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 following in lieu thereof:

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 Subsection (a) of section 22a-6 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The commissioner may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out his functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. The commissioner shall have the power to hold hearings, administer
oaths, take testimony and subpoena witnesses and evidence, enter
orders and institute legal proceedings including, but not limited to,
suits for injunctions, for the enforcement of any statute, regulation,
order or permit administered, adopted or issued by him; (4) in
accordance with regulations adopted by him, require, issue, renew,
revoke, modify or deny permits, under such conditions as he may
prescribe, governing all sources of pollution in Connecticut within his
jurisdiction; (5) in accordance with constitutional limitations, enter at
all reasonable times, without liability, upon any public or private
property, except a private residence, for the purpose of inspection and
investigation to ascertain possible violations of any statute, regulation,
order or permit administered, adopted or issued by him and the
owner, managing agent or occupant of any such property shall permit
such entry, and no action for trespass shall lie against the
commissioner for such entry, or he may apply to any court having
criminal jurisdiction for a warrant to inspect such premises to
determine compliance with any statute, regulation, order or permit
administered, adopted or enforced by him, provided any information
relating to secret processes or methods of manufacture or production
ascertained by the commissioner during, or as a result of, any
inspection, investigation, hearing or otherwise shall be kept
confidential and shall not be disclosed except that, notwithstanding the
provisions of subdivision (5) of subsection (b) of section 1-210, such
information may be disclosed by the commissioner to the United States
Environmental Protection Agency pursuant to the federal Freedom of
Information Act of 1976, (5 USC 552) and regulations adopted
thereunder or, if such information is submitted after June 4, 1986, to
any person pursuant to the federal Clean Water Act (33 USC 1251 et
seq.); (6) undertake any studies, inquiries, surveys or analyses he may
decem relevant, through the personnel of the department or in
cooperation with any public or private agency, to accomplish the
functions, powers and duties of the commissioner; (7) require the
posting of sufficient performance bond or other security to assure
compliance with any permit or order; (8) provide by notice printed on
any form that any false statement made thereon or pursuant thereto is
punishable as a criminal offense under section 53a-157b; (9) construct or repair or contract for the construction or repair of any dam or flood and erosion control system under his control and management, make or contract for the making of any alteration, repair or addition to any other real asset under his control and management, including rented or leased premises, involving an expenditure of five hundred thousand dollars or less, and, with prior approval of the Commissioner of Administrative Services, make or contract for the making of any alteration, repair or addition to such other real asset under his control and management involving an expenditure of more than five hundred thousand dollars but not more than one million dollars; (10) in consultation with affected town and watershed organizations, enter into a lease agreement with a private entity owning a facility to allow the private entity to generate hydroelectricity provided the project meets the certification standards of the Low Impact Hydropower Institute; (11) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of the search, duplication and review of records requested under the Freedom of Information Act, as defined in section 1-200, and the reasonable cost of reviewing and acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval required pursuant to subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d, 22a-32, [22a-134a, 22a-134e,] 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC 1341). Such costs may include, but are not limited to the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final
decision of the commissioner on the application. The commissioner
may postpone review of an application until receipt of the payment.
Payment of a fee for monitoring compliance with the terms or
conditions of a permit shall be at such time as the commissioner deems
necessary and is required for an approval to remain valid; and (12) by
regulations adopted in accordance with the provisions of chapter 54,
require the payment of a fee sufficient to cover the reasonable cost of
responding to requests for information concerning the status of real
estate with regard to compliance with environmental statutes,
regulations, permits or orders. Such fee shall be paid by the person
requesting such information at the time of the request. Funds not
exceeding two hundred thousand dollars received by the
commissioner pursuant to subsection (g) of section 22a-174, during the
fiscal year ending June 30, 1985, shall be deposited in the General Fund
and credited to the appropriations of the Department of Energy and
Environmental Protection in accordance with the provisions of section
4-86, and such funds shall not lapse until June 30, 1986. In any action
brought against any employee of the department acting within his
scope of delegated authority in performing any of the above-listed
duties, the employee shall be represented by the Attorney General.

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

(i) Notwithstanding the provisions of subsection (a) of this section,
no person shall be required to pay any fee established by the
commissioner pursuant to section 22a-133x, as amended by this act,
[22a-133aa, 22a-134a or 22a-134e] or 22a-133aa for any new or pending
application, provided such person has received financial assistance
from any department, institution, agency or authority of the state for
the purpose of investigation or remediation, or both, of a brownfield,
as defined in section 32-760, as amended by this act, and such activity
would otherwise require a fee to be paid to the commissioner for the
activity conducted with such financial assistance.
(j) Notwithstanding the provisions of subsection (a) of this section, no department, institution, agency or authority of the state or the state system of higher education shall be required to pay any fee established by the commissioner pursuant to section 22a-133x, as amended by this act, [22a-133aa, 22a-134a or 22a-134e] or 22a-133aa for any new or pending application, provided such division of the state is conducting an investigation or remediation, or both, of a brownfield, as defined in section 32-760, as amended by this act, and siting a state facility on such brownfield site.

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

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

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

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

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

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

(b) The commissioner may establish, by regulations adopted in
accordance with the provisions of chapter 54, a program for expediting
the review and approval of reports on final remedial actions
concerning [sites subject to section 22a-134 or] sites which, as of July 3, 1989, were on the inventory of hazardous waste disposal sites maintained pursuant to section 22a-133c provided such reports are not submitted pursuant to an order, consent order or stipulated judgment. The commissioner may retain consultants as necessary to accomplish such expedited review and may require the payment of a fee, as provided for in said regulations to cover the reasonable cost of performing the expedited review and approval of final remediation reports pursuant to this subsection, including the cost of any consultant retained by the commissioner to perform such work.

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

(e) The Commissioner of Economic and Community Development, in consultation with the Commissioner of Energy and Environmental Protection, or a regional economic development entity using funds allocated under subsection (f) of this section, may acquire polluted commercial or industrial property for the purpose of remediation of the pollution and for the lease or sale of such property in order to promote business growth or expansion through the reuse or redevelopment of such property. Such acquisition may include, but not be limited to, condemnation of the property in accordance with the provisions of part I of chapter 835. For purposes of this subsection, the Commissioner of Economic and Community Development shall be exempt from all of the requirements of sections [22a-134 to 22a-134e, inclusive, section 4b-3, and section] 4b-3 and 4b-21. When acquiring polluted property under this subsection, the Commissioner of Economic and Community Development may accept on behalf of the state of Connecticut the liability, at the time of the acquisition, for all costs of remediation of the polluted property provided the transferor shall be liable for all costs in excess of fifteen million dollars and further provided the commissioner shall not accept any liability under federal law. The Commissioner of Economic and Community Development may enter into lease, sale, or other agreements for the
use of the real property acquired pursuant to this subsection. All moneys received by the state pursuant to any such agreement shall be deposited into the Urban Site Remediation Fund established under subsection (f) of this section.

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

(a) The Commissioner of Energy and Environmental Protection may use any funds in the Special Contaminated Property Remediation and Insurance Fund established in section 22a-133t other than any funds which are necessary to carry out any other responsibility of said commissioner under this section, for (1) removal or mitigation of a spill, as defined in section 22a-452c, upon or into land or waters of the state if the owner of the property associated with such spill is found to be an innocent landowner, as defined in section 22a-452d, and for administrative costs related to such removal or mitigation, or (2) administrative costs related to the remediation of a property for which a loan was made under subsection (b) of this section provided not more than five thousand dollars shall be disbursed from the fund for such purpose. Said commissioner may use any funds received in connection with the issuance of a covenant not to sue or a settlement by said commissioner of a claim related to contaminated real property, or any funds received pursuant to section 22a-16a, for removal or mitigation of a spill, as defined in section 22a-452c, for which the owner of the property associated with such spill would be liable except for a covenant not to sue entered into pursuant to sections 22a-133aa or 22a-133bb and for administrative costs related to such removal or mitigation. Said commissioner may use any funds received pursuant to [section 22a-134e and] subsection (c) of section 22a-133aa [for expenses related to the administration of sections 22a-134 to 22a-134e, inclusive, and] for expenses related to administration of sections 22a-133x, as amended by this act, 22a-133y, as amended by this act, 22a-133aa and 22a-133bb.
Sec. 8. Subsections (f) and (g) of section 22a-133x of the general statutes are repealed and the following is substituted in lieu thereof (Effective from passage):

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

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

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

(d) Upon the approval of such report, the owner of the property shall execute and record an environmental use restriction in accordance with the provisions of section 22a-133o, unless a licensed environmental professional presents evidence, satisfactory to the commissioner, that the remediation has achieved a standard sufficient to render such a restriction unnecessary and the commissioner issues a
written finding that such restriction is not necessary. Approval of a final remedial action report pursuant to this section shall be sufficient to support the filing of a [Form II, as defined in section 22a-134] written certification that a parcel has been investigated in accordance with applicable prevailing standards and guidelines.

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

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

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

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

(a) On and after June 3, 1985, any amount paid by the Commissioner of Energy and Environmental Protection pursuant to subsection (b) of section 22a-451 to contain and remove or mitigate the effects of a spill or to remove any hazardous waste shall be a lien against the real estate on which the spill occurred or from which it emanated or against real estate where no spill occurred but from which hazardous waste was removed provided such hazardous waste did not enter such real estate through surface or subsurface migration. Any such lien shall be filed in accordance with the provisions of this section, [except that such lien against real estate which has been transferred in accordance with the provisions of sections 22a-134 to 22a-134d, inclusive, shall not have priority over any previous transfer or encumbrance.] The amount of
the lien shall include administrative costs, as set forth in subsection (a) of section 22a-451, as of the date of the filing of the lien. Any costs incurred subsequent to the filing of the lien may be the subject of another lien.

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

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

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

Sec. 13. Subdivision (2) of subsection (a) of section 32-9t of the general statutes is repealed and the following is substituted in lieu
thereof (Effective from passage):

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

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

(a) (1) Wherever the term "Connecticut Development Authority" is used in the following sections of the general statutes, the term "Connecticut Innovations, Incorporated" shall be substituted in lieu thereof: 3-24d, 3-24f, 3-99d, 8-134, 8-134a, 8-192, 8-192a, 8-240m, 13b-79w, 16-243v, [22a-134,] 22a-173, 22a-259, 22a-264, 25-33a, 32-1l, 32-3, 32-4l, 32-6j, 32-9c, 32-9n, 32-9qq, 32-22b, 32-22l, 32-23o, 32-23q, 32-23r, 32-23s, 32-23t, 32-23v, 32-23x, 32-23z, 32-23aa, 32-23qq, 32-23ss, 32-23tt, 32-31a, 32-61, 32-68a, 32-141, 32-222, 32-223, 32-227, 32-244, 32-244a, 32-262, 32-263, 32-265, 32-266, 32-285, 32-341, 32-477, 32-500, 32-503, 32-609, 32-761, 32-763 and 32-768.
Sec. 15. Subsection (gg) of section 32-23d of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

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

(22) "Overall project" means the convention center project, the stadium facility project and the parking project, or one or more of the foregoing as more particularly described in the master development plan, including all related planning, feasibility, environmental testing and assessment, permitting, engineering, technical and other necessary development activities, including site acquisition, site preparation and infrastructure improvements. As used in sections 32-664, 32-665 and 32-668, and subdivision (1) of section 12-412, subsection (a) of section 12-498 [and subdivision (1) of section 22a-134,] and section 32-617a,
"overall project" also includes the development, design, construction, finishing, furnishing and equipping of the on-site related private development.

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

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

Sec. 18. Section 32-760 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):

As used in this chapter:

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

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

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

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

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

(E) Such person provides full cooperation, assistance and access to persons authorized to conduct response actions or natural resource restoration at the property, including, but not limited to, the cooperation and access necessary for the installation, integrity,
operation and maintenance of any complete or partial response actions
or natural resource restoration at the property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(14)] (13) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, nonstock corporation, limited liability company, municipality, economic development agency, agency or political or administrative subdivision of the state or any other legal entity;
[15] (14) "Real property" means land, buildings and other structures and improvements thereto, subterranean or subsurface rights, any and all easements, air rights and franchises of any kind or nature;

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

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

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

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

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

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

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

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

(d) Notwithstanding [section 22a-134a] any provision of the general statutes, a recipient of a grant pursuant to section 32-763 may acquire
and convey its interest in the property without such recipient or the
subsequent purchaser incurring liability, including any such liability
incurred, [pursuant to section 22a-134a,] provided the property [(1)]
was remediated pursuant to section 22a-133x, as amended by this act,
22a-133y, as amended by this act, 32-768 or 32-769, as amended by this
act, or pursuant to an order issued by the Commissioner of Energy and
Environmental Protection and such remediation was [(A) (1)]
performed in accordance with the standards adopted pursuant to
section 22a-133k, as determined by said commissioner, or [(B) (2)] if
authorized by said commissioner, verified by a licensed environmental
professional unless such verification has been rejected by said
commissioner subsequent to an audit conducted by said commissioner
and provided the subsequent purchaser has no direct or related
liability for the site conditions, [; and (2) is not an establishment, as
defined in section 22a-134, based on business operations occurring
after such recipient remediated the property.]

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

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

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

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

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