



General Assembly

**Substitute Bill No. 5425**

February Session, 2016

\* HB05425F IN 041916 \*

**AN ACT CONCERNING THE CREATION OF CONNECTICUT  
BROWNFIELD LAND BANKS, CERTAIN LENDER RESPONSIBILITY  
FOR RELEASES AT BROWNFIELDS AND REVISIONS TO THE  
BROWNFIELDS REMEDIATION AND DEVELOPMENT PROGRAM.**

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

1 Section 1. Section 32-760 of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2016*):

4 As used in this [section and sections 32-761 to 32-769, inclusive]  
5 chapter:

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, in effect on the date such person acquired the  
18 property. In the case of property in residential or other similar use at  
19 the time of purchase by a nongovernmental or noncommercial entity, a  
20 property 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; (B) a nonprofit economic development corporation  
83 formed to promote the common good, general welfare and economic  
84 development of a municipality or a region that is funded, either  
85 directly or through in-kind services, in part by one or more  
86 municipalities; (C) a nonstock corporation or limited liability company  
87 established or controlled by a municipality, municipal economic  
88 development agency or an entity created or operating under chapter  
89 130 or 132; or (D) an agency, as defined in section 32-327;

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

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

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

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

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

111 (12) "Municipality" means a town, city, consolidated town and city  
112 or consolidated town and borough. For purposes of sections 2 to 6,  
113 inclusive, of this act, "municipality" includes a district, as defined in  
114 section 7-324, a metropolitan area, as defined in section 7-333, and any  
115 political subdivision of the state that has the power to levy taxes and to  
116 issue bonds, notes or other obligations;

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

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

125 (15) "Real property" means land, buildings and other structures and  
126 improvements thereto, subterranean or subsurface rights, any and all  
127 easements, air rights and franchises of any kind or nature;

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

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

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

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

136 (20) "UST regulations" means the regulations adopted pursuant to  
137 subsection (d) of section 22a-449; [and]

138 (21) "Verification" has the same meaning as provided in section 22a-  
139 134, as amended by this act; and

140 (22) "Connecticut brownfield land bank" means a Connecticut  
141 nonstock corporation, certified by the Commissioner of Economic and  
142 Community Development pursuant to section 2 of this act, established  
143 for the purposes of (A) acquiring, retaining, remediating and selling  
144 brownfields in the state for the benefit of municipalities, (B) educating  
145 government officials, community leaders, economic development  
146 agencies and nonprofit organizations on best practices for  
147 redeveloping brownfields, and (C) engaging in all other activities in  
148 accordance with sections 2 to 6, inclusive, of this act.

149 Sec. 2. (NEW) (*Effective July 1, 2016*) (a) Any Connecticut nonstock  
150 corporation may apply to the Commissioner of Economic and  
151 Community Development for certification as a Connecticut brownfield  
152 land bank by submitting to the commissioner, on forms provided by  
153 the commissioner, an application containing such information as the  
154 commissioner deems necessary, including, but not limited to:

155 (1) The certificate of incorporation and bylaws of the applicant;

156 (2) A list of the current officers and directors of the applicant;

157 (3) A proposed land banking agreement with one or more  
158 municipalities;

159 (4) Information concerning the financial and technical capability of  
160 the applicant to fulfill the purposes of a Connecticut brownfield land  
161 bank, as described in section 4 of this act;

162 (5) A letter of support from at least two municipalities; and

163 (6) A proposed business plan for such land bank.

164 (b) The commissioner may approve or reject any application for  
165 certification properly submitted in accordance with this section. In  
166 reviewing an application and determining whether to approve such  
167 application, the commissioner shall consider the following criteria:

168 (1) The financial and technical capabilities of the applicant to fulfill  
169 the purposes of a Connecticut brownfield land bank, as described in  
170 section 4 of this act;

171 (2) The relative economic condition of the municipalities the  
172 applicant intends to serve;

173 (3) The level of support for such applicant from municipalities;

174 (4) The quality of the applicant's business plan; and

175 (5) Such other criteria consistent with the purpose of sections 2 to 6,  
176 inclusive, of this act, as the commissioner may establish.

177 (c) If the commissioner approves an application for certification as a  
178 Connecticut brownfield land bank, the commissioner shall issue a  
179 Connecticut brownfield land bank certificate to the successful  
180 applicant and such applicant shall be granted the rights, privileges and  
181 immunities provided under sections 2 to 6, inclusive, of this act.

182 (d) Not later than January thirty-first, annually, each Connecticut  
183 brownfield land bank shall report to the commissioner on its activities  
184 for the preceding year and provide the commissioner any such  
185 information as the commissioner deems necessary, including, but not  
186 limited to: (1) An updated list of its current officers and directors; (2) an  
187 updated business plan; (3) a complete operating and financial  
188 statement; and (4) a copy of any land banking agreements entered into  
189 during the preceding year.

190 (e) The commissioner shall review the annual report of each  
191 Connecticut brownfield land bank and determine whether each land  
192 bank is in compliance with the provisions of subsection (d) of this

193 section. If the commissioner determines that a Connecticut brownfield  
194 land bank is not in compliance with such provisions, the commissioner  
195 shall notify the officers of such land bank, in writing, that the land  
196 bank may be subject to decertification after the one-hundred-twentieth  
197 day after the date of mailing the notice unless such noncompliance is  
198 waived by the commissioner or such land bank submits an annual  
199 report that the commissioner determines is compliant with the  
200 provisions of subsection (d) of this section.

201 (f) Any Connecticut brownfield land bank that is decertified by the  
202 commissioner shall not enter into any additional land banking  
203 agreement. Decertification of a Connecticut brownfield land bank shall  
204 not terminate the rights or obligations of such land bank under  
205 sections 2 to 6, inclusive, of this act with respect to any property  
206 acquired or land banking agreement entered into prior to the date of  
207 decertification.

208 Sec. 3. (NEW) (*Effective July 1, 2016*) (a) The powers of a Connecticut  
209 brownfield land bank shall be vested in and exercised by a board of  
210 directors that shall consist of not less than five and not more than  
211 eleven members, each with knowledge and expertise in matters related  
212 to the purposes and activities of a Connecticut brownfield land bank,  
213 as established in section 4 of this act. The board shall elect from its  
214 members a chairperson and such other officers as it deems necessary  
215 and shall adopt such bylaws and procedures it deems necessary to  
216 carry out its functions. The board may establish committees and  
217 subcommittees as necessary to conduct its business.

218 (b) Notwithstanding any provision of the general statutes, any  
219 public officer shall be eligible to serve as a member of the board of  
220 directors and the acceptance of the appointment shall neither  
221 terminate nor impair such public office. For purposes of this section,  
222 "public officer" means a person who is elected or appointed to any  
223 state or municipal office. Any state or municipal employee shall be  
224 eligible to serve as a board member.

225 (c) Members of the board of directors shall have the power to  
226 organize and reorganize the executive, administrative, clerical and  
227 other departments of a Connecticut brownfield land bank, and to fix  
228 the duties, powers and compensation of all employees, agents and  
229 consultants of a Connecticut brownfield land bank.

230 (d) Board members shall serve without compensation, provided  
231 each board member shall be entitled to reimbursement for such  
232 member's actual and necessary expenses incurred during the  
233 performance of such member's official duties.

234 (e) Members of the board of directors shall not be liable personally  
235 on the loans or other obligations or environmental liabilities of the  
236 Connecticut brownfield land bank, and the rights of creditors shall be  
237 solely against such land bank.

238 Sec. 4. (NEW) (*Effective July 1, 2016*) (a) The purposes of a  
239 Connecticut brownfield land bank shall be to (1) acquire, retain,  
240 remediate and sell brownfields in the state on behalf of municipalities  
241 pursuant to land banking agreements with such municipalities, (2)  
242 educate government officials, community leaders, economic  
243 development agencies and nonprofit organizations on best practices  
244 for redeveloping brownfields, and (3) engage in all other activities in  
245 accordance with sections 2 to 6, inclusive, of this act. In addition to  
246 those powers, rights, privileges and immunities granted under chapter  
247 602 of the general statutes, a Connecticut brownfield land bank is  
248 authorized and empowered to do the following in furtherance of its  
249 purposes:

250 (A) Enter into land banking agreements with municipalities for the  
251 acquisition, retention, remediation and sale of real property within  
252 such municipalities on behalf of such municipalities.

253 (B) Enter into contracts and agreements with municipalities for  
254 staffing services to be provided to the Connecticut brownfield land  
255 bank by such municipalities, or agencies or departments thereof, or for

256 a Connecticut brownfield land bank to provide such staffing services  
257 to such municipalities, or agencies or departments thereof in relation  
258 to the duties of such land bank.

259 (C) Obtain grant funds or borrow from private lenders,  
260 municipalities, the state or the federal government, as may be  
261 necessary, for the operation of such Connecticut brownfield land bank.

262 (D) Procure insurance or guarantees from the state or federal  
263 government of the payments of any debts, or parts thereof, incurred by  
264 such Connecticut brownfield land bank, and to pay premiums in  
265 connection therewith.

266 (E) Do all other things necessary or convenient to achieve the  
267 purposes of such Connecticut brownfield land bank and comply with  
268 any law relating to the purposes and responsibilities of such land  
269 bank.

270 (F) Acquire real property, as described in subsection (b) of section 6  
271 of this act, by purchase contracts, lease purchase agreements,  
272 installment sales contracts, land contracts and foreclosure of municipal  
273 tax liens. A Connecticut brownfield land bank may accept transfers of  
274 real property from municipalities upon such terms and conditions as  
275 agreed to by the brownfield land bank and the municipality.  
276 Notwithstanding any provision of the general statutes or of any special  
277 act, municipal charter or home rule ordinance, any municipality may  
278 transfer and convey to a Connecticut brownfield land bank real  
279 property and interests in real property located in the municipality on  
280 such terms and conditions and according to such procedures as  
281 determined by the municipality.

282 (b) A Connecticut brownfield land bank shall neither possess nor  
283 exercise the power of eminent domain.

284 Sec. 5. (NEW) (*Effective July 1, 2016*) The exercise of the powers  
285 granted by sections 2 to 6, inclusive, of this act, shall be in all respects  
286 for the benefit of the people of the state, for the increase of their

287 commerce, welfare and prosperity, and as the exercise of such powers  
288 shall constitute the performance of an essential public function, a  
289 Connecticut brownfield land bank shall not be required to pay any  
290 taxes or assessments upon or in respect of any revenues or property  
291 received, acquired, transferred or used by such Connecticut  
292 brownfield land bank, or upon or in respect of the income from such  
293 revenues or property. Any notes or other obligations issued under the  
294 provisions of this section, their transfer and the income therefrom,  
295 including any profit made on the sale of such notes or other  
296 obligations, shall at all times be free from taxation of every kind by the  
297 state and by the municipalities and other political subdivisions in the  
298 state.

299       Sec. 6. (NEW) (*Effective July 1, 2016*) (a) A Connecticut brownfield  
300 land bank shall hold in its own name all real property acquired by  
301 such land bank irrespective of the identity of the transferor of such  
302 property.

303       (b) A Connecticut brownfield land bank shall acquire only  
304 brownfield sites and other real property, located adjacent or in close  
305 proximity to brownfield sites to be acquired, that is advantageous to  
306 the redevelopment of such brownfield sites.

307       (c) A Connecticut brownfield land bank shall maintain and make  
308 available for public review and inspection an inventory of all real  
309 property held by such land bank.

310       (d) A Connecticut brownfield land bank shall determine and set  
311 forth in policies and procedures the general terms and conditions for  
312 consideration to be received by such land bank for the transfer to such  
313 land bank of real property and interests in real property, which  
314 consideration may take the form of monetary payments and secured  
315 financial obligations, covenants and conditions related to the present  
316 and future use of such real property, contractual commitments of the  
317 transferee, and such other forms of consideration as determined by the  
318 board of directors to be in the best interest of such land bank.

319 (e) A Connecticut brownfield land bank may convey, exchange, sell,  
320 transfer, lease as lessee, grant, release and demise, pledge and  
321 hypothecate any and all interests in, upon or to real property of the  
322 brownfield land bank, provided such land bank may only convey,  
323 exchange, transfer or sell real property with the approval of the  
324 municipality in which such real property is located pursuant to the  
325 terms of a land banking agreement entered into with such  
326 municipality.

327 Sec. 7. Subsection (a) of section 12-81r of the general statutes is  
328 repealed and the following is substituted in lieu thereof (*Effective July*  
329 *1, 2016*):

330 (a) Any municipality may (1) enter into an agreement with the  
331 owner of any real property to abate the property tax due as of the date  
332 of the agreement for a period not to exceed seven years if the property  
333 has been subject to a spill, as defined in section 22a-452c, and the  
334 owner agrees to conduct any environmental site assessment,  
335 demolition and remediation of the spill necessary to redevelop the  
336 property. Any such tax abatement shall only be for the period of  
337 remediation and redevelopment and shall be contingent upon the  
338 continuation and completion of the remediation and redevelopment  
339 process with respect to the purposes specified in the agreement. The  
340 abatement shall cease upon the sale or transfer of the property for any  
341 other purpose unless the municipality consents to its continuation. The  
342 municipality may also establish a recapture provision in the event of  
343 sale provided such recapture shall not exceed the original amount of  
344 taxes abated and may not go back further than the date of the  
345 agreement; (2) forgive all or a portion of the principal balance and  
346 interest due on delinquent property taxes for the benefit of any  
347 prospective purchaser who has obtained an environmental  
348 investigation or remediation plan approved by the Commissioner of  
349 Energy and Environmental Protection or a licensed environmental  
350 professional under section 22a-133w, 22a-133x or 22a-133y and  
351 completes such remediation plan for an establishment, as defined in

352 section 22a-134, as amended by this act, deemed by the municipality to  
353 be abandoned or a brownfield, as defined in section 32-760 as  
354 amended by this act; [or] (3) enter into an agreement with the owner of  
355 any real property to fix the assessment of the property as of the last  
356 assessment date prior to commencement of remediation activities for a  
357 period not to exceed seven years, provided the property has been the  
358 subject of a remediation approved by the Commissioner of Energy and  
359 Environmental Protection or verified by a licensed environmental  
360 professional pursuant to section 22a-133w, 22a-133x, 22a-133y or 22a-  
361 134, as amended by this act; or (4) forgive all or a portion of the  
362 principal balance and interest due on delinquent property taxes for the  
363 benefit of any Connecticut brownfield land bank, as defined in section  
364 32-760, as amended by this act, that has acquired or will acquire any  
365 real property within the municipality.

366 Sec. 8. Section 22a-133dd of the general statutes is repealed and the  
367 following is substituted in lieu thereof (*Effective July 1, 2016*):

368 (a) Any municipality or any licensed environmental professional  
369 employed or retained by a municipality may enter, without liability,  
370 upon any property within such municipality for the purpose of  
371 performing an environmental site assessment or investigation on  
372 behalf of the municipality if: (1) The owner of such property cannot be  
373 located; (2) such property is encumbered by a lien for taxes due such  
374 municipality; (3) upon a filing of a notice of eminent domain; (4) the  
375 municipality's legislative body finds that such investigation is in the  
376 public interest to determine if the property is underutilized or should  
377 be included in any undertaking of development, redevelopment or  
378 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)  
379 any official of the municipality reasonably finds such investigation  
380 necessary to determine if such property presents a risk to the safety,  
381 health or welfare of the public or a risk to the environment. A  
382 Connecticut brownfield land bank or any licensed environmental  
383 professional employed or retained by such Connecticut brownfield  
384 land bank may enter, without liability, upon any property under the

385 control of such Connecticut brownfield land bank for the purpose of  
386 performing an environmental site assessment or investigation on  
387 behalf of such Connecticut brownfield land bank if such  
388 environmental site assessment or investigation is required under a  
389 land banking agreement between a municipality and such Connecticut  
390 brownfield land bank or the property owner has entered into a  
391 voluntary agreement with such municipality or such land bank for the  
392 performance of an environmental site assessment or investigation,  
393 except such land bank or licensed environmental professional shall be  
394 liable in the case of gross negligence or intentional misconduct. The  
395 municipality or, if applicable, the Connecticut brownfield land bank  
396 shall give at least forty-five days' notice of such entry before the first  
397 such entry by certified mail to the property owner's last known  
398 address of record.

399 (b) A municipality or Connecticut brownfield land bank accessing  
400 or entering a property to perform an investigation pursuant to this  
401 section shall not be liable for preexisting conditions pursuant to section  
402 22a-432, 22a-433, 22a-451 or 22a-452, or to the property owner or any  
403 third party, provided the municipality or Connecticut brownfield land  
404 bank (1) did not establish, cause or contribute to the discharge,  
405 spillage, uncontrolled loss, seepage or filtration of such hazardous  
406 substance, material, waste or pollution; (2) does not negligently or  
407 recklessly exacerbate the conditions; and (3) complies with reporting of  
408 significant environmental hazard requirements pursuant to section  
409 22a-6u. To the extent that any conditions are negligently or recklessly  
410 exacerbated, the municipality or Connecticut brownfield land bank  
411 shall only be responsible for responding to contamination exacerbated  
412 by its activities.

413 (c) The owner of the property may object to such access and entry  
414 by the municipality or a Connecticut brownfield land bank by filing an  
415 action in the Superior Court not later than thirty days after receipt of  
416 the notice provided pursuant to subsection (a) of this section, provided  
417 any objection be limited to the issue of whether access is necessary and

418 only upon proof by the owner that the owner has (1) completed or is in  
419 the process of completing in a timely manner a comprehensive  
420 environmental site assessment or investigation report; (2) provided the  
421 party seeking access with a copy of the assessment or report or will do  
422 so not later than thirty days after the delivery of such assessment or  
423 report to the owner; and (3) paid any delinquent property taxes  
424 assessed against the property for which access is being sought.

425 (d) For purposes of this section, (1) "municipality" includes any (A)  
426 municipality, (B) municipal economic development agency or entity  
427 created or operating under chapter 130 or 132, (C) nonprofit economic  
428 development corporation formed to promote the common good,  
429 general welfare and economic development of a municipality that is  
430 funded, either directly or through in-kind services, in part by a  
431 municipality, or (D) nonstock corporation or limited liability company  
432 established and controlled by a municipality, municipal economic  
433 development agency or entity created or operating under chapter 130  
434 or 132; and (2) "Connecticut brownfield land bank" has the same  
435 meaning as provided in section 32-760, as amended by this act.

436 Sec. 9. Subsection (a) of section 22a-133ii of the general statutes is  
437 repealed and the following is substituted in lieu thereof (*Effective July*  
438 *1, 2016*):

439 (a) For the purposes of this section:

440 (1) "Applicant" means any (A) municipality, (B) economic  
441 development agency or entity established pursuant to chapter 130 or  
442 132, (C) nonprofit economic development corporation formed to  
443 promote the common good, general welfare and economic  
444 development of a municipality and that is funded, either directly or  
445 through in-kind services, in part by a municipality, [or] (D) [a]  
446 nonstock corporation or limited liability company controlled or  
447 established by a municipality, municipal economic development  
448 agency or entity created or operating pursuant to chapter 130 or 132, or  
449 (E) Connecticut brownfield land bank, as defined in section 32-760, as

450 amended by this act;

451 (2) "Municipality" has the same meaning as provided in section 8-  
452 187;

453 (3) "Brownfield" has the same meaning as provided in section 32-  
454 760, as amended by this act;

455 (4) "Commissioner" means the Commissioner of Energy and  
456 Environmental Protection;

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

459 (6) "Person" has the same meaning as provided in section 22a-2, as  
460 amended by this act.

461 Sec. 10. Subdivision (1) of section 22a-134 of the general statutes is  
462 repealed and the following is substituted in lieu thereof (*Effective July*  
463 *1, 2016*):

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

467 (A) Conveyance or extinguishment of an easement;

468 (B) Conveyance of an establishment through a foreclosure, as  
469 defined in subsection (b) of section 22a-452f, foreclosure of a municipal  
470 tax lien or through a tax warrant sale pursuant to section 12-157, an  
471 exercise of eminent domain by a municipality or pursuant to section 8-  
472 128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or  
473 purchase pursuant to a resolution by the legislative body of a  
474 municipality authorizing the acquisition through eminent domain for  
475 establishments that also meet the definition of a brownfield, as defined  
476 in section 32-760, as amended by this act, or a subsequent transfer by  
477 such municipality that has foreclosed on the property, foreclosed

478 municipal tax liens or that has acquired title to the property through  
479 section 12-157, or is within the pilot program established in subsection  
480 (c) of section 32-9cc of the general statutes, revision of 1958, revised to  
481 January 1, 2013, or the remedial action and redevelopment municipal  
482 grant program established in section 32-763, as amended by this act, or  
483 has acquired such property through the exercise of eminent domain by  
484 a municipality or pursuant to section 8-128, 8-169e or 8-193 or by  
485 condemnation pursuant to section 32-224 or a resolution adopted in  
486 accordance with this subparagraph, provided (i) the party acquiring  
487 the property from the municipality did not establish, create or  
488 contribute to the contamination at the establishment and is not  
489 affiliated with any person who established, created or contributed to  
490 such contamination or with any person who is or was an owner or  
491 certifying party for the establishment, and (ii) on or before the date the  
492 party acquires the property from the municipality, such party or  
493 municipality enters and subsequently remains in the voluntary  
494 remediation program administered by the commissioner pursuant to  
495 section 22a-133x and remains in compliance with schedules and  
496 approvals issued by the commissioner. For purposes of this  
497 subparagraph, subsequent transfer by a municipality includes any  
498 transfer to, from or between a municipality, municipal economic  
499 development agency or entity created or operating under chapter 130  
500 or 132, a nonprofit economic development corporation formed to  
501 promote the common good, general welfare and economic  
502 development of a municipality that is funded, either directly or  
503 through in-kind services, in part by a municipality, [or] a nonstock  
504 corporation or limited liability company controlled or established by a  
505 municipality, municipal economic development agency or entity  
506 created or operating under chapter 130 or 132, or a Connecticut  
507 brownfield land bank;

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

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

513 (E) Termination of a lease and conveyance, assignment or execution  
514 of a lease for a period less than ninety-nine years including  
515 conveyance, assignment or execution of a lease with options or similar  
516 terms that will extend the period of the leasehold to ninety-nine years,  
517 or from the commencement of the leasehold, ninety-nine years,  
518 including conveyance, assignment or execution of a lease with options  
519 or similar terms that will extend the period of the leasehold to ninety-  
520 nine years, or from the commencement of the leasehold;

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

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

525 (H) Corporate reorganization not substantially affecting the  
526 ownership of the establishment;

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

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

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

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

539 (M) Any conveyance of a portion of a parcel upon which portion no  
540 establishment is or has been located and upon which there has not  
541 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
542 of hazardous waste, provided either the area of such portion is not  
543 greater than fifty per cent of the area of such parcel or written notice of  
544 such proposed conveyance and an environmental condition  
545 assessment form for such parcel is provided to the commissioner sixty  
546 days prior to such conveyance;

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

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

552 (P) Any conveyance of an establishment to any entity created or  
553 operating under chapter 130 or 132, or to an urban rehabilitation  
554 agency, as defined in section 8-292, or to a municipality under section  
555 32-224, or to Connecticut Innovations, Incorporated or any subsidiary  
556 of the corporation;

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

560 (R) The conversion of a general or limited partnership to a limited  
561 liability company;

562 (S) The transfer of general partnership property held in the names of  
563 all of its general partners to a general partnership which includes as  
564 general partners immediately after the transfer all of the same persons  
565 as were general partners immediately prior to the transfer;

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

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

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

572 (V) Conveyance of any real property or business operation that  
573 would qualify as an establishment solely as a result of (i) the  
574 generation of more than one hundred kilograms of universal waste in  
575 a calendar month, (ii) the storage, handling or transportation of  
576 universal waste generated at a different location, or (iii) activities  
577 undertaken at a universal waste transfer facility, provided any such  
578 real property or business operation does not otherwise qualify as an  
579 establishment; there has been no discharge, spillage, uncontrolled loss,  
580 seepage or filtration of a universal waste or a constituent of universal  
581 waste that is a hazardous substance at or from such real property or  
582 business operation; and universal waste is not also recycled, treated,  
583 except for treatment of a universal waste pursuant to 40 CFR  
584 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
585 such real property or business operation;

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

588 (X) Acquisition of an establishment that is in the abandoned  
589 brownfield cleanup program established pursuant to section 32-768, as  
590 amended by this act, and all subsequent transfers of the establishment,  
591 provided the establishment is undergoing remediation or is  
592 remediated in accordance with subsection (f) of section 32-768;

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

595 (Z) Acquisition of an establishment that is in the brownfield  
596 remediation and revitalization program and all subsequent transfers of  
597 the establishment, provided the establishment is in compliance with  
598 the brownfield investigation plan and remediation schedule, the  
599 commissioner has issued a no audit letter or successful audit closure

600 letter in response to a verification or interim verification submitted  
601 regarding the remediation of such establishment under the brownfield  
602 remediation and revitalization program, or a one-hundred-eighty-day  
603 period has expired since a verification or interim verification  
604 submitted regarding the remediation of such establishment under the  
605 brownfield remediation and revitalization program without an audit  
606 decision from the Commissioner of Energy and Environmental  
607 Protection;

608 (AA) Conveyance of an establishment in connection with the  
609 acquisition of properties to effectuate the development of a project  
610 certified and approved pursuant to section 32-9v, provided any such  
611 property is investigated and remediated in accordance with section  
612 22a-133y; [or]

613 (BB) Conveyance from the Department of Transportation to the  
614 Connecticut Airport Authority of any properties comprising (i)  
615 Bradley International Airport and all related improvements and  
616 facilities now in existence and as hereafter acquired, added, extended,  
617 improved and equipped, including any property or facilities  
618 purchased with funds of, or revenues derived from, Bradley  
619 International Airport, and any other property or facilities allocated by  
620 the state, the Connecticut Airport Authority or otherwise to Bradley  
621 International Airport, (ii) the state-owned and operated general  
622 aviation airports, including Danielson Airport, Groton/New London  
623 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and  
624 Windham Airport and any such other airport as may be owned,  
625 operated or managed by the Connecticut Airport Authority and  
626 designated as general aviation airports, (iii) any other airport as may  
627 be owned, operated or managed by the Connecticut Airport Authority,  
628 and (iv) any airport site or any part thereof, including, but not limited  
629 to, any restricted landing areas and any air navigation facilities; or

630 (CC) Conveyance of an establishment to a Connecticut brownfield  
631 land bank and all subsequent transfers of such establishment,  
632 provided (i) such establishment was entered into a remediation or

633 liability relief program under section 22a-133x, 22a-133y, 32-768, as  
634 amended by this act, or 32-769, as amended by this act, and the  
635 conveyor or transferor of such establishment is in compliance with  
636 such program at the time of transfer of such establishment, and (ii)  
637 none of the activities described in subdivision (3) of this section were  
638 conducted at such establishment after the date such establishment was  
639 entered into such remediation or liability relief program.

640 Sec. 11. Section 22a-134 of the general statutes is amended by adding  
641 subdivision (29) as follows (*Effective July 1, 2016*):

642 (NEW) (29) "Connecticut brownfield land bank" has the same  
643 meaning as provided in section 32-760, as amended by this act.

644 Sec. 12. Section 32-763 of the 2016 supplement to the general statutes  
645 is repealed and the following is substituted in lieu thereof (*Effective July*  
646 *1, 2016*):

647 (a) There is established a remedial action and redevelopment  
648 municipal grant program to be administered by the Department of  
649 Economic and Community Development for the purpose of providing  
650 grants to municipalities, Connecticut brownfield land banks and  
651 economic development agencies for the eligible costs of brownfield  
652 remediation projects, brownfield assessment projects and reasonable  
653 administrative expenses not to exceed five per cent of any grant  
654 awarded. A grant awarded under this section shall not exceed four  
655 million dollars.

656 (b) A grant applicant shall submit an application to the  
657 Commissioner of Economic and Community Development on forms  
658 provided by the commissioner and with such information the  
659 commissioner deems necessary, including, but not limited to: (1) A  
660 description of the proposed project; (2) an explanation of the expected  
661 benefits of the project in relation to the purposes of this section; (3)  
662 information concerning the financial and technical capacity of the  
663 applicant to undertake the proposed project; (4) a project budget; and

664 (5) with respect to a brownfield remediation project, a description of  
665 the condition of the brownfield, including the results of any  
666 environmental assessment of the brownfield in the possession of or  
667 available to the applicant.

668 (c) The commissioner may approve, reject or modify any application  
669 properly submitted in accordance with the provisions of this section.  
670 In reviewing an application and determining the amount of the grant,  
671 if any, to be provided, the commissioner shall consider the following  
672 criteria: (1) The availability of funds; (2) the estimated costs of  
673 assessing and remediating the brownfield, if known; (3) the relative  
674 economic condition of the municipality in which the brownfield is  
675 located; (4) the relative need of the project for financial assistance; (5)  
676 the degree to which a grant under this section is necessary to induce  
677 the applicant to undertake the project; (6) the public health and  
678 environmental benefits of the project; (7) the relative benefits of the  
679 project to the municipality, the region and the state, including, but not  
680 limited to, the extent to which the project will likely result in a  
681 contribution to the municipality's tax base, the retention and creation  
682 of jobs and the reduction of blight; (8) the time frame in which the  
683 contamination occurred; (9) the relationship of the applicant to the  
684 person or entity that caused the contamination; (10) the length of time  
685 the brownfield has been abandoned; (11) the taxes owed and the  
686 projected revenues that may be restored to the community; (12) the  
687 relative need for assessment of the brownfield within the municipality  
688 or region; and (13) such other criteria as the commissioner may  
689 establish consistent with the purposes of this section.

690 (d) The commissioner shall award grants on a competitive basis,  
691 based on a request for applications occurring on or before October  
692 first, annually. The commissioner may increase the frequency of  
693 requests for applications and awards depending upon the number of  
694 applicants and the availability of funding.

695 (e) The commissioner, in consultation with the Commissioner of  
696 Energy and Environmental Protection and following the award of a

697 grant to a municipality, Connecticut brownfield land bank or economic  
698 development agency pursuant to subsections (c) and (d) of this section,  
699 may award an additional grant to such municipality, Connecticut  
700 brownfield land bank or economic development agency to enable the  
701 completion of a brownfield remediation or assessment project,  
702 provided such project is identified as a priority by said commissioners  
703 and such additional grant funds (1) will be used to address unexpected  
704 cost overruns or costs related to remedial activities that will provide a  
705 greater environmental benefit than originally proposed pursuant to  
706 subsection (b) of this section, (2) do not exceed fifty per cent of the  
707 original grant, and (3) will not result in more than four million dollars  
708 in total grants being awarded for a single brownfield remediation or  
709 assessment project.

710 (f) The commissioner may award grants to any municipality,  
711 Connecticut brownfield land bank, economic development agency or  
712 regional council of governments organized under sections 4-124i to 4-  
713 124p, inclusive, for the eligible costs of developing a comprehensive  
714 plan for the remediation and redevelopment of multiple brownfields  
715 whenever such plan is consistent with the state plan of conservation  
716 and development, adopted pursuant to chapter 297, and the plan of  
717 conservation and development, adopted pursuant to section 8-23, for  
718 each municipality in which such brownfields are located. For purposes  
719 of this subsection, "eligible costs" shall also include expenditures  
720 associated with the development of any such plan for remediation and  
721 redevelopment.

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

724 Sec. 13. Subsections (c) and (d) of section 32-768 of the general  
725 statutes are repealed and the following is substituted in lieu thereof  
726 (*Effective July 1, 2016*):

727 (c) Notwithstanding the provisions of subsection (b) of this section,  
728 a property owned by a municipality or a Connecticut brownfield land

729 bank shall not be subject to subdivision (6) of subsection (b) of this  
730 section.

731 (d) Notwithstanding the provisions of subsection (b) of this section,  
732 a municipality or a Connecticut brownfield land bank may request the  
733 Commissioner of Economic and Community Development to  
734 determine if a property is eligible regardless of the person who  
735 currently owns such property.

736 Sec. 14. Section 32-769 of the general statutes is repealed and the  
737 following is substituted in lieu thereof (*Effective July 1, 2016*):

738 (a) The commissioner shall, within available appropriations,  
739 establish a brownfield remediation and revitalization program to  
740 provide certain liability protections to program participants. Not more  
741 than thirty-two properties per year shall be accepted into the program.  
742 Participation in the program shall be by accepted application pursuant  
743 to this subsection or by approved nomination pursuant to subsection  
744 (c) of this section. To be considered for acceptance, an applicant shall  
745 submit to the commissioner, on a form prescribed by the  
746 commissioner, a certification that: (1) The applicant meets the  
747 definition of a bona fide prospective purchaser, innocent landowner or  
748 contiguous property owner; (2) the property meets the definition of a  
749 brownfield and has been subject to a release of a regulated substance  
750 in an amount that is in excess of the remediation standards; (3) the  
751 applicant did not establish, create or maintain a source of pollution to  
752 the waters of the state for purposes of section 22a-432 and is not  
753 responsible pursuant to any other provision of the general statutes for  
754 any pollution or source of pollution on the property; (4) the applicant  
755 is not affiliated with any person responsible for such pollution or  
756 source of pollution through any direct or indirect familial relationship  
757 or any contractual, corporate or financial relationship other than that  
758 by which such purchaser's interest in such property is to be conveyed  
759 or financed; and (5) the property is not (A) currently the subject of an  
760 enforcement action, including any consent order issued by the  
761 Department of Energy and Environmental Protection or the United

762 States Environmental Protection Agency under any current  
763 Department of Energy and Environmental Protection or United States  
764 Environmental Protection Agency program, (B) listed on the national  
765 priorities list of hazardous waste disposal sites compiled by the United  
766 States Environmental Protection Agency pursuant to 42 USC 9605, (C)  
767 listed on the State of Connecticut Superfund Priority List, or (D)  
768 subject to corrective action as may be required by the federal Resource  
769 Conservation and Recovery Act of 1976, 42 USC 6901 et seq. The  
770 commissioner may review such certifications to ensure accuracy, in  
771 consultation with the Commissioner of Energy and Environmental  
772 Protection, and applications will not be considered if such  
773 certifications are found inaccurate.

774 (b) To ensure a geographic distribution and a diversity of projects  
775 and broad access to the brownfield remediation and revitalization  
776 program, the commissioner, in consultation with the Commissioner of  
777 Energy and Environmental Protection, shall review all applications  
778 received and determine admission of eligible properties into the  
779 brownfield remediation and revitalization program taking into  
780 consideration state-wide portfolio factors including: (1) Job creation  
781 and retention; (2) sustainability; (3) readiness to proceed; (4)  
782 geographic distribution of projects; (5) population of the municipality  
783 where the property is located; (6) project size; (7) project complexity;  
784 (8) duration and degree to which the property has been underused; (9)  
785 projected increase to the municipal grand list; (10) consistency of the  
786 property as remediated and developed with municipal or regional  
787 planning objectives; (11) development plan's support for and  
788 furtherance of principles of smart growth, as defined in section 1 of  
789 public act 09-230, or transit-oriented development, as defined in  
790 section 13b-79o; and (12) other factors as may be determined by the  
791 commissioner. Admittance into the brownfield remediation and  
792 revitalization program shall not indicate approval or award of funding  
793 requested under any federal, state or municipal grant or loan program,  
794 including, but not limited to, any state brownfield grant or loan  
795 program.

796 (c) The commissioner shall accept nominations of properties for  
797 participation in the program established pursuant to subsection (a) of  
798 this section by [a municipality or an economic development agency,]  
799 municipalities, Connecticut brownfield land banks and economic  
800 development agencies where no bona fide prospective purchaser,  
801 contiguous property owner or innocent landowner has applied for  
802 participation in the program. For a property to be considered for  
803 approval for nomination to the program established pursuant to this  
804 section, a municipality, Connecticut brownfield land bank or economic  
805 development agency shall submit to the commissioner, on a form  
806 prescribed by the commissioner, a certification that the property meets  
807 the eligibility requirements provided in subdivisions (2) and (5) of  
808 subsection (a) of this section and any other relevant factors, including  
809 state-wide portfolio factors provided in subsection (b) of this section,  
810 as may be determined by the commissioner. After the commissioner  
811 approves a property's nomination, any subsequent applicant shall  
812 apply in accordance with subsections (a) and (f) of this section. In any  
813 such application, the applicant shall demonstrate it satisfies the  
814 eligibility requirements provided in subdivisions (1), (3) and (4) of  
815 subsection (a) of this section and shall demonstrate satisfaction of  
816 subdivisions (2) and (5) of subsection (a) of this section for the period  
817 after the commissioner's acceptance of the municipality's, Connecticut  
818 brownfield land bank's or economic development agency's nomination  
819 of the property.

820 (d) (1) Properties otherwise eligible for the brownfield remediation  
821 and revitalization program currently being investigated and  
822 remediated in accordance with the state voluntary remediation  
823 programs under sections 22a-133x and 22a-133y, the property transfer  
824 program under section 22a-134, as amended by this act, and the  
825 covenant not to sue programs under section 22a-133aa or 22a-133bb  
826 shall not be excluded from eligibility in said program, provided the  
827 other requirements set forth in this section are met.

828 (2) Properties otherwise eligible for the brownfield remediation and

829 revitalization program that have been subject to a release requiring  
830 action pursuant to the PCB regulations or that have been subject to a  
831 release requiring action pursuant to the UST regulations shall not be  
832 deemed ineligible, but no provision of this section shall affect any  
833 eligible party's obligation under such regulations to investigate or  
834 remediate the extent of any such release.

835 (e) Inclusion of a property within the brownfield remediation and  
836 revitalization program by the commissioner shall not limit any  
837 person's ability to seek funding for such property under any federal,  
838 state or municipal grant or loan program, including, but not limited to,  
839 any state brownfield grant or loan program. Admittance into the  
840 brownfield remediation and revitalization program shall not indicate  
841 approval or award of funding requested under any federal, state or  
842 municipal grant or loan program, including, but not limited to, any  
843 state brownfield grant or loan program.

844 (f) Any applicant seeking a designation of eligibility for a person or  
845 a property under the brownfield remediation and revitalization  
846 program shall apply to the commissioner at such times and on such  
847 forms as the commissioner may prescribe. The application shall  
848 include, but not be limited to, (1) a title search, (2) the Phase I  
849 Environmental Site Assessment conducted by or for the bona fide  
850 prospective purchaser or the contiguous property owner, which shall  
851 be prepared in accordance with prevailing standards and guidelines,  
852 (3) a current property inspection, if requested by the commissioner, (4)  
853 documentation demonstrating satisfaction of the eligibility criteria set  
854 forth in subsection (a) of this section, (5) information about the project  
855 that relates to the state-wide portfolio factors set forth in subsection (b)  
856 of this section, and (6) such other information as the commissioner  
857 may request to determine admission.

858 (g) Any applicant accepted into the brownfield remediation and  
859 revitalization program by the commissioner shall pay the  
860 Commissioner of Energy and Environmental Protection a fee equal to  
861 five per cent of the assessed value of the land, as stated on the last-

862 completed grand list of the relevant town. The fee shall be paid in two  
863 installments, each equal to fifty per cent of such fee, subject to potential  
864 reductions as specified in subsection (h) of this section. The first  
865 installment shall be due not later than one hundred eighty days after  
866 the later of the date such applicant is notified that the application has  
867 been accepted by the commissioner or the date that such applicant  
868 takes title to the eligible property. The second installment shall be due  
869 not later than four years after the acceptance date. Upon request by  
870 such applicant, a municipality, a Connecticut brownfield land bank or  
871 an economic development agency, the commissioner may, at the  
872 commissioner's discretion, extend either or both of the installment due  
873 dates. Such fee shall be deposited into the Special Contaminated  
874 Property Remediation and Insurance Fund established pursuant to  
875 section 22a-133t and shall be available for use by the Commissioner of  
876 Energy and Environmental Protection pursuant to section 22a-133u.

877 (h) (1) The first installment of the fee in subsection (g) of this section  
878 shall be reduced by ten per cent for any eligible party that completes  
879 and submits to the Commissioner of Energy and Environmental  
880 Protection documentation, approved in writing by a licensed  
881 environmental professional and on a form prescribed by said  
882 commissioner, that the investigation of the property has been  
883 completed in accordance with prevailing standards and guidelines  
884 within one hundred eighty days after the date the application is  
885 accepted by the commissioner.

886 (2) The second installment of the fee in subsection (g) of this section  
887 shall be eliminated for any eligible party that submits the remedial  
888 action report and verification or interim verification to the  
889 Commissioner of Energy and Environmental Protection within four  
890 years after the date the application is accepted by the commissioner. In  
891 the event an eligible party submits a request for the Commissioner of  
892 Energy and Environmental Protection's approval, where such approval  
893 is required pursuant to the remediation standard and where said  
894 commissioner issues a decision on such request beyond sixty days

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

900 (3) The second installment of the fee in subsection (g) of this section  
901 shall be reduced by, or any eligible party shall receive a refund in the  
902 amount equal to, twice the reasonable environmental service costs of  
903 such investigation, as determined by the Commissioner of Energy and  
904 Environmental Protection, for any eligible party that completes and  
905 submits to the Commissioner of Energy and Environmental Protection  
906 documentation, approved in writing by a licensed environmental  
907 professional and on a form that may be prescribed by said  
908 commissioner, that the investigation of the nature and extent of any  
909 contamination that has migrated from the property has been  
910 completed in accordance with prevailing standards and guidelines.  
911 Such refund shall not exceed the amount of the second installment of  
912 the fee in subsection (g) of this section.

913 (4) ~~[No] Notwithstanding the provisions of this subsection and~~  
914 ~~subsection (g) of this section, no municipality, Connecticut brownfield~~  
915 ~~land bank~~ or economic development agency seeking designation of  
916 eligibility shall be required to pay a fee, provided, upon transfer of the  
917 eligible property from the municipality, ~~Connecticut brownfield land~~  
918 ~~bank~~ or economic development agency to an eligible person, [that]  
919 ~~such~~ eligible person shall pay to the Commissioner of Energy and  
920 Environmental Protection the fee in subsection (g) of this section in  
921 accordance with the applicable requirements in this subsection.

922 (5) A municipality, ~~Connecticut brownfield land bank~~ or economic  
923 development agency may submit a fee waiver request to the  
924 commissioner to waive a portion or the entire fee for an eligible  
925 property located within [that] ~~such~~ municipality. The commissioner, at  
926 his or her discretion, shall consider the following factors in  
927 determining whether to approve a fee waiver or reduction: (A)

928 Location of the brownfield within a distressed municipality, as defined  
929 in section 32-9p; (B) demonstration by the municipality, Connecticut  
930 brownfield land bank or economic development agency that the  
931 project is of significant economic impact; (C) demonstration by the  
932 municipality, Connecticut brownfield land bank or economic  
933 development agency that the project has a significant community  
934 benefit to the municipality; (D) demonstration that the eligible party is  
935 a governmental or nonprofit entity; and (E) demonstration that the fee  
936 required will have a detrimental effect on the overall success of the  
937 project.

938 (i) An applicant whose application has been accepted into the  
939 brownfield remediation and revitalization program shall not be liable  
940 to the state or any person for the release of any regulated substance at  
941 or from the eligible property, except and only to the extent that such  
942 applicant [(A)] (1) caused or contributed to the release of a regulated  
943 substance that is subject to remediation or exacerbated such condition,  
944 or [(B)] (2) the Commissioner of Energy and Environmental Protection  
945 determines the existence of any of the conditions set forth in  
946 subdivision (4) of subsection (m) of this section. If an applicant whose  
947 application has been accepted into the brownfield remediation and  
948 revitalization program conveys or has conveyed a security interest, as  
949 defined in section 22a-452f, in the eligible property to a lender, as  
950 defined in section 22a-452f, and such lender (A) did not establish,  
951 create or maintain a source of pollution to the waters of the state for  
952 purposes of section 22a-432, (B) is not responsible pursuant to any  
953 other provision of the general statutes for any pollution or source of  
954 pollution on the property, and (C) is not affiliated with any person  
955 responsible for such pollution or source of pollution through any  
956 direct or indirect familial relationship or any contractual, corporate or  
957 financial relationship other than that creating the security interest in  
958 the eligible property, such lender shall not be liable to the state or any  
959 person for the release of any regulated substance at or from the eligible  
960 property.

961 (j) (1) An applicant whose application to the brownfield remediation  
962 and revitalization program has been accepted by the commissioner (A)  
963 shall investigate the release or threatened release of any regulated  
964 substance within the boundaries of the property in accordance with  
965 prevailing standards and guidelines and remediate such release or  
966 threatened release within the boundaries of such property in  
967 accordance with the brownfield investigation plan and remediation  
968 schedule and this section, and (B) shall not be required to characterize,  
969 abate and remediate the release of a regulated substance beyond the  
970 boundary of the eligible property, except for releases caused or  
971 contributed to by such applicant.

972 (2) Not later than one hundred eighty days after the first installment  
973 due date, including any extension thereof by the commissioner, of the  
974 fee required pursuant to subsection (g) of this section, the eligible party  
975 shall submit to the commissioner and the Commissioner of Energy and  
976 Environmental Protection a brownfield investigation plan and  
977 remediation schedule that is signed and stamped by a licensed  
978 environmental professional. Unless otherwise approved in writing by  
979 the Commissioner of Energy and Environmental Protection, such  
980 brownfield investigation plan and remediation schedule shall provide  
981 that (A) the investigation shall be completed not later than two years  
982 after the first installment due date, including any extension thereof by  
983 the commissioner, of the fee required pursuant to subsection (g) of this  
984 section, (B) remediation shall be initiated not later than three years  
985 from the first installment due date, including any extension thereof by  
986 the commissioner, of the fee required pursuant to subsection (g) of this  
987 section, and (C) remediation shall be completed sufficiently to support  
988 either a verification or an interim verification not later than eight years  
989 after the first installment due date, including any extension thereof by  
990 the commissioner, of the fee required pursuant to subsection (g) of this  
991 section. The schedule shall also include a schedule for providing public  
992 notice of the remediation prior to the initiation of such remediation in  
993 accordance with subdivision (1) of subsection (j) of this section. Not  
994 later than two years after the first installment due date, including any

995 extension thereof by the commissioner, of the fee required pursuant to  
996 subsection (g) of this section, unless the Commissioner of Energy and  
997 Environmental Protection has specified a later day, in writing, the  
998 eligible party shall submit to the Commissioner of Energy and  
999 Environmental Protection documentation, approved in writing by a  
1000 licensed environmental professional and in a form prescribed by the  
1001 Commissioner of Energy and Environmental Protection, that the  
1002 investigation of the property has been completed in accordance with  
1003 prevailing standards and guidelines. Not later than three years after  
1004 the first installment due date, including any extension thereof by the  
1005 commissioner, of the fee required pursuant to subsection (g) of this  
1006 section, unless the Commissioner of Energy and Environmental  
1007 Protection has specified a later day, in writing, the eligible party shall  
1008 notify the Commissioner of Energy and Environmental Protection and  
1009 the commissioner in a form prescribed by the Commissioner of Energy  
1010 and Environmental Protection that the remediation has been initiated,  
1011 and shall submit to the Commissioner of Energy and Environmental  
1012 Protection a remedial action plan, approved in writing by a licensed  
1013 environmental professional in a form prescribed by the Commissioner  
1014 of Energy and Environmental Protection. Not later than eight years  
1015 after the first installment due date, including any extension thereof by  
1016 the commissioner, of the fee required pursuant to subsection (g) of this  
1017 section, unless the Commissioner of Energy and Environmental  
1018 Protection has specified a later day, in writing, the eligible party shall  
1019 complete remediation of the property and submit the remedial action  
1020 report and verification or interim verification to the Commissioner of  
1021 Energy and Environmental Protection and the commissioner. Any time  
1022 after completion of the investigation of the eligible property, the  
1023 eligible party may complete the remediation of a portion of such  
1024 property and submit a verification or an interim verification for such  
1025 portion to the Commissioner of Energy and Environmental Protection  
1026 and the commissioner. The Commissioner of Energy and  
1027 Environmental Protection shall grant a reasonable extension if the  
1028 eligible party demonstrates to the satisfaction of the Commissioner of  
1029 Energy and Environmental Protection that: (i) Such eligible party has

1030 made reasonable progress toward investigation and remediation of the  
1031 eligible property; and (ii) despite best efforts, circumstances beyond  
1032 the control of the eligible party have significantly delayed the  
1033 remediation of the eligible property.

1034 (3) An eligible party who submits an interim verification for an  
1035 eligible property, and any subsequent owner of such eligible property,  
1036 shall, until the remediation standards for groundwater are achieved,  
1037 (A) operate and maintain the long-term remedy for groundwater in  
1038 accordance with the remedial action plan, the interim verification and  
1039 any approvals issued by the Commissioner of Energy and  
1040 Environmental Protection, (B) prevent exposure to any groundwater  
1041 plume containing a regulated substance in excess of the remediation  
1042 standards on the property, (C) take all reasonable action to contain any  
1043 groundwater plume on the property, and (D) submit annual status  
1044 reports to the Commissioner of Energy and Environmental Protection  
1045 and the commissioner.

1046 (4) Before commencement of remedial action pursuant to the plan  
1047 and schedule, the eligible party shall: (A) Publish notice of the  
1048 remedial action in a newspaper having a substantial circulation in the  
1049 town where the property is located, (B) notify the director of health of  
1050 the municipality where the property is located, and (C) either (i) erect  
1051 and maintain for at least thirty days in a legible condition a sign not  
1052 less than six feet by four feet on the property, which shall be clearly  
1053 visible from the public highway and shall include the words  
1054 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR  
1055 FURTHER INFORMATION CONTACT:" and include a telephone  
1056 number for an office from which any interested person may obtain  
1057 additional information about the remedial action, or (ii) mail notice of  
1058 the remedial action to each owner of record of property which abuts  
1059 such property, at the address on the last-completed grand list of the  
1060 relevant town. Public comments shall be directed to the eligible party  
1061 for a thirty-day period starting with the last provided public notice  
1062 provision and such eligible party shall provide all comments and any

1063 responses to the Commissioner of Energy and Environmental  
1064 Protection prior to commencing remedial action.

1065 (5) The remedial action shall be conducted under the supervision of  
1066 a licensed environmental professional and the remedial action report  
1067 shall be submitted to the commissioner and the Commissioner of  
1068 Energy and Environmental Protection signed and stamped by a  
1069 licensed environmental professional. In such report, the licensed  
1070 environmental professional shall include a detailed description of the  
1071 remedial actions taken and issue a verification or interim verification,  
1072 in which he or she shall render an opinion, in accordance with the  
1073 standard of care provided in subsection (c) of section 22a-133w, that  
1074 the action taken to contain, remove or mitigate the release of regulated  
1075 substances within the boundaries of such property is in accordance  
1076 with the remediation standards.

1077 (6) All applications for permits required to implement such plan  
1078 and schedule in this section shall be submitted to the permit  
1079 ombudsman within the Department of Economic and Community  
1080 Development.

1081 (7) Each eligible party participating in the brownfield remediation  
1082 and revitalization program shall maintain all records related to its  
1083 implementation of such plan and schedule and completion of the  
1084 remedial action of the property for a period of not less than ten years  
1085 and shall make such records available to the commissioner or the  
1086 Commissioner of Energy and Environmental Protection at any time  
1087 upon request by either.

1088 (8) (A) Not later than sixty days after receiving a remedial action  
1089 report signed and stamped by a licensed environmental professional  
1090 and a verification or interim verification, the Commissioner of Energy  
1091 and Environmental Protection shall notify the eligible party and the  
1092 commissioner whether the Commissioner of Energy and  
1093 Environmental Protection will conduct an audit of such remedial  
1094 action. Any such audit shall be conducted not later than one hundred

1095 eighty days after the Commissioner of Energy and Environmental  
1096 Protection receives a remedial action report signed and stamped by a  
1097 licensed environmental professional and a verification or interim  
1098 verification. Not later than fourteen days after completion of an audit,  
1099 the Commissioner of Energy and Environmental Protection shall send  
1100 written audit findings to the eligible party, the commissioner and the  
1101 licensed environmental professional. The audit findings may approve  
1102 or disapprove the report, provided any disapproval shall set forth the  
1103 reasons for such disapproval.

1104 (B) The Commissioner of Energy and Environmental Protection may  
1105 request additional information during an audit conducted pursuant to  
1106 this subdivision. If such information has not been provided to said  
1107 commissioner within fourteen days of such request, the time frame for  
1108 said commissioner to complete the audit shall be suspended until the  
1109 information is provided to said commissioner. The Commissioner of  
1110 Energy and Environmental Protection may choose to conduct such  
1111 audit if and when the eligible party fails to provide a response to said  
1112 commissioner's request for additional information within sixty days.

1113 (C) The Commissioner of Energy and Environmental Protection  
1114 shall not conduct an audit of a verification or interim verification  
1115 pursuant to this subdivision after one hundred eighty days from  
1116 receipt of such verification unless (i) said commissioner has reason to  
1117 believe that a verification was obtained through the submittal of  
1118 materially inaccurate or erroneous information, or otherwise  
1119 misleading information material to the verification or that material  
1120 misrepresentations were made in connection with the submittal of the  
1121 verification, (ii) any post-verification monitoring or operations and  
1122 maintenance is required as part of a verification and has not been  
1123 done, (iii) a verification that relies upon an environmental land use  
1124 restriction was not recorded on the land records of the municipality in  
1125 which such land is located in accordance with section 22a-133o and  
1126 applicable regulations, (iv) said commissioner determines that there  
1127 has been a violation of law material to the verification, or (v) said

1128 commissioner determines that information exists indicating that the  
1129 remediation may have failed to prevent a substantial threat to public  
1130 health or the environment for releases on the property.

1131 (k) Not later than sixty days after receiving a notice of disapproval  
1132 or a verification or interim verification from the Commissioner of  
1133 Energy and Environmental Protection, the eligible party shall submit  
1134 to said commissioner and to the commissioner a report of cure of noted  
1135 deficiencies. Within sixty days after receiving such report of cure of  
1136 noted deficiencies by said commissioner, said commissioner shall issue  
1137 a successful audit closure letter or a written disapproval of such report  
1138 of cure of noted deficiencies.

1139 (l) Before approving a verification or interim verification, the  
1140 Commissioner of Energy and Environmental Protection may enter into  
1141 a memorandum of understanding with the eligible party with regard  
1142 to any further remedial action or monitoring activities on or at such  
1143 property that said commissioner deems necessary for the protection of  
1144 human health or the environment.

1145 (m) (1) An eligible party who has been accepted into the brownfield  
1146 remediation and revitalization program shall have no obligation as  
1147 part of its plan and schedule to characterize, abate and remediate any  
1148 plume or release of a regulated substance outside the boundaries of the  
1149 subject property, provided the notification requirements of section 22a-  
1150 6u pertaining to significant environmental hazards shall continue to  
1151 apply to the property and the eligible party shall not be required to  
1152 characterize, abate or remediate any such significant environmental  
1153 hazard outside the boundaries of the subject property unless such  
1154 significant environmental hazard arises from the actions of the eligible  
1155 party after its acquisition of or control over the property from which  
1156 such significant environmental hazard has emanated outside its own  
1157 boundaries. If an eligible party who has been accepted into the  
1158 brownfield remediation and revitalization program conveys or  
1159 otherwise transfers its ownership of the subject property and such  
1160 eligible party is in compliance with the provisions of this section and

1161 the brownfield investigation plan and remediation schedule at the time  
1162 of conveyance or transfer of ownership, the provisions of this section  
1163 shall apply to such transferee, if such transferee meets the eligibility  
1164 criteria set forth in this section, timely pays [the] any fee required by  
1165 subsection (g) or (h) of this section not yet paid by such eligible party  
1166 and complies with all the obligations undertaken by the eligible party  
1167 under this section. In such case, all references to applicant or eligible  
1168 party shall mean the subsequent owner or transferee.

1169 (2) After the Commissioner of Energy and Environmental Protection  
1170 issues either a no audit letter or a successful audit closure letter, or no  
1171 audit decision has been made by said commissioner within one  
1172 hundred eighty days after the submittal of the remedial action report  
1173 and verification or interim verification, such eligible party shall not be  
1174 liable to the state or any person for (A) costs incurred in the  
1175 remediation of, equitable relief relating to, or damages resulting from  
1176 the release of regulated substances addressed in the brownfield  
1177 investigation plan and remediation schedule, and (B) historical off-site  
1178 impacts including air deposition, waste disposal, impacts to sediments  
1179 and natural resource damages. No eligible party shall be afforded any  
1180 relief from liability such eligible party may have from a release  
1181 requiring action pursuant to the PCB regulations or a release requiring  
1182 action pursuant to the UST regulations.

1183 (3) The provisions of this section concerning liability shall extend to  
1184 any person who acquires title to all or part of the property for which a  
1185 remedial action report and verification or interim verification have  
1186 been submitted pursuant to this section, provided (A) there is payment  
1187 of a fee of ten thousand dollars to said commissioner for each such  
1188 extension, (B) such person acquiring all or part of the property meets  
1189 the criteria of this section, and (C) the Commissioner of Energy and  
1190 Environmental Protection has issued either a successful audit closure  
1191 letter or no audit letter, or no audit decision has been made by said  
1192 commissioner not later than one hundred eighty days after the  
1193 submittal of the remedial action report and verification or interim

1194 verification. No municipality, Connecticut brownfield land bank or  
1195 economic development agency that acquires title to all or part of the  
1196 property shall be required to pay a fee, provided the municipality,  
1197 Connecticut brownfield land bank or economic development agency  
1198 shall collect and pay the fee upon transfer of the property to another  
1199 person for purposes of development. Such fee shall be deposited into  
1200 the Special Contaminated Property Remediation and Insurance Fund  
1201 established under section 22a-133t and such funds shall be for the  
1202 exclusive use by the Department of Energy and Environmental  
1203 Protection.

1204 (4) Neither a successful audit closure nor no audit letter issued  
1205 pursuant to this section, nor the expiration of one hundred eighty days  
1206 after the submittal of the remedial action report and verification or  
1207 interim verification without an audit decision by the Commissioner of  
1208 Energy and Environmental Protection, shall preclude said  
1209 commissioner from taking any appropriate action, including, but not  
1210 limited to, any action to require remediation of the property by the  
1211 eligible party or, as applicable, to its successor, if said commissioner  
1212 determines that:

1213 (A) The successful audit closure, no audit letter, or the expiration of  
1214 one hundred eighty days after the submittal of the remedial action  
1215 report and verification or interim verification without an audit  
1216 decision by the Commissioner of Energy and Environmental  
1217 Protection was based on information provided by the person  
1218 submitting such remedial action report and verification or interim  
1219 verification that the Commissioner of Energy and Environmental  
1220 Protection can show that such person knew, or had reason to know,  
1221 was false or misleading, and, in the case of the successor to an  
1222 applicant, that such successor was aware or had reason to know that  
1223 such information was false or misleading;

1224 (B) New information confirms the existence of previously unknown  
1225 contamination that resulted from a release that occurred before the  
1226 date that an application has been accepted into the brownfield

1227 remediation and revitalization program;

1228 (C) The eligible party who received the successful audit closure or  
1229 no audit letter or where one hundred eighty days lapsed without an  
1230 audit decision by the Commissioner of Energy and Environmental  
1231 Protection has materially failed to complete the remedial action  
1232 required by the brownfield investigation plan and remediation  
1233 schedule or to carry out or comply with monitoring, maintenance or  
1234 operating requirements pertinent to a remedial action including the  
1235 requirements of any environmental land use restriction; or

1236 (D) The threat to human health or the environment is increased  
1237 beyond an acceptable level due to substantial changes in exposure  
1238 conditions at such property, including, but not limited to, a change  
1239 from nonresidential to residential use of such property.

1240 (5) If an eligible party who has been accepted into the brownfield  
1241 remediation and revitalization program conveys or otherwise transfers  
1242 all or part of its ownership interest in the subject property at any time  
1243 before the issuance of a successful audit closure or no audit letter or  
1244 the expiration of one hundred eighty days after the submittal of the  
1245 remedial action report and verification or interim verification without  
1246 an audit decision by the Commissioner of Energy and Environmental  
1247 Protection, the eligible party conveying or otherwise transferring its  
1248 ownership interest shall not be liable to the state or any person for (A)  
1249 costs incurred in the remediation of, equitable relief relating to, or  
1250 damages resulting from the release of regulated substances addressed  
1251 in the brownfield investigation plan and remediation schedule, and (B)  
1252 historical off-site impacts including air deposition, waste disposal,  
1253 impacts to sediments and natural resource damages, provided the  
1254 eligible party complied with its obligations under this section during  
1255 the period when the eligible party held an ownership interest in the  
1256 subject property. Nothing in this subsection shall provide any relief  
1257 from liability such eligible party may have related to a release  
1258 requiring action pursuant to the PCB regulations, or a release requiring  
1259 action pursuant to the UST regulations.

1260 (6) Upon the Commissioner of Energy and Environmental  
1261 Protection's issuance of a successful audit closure letter, no audit letter,  
1262 or one hundred eighty days have passed since the submittal of a  
1263 verification or interim verification and said commissioner has not  
1264 audited the verification or interim verification, the immediate prior  
1265 owner regardless of its own eligibility to participate in the  
1266 comprehensive brownfield remediation and revitalization program  
1267 shall have no liability to the state or any person for any future  
1268 investigation and remediation of the release of any regulated substance  
1269 at the eligible property addressed in the verification or interim  
1270 verification, provided the immediate prior owner has complied with  
1271 any legal obligation such owner had with respect to investigation and  
1272 remediation of releases at and from the property, and provided further  
1273 the immediate prior owner shall retain any and all liability such  
1274 immediate prior owner would otherwise have for the investigation  
1275 and remediation of the release of any regulated substance beyond the  
1276 boundary of the eligible property. In any event, the immediate prior  
1277 owner shall remain liable for (A) penalties or fines, if any, relating to  
1278 the release of any regulated substance at or from the eligible property,  
1279 (B) costs and expenses, if any, recoverable or reimbursable pursuant to  
1280 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the  
1281 immediate prior owner as a certifying party on a Form III or IV  
1282 submitted pursuant to sections 22a-134 to 22a-134e, inclusive, as  
1283 amended by this act.

1284 (n) A person whose application to the brownfield remediation and  
1285 revitalization program has been accepted by the commissioner or any  
1286 subsequent eligible party whose application to the brownfield  
1287 remediation and revitalization program has been accepted by the  
1288 commissioner shall be exempt for filing as an establishment pursuant  
1289 to sections 22a-134a to 22a-134d, inclusive, if such real property or  
1290 prior business operations constitute an establishment. Nothing in this  
1291 section shall be construed to alter any existing legal requirement  
1292 applicable to any certifying party at a property under sections 22a-134,  
1293 as amended by this act, and 22a-134a to 22a-134e, inclusive.

1294 (o) Notwithstanding the provisions of this section, eligible parties  
 1295 shall investigate and remediate, and remain subject to all applicable  
 1296 statutes and requirements, the extent of any new release that occurs  
 1297 during their ownership of the property.

1298 Sec. 15. Subsection (b) of section 22a-2 of the general statutes is  
 1299 repealed and the following is substituted in lieu thereof (*Effective July*  
 1300 *1, 2016*):

1301 (b) As used in this chapter, and chapters 263, 268, 348, 360, 440,  
 1302 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and  
 1303 495, except where otherwise provided, "person" means any individual,  
 1304 firm, partnership, association, syndicate, company, trust, corporation,  
 1305 nonstock corporation, limited liability company, municipality, agency  
 1306 or political or administrative subdivision of the state, or other legal  
 1307 entity of any kind.

1308 Sec. 16. Subdivision (8) of section 22a-115 of the general statutes is  
 1309 repealed and the following is substituted in lieu thereof (*Effective July*  
 1310 *1, 2016*):

1311 (8) "Person" means any individual, corporation, nonstock  
 1312 corporation, limited liability company, joint venture, public benefit  
 1313 corporation, partnership, association, trust or estate, the state and its  
 1314 agencies and political subdivisions, the federal government and its  
 1315 agencies, and any other entity, public or private, however organized;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	32-760
Sec. 2	<i>July 1, 2016</i>	New section
Sec. 3	<i>July 1, 2016</i>	New section
Sec. 4	<i>July 1, 2016</i>	New section
Sec. 5	<i>July 1, 2016</i>	New section
Sec. 6	<i>July 1, 2016</i>	New section
Sec. 7	<i>July 1, 2016</i>	12-81r(a)
Sec. 8	<i>July 1, 2016</i>	22a-133dd

Sec. 9	<i>July 1, 2016</i>	22a-133ii(a)
Sec. 10	<i>July 1, 2016</i>	22a-134(1)
Sec. 11	<i>July 1, 2016</i>	22a-134
Sec. 12	<i>July 1, 2016</i>	32-763
Sec. 13	<i>July 1, 2016</i>	32-768(c) and (d)
Sec. 14	<i>July 1, 2016</i>	32-769
Sec. 15	<i>July 1, 2016</i>	22a-2(b)
Sec. 16	<i>July 1, 2016</i>	22a-115(8)

**CE**      *Joint Favorable Subst.*

**FIN**      *Joint Favorable*