standards, the estimated duration of such
19 remedy, and the ongoing operation and maintenance requirements for
20 continued operation of such remedy, and (D) there are no exposure
21 pathways to the groundwater area that have not yet met the
22 remediation standards as of the date of such written opinion;

23 (3) "Release area" has the same meaning as provided in the
24 regulations adopted by the commissioner pursuant to section 22a-133k;
25 and

26 (4) "Verification" means the rendering of a written opinion by a
27 licensed environmental professional on a form prescribed by the
28 commissioner that an investigation of the parcel, portion of the parcel
29 or release area has been performed in accordance with prevailing
30 standards and guidelines and that the parcel, portion of the parcel or
31 release area has been remediated in accordance with the remediation
32 standards.

33 (b) Except as provided in section 22a-133y, any person may, at any
34 time, submit to the commissioner an environmental condition
35 assessment form for real property and an initial review fee in
36 accordance with subsection [(e)] (g) of this section. Such applicant shall
37 use a licensed environmental professional to verify the investigation
38 and remediation, unless not later than thirty days after the
39 commissioner's receipt of such form, the commissioner notifies such
40 applicant, in writing, that review and written approval of any remedial
41 action at such property by the commissioner will be required. The
42 commissioner shall not process any such form submitted pursuant to
43 this section unless such form is accompanied by the required initial

44 review fee.

45 [(b)] (c) The applicant shall, on or before ninety days after the
46 submission of an environmental condition assessment form, submit a
47 statement of proposed actions for investigating and remediating the
48 parcel or a release area [, as defined in the regulations adopted by the
49 commissioner pursuant to section 22a-133k,] and a schedule for
50 implementing such actions. The commissioner may require the
51 applicant to submit to the commissioner copies of technical plans and
52 reports related to investigation and remediation of the parcel or release
53 area. Notwithstanding any other provision of this section, the
54 commissioner may determine that the commissioner's review and
55 written approval of such technical plans and reports is necessary at
56 any time, and in such case the commissioner shall notify the applicant
57 of the need for the commissioner's review and written approval. The
58 commissioner shall require that the certifying party submit to the
59 commissioner all technical plans and reports related to the
60 investigation and remediation of the parcel or release area if the
61 commissioner receives a written request from any person for such
62 information. The applicant shall advise the commissioner of any
63 modifications to the proposed schedule. [Upon receipt of a verification
64 by a licensed environmental professional that the parcel or release area
65 has been investigated in accordance with prevailing standards and
66 guidelines and remediated in accordance with the remediation
67 standards, the applicant shall submit such verification to the
68 commissioner on a form prescribed by the commissioner.]

69 [(c)] (d) If the commissioner notifies the applicant that the
70 commissioner will formally review and approve in writing the
71 investigation and remediation of the parcel, the applicant shall, on or
72 before thirty days of the receipt of such notice, or such later date as
73 may be approved in writing by the commissioner, submit for the
74 commissioner's review and written approval [,] a proposed schedule
75 for: (1) Investigating and remediating the parcel or release area; and (2)
76 submitting to the commissioner technical plans, technical reports and

77 progress reports related to such investigation and remediation. Upon
78 the commissioner's approval of such schedule, the applicant shall, in
79 accordance with the approved schedule, submit technical plans,
80 technical reports and progress reports to the commissioner for the
81 commissioner's review and written approval. The applicant shall
82 perform all actions identified in the approved technical plans, technical
83 reports and progress reports in accordance with the approved
84 schedule. The commissioner may approve, in writing, any
85 modification proposed in writing by the applicant to such schedule or
86 investigation and remediation and may notify the applicant, in
87 writing, if the commissioner determines that it is appropriate to
88 discontinue formal review and approval of the investigation or
89 remediation.

90 (e) (1) Upon receipt of an interim verification by a licensed
91 environmental professional, the applicant may submit such interim
92 verification to the commissioner. Any applicant who submits an
93 interim verification pursuant to this subdivision shall, until the
94 remediation standards for groundwater are achieved: (A) Operate and
95 maintain the long-term remedy for groundwater in accordance with
96 such interim verification and any applicable approval by the
97 commissioner or remedial action plan; (B) prevent exposure to the
98 groundwater plume; and (C) submit annual status reports to the
99 commissioner.

100 (2) Upon receipt of a verification by a licensed environmental
101 professional, the applicant shall submit such verification to the
102 commissioner.

103 ~~[(d)]~~ (f) If, in accordance with the provisions of this section, the
104 commissioner has approved in writing or, as applicable, a licensed
105 environmental professional has verified, that the parcel [or release
106 area] has been remediated in accordance with the remediation
107 standards, such approval or verification may be used as the basis for
108 submitting a Form II pursuant to sections 22a-134 to 22a-134e,
109 inclusive, as amended by this act, provided there has been no

110 additional discharge, spillage, uncontrolled loss, seepage or filtration
111 of hazardous waste at or on the parcel subsequent to the date of the
112 commissioner's approval or verification by a licensed environmental
113 professional.

114 [(e)] (g) The fee for submitting an environmental condition
115 assessment form to the commissioner pursuant to this section shall be
116 three thousand two hundred fifty dollars and shall be paid at the time
117 the environmental condition assessment form is submitted. Any fee
118 paid pursuant to this section shall be deducted from any fee required
119 by subsection (m) or (n) of section 22a-134e for the transfer of any
120 parcel for which an environmental condition assessment form has been
121 submitted within three years of such transfer.

122 [(f)] (h) Nothing in this section shall be construed to affect or impair
123 the voluntary site remediation process provided for in section 22a-
124 133y.

125 [(g)] (i) Prior to commencement of remedial action taken under this
126 section, the applicant shall (1) publish notice of the remediation, in
127 accordance with the schedule submitted pursuant to this section, in a
128 newspaper having a substantial circulation in the area affected by the
129 [establishment] parcel, (2) notify the director of health of the
130 municipality where the parcel is located of the remediation, and (3)
131 either (A) erect and maintain for at least thirty days in a legible
132 condition a sign not less than six feet by four feet on the parcel, which
133 sign shall be clearly visible from the public highway, and shall include
134 the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS
135 SITE. FOR FURTHER INFORMATION CONTACT:" and include a
136 telephone number for an office from which any interested person may
137 obtain additional information about the remediation, or (B) mail notice
138 of the remediation to each owner of record of property which abuts the
139 parcel, at the last-known address of such owner on the last-completed
140 grand list of the municipality where the parcel is located.

141 Sec. 2. Subdivision (1) of section 22a-134 of the 2014 supplement to

142 the general statutes is repealed and the following is substituted in lieu
143 thereof (*Effective from passage*):

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

147 (A) Conveyance or extinguishment of an easement;

148 (B) Conveyance of an establishment through a foreclosure, as
149 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
150 tax lien or through a tax warrant sale pursuant to section 12-157, an
151 exercise of eminent domain by a municipality or pursuant to section 8-
152 128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or
153 purchase pursuant to a resolution by the legislative body of a
154 municipality authorizing the acquisition through eminent domain for
155 establishments that also meet the definition of a brownfield, as defined
156 in section 32-760, or a subsequent transfer by such municipality that
157 has foreclosed on the property, foreclosed municipal tax liens or that
158 has acquired title to the property through section 12-157, or is within
159 the pilot program established in subsection (c) of section 32-9cc of the
160 general statutes, revision of 1958, revised to January 1, 2013, or the
161 remedial action and redevelopment municipal grant program
162 established in section 32-763, or has acquired such property through
163 the exercise of eminent domain by a municipality or pursuant to
164 section 8-128, 8-169e or 8-193 or by condemnation pursuant to section
165 32-224 or a resolution adopted in accordance with this subparagraph,
166 provided (i) the party acquiring the property from the municipality
167 did not establish, create or contribute to the contamination at the
168 establishment and is not affiliated with any person who established,
169 created or contributed to such contamination or with any person who
170 is or was an owner or certifying party for the establishment, and (ii) on
171 or before the date the party acquires the property from the
172 municipality, such party or municipality enters and subsequently
173 remains in the voluntary remediation program administered by the
174 commissioner pursuant to section 22a-133x, as amended by this act,

175 and remains in compliance with schedules and approvals issued by the
176 commissioner. For purposes of this subparagraph, subsequent transfer
177 by a municipality includes any transfer to, from or between a
178 municipality, municipal economic development agency or entity
179 created or operating under chapter 130 or 132, a nonprofit economic
180 development corporation formed to promote the common good,
181 general welfare and economic development of a municipality that is
182 funded, either directly or through in-kind services, in part by a
183 municipality, or a nonstock corporation or limited liability company
184 controlled or established by a municipality, municipal economic
185 development agency or entity created or operating under chapter 130
186 or 132;

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

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

192 (E) Termination of a lease and conveyance, assignment or execution
193 of a lease for a period less than ninety-nine years including
194 conveyance, assignment or execution of a lease with options or similar
195 terms that will extend the period of the leasehold to ninety-nine years,
196 or from the commencement of the leasehold, ninety-nine years,
197 including conveyance, assignment or execution of a lease with options
198 or similar terms that will extend the period of the leasehold to ninety-
199 nine years, or from the commencement of the leasehold;

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

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

204 (H) Corporate reorganization not substantially affecting the
205 ownership of the establishment;

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

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

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

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

218 (M) Any conveyance of a portion of a parcel upon which portion no
219 establishment is or has been located and upon which there has not
220 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
221 of hazardous waste, provided either the area of such portion is not
222 greater than fifty per cent of the area of such parcel or written notice of
223 such proposed conveyance and an environmental condition
224 assessment form for such parcel is provided to the commissioner sixty
225 days prior to such conveyance;

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

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

231 (P) Any conveyance of an establishment to any entity created or
232 operating under chapter 130 or 132, or to an urban rehabilitation
233 agency, as defined in section 8-292, or to a municipality under section
234 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
235 of the corporation;

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

239 (R) The conversion of a general or limited partnership to a limited
240 liability company;

241 (S) The transfer of general partnership property held in the names of
242 all of its general partners to a general partnership which includes as
243 general partners immediately after the transfer all of the same persons
244 as were general partners immediately prior to the transfer;

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

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

251 (V) Conveyance of any real property or business operation that
252 would qualify as an establishment solely as a result of (i) the
253 generation of more than one hundred kilograms of universal waste in
254 a calendar month, (ii) the storage, handling or transportation of
255 universal waste generated at a different location, or (iii) activities
256 undertaken at a universal waste transfer facility, provided any such
257 real property or business operation does not otherwise qualify as an
258 establishment; there has been no discharge, spillage, uncontrolled loss,
259 seepage or filtration of a universal waste or a constituent of universal
260 waste that is a hazardous substance at or from such real property or
261 business operation; and universal waste is not also recycled, treated,
262 except for treatment of a universal waste pursuant to 40 CFR
263 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
264 such real property or business operation;

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

267 (X) Acquisition of an establishment that is in the abandoned
268 brownfield cleanup program established pursuant to section 32-768
269 and all subsequent transfers of the establishment, provided the
270 establishment is undergoing remediation or is remediated in
271 accordance with subsection (f) of section 32-768;

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

274 (Z) Acquisition of an establishment that is in the brownfield
275 remediation and revitalization program and all subsequent transfers of
276 the establishment, provided the establishment is in compliance with
277 the brownfield investigation plan and remediation schedule, the
278 commissioner has issued a no audit letter or successful audit closure
279 letter in response to a verification or interim verification submitted
280 regarding the remediation of such establishment under the brownfield
281 remediation and revitalization program, or a one-hundred-eighty-day
282 period has expired since a verification or interim verification
283 submitted regarding the remediation of such establishment under the
284 brownfield remediation and revitalization program without an audit
285 decision from the Commissioner of Energy and Environmental
286 Protection;

287 (AA) Conveyance of an establishment in connection with the
288 acquisition of properties to effectuate the development of a project
289 certified and approved pursuant to section 32-9v, provided any such
290 property is investigated and remediated in accordance with section
291 22a-133y; or

292 (BB) Conveyance from the Department of Transportation to the
293 Connecticut Airport Authority of any properties comprising (i)
294 Bradley International Airport and all related improvements and
295 facilities now in existence and as hereafter acquired, added, extended,
296 improved and equipped, including any property or facilities
297 purchased with funds of, or revenues derived from, Bradley
298 International Airport, and any other property or facilities allocated by

299 the state, the Connecticut Airport Authority or otherwise to Bradley
300 International Airport, (ii) the state-owned and operated general
301 aviation airports, including Danielson Airport, Groton/New London
302 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
303 Windham Airport and any such other airport as may be owned,
304 operated or managed by the Connecticut Airport Authority and
305 designated as general aviation airports, (iii) any other airport as may
306 be owned, operated or managed by the Connecticut Airport Authority,
307 and (iv) any airport site or any part thereof, including, but not limited
308 to, any restricted landing areas and any air navigation facilities.

309 Sec. 3. Subdivision (3) of section 22a-134 of the 2014 supplement to
310 the general statutes is repealed and the following is substituted in lieu
311 thereof (*Effective from passage*):

312 (3) "Establishment" means any real property at which or any
313 business operation from which (A) on or after November 19, 1980,
314 there was generated, except as the result of (i) remediation of polluted
315 soil, groundwater or sediment, or (ii) the removal or abatement of
316 building materials, more than one hundred kilograms of hazardous
317 waste in any one month, (B) hazardous waste generated at a different
318 location was recycled, reclaimed, reused, stored, handled, treated,
319 transported or disposed of, (C) the process of dry cleaning was
320 conducted on or after May 1, 1967, (D) furniture stripping was
321 conducted on or after May 1, 1967, or (E) a vehicle body repair facility
322 was located on or after May 1, 1967;

323 Sec. 4. Subsection (g) of section 22a-134a of the general statutes is
324 repealed and the following is substituted in lieu thereof (*Effective from*
325 *passage*):

326 (g) (1) (A) Except as provided in subsection (h) of this section, the
327 certifying party to a Form III shall, not later than seventy-five days
328 after the receipt of the notice that such form is complete or such later
329 date as may be approved in writing by the commissioner, submit a
330 schedule for the investigation of the parcel and remediation of the

331 establishment. Such schedule shall, unless a later date is specified in
332 writing by the commissioner, provide that the investigation shall be
333 completed within two years of the date of receipt of such notice,
334 remediation shall be initiated not later than three years after the date of
335 receipt of such notice and remediation shall be completed sufficient to
336 support either a verification or interim verification within a time frame
337 set forth in subparagraphs (B) and (C) of this subdivision. The
338 schedule shall also include a schedule for providing public notice of
339 the remediation prior to the initiation of such remediation in
340 accordance with subsection (i) of this section. Not later than two years
341 after the date of the receipt of the notice that the Form III is complete,
342 unless the commissioner has specified a later day, in writing, the
343 certifying party shall submit to the commissioner documentation,
344 approved in writing by a licensed environmental professional and in a
345 form prescribed by the commissioner, that the investigation has been
346 completed in accordance with prevailing standards and guidelines.
347 Not later than three years after the date of the receipt of the notice that
348 the Form III is complete, unless the commissioner has specified a later
349 day in writing, the certifying party shall notify the commissioner in a
350 form prescribed by the commissioner that the remediation has been
351 initiated, and shall submit to the commissioner a remedial action plan
352 approved in writing by a licensed environmental professional in a
353 form prescribed by the commissioner. Notwithstanding any other
354 provision of this section, the commissioner may determine at any time
355 that the commissioner's review and written approval is necessary and
356 in such case shall notify the certifying party that the commissioner's
357 review and written approval is necessary. Such certifying party shall
358 investigate the parcel and remediate the establishment in accordance
359 with the schedule or the schedule specified by the commissioner.

360 (B) For a certifying party that submitted a Form III or Form IV
361 before October 1, 2009, when remediation of the entire establishment is
362 complete, the certifying party shall achieve the remediation standards
363 for the establishment sufficient to support a final verification and shall
364 submit to the commissioner a final verification by a licensed

365 environmental professional.

366 (C) For a certifying party that submits a Form III or Form IV after
367 October 1, 2009, not later than eight years after the date of receipt of
368 the notice that the Form III or Form IV is complete, unless the
369 commissioner has specified a later date in writing, the certifying party
370 shall achieve the remediation standards for the establishment sufficient
371 to support a final or interim verification and shall submit to the
372 commissioner such final or interim verification by a licensed
373 environmental professional. Any such final verification may include
374 and rely upon a verification for a portion of the establishment
375 submitted pursuant to subdivision (2) of this subsection. Verifications
376 shall be submitted on a form prescribed by the commissioner. The
377 certifying party may request a verification or interim verification filing
378 extension. The commissioner shall grant a reasonable extension if the
379 certifying party demonstrates to the commissioner's satisfaction that:
380 (i) Such certifying party has made reasonable progress toward
381 investigation and remediation of the establishment; and (ii) despite
382 best efforts, circumstances beyond the control of the certifying party
383 have significantly delayed the remediation of the establishment.

384 (D) A certifying party who submits an interim verification shall,
385 until the remediation standards for groundwater are achieved, operate
386 and maintain the long-term remedy for groundwater in accordance
387 with the remedial action plan, the interim verification and any
388 approvals by the commissioner, prevent exposure to the groundwater
389 plume and submit annual status reports to the commissioner.

390 (E) The certifying party to a Form IV shall submit with the Form IV
391 a schedule for the groundwater monitoring and recording of an
392 environmental land use restriction, as applicable.

393 (2) [If] (A) Notwithstanding the date the Form III or Form IV was
394 submitted, if a certifying party completes the remediation for a portion
395 of an establishment, such party may submit a verification or an interim
396 verification by a licensed environmental professional for any such

397 portion of an establishment. The certifying party shall be deemed to
398 have satisfied the requirements of this subsection for that portion of
399 the establishment covered by any such verification or interim
400 verification. If any portion of an establishment for which a verification
401 or interim verification is submitted pursuant to this subdivision is
402 transferred or conveyed or undergoes a change in ownership before
403 remediation of the entire establishment is complete that would not
404 otherwise be subject to the provisions of sections 22a-134 to 22a-134e,
405 inclusive, as amended by this act, the certifying party shall provide
406 notice to the commissioner of such transfer, conveyance or change in
407 ownership not later than thirty days after any such transfer,
408 conveyance or change in ownership.

409 (B) Any certifying party who submits an interim verification for a
410 portion of an establishment on or before December 31, 2014, shall not
411 be required to record any environmental land use restriction, in
412 accordance with section 22a-133o, prior to submitting such interim
413 verification, provided such certifying party shall record such
414 environmental land use restriction, in accordance with section 22a-
415 133o, on or before September 1, 2015, or a later date as approved, in
416 writing, by the commissioner. If such environmental land use
417 restriction is not recorded on or before September 1, 2015, or such later
418 date, such interim verification shall be invalid and shall not be
419 recognized by the commissioner.

420 (3) (A) The commissioner may conduct an audit of any verification
421 or interim verification submitted pursuant to this section, but shall not
422 conduct an audit of a final verification of an entire establishment
423 submitted pursuant to subdivision (1) of this subsection after three
424 years have passed since the date of the commissioner's receipt of such
425 final verification unless an exception listed in subparagraph (C) of this
426 subdivision applies. Upon completion of an audit, the commissioner
427 shall send written audit findings to the certifying party and the
428 licensed environmental professional who verified. The three-year time
429 frame for an audit of a final verification of an entire establishment shall

430 apply to such final verifications received by the commissioner after
431 October 1, 2007.

432 (B) The commissioner may request additional information during an
433 audit. If such information has not been provided to the commissioner
434 within ninety days of the commissioner's request for such information
435 or any longer time as the commissioner may determine in writing, the
436 commissioner may either (i) suspend the audit, which for a final
437 verification shall suspend the running of the three-year audit time
438 frame until such time as the commissioner receives all the information
439 requested, or (ii) complete the audit based upon the information
440 provided in the verification before the request for additional
441 information.

442 (C) The commissioner shall not conduct an audit of a final
443 verification of an entire establishment after three years from receipt of
444 such verification pursuant to this subdivision unless (i) the
445 commissioner has reason to believe that a verification was obtained
446 through the submittal of materially inaccurate or erroneous
447 information, or otherwise misleading information material to the
448 verification or that misrepresentations were made in connection with
449 the submittal of the verification, (ii) a verification is submitted
450 pursuant to an order of the commissioner pursuant to subsection (j) of
451 this section, (iii) any post-verification monitoring, or operations and
452 maintenance, is required as part of a verification and which has not
453 been done, (iv) a verification that relies upon an environmental land
454 use restriction was not recorded on the land records of the
455 municipality in which such land is located in accordance with section
456 22a-133o and applicable regulations, (v) the commissioner determines
457 that there has been a violation of sections 22a-134 to 22a-134e,
458 inclusive, as amended by this act, or (vi) the commissioner determines
459 that information exists indicating that the remediation may have failed
460 to prevent a substantial threat to public health or the environment.

461 Sec. 5. Subsection (p) of section 22a-134e of the general statutes is
462 repealed and the following is substituted in lieu thereof (*Effective from*

463 *passage*):

464 (p) Notwithstanding any other provision of this section, the fee for
465 filing a Form II or Form IV for an establishment for which the
466 commissioner has issued a written approval of a remediation under
467 subsection [(c)] (d) of section 22a-133x, as amended by this act, within
468 three years of the date of the filing of the form shall be the total fee for
469 a Form III specified in subsection (n) of this section and shall be due
470 upon the filing of the Form II or Form IV.

471 Sec. 6. Subsection (b) of section 32-11e of the 2014 supplement to the
472 general statutes is repealed and the following is substituted in lieu
473 thereof (*Effective from passage*):

474 (b) (1) Without limiting the authority of the corporation with respect
475 to establishing other subsidiaries pursuant to subsection (a) of this
476 section, the corporation may establish one or more subsidiaries to
477 stimulate, encourage and carry out the remediation, development and
478 financing of contaminated property within this state, in coordination
479 with the Department of Energy and Environmental Protection, and to
480 provide financial, developmental and environmental expertise to
481 others including, but not limited to, municipalities, interested in or
482 undertaking such remediation, development or financing which are
483 determined to be public purposes for which public funds may be
484 expended. The corporation may transfer to any such subsidiary any
485 moneys and real or personal property.

486 (2) Neither the Connecticut Brownfields Redevelopment Authority
487 nor any other subsidiary formed under this subsection may provide
488 for any bonded indebtedness of the state for the cost of any liability or
489 contingent liability for the remediation of contaminated real property
490 unless such indebtedness is specifically authorized by an act of the
491 General Assembly. Each such subsidiary may do all things necessary
492 or convenient to carry out the purposes of this subsection, section 12-
493 81r, subsection (h) of section 22a-133m, subsection [(a)] (b) of section
494 22a-133x, as amended by this act, sections 22a-133aa, 22a-133bb and

495 22a-133dd, subsection (l) of section 22a-134a and sections 22a-452f, 32-
496 7e and 32-23pp to 32-23rr, inclusive, including, but not limited to, (A)
497 solicit, receive and accept aid, grants or contributions from any source
498 of money, property or labor or other things of value, to be held, used
499 and applied to carry out the purposes of this subsection, section 12-81r,
500 subsection (h) of section 22a-133m, subsection [(a)] (b) of section 22a-
501 133x, as amended by this act, sections 22a-133aa, 22a-133bb and 22a-
502 133dd, subsection (l) of section 22a-134a and sections 22a-452f, 32-7e
503 and 32-23pp to 32-23rr, inclusive, subject to the conditions upon which
504 such grants and contributions may be made, including, but not limited
505 to, gifts, grants or loans, from any department, agency or quasi-public
506 agency of the United States or the state; (B) enter into agreements with
507 persons upon such terms and conditions as are consistent with the
508 purposes of such subsidiary to acquire or facilitate the remediation,
509 development or financing of contaminated real or personal property;
510 (C) to acquire, take title, lease, purchase, own, manage, hold and
511 dispose of real and personal property and lease, convey or deal in or
512 enter into agreements with respect to such property; (D) examine,
513 inspect, rehabilitate, remediate or improve real or personal property or
514 engage others to do so on such subsidiary's behalf, or enter into
515 contracts therefor; (E) mortgage, convey or dispose of its assets and
516 pledge its revenues to secure any borrowing, for the purpose of
517 financing, refinancing, rehabilitating, remediating, improving or
518 developing its assets, provided each such borrowing or mortgage shall
519 be a special obligation of such subsidiary, which obligation may be in
520 the form of notes, bonds, bond anticipation notes and other obligations
521 issued by or to such subsidiary to the extent permitted under this
522 section and sections 32-11c and 32-11d to fund and refund the same
523 and provide for the rights of the holders thereof, and to secure the
524 same by pledge of revenues, notes or other assets and which shall be
525 payable solely from the assets, revenues and other resources of such
526 subsidiary; (F) to create real estate investment trusts or similar entities
527 or to become a member of a limited liability company or to become a
528 partner in limited or general partnerships or establish other contractual
529 arrangements with private and public sector entities as such subsidiary

530 deems necessary to remediate, develop or finance environmentally
 531 contaminated property in the state; and (G) any other powers
 532 necessary or appropriate to carry out the purposes of this subsection,
 533 subsection (h) of section 22a-133m, subsection [(a)] (b) of section 22a-
 534 133x, as amended by this act, sections 22a-133aa, 22a-133bb and 22a-
 535 133dd, subsection (l) of section 22a-134a and sections 22a-452f, 32-7e
 536 and 32-23pp to 32-23rr, inclusive. The board of directors, chief
 537 executive officer, officers and staff of the corporation may serve as
 538 members of any advisory or other board which may be established to
 539 carry out the purposes of this subsection, subsection (h) of section 22a-
 540 133m, subsection [(a)] (b) of section 22a-133x, as amended by this act,
 541 sections 22a-133aa, 22a-133bb and 22a-133dd, subsection (l) of section
 542 22a-134a and sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive.

543 Sec. 7. Subsection (h) of section 32-765 of the 2014 supplement to the
 544 general statutes is repealed and the following is substituted in lieu
 545 thereof (*Effective from passage*):

546 (h) The commissioner may modify the terms of any loan made [to a
 547 municipality or economic development agency] pursuant to this
 548 section to provide for forgiveness of interest, principal, or both, or
 549 delay in repayment of interest, principal, or both, when the
 550 commissioner determines such forgiveness or delay is in the best
 551 interest of the state from an economic or community development
 552 perspective."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-133x
Sec. 2	<i>from passage</i>	22a-134(1)
Sec. 3	<i>from passage</i>	22a-134(3)
Sec. 4	<i>from passage</i>	22a-134a(g)
Sec. 5	<i>from passage</i>	22a-134e(p)
Sec. 6	<i>from passage</i>	32-11e(b)
Sec. 7	<i>from passage</i>	32-765(h)