

**Proposed Substitute
Bill No. 5425**

LCO No. 3197

**AN ACT AUTHORIZING THE CREATION OF CONNECTICUT
BROWNFIELD LAND BANKS.**

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2 statutes is repealed and the following is substituted in lieu thereof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;

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

252 (B) Enter into contracts and agreements with municipalities for
253 staffing services to be provided to the Connecticut brownfield land
254 bank by such municipalities, or agencies or departments thereof, or for
255 a Connecticut brownfield land bank to provide such staffing services
256 to such municipalities, or agencies or departments thereof in relation
257 to the duties of such land bank.

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

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

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

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

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

283 Sec. 5. (NEW) (*Effective July 1, 2016*) The exercise of the powers
284 granted by sections 2 to 6, inclusive, of this act, shall be in all respects
285 for the benefit of the people of the state, for the increase of their
286 commerce, welfare and prosperity, and as the exercise of such powers
287 shall constitute the performance of an essential public function, a
288 Connecticut brownfield land bank shall not be required to pay any
289 taxes or assessments upon or in respect of any revenues or property
290 received, acquired, transferred or used by such Connecticut
291 brownfield land bank, or upon or in respect of the income from such
292 revenues or property. Any notes or other obligations issued under the
293 provisions of this section, their transfer and the income therefrom,
294 including any profit made on the sale of such notes or other
295 obligations, shall at all times be free from taxation of every kind by the
296 state and by the municipalities and other political subdivisions in the
297 state.

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

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

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

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

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

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

329 (a) Any municipality may (1) enter into an agreement with the
330 owner of any real property to abate the property tax due as of the date
331 of the agreement for a period not to exceed seven years if the property
332 has been subject to a spill, as defined in section 22a-452c, and the
333 owner agrees to conduct any environmental site assessment,
334 demolition and remediation of the spill necessary to redevelop the
335 property. Any such tax abatement shall only be for the period of
336 remediation and redevelopment and shall be contingent upon the
337 continuation and completion of the remediation and redevelopment
338 process with respect to the purposes specified in the agreement. The
339 abatement shall cease upon the sale or transfer of the property for any
340 other purpose unless the municipality consents to its continuation. The
341 municipality may also establish a recapture provision in the event of
342 sale provided such recapture shall not exceed the original amount of
343 taxes abated and may not go back further than the date of the
344 agreement; (2) forgive all or a portion of the principal balance and
345 interest due on delinquent property taxes for the benefit of any
346 prospective purchaser who has obtained an environmental
347 investigation or remediation plan approved by the Commissioner of
348 Energy and Environmental Protection or a licensed environmental
349 professional under section 22a-133w, 22a-133x or 22a-133y and
350 completes such remediation plan for an establishment, as defined in
351 section 22a-134, as amended by this act, deemed by the municipality to
352 be abandoned or a brownfield, as defined in section 32-760 as
353 amended by this act; [or] (3) enter into an agreement with the owner of
354 any real property to fix the assessment of the property as of the last
355 assessment date prior to commencement of remediation activities for a
356 period not to exceed seven years, provided the property has been the
357 subject of a remediation approved by the Commissioner of Energy and
358 Environmental Protection or verified by a licensed environmental
359 professional pursuant to section 22a-133w, 22a-133x, 22a-133y or 22a-
360 134, as amended by this act; or (4) forgive all or a portion of the
361 principal balance and interest due on delinquent property taxes for the
362 benefit of any Connecticut brownfield land bank, as defined in section
363 32-760, as amended by this act, that has acquired or will acquire any

364 real property within the municipality.

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

367 (a) Any municipality or any licensed environmental professional
368 employed or retained by a municipality may enter, without liability,
369 upon any property within such municipality for the purpose of
370 performing an environmental site assessment or investigation on
371 behalf of the municipality if: (1) The owner of such property cannot be
372 located; (2) such property is encumbered by a lien for taxes due such
373 municipality; (3) upon a filing of a notice of eminent domain; (4) the
374 municipality's legislative body finds that such investigation is in the
375 public interest to determine if the property is underutilized or should
376 be included in any undertaking of development, redevelopment or
377 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)
378 any official of the municipality reasonably finds such investigation
379 necessary to determine if such property presents a risk to the safety,
380 health or welfare of the public or a risk to the environment. A
381 Connecticut brownfield land bank or any licensed environmental
382 professional employed or retained by such Connecticut brownfield
383 land bank may enter, without liability, upon any property under the
384 control of such Connecticut brownfield land bank for the purpose of
385 performing an environmental site assessment or investigation on
386 behalf of such Connecticut brownfield land bank if such
387 environmental site assessment or investigation is required under a
388 land banking agreement between a municipality and such Connecticut
389 brownfield land bank or the property owner has entered into a
390 voluntary agreement with such municipality or such land bank for the
391 performance of an environmental site assessment or investigation. The
392 municipality or, if applicable, the Connecticut brownfield land bank
393 shall give at least forty-five days' notice of such entry before the first
394 such entry by certified mail to the property owner's last known
395 address of record.

396 (b) A municipality or Connecticut brownfield land bank accessing

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

410 (c) The owner of the property may object to such access and entry
411 by the municipality or a Connecticut brownfield land bank by filing an
412 action in the Superior Court not later than thirty days after receipt of
413 the notice provided pursuant to subsection (a) of this section, provided
414 any objection be limited to the issue of whether access is necessary and
415 only upon proof by the owner that the owner has (1) completed or is in
416 the process of completing in a timely manner a comprehensive
417 environmental site assessment or investigation report; (2) provided the
418 party seeking access with a copy of the assessment or report or will do
419 so not later than thirty days after the delivery of such assessment or
420 report to the owner; and (3) paid any delinquent property taxes
421 assessed against the property for which access is being sought.

422 (d) For purposes of this section, (1) "municipality" includes any (A)
423 municipality, (B) municipal economic development agency or entity
424 created or operating under chapter 130 or 132, (C) nonprofit economic
425 development corporation formed to promote the common good,
426 general welfare and economic development of a municipality that is
427 funded, either directly or through in-kind services, in part by a
428 municipality, or (D) nonstock corporation or limited liability company
429 established and controlled by a municipality, municipal economic
430 development agency or entity created or operating under chapter 130

431 or 132; and (2) "Connecticut brownfield land bank" has the same
432 meaning as provided in section 32-760, as amended by this act.

433 Sec. 9. Subsection (a) of section 22a-133ii of the general statutes is
434 repealed and the following is substituted in lieu thereof (*Effective July*
435 *1, 2016*):

436 (a) For the purposes of this section:

437 (1) "Applicant" means any (A) municipality, (B) economic
438 development agency or entity established pursuant to chapter 130 or
439 132, (C) nonprofit economic development corporation formed to
440 promote the common good, general welfare and economic
441 development of a municipality and that is funded, either directly or
442 through in-kind services, in part by a municipality, [or] (D) [a]
443 nonstock corporation or limited liability company controlled or
444 established by a municipality, municipal economic development
445 agency or entity created or operating pursuant to chapter 130 or 132, or
446 (E) Connecticut brownfield land bank, as defined in section 32-760, as
447 amended by this act;

448 (2) "Municipality" has the same meaning as provided in section 8-
449 187;

450 (3) "Brownfield" has the same meaning as provided in section 32-
451 760, as amended by this act;

452 (4) "Commissioner" means the Commissioner of Energy and
453 Environmental Protection;

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

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

458 Sec. 10. Subdivision (1) of section 22a-134 of the general statutes is
459 repealed and the following is substituted in lieu thereof (*Effective July*

460 1, 2016):

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

464 (A) Conveyance or extinguishment of an easement;

465 (B) Conveyance of an establishment through a foreclosure, as
466 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
467 tax lien or through a tax warrant sale pursuant to section 12-157, an
468 exercise of eminent domain by a municipality or pursuant to section 8-
469 128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or
470 purchase pursuant to a resolution by the legislative body of a
471 municipality authorizing the acquisition through eminent domain for
472 establishments that also meet the definition of a brownfield, as defined
473 in section 32-760, as amended by this act, or a subsequent transfer by
474 such municipality that has foreclosed on the property, foreclosed
475 municipal tax liens or that has acquired title to the property through
476 section 12-157, or is within the pilot program established in subsection
477 (c) of section 32-9cc of the general statutes, revision of 1958, revised to
478 January 1, 2013, or the remedial action and redevelopment municipal
479 grant program established in section 32-763, as amended by this act, or
480 has acquired such property through the exercise of eminent domain by
481 a municipality or pursuant to section 8-128, 8-169e or 8-193 or by
482 condemnation pursuant to section 32-224 or a resolution adopted in
483 accordance with this subparagraph, provided (i) the party acquiring
484 the property from the municipality did not establish, create or
485 contribute to the contamination at the establishment and is not
486 affiliated with any person who established, created or contributed to
487 such contamination or with any person who is or was an owner or
488 certifying party for the establishment, and (ii) on or before the date the
489 party acquires the property from the municipality, such party or
490 municipality enters and subsequently remains in the voluntary
491 remediation program administered by the commissioner pursuant to
492 section 22a-133x and remains in compliance with schedules and

493 approvals issued by the commissioner. For purposes of this
494 subparagraph, subsequent transfer by a municipality includes any
495 transfer to, from or between a municipality, municipal economic
496 development agency or entity created or operating under chapter 130
497 or 132, a nonprofit economic development corporation formed to
498 promote the common good, general welfare and economic
499 development of a municipality that is funded, either directly or
500 through in-kind services, in part by a municipality, [or] a nonstock
501 corporation or limited liability company controlled or established by a
502 municipality, municipal economic development agency or entity
503 created or operating under chapter 130 or 132, or a Connecticut
504 brownfield land bank;

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

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

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

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

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

522 (H) Corporate reorganization not substantially affecting the
523 ownership of the establishment;

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

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

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

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

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

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

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

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

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

557 (R) The conversion of a general or limited partnership to a limited
558 liability company;

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

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

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

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

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

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

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

592 (Z) Acquisition of an establishment that is in the brownfield
593 remediation and revitalization program and all subsequent transfers of
594 the establishment, provided the establishment is in compliance with
595 the brownfield investigation plan and remediation schedule, the
596 commissioner has issued a no audit letter or successful audit closure
597 letter in response to a verification or interim verification submitted
598 regarding the remediation of such establishment under the brownfield
599 remediation and revitalization program, or a one-hundred-eighty-day
600 period has expired since a verification or interim verification
601 submitted regarding the remediation of such establishment under the
602 brownfield remediation and revitalization program without an audit
603 decision from the Commissioner of Energy and Environmental
604 Protection;

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

610 (BB) Conveyance from the Department of Transportation to the
611 Connecticut Airport Authority of any properties comprising (i)
612 Bradley International Airport and all related improvements and
613 facilities now in existence and as hereafter acquired, added, extended,
614 improved and equipped, including any property or facilities
615 purchased with funds of, or revenues derived from, Bradley
616 International Airport, and any other property or facilities allocated by
617 the state, the Connecticut Airport Authority or otherwise to Bradley

618 International Airport, (ii) the state-owned and operated general
619 aviation airports, including Danielson Airport, Groton/New London
620 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
621 Windham Airport and any such other airport as may be owned,
622 operated or managed by the Connecticut Airport Authority and
623 designated as general aviation airports, (iii) any other airport as may
624 be owned, operated or managed by the Connecticut Airport Authority,
625 and (iv) any airport site or any part thereof, including, but not limited
626 to, any restricted landing areas and any air navigation facilities; or

627 (CC) Conveyance of an establishment to a Connecticut brownfield
628 land bank and all subsequent transfers of such establishment,
629 provided (i) such establishment was entered into a remediation or
630 liability relief program under section 22a-133x, 22a-133y, 32-768, as
631 amended by this act, or 32-769, as amended by this act, and the
632 conveyor or transferor of such establishment is in compliance with
633 such program at the time of transfer of such establishment, and (ii)
634 none of the activities described in subdivision (3) of this section were
635 conducted at such establishment after the date such establishment was
636 entered into such remediation or liability relief program.

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

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

641 Sec. 12. Section 32-763 of the 2016 supplement to the general statutes
642 is repealed and the following is substituted in lieu thereof (*Effective July*
643 *1, 2016*):

644 (a) There is established a remedial action and redevelopment
645 municipal grant program to be administered by the Department of
646 Economic and Community Development for the purpose of providing
647 grants to municipalities, Connecticut brownfield land banks and
648 economic development agencies for the eligible costs of brownfield
649 remediation projects, brownfield assessment projects and reasonable

650 administrative expenses not to exceed five per cent of any grant
651 awarded. A grant awarded under this section shall not exceed four
652 million dollars.

653 (b) A grant applicant shall submit an application to the
654 Commissioner of Economic and Community Development on forms
655 provided by the commissioner and with such information the
656 commissioner deems necessary, including, but not limited to: (1) A
657 description of the proposed project; (2) an explanation of the expected
658 benefits of the project in relation to the purposes of this section; (3)
659 information concerning the financial and technical capacity of the
660 applicant to undertake the proposed project; (4) a project budget; and
661 (5) with respect to a brownfield remediation project, a description of
662 the condition of the brownfield, including the results of any
663 environmental assessment of the brownfield in the possession of or
664 available to the applicant.

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

684 relative need for assessment of the brownfield within the municipality
685 or region; and (13) such other criteria as the commissioner may
686 establish consistent with the purposes of this section.

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

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

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

717 associated with the development of any such plan for remediation and
718 redevelopment.

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

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

724 (c) Notwithstanding the provisions of subsection (b) of this section,
725 a property owned by a municipality or a Connecticut brownfield land
726 bank shall not be subject to subdivision (6) of subsection (b) of this
727 section.

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

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

735 (a) The commissioner shall, within available appropriations,
736 establish a brownfield remediation and revitalization program to
737 provide certain liability protections to program participants. Not more
738 than thirty-two properties per year shall be accepted into the program.
739 Participation in the program shall be by accepted application pursuant
740 to this subsection or by approved nomination pursuant to subsection
741 (c) of this section. To be considered for acceptance, an applicant shall
742 submit to the commissioner, on a form prescribed by the
743 commissioner, a certification that: (1) The applicant meets the
744 definition of a bona fide prospective purchaser, innocent landowner or
745 contiguous property owner; (2) the property meets the definition of a
746 brownfield and has been subject to a release of a regulated substance
747 in an amount that is in excess of the remediation standards; (3) the

748 applicant did not establish, create or maintain a source of pollution to
749 the waters of the state for purposes of section 22a-432 and is not
750 responsible pursuant to any other provision of the general statutes for
751 any pollution or source of pollution on the property; (4) the applicant
752 is not affiliated with any person responsible for such pollution or
753 source of pollution through any direct or indirect familial relationship
754 or any contractual, corporate or financial relationship other than that
755 by which such purchaser's interest in such property is to be conveyed
756 or financed; and (5) the property is not (A) currently the subject of an
757 enforcement action, including any consent order issued by the
758 Department of Energy and Environmental Protection or the United
759 States Environmental Protection Agency under any current
760 Department of Energy and Environmental Protection or United States
761 Environmental Protection Agency program, (B) listed on the national
762 priorities list of hazardous waste disposal sites compiled by the United
763 States Environmental Protection Agency pursuant to 42 USC 9605, (C)
764 listed on the State of Connecticut Superfund Priority List, or (D)
765 subject to corrective action as may be required by the federal Resource
766 Conservation and Recovery Act of 1976, 42 USC 6901 et seq. The
767 commissioner may review such certifications to ensure accuracy, in
768 consultation with the Commissioner of Energy and Environmental
769 Protection, and applications will not be considered if such
770 certifications are found inaccurate.

771 (b) To ensure a geographic distribution and a diversity of projects
772 and broad access to the brownfield remediation and revitalization
773 program, the commissioner, in consultation with the Commissioner of
774 Energy and Environmental Protection, shall review all applications
775 received and determine admission of eligible properties into the
776 brownfield remediation and revitalization program taking into
777 consideration state-wide portfolio factors including: (1) Job creation
778 and retention; (2) sustainability; (3) readiness to proceed; (4)
779 geographic distribution of projects; (5) population of the municipality
780 where the property is located; (6) project size; (7) project complexity;
781 (8) duration and degree to which the property has been underused; (9)
782 projected increase to the municipal grand list; (10) consistency of the

783 property as remediated and developed with municipal or regional
784 planning objectives; (11) development plan's support for and
785 furtherance of principles of smart growth, as defined in section 1 of
786 public act 09-230, or transit-oriented development, as defined in
787 section 13b-79o; and (12) other factors as may be determined by the
788 commissioner. Admittance into the brownfield remediation and
789 revitalization program shall not indicate approval or award of funding
790 requested under any federal, state or municipal grant or loan program,
791 including, but not limited to, any state brownfield grant or loan
792 program.

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

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

825 (2) Properties otherwise eligible for the brownfield remediation and
826 revitalization program that have been subject to a release requiring
827 action pursuant to the PCB regulations or that have been subject to a
828 release requiring action pursuant to the UST regulations shall not be
829 deemed ineligible, but no provision of this section shall affect any
830 eligible party's obligation under such regulations to investigate or
831 remediate the extent of any such release.

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

841 (f) Any applicant seeking a designation of eligibility for a person or
842 a property under the brownfield remediation and revitalization
843 program shall apply to the commissioner at such times and on such
844 forms as the commissioner may prescribe. The application shall
845 include, but not be limited to, (1) a title search, (2) the Phase I
846 Environmental Site Assessment conducted by or for the bona fide
847 prospective purchaser or the contiguous property owner, which shall
848 be prepared in accordance with prevailing standards and guidelines,
849 (3) a current property inspection, if requested by the commissioner, (4)

850 documentation demonstrating satisfaction of the eligibility criteria set
851 forth in subsection (a) of this section, (5) information about the project
852 that relates to the state-wide portfolio factors set forth in subsection (b)
853 of this section, and (6) such other information as the commissioner
854 may request to determine admission.

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

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

883 (2) The second installment of the fee in subsection (g) of this section
884 shall be eliminated for any eligible party that submits the remedial
885 action report and verification or interim verification to the
886 Commissioner of Energy and Environmental Protection within four
887 years after the date the application is accepted by the commissioner. In
888 the event an eligible party submits a request for the Commissioner of
889 Energy and Environmental Protection's approval, where such approval
890 is required pursuant to the remediation standard and where said
891 commissioner issues a decision on such request beyond sixty days
892 after submittal, such four-year period shall be extended by the number
893 of days equal to the number of days between the sixtieth day and the
894 date a decision is issued by said commissioner, but not including the
895 number of days that a request by said commissioner for supplemental
896 information remains pending with the eligible party.

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

910 (4) [No] Notwithstanding the provisions of this subsection and
911 subsection (g) of this section, no municipality, Connecticut brownfield
912 land bank or economic development agency seeking designation of
913 eligibility shall be required to pay a fee, provided, upon transfer of the
914 eligible property from the municipality, Connecticut brownfield land
915 bank or economic development agency to an eligible person, [that]
916 such eligible person shall pay to the Commissioner of Energy and

917 Environmental Protection the fee in subsection (g) of this section in
918 accordance with the applicable requirements in this subsection.

919 (5) A municipality, Connecticut brownfield land bank or economic
920 development agency may submit a fee waiver request to the
921 commissioner to waive a portion or the entire fee for an eligible
922 property located within [that] such municipality. The commissioner, at
923 his or her discretion, shall consider the following factors in
924 determining whether to approve a fee waiver or reduction: (A)
925 Location of the brownfield within a distressed municipality, as defined
926 in section 32-9p; (B) demonstration by the municipality, Connecticut
927 brownfield land bank or economic development agency that the
928 project is of significant economic impact; (C) demonstration by the
929 municipality, Connecticut brownfield land bank or economic
930 development agency that the project has a significant community
931 benefit to the municipality; (D) demonstration that the eligible party is
932 a governmental or nonprofit entity; and (E) demonstration that the fee
933 required will have a detrimental effect on the overall success of the
934 project.

935 (i) An applicant whose application has been accepted into the
936 brownfield remediation and revitalization program shall not be liable
937 to the state or any person for the release of any regulated substance at
938 or from the eligible property, except and only to the extent that such
939 applicant (A) caused or contributed to the release of a regulated
940 substance that is subject to remediation or exacerbated such condition,
941 or (B) the Commissioner of Energy and Environmental Protection
942 determines the existence of any of the conditions set forth in
943 subdivision (4) of subsection (m) of this section. If an applicant whose
944 application has been accepted into the brownfield remediation and
945 revitalization program conveys or has conveyed a security interest, as
946 defined in section 22a-452f, in the eligible property to a lender, as
947 defined in section 22a-452f, and such lender (1) did not establish, create
948 or maintain a source of pollution to the waters of the state for purposes
949 of section 22a-432, (2) is not responsible pursuant to any other
950 provision of the general statutes for any pollution or source of

951 pollution on the property, and (3) is not affiliated with any person
952 responsible for such pollution or source of pollution through any
953 direct or indirect familial relationship or any contractual, corporate or
954 financial relationship other than that creating the security interest in
955 the eligible property, such lender shall not be liable to the state or any
956 person for the release of any regulated substance at or from the eligible
957 property.

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

969 (2) Not later than one hundred eighty days after the first installment
970 due date, including any extension thereof by the commissioner, of the
971 fee required pursuant to subsection (g) of this section, the eligible party
972 shall submit to the commissioner and the Commissioner of Energy and
973 Environmental Protection a brownfield investigation plan and
974 remediation schedule that is signed and stamped by a licensed
975 environmental professional. Unless otherwise approved in writing by
976 the Commissioner of Energy and Environmental Protection, such
977 brownfield investigation plan and remediation schedule shall provide
978 that (A) the investigation shall be completed not later than two years
979 after the first installment due date, including any extension thereof by
980 the commissioner, of the fee required pursuant to subsection (g) of this
981 section, (B) remediation shall be initiated not later than three years
982 from 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, and (C) remediation shall be completed sufficiently to support

985 either a verification or an interim verification not later than eight years
986 after the first installment due date, including any extension thereof by
987 the commissioner, of the fee required pursuant to subsection (g) of this
988 section. The schedule shall also include a schedule for providing public
989 notice of the remediation prior to the initiation of such remediation in
990 accordance with subdivision (1) of subsection (j) of this section. Not
991 later than two years after the first installment due date, including any
992 extension thereof by the commissioner, of the fee required pursuant to
993 subsection (g) of this section, unless the Commissioner of Energy and
994 Environmental Protection has specified a later day, in writing, the
995 eligible party shall submit to the Commissioner of Energy and
996 Environmental Protection documentation, approved in writing by a
997 licensed environmental professional and in a form prescribed by the
998 Commissioner of Energy and Environmental Protection, that the
999 investigation of the property has been completed in accordance with
1000 prevailing standards and guidelines. Not later than three years after
1001 the first installment due date, including any extension thereof by the
1002 commissioner, of the fee required pursuant to subsection (g) of this
1003 section, unless the Commissioner of Energy and Environmental
1004 Protection has specified a later day, in writing, the eligible party shall
1005 notify the Commissioner of Energy and Environmental Protection and
1006 the commissioner in a form prescribed by the Commissioner of Energy
1007 and Environmental Protection that the remediation has been initiated,
1008 and shall submit to the Commissioner of Energy and Environmental
1009 Protection a remedial action plan, approved in writing by a licensed
1010 environmental professional in a form prescribed by the Commissioner
1011 of Energy and Environmental Protection. Not later than eight years
1012 after the first installment due date, including any extension thereof by
1013 the commissioner, of the fee required pursuant to subsection (g) of this
1014 section, unless the Commissioner of Energy and Environmental
1015 Protection has specified a later day, in writing, the eligible party shall
1016 complete remediation of the property and submit the remedial action
1017 report and verification or interim verification to the Commissioner of
1018 Energy and Environmental Protection and the commissioner. Any time
1019 after completion of the investigation of the eligible property, the

1020 eligible party may complete the remediation of a portion of such
1021 property and submit a verification or an interim verification for such
1022 portion to the Commissioner of Energy and Environmental Protection
1023 and the commissioner. The Commissioner of Energy and
1024 Environmental Protection shall grant a reasonable extension if the
1025 eligible party demonstrates to the satisfaction of the Commissioner of
1026 Energy and Environmental Protection that: (i) Such eligible party has
1027 made reasonable progress toward investigation and remediation of the
1028 eligible property; and (ii) despite best efforts, circumstances beyond
1029 the control of the eligible party have significantly delayed the
1030 remediation of the eligible property.

1031 (3) An eligible party who submits an interim verification for an
1032 eligible property, and any subsequent owner of such eligible property,
1033 shall, until the remediation standards for groundwater are achieved,
1034 (A) operate and maintain the long-term remedy for groundwater in
1035 accordance with the remedial action plan, the interim verification and
1036 any approvals issued by the Commissioner of Energy and
1037 Environmental Protection, (B) prevent exposure to any groundwater
1038 plume containing a regulated substance in excess of the remediation
1039 standards on the property, (C) take all reasonable action to contain any
1040 groundwater plume on the property, and (D) submit annual status
1041 reports to the Commissioner of Energy and Environmental Protection
1042 and the commissioner.

1043 (4) Before commencement of remedial action pursuant to the plan
1044 and schedule, the eligible party shall: (A) Publish notice of the
1045 remedial action in a newspaper having a substantial circulation in the
1046 town where the property is located, (B) notify the director of health of
1047 the municipality where the property is located, and (C) either (i) erect
1048 and maintain for at least thirty days in a legible condition a sign not
1049 less than six feet by four feet on the property, which shall be clearly
1050 visible from the public highway and shall include the words
1051 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
1052 FURTHER INFORMATION CONTACT:" and include a telephone
1053 number for an office from which any interested person may obtain

1054 additional information about the remedial action, or (ii) mail notice of
1055 the remedial action to each owner of record of property which abuts
1056 such property, at the address on the last-completed grand list of the
1057 relevant town. Public comments shall be directed to the eligible party
1058 for a thirty-day period starting with the last provided public notice
1059 provision and such eligible party shall provide all comments and any
1060 responses to the Commissioner of Energy and Environmental
1061 Protection prior to commencing remedial action.

1062 (5) The remedial action shall be conducted under the supervision of
1063 a licensed environmental professional and the remedial action report
1064 shall be submitted to the commissioner and the Commissioner of
1065 Energy and Environmental Protection signed and stamped by a
1066 licensed environmental professional. In such report, the licensed
1067 environmental professional shall include a detailed description of the
1068 remedial actions taken and issue a verification or interim verification,
1069 in which he or she shall render an opinion, in accordance with the
1070 standard of care provided in subsection (c) of section 22a-133w, that
1071 the action taken to contain, remove or mitigate the release of regulated
1072 substances within the boundaries of such property is in accordance
1073 with the remediation standards.

1074 (6) All applications for permits required to implement such plan
1075 and schedule in this section shall be submitted to the permit
1076 ombudsman within the Department of Economic and Community
1077 Development.

1078 (7) Each eligible party participating in the brownfield remediation
1079 and revitalization program shall maintain all records related to its
1080 implementation of such plan and schedule and completion of the
1081 remedial action of the property for a period of not less than ten years
1082 and shall make such records available to the commissioner or the
1083 Commissioner of Energy and Environmental Protection at any time
1084 upon request by either.

1085 (8) (A) Not later than sixty days after receiving a remedial action
1086 report signed and stamped by a licensed environmental professional

1087 and a verification or interim verification, the Commissioner of Energy
1088 and Environmental Protection shall notify the eligible party and the
1089 commissioner whether the Commissioner of Energy and
1090 Environmental Protection will conduct an audit of such remedial
1091 action. Any such audit shall be conducted not later than one hundred
1092 eighty days after the Commissioner of Energy and Environmental
1093 Protection receives a remedial action report signed and stamped by a
1094 licensed environmental professional and a verification or interim
1095 verification. Not later than fourteen days after completion of an audit,
1096 the Commissioner of Energy and Environmental Protection shall send
1097 written audit findings to the eligible party, the commissioner and the
1098 licensed environmental professional. The audit findings may approve
1099 or disapprove the report, provided any disapproval shall set forth the
1100 reasons for such disapproval.

1101 (B) The Commissioner of Energy and Environmental Protection may
1102 request additional information during an audit conducted pursuant to
1103 this subdivision. If such information has not been provided to said
1104 commissioner within fourteen days of such request, the time frame for
1105 said commissioner to complete the audit shall be suspended until the
1106 information is provided to said commissioner. The Commissioner of
1107 Energy and Environmental Protection may choose to conduct such
1108 audit if and when the eligible party fails to provide a response to said
1109 commissioner's request for additional information within sixty days.

1110 (C) The Commissioner of Energy and Environmental Protection
1111 shall not conduct an audit of a verification or interim verification
1112 pursuant to this subdivision after one hundred eighty days from
1113 receipt of such verification unless (i) said commissioner has reason to
1114 believe that a verification was obtained through the submittal of
1115 materially inaccurate or erroneous information, or otherwise
1116 misleading information material to the verification or that material
1117 misrepresentations were made in connection with the submittal of the
1118 verification, (ii) any post-verification monitoring or operations and
1119 maintenance is required as part of a verification and has not been
1120 done, (iii) a verification that relies upon an environmental land use

1121 restriction was not recorded on the land records of the municipality in
1122 which such land is located in accordance with section 22a-133o and
1123 applicable regulations, (iv) said commissioner determines that there
1124 has been a violation of law material to the verification, or (v) said
1125 commissioner determines that information exists indicating that the
1126 remediation may have failed to prevent a substantial threat to public
1127 health or the environment for releases on the property.

1128 (k) Not later than sixty days after receiving a notice of disapproval
1129 or a verification or interim verification from the Commissioner of
1130 Energy and Environmental Protection, the eligible party shall submit
1131 to said commissioner and to the commissioner a report of cure of noted
1132 deficiencies. Within sixty days after receiving such report of cure of
1133 noted deficiencies by said commissioner, said commissioner shall issue
1134 a successful audit closure letter or a written disapproval of such report
1135 of cure of noted deficiencies.

1136 (l) Before approving a verification or interim verification, the
1137 Commissioner of Energy and Environmental Protection may enter into
1138 a memorandum of understanding with the eligible party with regard
1139 to any further remedial action or monitoring activities on or at such
1140 property that said commissioner deems necessary for the protection of
1141 human health or the environment.

1142 (m) (1) An eligible party who has been accepted into the brownfield
1143 remediation and revitalization program shall have no obligation as
1144 part of its plan and schedule to characterize, abate and remediate any
1145 plume or release of a regulated substance outside the boundaries of the
1146 subject property, provided the notification requirements of section 22a-
1147 6u pertaining to significant environmental hazards shall continue to
1148 apply to the property and the eligible party shall not be required to
1149 characterize, abate or remediate any such significant environmental
1150 hazard outside the boundaries of the subject property unless such
1151 significant environmental hazard arises from the actions of the eligible
1152 party after its acquisition of or control over the property from which
1153 such significant environmental hazard has emanated outside its own

1154 boundaries. If an eligible party who has been accepted into the
1155 brownfield remediation and revitalization program conveys or
1156 otherwise transfers its ownership of the subject property and such
1157 eligible party is in compliance with the provisions of this section and
1158 the brownfield investigation plan and remediation schedule at the time
1159 of conveyance or transfer of ownership, the provisions of this section
1160 shall apply to such transferee, if such transferee meets the eligibility
1161 criteria set forth in this section, timely pays [the] any fee required by
1162 subsection (g) or (h) of this section not yet paid by such eligible party
1163 and complies with all the obligations undertaken by the eligible party
1164 under this section. In such case, all references to applicant or eligible
1165 party shall mean the subsequent owner or transferee.

1166 (2) After the Commissioner of Energy and Environmental Protection
1167 issues either a no audit letter or a successful audit closure letter, or no
1168 audit decision has been made by said commissioner within one
1169 hundred eighty days after the submittal of the remedial action report
1170 and verification or interim verification, such eligible party shall not be
1171 liable to the state or any person for (A) costs incurred in the
1172 remediation of, equitable relief relating to, or damages resulting from
1173 the release of regulated substances addressed in the brownfield
1174 investigation plan and remediation schedule, and (B) historical off-site
1175 impacts including air deposition, waste disposal, impacts to sediments
1176 and natural resource damages. No eligible party shall be afforded any
1177 relief from liability such eligible party may have from a release
1178 requiring action pursuant to the PCB regulations or a release requiring
1179 action pursuant to the UST regulations.

1180 (3) The provisions of this section concerning liability shall extend to
1181 any person who acquires title to all or part of the property for which a
1182 remedial action report and verification or interim verification have
1183 been submitted pursuant to this section, provided (A) there is payment
1184 of a fee of ten thousand dollars to said commissioner for each such
1185 extension, (B) such person acquiring all or part of the property meets
1186 the criteria of this section, and (C) the Commissioner of Energy and
1187 Environmental Protection has issued either a successful audit closure

1188 letter or no audit letter, or no audit decision has been made by said
1189 commissioner not later than one hundred eighty days after the
1190 submittal of the remedial action report and verification or interim
1191 verification. No municipality, Connecticut brownfield land bank or
1192 economic development agency that acquires title to all or part of the
1193 property shall be required to pay a fee, provided the municipality,
1194 Connecticut brownfield land bank or economic development agency
1195 shall collect and pay the fee upon transfer of the property to another
1196 person for purposes of development. Such fee shall be deposited into
1197 the Special Contaminated Property Remediation and Insurance Fund
1198 established under section 22a-133t and such funds shall be for the
1199 exclusive use by the Department of Energy and Environmental
1200 Protection.

1201 (4) Neither a successful audit closure nor no audit letter issued
1202 pursuant to this section, nor the expiration of one hundred eighty days
1203 after the submittal of the remedial action report and verification or
1204 interim verification without an audit decision by the Commissioner of
1205 Energy and Environmental Protection, shall preclude said
1206 commissioner from taking any appropriate action, including, but not
1207 limited to, any action to require remediation of the property by the
1208 eligible party or, as applicable, to its successor, if said commissioner
1209 determines that:

1210 (A) The successful audit closure, no audit letter, or the expiration of
1211 one hundred eighty days after the submittal of the remedial action
1212 report and verification or interim verification without an audit
1213 decision by the Commissioner of Energy and Environmental
1214 Protection was based on information provided by the person
1215 submitting such remedial action report and verification or interim
1216 verification that the Commissioner of Energy and Environmental
1217 Protection can show that such person knew, or had reason to know,
1218 was false or misleading, and, in the case of the successor to an
1219 applicant, that such successor was aware or had reason to know that
1220 such information was false or misleading;

1221 (B) New information confirms the existence of previously unknown
1222 contamination that resulted from a release that occurred before the
1223 date that an application has been accepted into the brownfield
1224 remediation and revitalization program;

1225 (C) The eligible party who received the successful audit closure or
1226 no audit letter or where one hundred eighty days lapsed without an
1227 audit decision by the Commissioner of Energy and Environmental
1228 Protection has materially failed to complete the remedial action
1229 required by the brownfield investigation plan and remediation
1230 schedule or to carry out or comply with monitoring, maintenance or
1231 operating requirements pertinent to a remedial action including the
1232 requirements of any environmental land use restriction; or

1233 (D) The threat to human health or the environment is increased
1234 beyond an acceptable level due to substantial changes in exposure
1235 conditions at such property, including, but not limited to, a change
1236 from nonresidential to residential use of such property.

1237 (5) If an eligible party who has been accepted into the brownfield
1238 remediation and revitalization program conveys or otherwise transfers
1239 all or part of its ownership interest in the subject property at any time
1240 before the issuance of a successful audit closure or no audit letter or
1241 the expiration of one hundred eighty days after the submittal of the
1242 remedial action report and verification or interim verification without
1243 an audit decision by the Commissioner of Energy and Environmental
1244 Protection, the eligible party conveying or otherwise transferring its
1245 ownership interest shall not be liable to the state or any person for (A)
1246 costs incurred in the remediation of, equitable relief relating to, or
1247 damages resulting from the release of regulated substances addressed
1248 in the brownfield investigation plan and remediation schedule, and (B)
1249 historical off-site impacts including air deposition, waste disposal,
1250 impacts to sediments and natural resource damages, provided the
1251 eligible party complied with its obligations under this section during
1252 the period when the eligible party held an ownership interest in the
1253 subject property. Nothing in this subsection shall provide any relief

1254 from liability such eligible party may have related to a release
1255 requiring action pursuant to the PCB regulations, or a release requiring
1256 action pursuant to the UST regulations.

1257 (6) Upon the Commissioner of Energy and Environmental
1258 Protection's issuance of a successful audit closure letter, no audit letter,
1259 or one hundred eighty days have passed since the submittal of a
1260 verification or interim verification and said commissioner has not
1261 audited the verification or interim verification, the immediate prior
1262 owner regardless of its own eligibility to participate in the
1263 comprehensive brownfield remediation and revitalization program
1264 shall have no liability to the state or any person for any future
1265 investigation and remediation of the release of any regulated substance
1266 at the eligible property addressed in the verification or interim
1267 verification, provided the immediate prior owner has complied with
1268 any legal obligation such owner had with respect to investigation and
1269 remediation of releases at and from the property, and provided further
1270 the immediate prior owner shall retain any and all liability such
1271 immediate prior owner would otherwise have for the investigation
1272 and remediation of the release of any regulated substance beyond the
1273 boundary of the eligible property. In any event, the immediate prior
1274 owner shall remain liable for (A) penalties or fines, if any, relating to
1275 the release of any regulated substance at or from the eligible property,
1276 (B) costs and expenses, if any, recoverable or reimbursable pursuant to
1277 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the
1278 immediate prior owner as a certifying party on a Form III or IV
1279 submitted pursuant to sections 22a-134 to 22a-134e, inclusive, as
1280 amended by this act.

1281 (n) A person whose application to the brownfield remediation and
1282 revitalization program has been accepted by the commissioner or any
1283 subsequent eligible party whose application to the brownfield
1284 remediation and revitalization program has been accepted by the
1285 commissioner shall be exempt for filing as an establishment pursuant
1286 to sections 22a-134a to 22a-134d, inclusive, if such real property or
1287 prior business operations constitute an establishment. Nothing in this

1288 section shall be construed to alter any existing legal requirement
1289 applicable to any certifying party at a property under sections 22a-134,
1290 as amended by this act, and 22a-134a to 22a-134e, inclusive.

1291 (o) Notwithstanding the provisions of this section, eligible parties
1292 shall investigate and remediate, and remain subject to all applicable
1293 statutes and requirements, the extent of any new release that occurs
1294 during their ownership of the property.

1295 Sec. 15. Subsection (b) of section 22a-2 of the general statutes is
1296 repealed and the following is substituted in lieu thereof (*Effective July*
1297 *1, 2016*):

1298 (b) As used in this chapter, and chapters 263, 268, 348, 360, 440,
1299 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and
1300 495, except where otherwise provided, "person" means any individual,
1301 firm, partnership, association, syndicate, company, trust, corporation,
1302 nonstock corporation, limited liability company, municipality, agency
1303 or political or administrative subdivision of the state, or other legal
1304 entity of any kind.

1305 Sec. 16. Subdivision (8) of section 22a-115 of the general statutes is
1306 repealed and the following is substituted in lieu thereof (*Effective July*
1307 *1, 2016*):

1308 (8) "Person" means any individual, corporation, nonstock
1309 corporation, limited liability company, joint venture, public benefit
1310 corporation, partnership, association, trust or estate, the state and its
1311 agencies and political subdivisions, the federal government and its
1312 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

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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)