



General Assembly

Amendment

January Session, 2019

LCO No. 8776



Offered by:
REP. CANDELORA, 86th Dist.

To: Subst. House Bill No. 7277 File No. 616 Cal. No. 370

**"AN ACT CONCERNING THE CREATION OF LAND BANK
AUTHORITIES."**

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

3 "Section 1. Subsection (a) of section 22a-6 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (a) The commissioner may: (1) Adopt, amend or repeal, in
7 accordance with the provisions of chapter 54, such environmental
8 standards, criteria and regulations, and such procedural regulations as
9 are necessary and proper to carry out his functions, powers and duties;
10 (2) enter into contracts with any person, firm, corporation or
11 association to do all things necessary or convenient to carry out the
12 functions, powers and duties of the department; (3) initiate and receive
13 complaints as to any actual or suspected violation of any statute,
14 regulation, permit or order administered, adopted or issued by him.
15 The commissioner shall have the power to hold hearings, administer

16 oaths, take testimony and subpoena witnesses and evidence, enter
17 orders and institute legal proceedings including, but not limited to,
18 suits for injunctions, for the enforcement of any statute, regulation,
19 order or permit administered, adopted or issued by him; (4) in
20 accordance with regulations adopted by him, require, issue, renew,
21 revoke, modify or deny permits, under such conditions as he may
22 prescribe, governing all sources of pollution in Connecticut within his
23 jurisdiction; (5) in accordance with constitutional limitations, enter at
24 all reasonable times, without liability, upon any public or private
25 property, except a private residence, for the purpose of inspection and
26 investigation to ascertain possible violations of any statute, regulation,
27 order or permit administered, adopted or issued by him and the
28 owner, managing agent or occupant of any such property shall permit
29 such entry, and no action for trespass shall lie against the
30 commissioner for such entry, or he may apply to any court having
31 criminal jurisdiction for a warrant to inspect such premises to
32 determine compliance with any statute, regulation, order or permit
33 administered, adopted or enforced by him, provided any information
34 relating to secret processes or methods of manufacture or production
35 ascertained by the commissioner during, or as a result of, any
36 inspection, investigation, hearing or otherwise shall be kept
37 confidential and shall not be disclosed except that, notwithstanding the
38 provisions of subdivision (5) of subsection (b) of section 1-210, such
39 information may be disclosed by the commissioner to the United States
40 Environmental Protection Agency pursuant to the federal Freedom of
41 Information Act of 1976, (5 USC 552) and regulations adopted
42 thereunder or, if such information is submitted after June 4, 1986, to
43 any person pursuant to the federal Clean Water Act (33 USC 1251 et
44 seq.); (6) undertake any studies, inquiries, surveys or analyses he may
45 deem relevant, through the personnel of the department or in
46 cooperation with any public or private agency, to accomplish the
47 functions, powers and duties of the commissioner; (7) require the
48 posting of sufficient performance bond or other security to assure
49 compliance with any permit or order; (8) provide by notice printed on
50 any form that any false statement made thereon or pursuant thereto is

51 punishable as a criminal offense under section 53a-157b; (9) construct
52 or repair or contract for the construction or repair of any dam or flood
53 and erosion control system under his control and management, make
54 or contract for the making of any alteration, repair or addition to any
55 other real asset under his control and management, including rented
56 or leased premises, involving an expenditure of five hundred thousand
57 dollars or less, and, with prior approval of the Commissioner of
58 Administrative Services, make or contract for the making of any
59 alteration, repair or addition to such other real asset under his control
60 and management involving an expenditure of more than five hundred
61 thousand dollars but not more than one million dollars; (10) in
62 consultation with affected town and watershed organizations, enter
63 into a lease agreement with a private entity owning a facility to allow
64 the private entity to generate hydroelectricity provided the project
65 meets the certification standards of the Low Impact Hydropower
66 Institute; (11) by regulations adopted in accordance with the
67 provisions of chapter 54, require the payment of a fee sufficient to
68 cover the reasonable cost of the search, duplication and review of
69 records requested under the Freedom of Information Act, as defined in
70 section 1-200, and the reasonable cost of reviewing and acting upon an
71 application for and monitoring compliance with the terms and
72 conditions of any state or federal permit, license, registration, order,
73 certificate or approval required pursuant to subsection (i) of section
74 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and
75 (k) of section 22a-424, and sections 22a-6d, 22a-32, [22a-134a, 22a-134e,]
76 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342,
77 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403,
78 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to
79 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33
80 USC 1341). Such costs may include, but are not limited to the costs of
81 (A) public notice, (B) reviews, inspections and testing incidental to the
82 issuance of and monitoring of compliance with such permits, licenses,
83 orders, certificates and approvals, and (C) surveying and staking
84 boundary lines. The applicant shall pay the fee established in
85 accordance with the provisions of this section prior to the final

86 decision of the commissioner on the application. The commissioner
87 may postpone review of an application until receipt of the payment.
88 Payment of a fee for monitoring compliance with the terms or
89 conditions of a permit shall be at such time as the commissioner deems
90 necessary and is required for an approval to remain valid; and (12) by
91 regulations adopted in accordance with the provisions of chapter 54,
92 require the payment of a fee sufficient to cover the reasonable cost of
93 responding to requests for information concerning the status of real
94 estate with regard to compliance with environmental statutes,
95 regulations, permits or orders. Such fee shall be paid by the person
96 requesting such information at the time of the request. Funds not
97 exceeding two hundred thousand dollars received by the
98 commissioner pursuant to subsection (g) of section 22a-174, during the
99 fiscal year ending June 30, 1985, shall be deposited in the General Fund
100 and credited to the appropriations of the Department of Energy and
101 Environmental Protection in accordance with the provisions of section
102 4-86, and such funds shall not lapse until June 30, 1986. In any action
103 brought against any employee of the department acting within his
104 scope of delegated authority in performing any of the above-listed
105 duties, the employee shall be represented by the Attorney General.

106 Sec. 2. Subsections (i) and (j) of section 22a-6 of the general statutes
107 are repealed and the following is substituted in lieu thereof (*Effective*
108 *from passage*):

109 (i) Notwithstanding the provisions of subsection (a) of this section,
110 no person shall be required to pay any fee established by the
111 commissioner pursuant to section 22a-133~~x~~, as amended by this act,
112 [22a-133aa, 22a-134a or 22a-134e] or 22a-133aa for any new or pending
113 application, provided such person has received financial assistance
114 from any department, institution, agency or authority of the state for
115 the purpose of investigation or remediation, or both, of a brownfield,
116 as defined in section 32-760, as amended by this act, and such activity
117 would otherwise require a fee to be paid to the commissioner for the
118 activity conducted with such financial assistance.

119 (j) Notwithstanding the provisions of subsection (a) of this section,
120 no department, institution, agency or authority of the state or the state
121 system of higher education shall be required to pay any fee established
122 by the commissioner pursuant to section 22a-133x, as amended by this
123 act, [22a-133aa, 22a-134a or 22a-134e] or 22a-133aa for any new or
124 pending application, provided such division of the state is conducting
125 an investigation or remediation, or both, of a brownfield, as defined in
126 section 32-760, as amended by this act, and siting a state facility on
127 such brownfield site.

128 Sec. 3. Subdivisions (1) and (2) of subsection (a) of section 22a-6b of
129 the general statutes are repealed and the following is substituted in
130 lieu thereof (*Effective from passage*):

131 (1) For failure to file any registration, other than a registration for a
132 general permit, for failure to file any plan, report or record, or any
133 application for a permit, for failure to obtain any certification, for
134 failure to display any registration, permit or order, or file any other
135 information required pursuant to any provision of section 14-100b or
136 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-
137 171, 15-172, 15-175, 22a-5, 22a-6, as amended by this act, 22a-7, 22a-32,
138 22a-39 or 22a-42a, 22a-45a, chapter 441, [sections 22a-134 to 22a-134d,
139 inclusive,] subsection (b) of section 22a-134p, section 22a-171, 22a-174,
140 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a,
141 22a-209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345,
142 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-
143 362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416,
144 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-
145 451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation,
146 order or permit adopted or issued thereunder by the commissioner,
147 and for other violations of similar character as set forth in such
148 schedule or schedules, no more than one thousand dollars for said
149 violation and in addition no more than one hundred dollars for each
150 day during which such violation continues;

151 (2) For deposit, placement, removal, disposal, discharge or emission

152 of any material or substance or electromagnetic radiation or the
153 causing of, engaging in or maintaining of any condition or activity in
154 violation of any provision of section 14-100b or 14-164c, subdivision (3)
155 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
156 22a-6, as amended by this act, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a,
157 chapter 441, [sections 22a-134 to 22a-134d, inclusive,] section 22a-69 or
158 22a-74, subsection (b) of section 22a-134p, section 22a-162, 22a-171, 22a-
159 174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-
160 208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-
161 346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362,
162 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-
163 417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451,
164 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order
165 or permit adopted thereunder by the commissioner, and for other
166 violations of similar character as set forth in such schedule or
167 schedules, no more than twenty-five thousand dollars for said
168 violation for each day during which such violation continues;

169 Sec. 4. Section 22a-27i of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective from passage*):

171 Notwithstanding the provisions of sections 22a-6, as amended by
172 this act, 22a-6d, 22a-26g, 22a-26h, [22a-134e,] 22a-135, 22a-148, 22a-150,
173 22a-174, 22a-208a, 22a-342, 22a-363c, 22a-372, 22a-379, 22a-409, 22a-430,
174 22a-449, 22a-454 to 22a-454c, inclusive, and 22a-361, for the period
175 beginning July 1, 1990, and ending June 30, 1991, any fee to be charged
176 to a municipality in accordance with said sections shall be the fee in
177 effect on June 30, 1990.

178 Sec. 5. Subsection (b) of section 22a-133k of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective from*
180 *passage*):

181 (b) The commissioner may establish, by regulations adopted in
182 accordance with the provisions of chapter 54, a program for expediting
183 the review and approval of reports on final remedial actions

184 concerning [sites subject to section 22a-134 or] sites which, as of July 3,
185 1989, were on the inventory of hazardous waste disposal sites
186 maintained pursuant to section 22a-133c provided such reports are not
187 submitted pursuant to an order, consent order or stipulated judgment.
188 The commissioner may retain consultants as necessary to accomplish
189 such expedited review and may require the payment of a fee, as
190 provided for in said regulations to cover the reasonable cost of
191 performing the expedited review and approval of final remediation
192 reports pursuant to this subsection, including the cost of any
193 consultant retained by the commissioner to perform such work.

194 Sec. 6. Subsection (e) of section 22a-133m of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective from*
196 *passage*):

197 (e) The Commissioner of Economic and Community Development,
198 in consultation with the Commissioner of Energy and Environmental
199 Protection, or a regional economic development entity using funds
200 allocated under subsection (f) of this section, may acquire polluted
201 commercial or industrial property for the purpose of remediation of
202 the pollution and for the lease or sale of such property in order to
203 promote business growth or expansion through the reuse or
204 redevelopment of such property. Such acquisition may include, but not
205 be limited to, condemnation of the property in accordance with the
206 provisions of part I of chapter 835. For purposes of this subsection, the
207 Commissioner of Economic and Community Development shall be
208 exempt from all of the requirements of sections [22a-134 to 22a-134e,
209 inclusive, section 4b-3, and section] 4b-3 and 4b-21. When acquiring
210 polluted property under this subsection, the Commissioner of
211 Economic and Community Development may accept on behalf of the
212 state of Connecticut the liability, at the time of the acquisition, for all
213 costs of remediation of the polluted property provided the transferor
214 shall be liable for all costs in excess of fifteen million dollars and
215 further provided the commissioner shall not accept any liability under
216 federal law. The Commissioner of Economic and Community
217 Development may enter into lease, sale, or other agreements for the

218 use of the real property acquired pursuant to this subsection. All
219 moneys received by the state pursuant to any such agreement shall be
220 deposited into the Urban Site Remediation Fund established under
221 subsection (f) of this section.

222 Sec. 7. Subsection (a) of section 22a-133u of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective from*
224 *passage*):

225 (a) The Commissioner of Energy and Environmental Protection may
226 use any funds in the Special Contaminated Property Remediation and
227 Insurance Fund established in section 22a-133t other than any funds
228 which are necessary to carry out any other responsibility of said
229 commissioner under this section, for (1) removal or mitigation of a
230 spill, as defined in section 22a-452c, upon or into land or waters of the
231 state if the owner of the property associated with such spill is found to
232 be an innocent landowner, as defined in section 22a-452d, and for
233 administrative costs related to such removal or mitigation, or (2)
234 administrative costs related to the remediation of a property for which
235 a loan was made under subsection (b) of this section provided not
236 more than five thousand dollars shall be disbursed from the fund for
237 such purpose. Said commissioner may use any funds received in
238 connection with the issuance of a covenant not to sue or a settlement
239 by said commissioner of a claim related to contaminated real property,
240 or any funds received pursuant to section 22a-16a, for removal or
241 mitigation of a spill, as defined in section 22a-452c, for which the
242 owner of the property associated with such spill would be liable except
243 for a covenant not to sue entered into pursuant to sections 22a-133aa or
244 22a-133bb and for administrative costs related to such removal or
245 mitigation. Said commissioner may use any funds received pursuant to
246 [section 22a-134e and] subsection (c) of section 22a-133aa [, for
247 expenses related to the administration of sections 22a-134 to 22a-134e,
248 inclusive, and] for expenses related to administration of sections 22a-
249 133x, as amended by this act, 22a-133y, as amended by this act, 22a-
250 133aa and 22a-133bb.

251 Sec. 8. Subsections (f) and (g) of section 22a-133x of the general
252 statutes are repealed and the following is substituted in lieu thereof
253 (*Effective from passage*):

254 (f) If, in accordance with the provisions of this section, the
255 commissioner has approved in writing or, as applicable, a licensed
256 environmental professional has verified, that the parcel has been
257 remediated in accordance with the remediation standards, such
258 approval or verification may be used as the basis for submitting a
259 [Form II pursuant to sections 22a-134 to 22a-134e, inclusive] written
260 certification that a parcel has been investigated in accordance with
261 applicable prevailing standards and guidelines, provided there has
262 been no additional discharge, spillage, uncontrolled loss, seepage or
263 filtration of hazardous waste at or on the parcel subsequent to the date
264 of the commissioner's approval or verification by a licensed
265 environmental professional.

266 (g) The fee for submitting an environmental condition assessment
267 form to the commissioner pursuant to this section shall be three
268 thousand two hundred fifty dollars and shall be paid at the time the
269 environmental condition assessment form is submitted. Any fee paid
270 pursuant to this section shall be deducted from any fee required [by
271 subsection (m) or (n) of section 22a-134e] for the transfer of any parcel
272 for which an environmental condition assessment form has been
273 submitted within three years of such transfer.

274 Sec. 9. Subsections (d) and (e) of section 22a-133y of the general
275 statutes are repealed and the following is substituted in lieu thereof
276 (*Effective from passage*):

277 (d) Upon the approval of such report, the owner of the property
278 shall execute and record an environmental use restriction in
279 accordance with the provisions of section 22a-133o, unless a licensed
280 environmental professional presents evidence, satisfactory to the
281 commissioner, that the remediation has achieved a standard sufficient
282 to render such a restriction unnecessary and the commissioner issues a

283 written finding that such restriction is not necessary. Approval of a
284 final remedial action report pursuant to this section shall be sufficient
285 to support the filing of a [Form II, as defined in section 22a-134]
286 written certification that a parcel has been investigated in accordance
287 with applicable prevailing standards and guidelines.

288 [(e) Nothing in this section shall relieve any person of any obligation
289 to comply with sections 22a-134 to 22a-134e, inclusive.]

290 Sec. 10. Subsection (h) of section 22a-133ii of the general statutes is
291 repealed and the following is substituted in lieu thereof (*Effective from*
292 *passage*):

293 (h) Acceptance of a brownfield in such brownfield liability relief
294 program shall exempt such applicant from the requirement to file as
295 [an establishment pursuant to sections 22a-134a to 22a-134d, inclusive,
296 if such brownfield constitutes an establishment, as defined in section
297 22a-134] real property at which or from which, on or after November
298 19, 1980, there was generated more than one hundred kilograms of
299 hazardous waste in any one month.

300 Sec. 11. Subsection (a) of section 22a-452a of the general statutes is
301 repealed and the following is substituted in lieu thereof (*Effective from*
302 *passage*):

303 (a) On and after June 3, 1985, any amount paid by the Commissioner
304 of Energy and Environmental Protection pursuant to subsection (b) of
305 section 22a-451 to contain and remove or mitigate the effects of a spill
306 or to remove any hazardous waste shall be a lien against the real estate
307 on which the spill occurred or from which it emanated or against real
308 estate where no spill occurred but from which hazardous waste was
309 removed provided such hazardous waste did not enter such real estate
310 through surface or subsurface migration. Any such lien shall be filed in
311 accordance with the provisions of this section. [, except that such lien
312 against real estate which has been transferred in accordance with the
313 provisions of sections 22a-134 to 22a-134d, inclusive, shall not have
314 priority over any previous transfer or encumbrance.] The amount of

315 the lien shall include administrative costs, as set forth in subsection (a)
316 of section 22a-451, as of the date of the filing of the lien. Any costs
317 incurred subsequent to the filing of the lien may be the subject of
318 another lien.

319 Sec. 12. Subsection (a) of section 22a-452f of the general statutes is
320 repealed and the following is substituted in lieu thereof (*Effective from*
321 *passage*):

322 (a) (1) A lender who holds indicia of ownership primarily to protect
323 a security interest in a property, business including its tangible and
324 intangible assets [or establishment, as defined in section 22a-134,] and
325 does not participate in the management of such property [] or
326 business, [or establishment,] shall not be liable for any damages,
327 assessment, fine or other costs imposed by the state for the
328 containment, removal or mitigation of such a spill or discharge, or for
329 any order of the commissioner to abate or remediate such spill or
330 discharge from, or in connection with a property [] or business. [or
331 establishment.]

332 (2) A lender who did not participate in management of a property
333 [] or business, [or establishment,] but acquires right, title or interest in
334 a property [] or business, including its tangible or intangible assets, [or
335 establishment] by foreclosure, shall not be liable for any damage,
336 assessment, fine or other costs imposed by the state for the
337 containment, removal or mitigation of such a spill or discharge, or for
338 any order of the commissioner to abate or remediate such spill or
339 discharge provided such lender seeks to sell, re-lease, in the case of a
340 lease finance transaction, or otherwise divest itself of the property [] or
341 business [or establishment] at the earliest practicable, commercially
342 reasonable time, on commercially reasonable terms, taking into
343 account market conditions and legal and regulatory requirements,
344 after the foreclosure.

345 Sec. 13. Subdivision (2) of subsection (a) of section 32-9t of the
346 general statutes is repealed and the following is substituted in lieu

347 thereof (*Effective from passage*):

348 (2) "Eligible industrial site investment project" means a project
349 located within this state for the development or redevelopment of real
350 property: (A) (i) That has been subject to a "spill", as defined in section
351 22a-452c, [(ii) is an "establishment", as defined in subdivision (3) of
352 section 22a-134, or (iii)] or (ii) is a "facility", as defined in 42 USC
353 9601(9); (B) that, if remediated, renovated or demolished in accordance
354 with applicable law and regulations and the standards of remediation
355 of the Department of Energy and Environmental Protection and used
356 for business purposes, will add significant new economic activity and
357 employment in the municipality in which the investment is to be
358 made, and will generate additional tax revenues to the state; (C) for
359 which the use of the urban and industrial site reinvestment program
360 will be necessary to attract private investment to the project; (D) the
361 business use of which would be economically viable and would
362 generate direct and indirect economic benefits to the state that exceed
363 the amount of the investment during the period for which the tax
364 credits granted pursuant to public act 00-170 are granted; and (E) that
365 is, in the judgment of the commissioner, consistent with the strategic
366 economic development priorities of the state and the municipality.

367 Sec. 14. Subdivision (1) of subsection (a) of section 32-11f of the
368 general statutes is repealed and the following is substituted in lieu
369 thereof (*Effective from passage*):

370 (a) (1) Wherever the term "Connecticut Development Authority" is
371 used in the following sections of the general statutes, the term
372 "Connecticut Innovations, Incorporated" shall be substituted in lieu
373 thereof: 3-24d, 3-24f, 3-99d, 8-134, 8-134a, 8-192, 8-192a, 8-240m, 13b-
374 79w, 16-243v, [22a-134,] 22a-173, 22a-259, 22a-264, 25-33a, 32-1l, 32-3,
375 32-4l, 32-6j, 32-9c, 32-9n, 32-9qq, 32-22b, 32-23l, 32-23o, 32-23q, 32-23r,
376 32-23s, 32-23t, 32-23v, 32-23x, 32-23z, 32-23aa, 32-23qq, 32-23ss, 32-23tt,
377 32-31a, 32-61, 32-68a, 32-141, 32-222, 32-223, 32-227, 32-244, 32-244a, 32-
378 262, 32-263, 32-265, 32-266, 32-285, 32-341, 32-477, 32-500, 32-503, 32-
379 609, 32-761, 32-763 and 32-768.

380 Sec. 15. Subsection (gg) of section 32-23d of the general statutes is
381 repealed and the following is substituted in lieu thereof (*Effective from*
382 *passage*):

383 (gg) "Remediation project" means any project (1) involving the
384 development, redevelopment or productive reuse of real property
385 within this state that (A) has been subject to a spill, as defined in
386 section 22a-452c, [(B) is an establishment, as defined in subdivision (3)
387 of section 22a-134, (C)] (B) is a facility, as defined in 42 USC 9601(9), or
388 [(D)] (C) is eligible to be treated as polluted real property for purposes
389 of section 22a-133m, as amended by this act, or contaminated real
390 property for purposes of section 22a-133aa or section 22a-133bb,
391 provided the development, redevelopment or productive reuse is
392 undertaken pursuant to a remediation plan meeting all applicable
393 standards and requirements of the Department of Energy and
394 Environmental Protection, (2) that the corporation determines will add
395 or support significant new economic activity or employment in the
396 municipality in which such project is located or will otherwise
397 materially contribute to the economic base of the state or the
398 municipality or will provide a residential or mixed-use development
399 pursuant to chapter 828, and (3) for which assistance from the
400 corporation will be needed to attract necessary private investment.

401 Sec. 16. Subdivision (22) of section 32-651 of the general statutes is
402 repealed and the following is substituted in lieu thereof (*Effective from*
403 *passage*):

404 (22) "Overall project" means the convention center project, the
405 stadium facility project and the parking project, or one or more of the
406 foregoing as more particularly described in the master development
407 plan, including all related planning, feasibility, environmental testing
408 and assessment, permitting, engineering, technical and other necessary
409 development activities, including site acquisition, site preparation and
410 infrastructure improvements. As used in sections 32-664, 32-665 and
411 32-668, and subdivision (1) of section 12-412, subsection (a) of section
412 12-498 [and subdivision (1) of section 22a-134,] and section 32-617a,

413 "overall project" also includes the development, design, construction,
414 finishing, furnishing and equipping of the on-site related private
415 development.

416 Sec. 17. Subsection (i) of section 32-656 of the general statutes is
417 repealed and the following is substituted in lieu thereof (*Effective from*
418 *passage*):

419 (i) The secretary and the authority shall jointly select and appoint an
420 independent construction contract compliance officer or agent, which
421 may be an officer or agency of a political subdivision of the state, other
422 than the authority, or a private consultant experienced in similar
423 public contract compliance matters, to monitor compliance by the
424 secretary, the authority, the project manager and each prime
425 construction contractor with the provisions of applicable state law,
426 including subdivision (1) of section 12-412, subsection (a) of section 12-
427 498, sections 12-541 and 13a-25, [subdivision (1) of section 22a-134,]
428 section 32-600, subsection (d) of section 32-602, subsection (c) of section
429 32-605, section 32-610, subsections (a) and (b) of section 32-614,
430 sections 32-617, 32-617a, 32-650, 32-651 to 32-658, inclusive, as
431 amended by this act, 32-660 and 32-661, subsection (b) of section 32-
432 662, section 32-663, subsections (j) to (l), inclusive, of section 32-664,
433 sections 32-665 to 32-666a, inclusive, sections 32-668 and 48-21 and
434 sections 29 and 30 of public act 00-140, and with applicable
435 requirements of contracts with the secretary or the authority, relating
436 to set-asides for small contractors and minority business enterprises
437 and required efforts to hire available and qualified members of
438 minorities and available and qualified residents of the city of Hartford
439 and the town of East Hartford for construction jobs with respect to the
440 overall project and the on-site related private development. Such
441 independent contract compliance officer or agent shall file a written
442 report of his or her findings and recommendations with the secretary
443 and the authority each quarter during the period of project
444 development.

445 Sec. 18. Section 32-760 of the general statutes is repealed and the

446 following is substituted in lieu thereof (*Effective from passage*):

447 As used in this chapter:

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

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

453 (B) Such person made all appropriate inquiries, as set forth in 40
454 CFR Part 312, into the previous ownership and uses of the property in
455 accordance with generally accepted good commercial and customary
456 standards and practices, including, but not limited to, the standards
457 and practices set forth in the ASTM Standard Practice for
458 Environmental Site Assessments, Phase I Environmental Site
459 Assessment Process, in effect on the date such person acquired the
460 property. In the case of property in residential or other similar use at
461 the time of purchase by a nongovernmental or noncommercial entity, a
462 property inspection and a title search that reveal no basis for further
463 investigation shall be considered to satisfy the requirements of this
464 subparagraph;

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

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

472 (E) Such person provides full cooperation, assistance and access to
473 persons authorized to conduct response actions or natural resource
474 restoration at the property, including, but not limited to, the
475 cooperation and access necessary for the installation, integrity,

476 operation and maintenance of any complete or partial response actions
477 or natural resource restoration at the property;

478 (F) Such person complies with any land use restrictions established
479 or relied on in connection with the response action at the property and
480 does not impede the effectiveness or integrity of any institutional
481 control employed at the property in connection with a response action;
482 and

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

485 (2) "Brownfield" means any abandoned or underutilized site where
486 redevelopment, reuse or expansion has not occurred due to the
487 presence or potential presence of pollution in the buildings, soil or
488 groundwater that requires investigation or remediation before or in
489 conjunction with the redevelopment, reuse or expansion of the
490 property;

491 (3) "Commissioner" means the Commissioner of Economic and
492 Community Development;

493 (4) "Contiguous property owner" means a person who owns real
494 property contiguous to or otherwise similarly situated with respect to,
495 and that is or may be contaminated by a release or threatened release
496 of a regulated substance from, real property that is not owned by that
497 person, provided:

498 (A) With respect to the property owned by such person, such person
499 takes reasonable steps to (i) stop any continuing release of any
500 regulated substance released on or from the property, (ii) prevent any
501 threatened future release of any regulated substance released on or
502 from the property, and (iii) prevent or limit human, environmental or
503 natural resource exposure to any regulated substance released on or
504 from the property;

505 (B) Such person provides full cooperation, assistance and access to

506 persons authorized to conduct response actions or natural resource
507 restoration at the property from which there has been a release or
508 threatened release, including, but not limited to, the cooperation and
509 access necessary for the installation, integrity, operation and
510 maintenance of any complete or partial response action or natural
511 resource restoration at the property;

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

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

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

520 (5) "Department" means the Department of Economic and
521 Community Development;

522 (6) "Economic development agency" means (A) a municipal
523 economic development agency or entity created or operating under
524 chapter 130 or 132; (B) a nonprofit economic development corporation
525 formed to promote the common good, general welfare and economic
526 development of a municipality or a region that is funded, either
527 directly or through in-kind services, in part by one or more
528 municipalities; (C) a nonstock corporation or limited liability company
529 established or controlled by a municipality, municipal economic
530 development agency or an entity created or operating under chapter
531 130 or 132; or (D) an agency, as defined in section 32-327;

532 (7) "Eligible costs" means the costs associated with the investigation,
533 assessment, remediation and development of a brownfield, including,
534 but not limited to, (A) soil, groundwater and infrastructure
535 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
536 hazardous materials or waste disposal, (F) long-term groundwater or

537 natural attenuation monitoring, (G) (i) environmental land use
538 restrictions, (ii) activity and use limitations, or (iii) other forms of
539 institutional control, (H) attorneys' fees, (I) planning, engineering and
540 environmental consulting, and (J) building and structural issues,
541 including demolition, asbestos abatement, polychlorinated biphenyls
542 removal, contaminated wood or paint removal, and other
543 infrastructure remedial activities;

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

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

548 [(10) "Interim verification" has the same meaning as provided in
549 section 22a-134;]

550 [(11)] (10) "Manufacturing facility" means a business establishment
551 classified under sector 31, 32 or 33 of the North American Industrial
552 Classification System;

553 [(12)] (11) "Municipality" means a town, city, consolidated town and
554 city or consolidated town and borough. For purposes of sections 32-
555 771 to 32-775, inclusive, "municipality" includes a district, as defined in
556 section 7-324, a metropolitan area, as defined in section 7-333, and any
557 political subdivision of the state that has the power to levy taxes and to
558 issue bonds, notes or other obligations;

559 [(13)] (12) "PCB regulations" means the polychlorinated biphenyls
560 manufacturing, processing, distribution in commerce and use
561 prohibitions found at 40 CFR Part 761;

562 [(14)] (13) "Person" means any individual, firm, partnership,
563 association, syndicate, company, trust, corporation, nonstock
564 corporation, limited liability company, municipality, economic
565 development agency, agency or political or administrative subdivision
566 of the state or any other legal entity;

567 [(15)] (14) "Real property" means land, buildings and other structures
568 and improvements thereto, subterranean or subsurface rights, any and
569 all easements, air rights and franchises of any kind or nature;

570 [(16)] (15) "Regulated substance" has the same meaning as provided
571 in section 22a-134g;

572 [(17)] (16) "Release" means any discharge, spillage, uncontrolled
573 loss, seepage, filtration, leakage, injection, escape, dumping, pumping,
574 pouring, emitting, emptying or disposal of a substance;

575 [(18)] "Remediation standards" has the same meaning as provided in
576 section 22a-134;]

577 [(19)] (17) "State" means the state of Connecticut;

578 [(20)] (18) "UST regulations" means the regulations adopted
579 pursuant to subsection (d) of section 22a-449; and

580 [(21)] "Verification" has the same meaning as provided in section
581 22a-134; and]

582 [(22)] (19) "Connecticut brownfield land bank" means a Connecticut
583 nonstock corporation, certified by the Commissioner of Economic and
584 Community Development pursuant to section 32-771, established for
585 the purposes of (A) acquiring, retaining, remediating and selling
586 brownfields in the state for the benefit of municipalities, (B) educating
587 government officials, community leaders, economic development
588 agencies and nonprofit organizations on best practices for
589 redeveloping brownfields, and (C) engaging in all other activities in
590 accordance with sections 32-771 to 32-775, inclusive.

591 Sec. 19. Subsection (d) of section 32-764 of the general statutes is
592 repealed and the following is substituted in lieu thereof (*Effective from*
593 *passage*):

594 (d) Notwithstanding [section 22a-134a] any provision of the general
595 statutes, a recipient of a grant pursuant to section 32-763 may acquire

596 and convey its interest in the property without such recipient or the
597 subsequent purchaser incurring liability, including any such liability
598 incurred, [pursuant to section 22a-134a,] provided the property [(1)]
599 was remediated pursuant to section 22a-133x, as amended by this act,
600 22a-133y, as amended by this act, 32-768 or 32-769, as amended by this
601 act, or pursuant to an order issued by the Commissioner of Energy and
602 Environmental Protection and such remediation was [(A)] (1)
603 performed in accordance with the standards adopted pursuant to
604 section 22a-133k, as determined by said commissioner, or [(B)] (2) if
605 authorized by said commissioner, verified by a licensed environmental
606 professional unless such verification has been rejected by said
607 commissioner subsequent to an audit conducted by said commissioner
608 and provided the subsequent purchaser has no direct or related
609 liability for the site conditions. [; and (2) is not an establishment, as
610 defined in section 22a-134, based on business operations occurring
611 after such recipient remediated the property.]

612 Sec. 20. Subdivision (1) of subsection (d) of section 32-769 of the
613 general statutes is repealed and the following is substituted in lieu
614 thereof (*Effective from passage*):

615 (d) (1) Properties otherwise eligible for the brownfield remediation
616 and revitalization program currently being investigated and
617 remediated in accordance with the state voluntary remediation
618 programs under sections 22a-133x, as amended by this act, and 22a-
619 133y, as amended by this act, [the property transfer program under
620 section 22a-134] and the covenant not to sue programs under section
621 22a-133aa or 22a-133bb shall not be excluded from eligibility in said
622 program, provided the other requirements set forth in this section are
623 met.

624 Sec. 21. Subdivision (6) of subsection (m) of section 32-769 of the
625 general statutes is repealed and the following is substituted in lieu
626 thereof (*Effective from passage*):

627 (6) Upon the Commissioner of Energy and Environmental

628 Protection's issuance of a successful audit closure letter or no audit
629 letter for the entire eligible property originally accepted into the
630 brownfield remediation and revitalization program, or after one
631 hundred eighty days, plus any additional time permitted pursuant to
632 subparagraph (B) of subdivision (9) of subsection (j) of this section,
633 have passed since the submittal of a verification or interim verification
634 and said commissioner has not audited the verification or interim
635 verification, the immediate prior owner regardless of its own eligibility
636 to participate in the comprehensive brownfield remediation and
637 revitalization program shall have no liability to the state or any person
638 for any future investigation and remediation of the release of any
639 regulated substance at the eligible property addressed in the
640 verification or interim verification, provided the immediate prior
641 owner has complied with any legal obligation such owner had with
642 respect to investigation and remediation of releases at and from the
643 property, and provided further the immediate prior owner shall retain
644 any and all liability such immediate prior owner would otherwise
645 have for the investigation and remediation of the release of any
646 regulated substance beyond the boundary of the eligible property. In
647 any event, the immediate prior owner shall remain liable for (A)
648 penalties or fines, if any, relating to the release of any regulated
649 substance at or from the eligible property, [(B) costs and expenses, if
650 any, recoverable or reimbursable pursuant to sections 22a-134b, 22a-
651 451 and 22a-452, and (C)] and (B) obligations of the immediate prior
652 owner as a certifying party on a [Form III or IV submitted pursuant to
653 sections 22a-134 to 22a-134e, inclusive] written certification stating that
654 hazardous waste discharge has occurred at a piece of real property or
655 demonstrating that a parcel of real property has been investigated in
656 accordance with applicable prevailing standards and guidelines.

657 Sec. 22. Subsections (n) and (o) of section 32-769 of the general
658 statutes are repealed and the following is substituted in lieu thereof
659 (*Effective from passage*):

660 [(n) A person whose application to the brownfield remediation and
661 revitalization program has been accepted by the commissioner or any

662 subsequent eligible party whose application to the brownfield
 663 remediation and revitalization program has been accepted by the
 664 commissioner shall be exempt for filing as an establishment pursuant
 665 to sections 22a-134a to 22a-134d, inclusive, if such real property or
 666 prior business operations constitute an establishment. Nothing in this
 667 section shall be construed to alter any existing legal requirement
 668 applicable to any certifying party at a property under sections 22a-134
 669 and 22a-134a to 22a-134e, inclusive.]

670 [(o)] (n) Notwithstanding the provisions of this section, eligible
 671 parties shall investigate and remediate, and remain subject to all
 672 applicable statutes and requirements, the extent of any new release
 673 that occurs during their ownership of the property.

674 Sec. 23. Subdivision (4) of subsection (a) of section 32-776 of the
 675 general statutes is repealed and the following is substituted in lieu
 676 thereof (*Effective from passage*):

677 (4) "Completion of the brownfield remediation" means the
 678 completed remediation of a 7/7 site by a 7/7 participant as evidenced
 679 by the filing of either a verification or interim verification that meets
 680 the requirements of section 22a-133x, as amended by this act, or 22a-
 681 133y, as amended by this act; [or 22a-134;]

682 Sec. 24. Sections 22a-134 to 22a-134e, inclusive, 22a-134h and 22a-
 683 134i of the general statutes are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-6(a)
Sec. 2	<i>from passage</i>	22a-6(i) and (j)
Sec. 3	<i>from passage</i>	22a-6b(a)(1) and (2)
Sec. 4	<i>from passage</i>	22a-27i
Sec. 5	<i>from passage</i>	22a-133k(b)
Sec. 6	<i>from passage</i>	22a-133m(e)
Sec. 7	<i>from passage</i>	22a-133u(a)
Sec. 8	<i>from passage</i>	22a-133x(f) and (g)

Sec. 9	<i>from passage</i>	22a-133y(d) and (e)
Sec. 10	<i>from passage</i>	22a-133ii(h)
Sec. 11	<i>from passage</i>	22a-452a(a)
Sec. 12	<i>from passage</i>	22a-452f(a)
Sec. 13	<i>from passage</i>	32-9t(a)(2)
Sec. 14	<i>from passage</i>	32-11f(a)(1)
Sec. 15	<i>from passage</i>	32-23d(gg)
Sec. 16	<i>from passage</i>	32-651(22)
Sec. 17	<i>from passage</i>	32-656(i)
Sec. 18	<i>from passage</i>	32-760
Sec. 19	<i>from passage</i>	32-764(d)
Sec. 20	<i>from passage</i>	32-769(d)(1)
Sec. 21	<i>from passage</i>	32-769(m)(6)
Sec. 22	<i>from passage</i>	32-769(n) and (o)
Sec. 23	<i>from passage</i>	32-776(a)(4)
Sec. 24	<i>from passage</i>	Repealer section