



General Assembly

Amendment

January Session, 2015

LCO No. 6765



Offered by:

REP. PERONE, 137th Dist.
SEN. HARTLEY, 15th Dist.
REP. CAMILLO, 151st Dist.
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To: Subst. House Bill No. 6830

File No. 581

Cal. No. 371

"AN ACT CONCERNING THE REMEDIAL ACTION AND REDEVELOPMENT MUNICIPAL GRANT PROGRAM, THE TARGETED BROWNFIELD DEVELOPMENT LOAN PROGRAM AND THE REMEDIATION OF STATE-OWNED AND FORMERLY STATE-OWNED BROWNFIELDS."

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- 1 In line 134, strike "that, based on the due"
- 2 Strike lines 135 to 138, inclusive, in their entirety and insert the
- 3 following in lieu thereof:
- 4 "and such recipient demonstrates to the satisfaction of the
- 5 Commissioners of Economic and Community Development and
- 6 Energy and Environmental Protection that such hazardous building
- 7 materials represent the sole or sole remaining environmental
- 8 contamination on the property."
- 9 After the last section, add the following and renumber sections and

10 internal references accordingly:

11 "Sec. 501. Section 32-760 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2015*):

13 As used in this section and sections 32-761 to 32-769, inclusive:

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

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

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

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

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

38 (E) Such person provides full cooperation, assistance and access to

39 persons authorized to conduct response actions or natural resource
40 restoration at the property, including, but not limited to, the
41 cooperation and access necessary for the installation, integrity,
42 operation and maintenance of any complete or partial response actions
43 or natural resource restoration at the property;

44 (F) Such person complies with any land use restrictions established
45 or relied on in connection with the response action at the property and
46 does not impede the effectiveness or integrity of any institutional
47 control employed at the property in connection with a response action;
48 and

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

51 (2) "Brownfield" means any abandoned or underutilized site where
52 redevelopment, reuse or expansion has not occurred due to the
53 presence or potential presence of pollution in the buildings, soil or
54 groundwater that requires investigation or remediation before or in
55 conjunction with the redevelopment, reuse or expansion of the
56 property;

57 (3) "Commissioner" means the Commissioner of Economic and
58 Community Development;

59 (4) "Contiguous property owner" means a person who owns real
60 property contiguous to or otherwise similarly situated with respect to,
61 and that is or may be contaminated by a release or threatened release
62 of a regulated substance from, real property that is not owned by that
63 person, provided:

64 (A) With respect to the property owned by such person, such person
65 takes reasonable steps to (i) stop any continuing release of any
66 regulated substance released on or from the property, (ii) prevent any
67 threatened future release of any regulated substance released on or
68 from the property, and (iii) prevent or limit human, environmental or
69 natural resource exposure to any regulated substance released on or

70 from the property;

71 (B) Such person provides full cooperation, assistance and access to
72 persons authorized to conduct response actions or natural resource
73 restoration at the property from which there has been a release or
74 threatened release, including, but not limited to, the cooperation and
75 access necessary for the installation, integrity, operation and
76 maintenance of any complete or partial response action or natural
77 resource restoration at the property;

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

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

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

86 (5) "Department" means the Department of Economic and
87 Community Development;

88 (6) "Economic development agency" means (A) a municipal
89 economic development agency or entity created or operating under
90 chapter 130 or 132; (B) a nonprofit economic development corporation
91 formed to promote the common good, general welfare and economic
92 development of a municipality or a region that is funded, either
93 directly or through in-kind services, in part by one or more
94 municipalities; (C) a nonstock corporation or limited liability company
95 established or controlled by a municipality, municipal economic
96 development agency or an entity created or operating under chapter
97 130 or 132; or (D) an agency, as defined in section 32-327;

98 (7) "Eligible costs" means the costs associated with the investigation,
99 assessment, remediation and development of a brownfield, including,

100 but not limited to, (A) soil, groundwater and infrastructure
101 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
102 hazardous materials or waste disposal, (F) long-term groundwater or
103 natural attenuation monitoring, (G) (i) environmental land use
104 restrictions, (ii) activity and use limitations, or (iii) other forms of
105 institutional control, (H) attorneys' fees, (I) planning, engineering and
106 environmental consulting, and (J) building and structural issues,
107 including demolition, asbestos abatement, polychlorinated biphenyls
108 removal, contaminated wood or paint removal, and other
109 infrastructure remedial activities;

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

112 (9) "Innocent landowner" has the same meaning as provided in
113 section 22a-452d;

114 (10) "Interim verification" has the same meaning as provided in
115 section 22a-134;

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

119 (12) "Municipality" means a town, city, consolidated town and city
120 or consolidated town and borough;

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

124 (14) "Person" means any individual, firm, partnership, association,
125 syndicate, company, trust, corporation, limited liability company,
126 municipality, economic development agency, agency or political or
127 administrative subdivision of the state or any other legal entity;

128 (15) "Real property" means land, buildings and other structures and

129 improvements thereto, subterranean or subsurface rights, any and all
130 easements, air rights and franchises of any kind or nature;

131 (16) "Regulated substance" has the same meaning as provided in
132 section 22a-134g;

133 (17) "Release" means any discharge, spillage, uncontrolled loss,
134 seepage, filtration, leakage, injection, escape, dumping, pumping,
135 pouring, emitting, emptying or disposal of a substance;

136 (18) "Remediation standards" has the same meaning as provided in
137 section 22a-134;

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

139 (20) "UST regulations" means the regulations adopted pursuant to
140 subsection (d) of section 22a-449; and

141 (21) "Verification" has the same meaning as provided in section 22a-
142 134."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2015	32-760