



General Assembly

January Session, 2021

Raised Bill No. 1038

LCO No. 4924



Referred to Committee on COMMERCE

Introduced by:
(CE)

AN ACT CONCERNING BROWNFIELD REMEDIATION.

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

1 Section 1. Section 32-768 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) There is established an abandoned brownfield cleanup program.
4 The Commissioner of Economic and Community Development shall
5 determine, in consultation with the Commissioner of Energy and
6 Environmental Protection, properties and persons eligible for said
7 program.

8 (b) For a person or a property to be eligible, the Commissioner of
9 Economic and Community Development shall determine if (1) the
10 property is a brownfield, as defined in section 32-760, that has been
11 unused or significantly underused for at least five years before an
12 application is filed with the commissioner pursuant to subsection (h) of
13 this section; (2) such person intends to acquire title to such property for
14 the purpose of redeveloping such property; (3) the redevelopment of
15 such property has a regional or municipal economic development

16 benefit; (4) such person did not establish or create a facility or condition
17 at or on such property that can reasonably be expected to create a source
18 of pollution to the waters of the state for the purposes of section 22a-432
19 and is not affiliated with any person responsible for such pollution or
20 source of pollution through any direct or indirect familial relationship
21 or any contractual, corporate or financial relationship other than a
22 relationship by which such owner's interest in such property is to be
23 conveyed or financed; (5) such person does not occupy the property
24 under a lease or occupancy agreement having a term of greater than five
25 years; [(5)] (6) such person is not otherwise required by law, an order or
26 consent order issued by the Commissioner of Energy and
27 Environmental Protection or a stipulated judgment to remediate
28 pollution on or emanating from such property; [(6)] (7) the person
29 responsible for pollution on or emanating from the property is
30 indeterminable, is no longer in existence, is required by law to remediate
31 releases on and emanating from the property or is otherwise unable to
32 perform necessary remediation of such property; and [(7)] (8) the
33 property and the person meet any other criteria said commissioner
34 deems necessary.

35 (c) Notwithstanding the provisions of subsection (b) of this section, a
36 property owned by a municipality, a Connecticut brownfield land bank
37 or an economic development agency shall not be subject to subdivision
38 [(6)] (7) of subsection (b) of this section.

39 (d) Notwithstanding the provisions of subsection (b) of this section, a
40 municipality or a Connecticut brownfield land bank may request the
41 Commissioner of Economic and Community Development to determine
42 if a property is eligible regardless of the person who currently owns
43 such property.

44 (e) Notwithstanding subsection (b) of this section, the Commissioner
45 of Economic and Community Development may waive the requirement
46 of subdivision (1) of subsection (b) of this section, if the person seeking
47 eligibility under this section otherwise demonstrates the eligibility of the
48 property and the value of the redevelopment of such property.

49 (f) Upon designation by the Commissioner of Economic and
50 Community Development, in consultation with the Commissioner of
51 Energy and Environmental Protection, of an eligible person who holds
52 title to such property, such eligible person shall (1) enter [and remain in]
53 the voluntary remediation program established in section 22a-133x [;
54 (2)] not later than six months after the date such eligible person takes
55 title to such property, except that the Commissioner of Economic and
56 Community Development, in consultation with the Commissioner of
57 Energy and Environmental Protection, may allow such eligible person
58 to enter such voluntary remediation program later than six months after
59 the date such eligible person takes title to such property; (2) remain in
60 and comply with the requirements of such voluntary remediation
61 program; (3) investigate pollution on such property in accordance with
62 prevailing standards and guidelines and remediate pollution on such
63 property in accordance with regulations established for remediation
64 adopted by the Commissioner of Energy and Environmental Protection
65 and in accordance with applicable schedules; and [(3)] (4) eliminate
66 further emanation or migration of any pollution from such property.

67 (g) An eligible person who has been accepted by the commissioner or
68 that holds title to an eligible property designated to be in the abandoned
69 brownfield cleanup program shall not be responsible for investigating
70 or remediating any pollution or source of pollution that has emanated
71 from such property prior to such person taking title to such property,
72 and shall not be liable to the state or any person for the release of any
73 regulated substance at or from the eligible property prior to taking title
74 to such eligible property except and only to the extent that such
75 applicant caused or contributed to the release of a regulated substance
76 that is subject to remediation or negligently or recklessly exacerbated
77 such condition.

78 (h) Any applicant seeking a designation of eligibility for a person or
79 a property under the abandoned brownfield cleanup program shall
80 apply to the Commissioner of Economic and Community Development
81 at such times and on such forms as the commissioner may prescribe.

82 (i) Not later than sixty days after receipt of the application, the
83 Commissioner of Economic and Community Development shall
84 determine if the application is complete and shall notify the applicant of
85 such determination.

86 (j) Not later than ninety days after determining that the application is
87 complete, the Commissioner of Economic and Community
88 Development shall determine whether to include the property and
89 applicant in the abandoned brownfield cleanup program.

90 (k) Designation of a property in the abandoned brownfield cleanup
91 program by the Commissioner of Economic and Community
92 Development shall not limit the applicant's or any other person's ability
93 to seek funding for such property under any other brownfield grant or
94 loan program administered by the Department of Economic and
95 Community Development, Connecticut Innovations, Incorporated or
96 the Department of Energy and Environmental Protection.

97 (l) Designation of a property in the abandoned brownfield cleanup
98 program by the Commissioner of Economic and Community
99 Development shall exempt such eligible person from filing as an
100 establishment pursuant to sections 22a-134a to 22a-134d, inclusive, if
101 such real property or prior business operations constitute an
102 establishment.

103 (m) Not later than sixty days after the receipt of a remedial action
104 report signed and stamped by a licensed environmental professional
105 and a verification for such property or portion of such property, the
106 Commissioner of Energy and Environmental Protection shall notify
107 such eligible person and the Commissioner of Economic and
108 Community Development whether the Department of Energy and
109 Environmental Protection will conduct an audit of such remedial action.
110 Any such audit shall be conducted not later than one hundred eighty
111 days after the receipt of such remedial action report and verification by
112 the Department of Energy and Environmental Protection, except as
113 provided in subsections (n) and (o) of this section. Not later than

114 fourteen days after the completion of any such audit, the Commissioner
115 of Energy and Environmental Protection shall provide written audit
116 findings to such eligible person, the Commissioner of Economic and
117 Community Development and the licensed environmental professional
118 that issued such remedial action report. The written audit findings shall
119 approve or disapprove of such remedial action report, provided any
120 disapproval of such report shall include the reasons for such
121 disapproval.

122 (n) The Commissioner of Energy and Environmental Protection may
123 request additional information during any audit of a remedial action
124 report. If such eligible person does not provide the requested
125 information to said commissioner within fourteen days of such request,
126 the time period provided for in subsection (m) of this section to
127 complete such audit shall be suspended until such information is
128 provided to said commissioner.

129 (o) The Commissioner of Energy and Environmental Protection shall
130 not conduct an audit of any remedial action later than one hundred
131 eighty days after the receipt of a remedial action report and verification
132 by the Department of Energy and Environmental Protection, subject to
133 the provisions of subsection (n) of this section, unless (1) said
134 commissioner has reason to believe that a verification was obtained
135 through the submittal of materially inaccurate or erroneous information
136 or otherwise misleading information material to the verification or that
137 material misrepresentations were made in connection with the
138 submittal of the verification, (2) any post-verification monitoring of
139 operations and maintenance is required as part of a verification and
140 such monitoring has not been completed, (3) such verification relies
141 upon an environmental land use restriction that was not recorded on the
142 land records of the municipality in which such property is located,
143 pursuant to section 22a-133o or any applicable regulations, (4) said
144 commissioner determines that there has been a violation of law material
145 to the verification, or (5) said commissioner determines that information
146 exists that indicates that the remediation may have failed to prevent
147 releases on the property that are a substantial threat to public health or

148 the environment.

149 (p) Not later than sixty days after such eligible person's receipt of a
150 notice of disapproval of a verification for a property from the
151 Commissioner of Energy and Environmental Protection, such eligible
152 person shall submit to the Commissioners of Energy and Environmental
153 Protection and Economic and Community Development a report of cure
154 of noted deficiencies. Not later than sixty days after the receipt of such
155 report of cure of noted deficiencies by the Commissioner of Energy and
156 Environmental Protection, said commissioner shall issue a successful
157 audit closure letter or a written disapproval of such report of cure of
158 noted deficiencies.

159 (q) Before approving a verification, the Commissioner of Energy and
160 Environmental Protection may enter into a memorandum of
161 understanding with such eligible person regarding any further remedial
162 action or monitoring activities on or at such property that said
163 commissioner deems necessary for the protection of human health or
164 the environment.

165 [(m)] (r) Upon completion of the requirements of subsection (f) of this
166 section to the satisfaction of the Commissioner of Energy and
167 Environmental Protection, such person shall qualify for a covenant not
168 to sue from the Commissioner of Energy and Environmental Protection
169 without fee, pursuant to section 22a-133aa.

170 [(n)] (s) Any person designated as an eligible person under the
171 abandoned brownfield cleanup program shall not be liable to the
172 Commissioner of Energy and Environmental Protection or any person
173 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar
174 statute or common law for conditions preexisting or existing on the
175 brownfield property as of the date of acquisition or control as long as
176 the person (1) did not establish, cause or contribute to the discharge,
177 spillage, uncontrolled loss, seepage or filtration of such hazardous
178 substance, material, waste or pollution; (2) does not exacerbate the
179 conditions; [and] (3) complies with reporting of significant

180 environmental hazard requirements in section 22a-6u; and (4) remains
181 in compliance with subsection (f) of this section. To the extent that any
182 conditions are exacerbated, the person shall only be responsible for
183 responding to contamination exacerbated by its negligent or reckless
184 activities.

185 ~~[(o)]~~ (t) Any person who acquires a property in the abandoned
186 brownfield cleanup program shall apply to the Commissioner of
187 Economic and Community Development on a form prescribed by the
188 commissioner to determine if such person qualifies as an eligible party
189 under the abandoned brownfield cleanup program. If the commissioner
190 determines that such person is an eligible party, such eligible party shall
191 be subject to the provisions of this section, and shall receive liability
192 relief pursuant to subsections (g), (l), ~~[(m)]~~ (r) and ~~[(n)]~~ (s) of this section.

193 (u) The Commissioner of Energy and Environmental Protection may
194 issue a compliance order to any person whose application has been
195 accepted by said commissioner into the abandoned brownfield cleanup
196 program if such person knowingly, intentionally and without good
197 cause failed to comply with any provision of this section. Said
198 commissioner may request that the Attorney General bring an action in
199 the superior court for the judicial district of Hartford to enforce the
200 obligations of such program, provided such failure was knowing,
201 intentional and without good cause, and provided such person has not
202 acted in good faith or diligently pursued the obligations of such
203 program. Any person who is issued a compliance order pursuant to this
204 subsection may appeal such order in accordance with the procedures set
205 forth in sections 22a-436 and 22a-437.

206 Sec. 2. Section 32-769 of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective October 1, 2021*):

208 (a) The commissioner shall, within available appropriations, establish
209 a brownfield remediation and revitalization program to provide certain
210 liability protections to program participants. Not more than thirty-two
211 properties per year shall be accepted into the program. Participation in

212 the program shall be by accepted application pursuant to this subsection
213 or by approved nomination pursuant to subsection (c) of this section. To
214 be considered for acceptance, an applicant shall submit to the
215 commissioner, on a form prescribed by the commissioner, a certification
216 that: (1) The applicant meets the definition of a bona fide prospective
217 purchaser, innocent landowner or contiguous property owner; (2) the
218 property meets the definition of a brownfield and has been subject to a
219 release of a regulated substance in an amount that is in excess of the
220 remediation standards; (3) the applicant did not establish, create or
221 maintain a source of pollution to the waters of the state for purposes of
222 section 22a-432 and is not responsible pursuant to any other provision
223 of the general statutes for any pollution or source of pollution on the
224 property; (4) the applicant is not affiliated with any person responsible
225 for such pollution or source of pollution through any direct or indirect
226 familial relationship or any contractual, corporate or financial
227 relationship other than that by which such purchaser's interest in such
228 property is to be conveyed or financed; [and] (5) the applicant does not
229 occupy the property under a lease or occupancy agreement having a
230 term greater than five years; and (6) the property is not (A) currently the
231 subject of an enforcement action, including any consent order issued by
232 the Department of Energy and Environmental Protection or the United
233 States Environmental Protection Agency under any current Department
234 of Energy and Environmental Protection or United States
235 Environmental Protection Agency program, (B) listed on the national
236 priorities list of hazardous waste disposal sites compiled by the United
237 States Environmental Protection Agency pursuant to 42 USC 9605, (C)
238 listed on the State of Connecticut Superfund Priority List, or (D) subject
239 to corrective action as may be required by the federal Resource
240 Conservation and Recovery Act of 1976, 42 USC 6901 et seq. The
241 commissioner may review such certifications to ensure accuracy, in
242 consultation with the Commissioner of Energy and Environmental
243 Protection, and applications will not be considered if such certifications
244 are found inaccurate.

245 (b) To ensure a geographic distribution and a diversity of projects and

246 broad access to the brownfield remediation and revitalization program,
247 the commissioner, in consultation with the Commissioner of Energy and
248 Environmental Protection, shall review all applications received and
249 determine admission of eligible properties into the brownfield
250 remediation and revitalization program taking into consideration state-
251 wide portfolio factors including: (1) Job creation and retention; (2)
252 sustainability; (3) readiness to proceed; (4) geographic distribution of
253 projects; (5) population of the municipality where the property is
254 located; (6) project size; (7) project complexity; (8) duration and degree
255 to which the property has been underused; (9) projected increase to the
256 municipal grand list; (10) consistency of the property as remediated and
257 developed with municipal or regional planning objectives; (11)
258 development plan's support for and furtherance of principles of smart
259 growth, as defined in section 1 of public act 09-230, or transit-oriented
260 development, as defined in section 13b-79o; and (12) other factors as
261 may be determined by the commissioner. Admittance into the
262 brownfield remediation and revitalization program shall not indicate
263 approval or award of funding requested under any federal, state or
264 municipal grant or loan program, including, but not limited to, any state
265 brownfield grant or loan program.

266 (c) The commissioner shall accept nominations of properties for
267 participation in the program established pursuant to subsection (a) of
268 this section by a municipality or an economic development agency,
269 where no bona fide prospective purchaser, contiguous property owner
270 or innocent landowner has applied for participation in the program. For
271 a property to be considered for approval for nomination to the program
272 established pursuant to this section, a municipality shall submit to the
273 commissioner, on a form prescribed by the commissioner, a certification
274 that the property meets the eligibility requirements provided in
275 subdivisions (2) and [(5)] (6) of subsection (a) of this section and any
276 other relevant factors, including state-wide portfolio factors provided in
277 subsection (b) of this section, as may be determined by the
278 commissioner. After the commissioner approves a property's
279 nomination, any subsequent applicant shall apply in accordance with

280 subsections (a) and (f) of this section. In any such application, the
281 applicant shall demonstrate it satisfies the eligibility requirements
282 provided in subdivisions (1), (3) and (4) of subsection (a) of this section
283 and shall demonstrate satisfaction of subdivisions (2) and [(5)] (6) of
284 subsection (a) of this section for the period after the commissioner's
285 acceptance of the municipality's or economic development agency's
286 nomination of the property.

287 (d) (1) Properties otherwise eligible for the brownfield remediation
288 and revitalization program currently being investigated and remediated
289 in accordance with the state voluntary remediation programs under
290 sections 22a-133x and 22a-133y, the property transfer program under
291 section 22a-134 and the covenant not to sue programs under section 22a-
292 133aa or 22a-133bb shall not be excluded from eligibility in said
293 program, provided the other requirements set forth in this section are
294 met.

295 (2) Properties otherwise eligible for the brownfield remediation and
296 revitalization program that have been subject to a release requiring
297 action pursuant to the PCB regulations or that have been subject to a
298 release requiring action pursuant to the UST regulations shall not be
299 deemed ineligible, but no provision of this section shall affect any
300 eligible party's obligation under such regulations to investigate or
301 remediate the extent of any such release.

302 (e) Inclusion of a property within the brownfield remediation and
303 revitalization program by the commissioner shall not limit any person's
304 ability to seek funding for such property under any federal, state or
305 municipal grant or loan program, including, but not limited to, any state
306 brownfield grant or loan program. Admittance into the brownfield
307 remediation and revitalization program shall not indicate approval or
308 award of funding requested under any federal, state or municipal grant
309 or loan program, including, but not limited to, any state brownfield
310 grant or loan program.

311 (f) Any applicant seeking a designation of eligibility for a person or a

312 property under the brownfield remediation and revitalization program
313 shall apply to the commissioner at such times and on such forms as the
314 commissioner may prescribe. The application shall include, but not be
315 limited to, (1) a title search, (2) the Phase I Environmental Site
316 Assessment conducted by or for the bona fide prospective purchaser or
317 the contiguous property owner, which shall be prepared in accordance
318 with prevailing standards and guidelines, (3) a current property
319 inspection, if requested by the commissioner, (4) documentation
320 demonstrating satisfaction of the eligibility criteria set forth in
321 subsection (a) of this section, (5) information about the project that
322 relates to the state-wide portfolio factors set forth in subsection (b) of
323 this section, and (6) such other information as the commissioner may
324 request to determine admission.

325 (g) Any applicant accepted into the brownfield remediation and
326 revitalization program by the commissioner shall pay the
327 Commissioner of Energy and Environmental Protection a fee equal to
328 five per cent of the assessed value of the land, as stated on the last-
329 completed grand list of the relevant town. The fee shall be paid in two
330 installments, each equal to fifty per cent of such fee, subject to potential
331 reductions as specified in subsection (h) of this section. The first
332 installment shall be due not later than one hundred eighty days after the
333 later of the date such applicant is notified that the application has been
334 accepted by the commissioner or the date that such applicant takes title
335 to the eligible property. The second installment shall be due not later
336 than four years after the acceptance date. Upon request by such
337 applicant, a municipality or an economic development agency, the
338 commissioner may, at the commissioner's discretion, extend either or
339 both of the installment due dates. Such fee shall be deposited into the
340 Special Contaminated Property Remediation and Insurance Fund
341 established pursuant to section 22a-133t and shall be available for use
342 by the Commissioner of Energy and Environmental Protection pursuant
343 to section 22a-133u.

344 (h) (1) The first installment of the fee in subsection (g) of this section
345 shall be reduced by ten per cent for any eligible party that completes

346 and submits to the Commissioner of Energy and Environmental
347 Protection documentation, approved in writing by a licensed
348 environmental professional and on a form prescribed by said
349 commissioner, that the investigation of the property has been completed
350 in accordance with prevailing standards and guidelines within one
351 hundred eighty days after the date the application is accepted by the
352 commissioner.

353 (2) The second installment of the fee in subsection (g) of this section
354 shall be eliminated for any eligible party that submits the remedial
355 action report and verification or interim verification to the
356 Commissioner of Energy and Environmental Protection within four
357 years after the date the application is accepted by the commissioner. In
358 the event an eligible party submits a request for the Commissioner of
359 Energy and Environmental Protection's approval, where such approval
360 is required pursuant to the remediation standard and where said
361 commissioner issues a decision on such request beyond sixty days after
362 submittal, such four-year period shall be extended by the number of
363 days equal to the number of days between the sixtieth day and the date
364 a decision is issued by said commissioner, but not including the number
365 of days that a request by said commissioner for supplemental
366 information remains pending with the eligible party.

367 (3) The second installment of the fee in subsection (g) of this section
368 shall be reduced by, or any eligible party shall receive a refund in the
369 amount equal to, twice the reasonable environmental service costs of
370 such investigation, as determined by the Commissioner of Energy and
371 Environmental Protection, for any eligible party that completes and
372 submits to the Commissioner of Energy and Environmental Protection
373 documentation, approved in writing by a licensed environmental
374 professional and on a form that may be prescribed by said
375 commissioner, that the investigation of the nature and extent of any
376 contamination that has migrated from the property has been completed
377 in accordance with prevailing standards and guidelines. Such refund
378 shall not exceed the amount of the second installment of the fee in
379 subsection (g) of this section.

380 (4) No municipality or economic development agency seeking
381 designation of eligibility shall be required to pay a fee, provided, upon
382 transfer of the eligible property from the municipality or economic
383 development agency to an eligible person, that eligible person shall pay
384 to the Commissioner of Energy and Environmental Protection the fee in
385 subsection (g) of this section in accordance with the applicable
386 requirements in this subsection.

387 (5) A municipality or economic development agency may submit a
388 fee waiver request to the commissioner to waive a portion or the entire
389 fee for an eligible property located within that municipality. The
390 commissioner, at his or her discretion, shall consider the following
391 factors in determining whether to approve a fee waiver or reduction: (A)
392 Location of the brownfield within a distressed municipality, as defined
393 in section 32-9p; (B) demonstration by the municipality or economic
394 development agency that the project is of significant economic impact;
395 (C) demonstration by the municipality or economic development
396 agency that the project has a significant community benefit to the
397 municipality; (D) demonstration that the eligible party is a
398 governmental or nonprofit entity; and (E) demonstration that the fee
399 required will have a detrimental effect on the overall success of the
400 project.

401 (i) (1) An applicant whose application has been accepted into the
402 brownfield remediation and revitalization program and who remains in
403 compliance with such program's obligations pursuant to this section
404 shall not be liable to the state or any person for the release of any
405 regulated substance at or from the eligible property, except and only to
406 the extent that such applicant (A) caused or contributed to the release of
407 a regulated substance that is subject to remediation or exacerbated such
408 condition, or (B) the Commissioner of Energy and Environmental
409 Protection determines the existence of any of the conditions set forth in
410 subdivision (4) of subsection (m) of this section.

411 (2) If such applicant conveys or, prior to July 1, 2017, conveyed a
412 security interest, as defined in section 22a-452f, in the eligible property

413 to a lender, as defined in section 22a-452f, and such lender (A) did not
414 establish, create or maintain a source of pollution to the waters of the
415 state for purposes of section 22a-432, (B) is not responsible pursuant to
416 any other provision of the general statutes for any pollution or source of
417 pollution on the eligible property, and (C) is not affiliated with any
418 person responsible for such pollution or source of pollution through any
419 direct or indirect familial relationship or any contractual, corporate or
420 financial relationship other than that creating the security interest in the
421 eligible property, such lender shall not be liable to the state or any
422 person for the release of any regulated substance at or from the eligible
423 property.

424 (j) (1) An applicant whose application to the brownfield remediation
425 and revitalization program has been accepted by the commissioner (A)
426 shall investigate the release or threatened release of any regulated
427 substance within the boundaries of the property in accordance with
428 prevailing standards and guidelines and remediate such release or
429 threatened release within the boundaries of such property in accordance
430 with the brownfield investigation plan and remediation schedule and
431 this section, and (B) shall not be required to characterize, abate and
432 remediate the release of a regulated substance beyond the boundary of
433 the eligible property, except for releases caused or contributed to by
434 such applicant.

435 (2) Not later than one hundred eighty days after the first installment
436 due date, including any extension thereof by the commissioner, of the
437 fee required pursuant to subsection (g) of this section, the eligible party
438 shall submit to the commissioner and the Commissioner of Energy and
439 Environmental Protection a brownfield investigation plan and
440 remediation schedule that is signed and stamped by a licensed
441 environmental professional. Unless otherwise approved in writing by
442 the Commissioner of Energy and Environmental Protection, such
443 brownfield investigation plan and remediation schedule shall provide
444 that (A) the investigation shall be completed not later than two years
445 after the first installment due date, including any extension thereof by
446 the commissioner, of the fee required pursuant to subsection (g) of this

447 section, (B) remediation shall be initiated not later than three years from
448 the first installment due date, including any extension thereof by the
449 commissioner, of the fee required pursuant to subsection (g) of this
450 section, and (C) remediation shall be completed sufficiently to support
451 either a verification or interim verification not later than eight years after
452 the first installment due date, including any extension thereof by the
453 commissioner, of the fee required pursuant to subsection (g) of this
454 section. The schedule shall also include a schedule for providing public
455 notice of the remediation prior to the initiation of such remediation in
456 accordance with subdivision (1) of subsection (j) of this section. Not later
457 than two years after the first installment due date, including any
458 extension thereof by the commissioner, of the fee required pursuant to
459 subsection (g) of this section, unless the Commissioner of Energy and
460 Environmental Protection has specified a later day, in writing, the
461 eligible party shall submit to the Commissioner of Energy and
462 Environmental Protection documentation, approved in writing by a
463 licensed environmental professional and in a form prescribed by the
464 Commissioner of Energy and Environmental Protection, that the
465 investigation of the property has been completed in accordance with
466 prevailing standards and guidelines. Not later than three years after the
467 first installment due date, including any extension thereof by the
468 commissioner, of the fee required pursuant to subsection (g) of this
469 section, unless the Commissioner of Energy and Environmental
470 Protection has specified a later day, in writing, the eligible party shall
471 notify the Commissioner of Energy and Environmental Protection and
472 the commissioner in a form prescribed by the Commissioner of Energy
473 and Environmental Protection that the remediation has been initiated,
474 and shall submit to the Commissioner of Energy and Environmental
475 Protection a remedial action plan, approved in writing by a licensed
476 environmental professional in a form prescribed by the Commissioner
477 of Energy and Environmental Protection. Not later than eight years after
478 the first installment due date, including any extension thereof by the
479 commissioner, of the fee required pursuant to subsection (g) of this
480 section, unless the Commissioner of Energy and Environmental
481 Protection has specified a later day, in writing, the eligible party shall

482 complete remediation of the property and submit the remedial action
483 report and verification or interim verification to the Commissioner of
484 Energy and Environmental Protection and the commissioner. The
485 Commissioner of Energy and Environmental Protection shall grant a
486 reasonable extension if the eligible party demonstrates to the
487 satisfaction of the Commissioner of Energy and Environmental
488 Protection that: (i) Such eligible party has made reasonable progress
489 toward investigation and remediation of the eligible property; and (ii)
490 despite best efforts, circumstances beyond the control of the eligible
491 party have significantly delayed the remediation of the eligible
492 property.

493 (3) The eligible party may complete the investigation and
494 remediation of a portion of the eligible property and submit a
495 verification or an interim verification for such portion to the
496 Commissioner of Energy and Environmental Protection and the
497 commissioner, provided the eligible party (A) is in compliance with the
498 provisions of this section and the brownfield investigation plan and
499 remediation schedule, and (B) has, prior to submitting such verification
500 or interim verification for such portion: (i) Timely submitted
501 documentation to the Commissioner of Energy and Environmental
502 Protection that the investigation of the entire property is complete in
503 accordance with prevailing standards and guidelines, in accordance
504 with subdivision (2) of this subsection, (ii) timely notified the
505 Commissioner of Energy and Environmental Protection that the
506 remediation was initiated and submitted to said commissioner a
507 remedial action plan for the entire property originally accepted into the
508 brownfield remediation and revitalization program, in accordance with
509 subdivision (2) of this subsection, and (iii) demonstrated to the
510 satisfaction of the Commissioner of Energy and Environmental
511 Protection and the commissioner that it will complete the remediation
512 of the remainder of the eligible property in accordance with the
513 remediation schedule. For any verification or interim verification of a
514 portion of the eligible property, the remediation of releases on and from
515 such portion shall extend to the boundaries of the eligible property as a

516 whole.

517 (4) An eligible party who submits an interim verification for an
518 eligible property or a portion of an eligible property, and any
519 subsequent owner of such eligible property, shall, until the remediation
520 standards for groundwater are achieved, (A) operate and maintain the
521 long-term remedy for groundwater in accordance with the remedial
522 action plan, the interim verification and any approvals issued by the
523 Commissioner of Energy and Environmental Protection, (B) prevent
524 exposure to any groundwater plume containing a regulated substance
525 in excess of the remediation standards on the property, (C) take all
526 reasonable action to contain any groundwater plume on the property,
527 and (D) submit annual status reports to the Commissioner of Energy
528 and Environmental Protection and the commissioner.

529 (5) Before commencement of remedial action pursuant to the plan
530 and schedule, the eligible party shall: (A) Publish notice of the remedial
531 action in a newspaper having a substantial circulation in the town where
532 the property is located, (B) notify the director of health of the
533 municipality where the property is located, and (C) either (i) erect and
534 maintain for at least thirty days in a legible condition a sign not less than
535 six feet by four feet on the property, which shall be clearly visible from
536 the public highway and shall include the words "ENVIRONMENTAL
537 CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER
538 INFORMATION CONTACT:" and include a telephone number for an
539 office from which any interested person may obtain additional
540 information about the remedial action, or (ii) mail notice of the remedial
541 action to each owner of record of property which abuts such property,
542 at the address on the last-completed grand list of the relevant town.
543 Public comments shall be directed to the eligible party for a thirty-day
544 period starting with the last provided public notice provision and such
545 eligible party shall provide all comments and any responses to the
546 Commissioner of Energy and Environmental Protection prior to
547 commencing remedial action.

548 (6) The remedial action shall be conducted under the supervision of

549 a licensed environmental professional and the remedial action report
550 shall be submitted to the commissioner and the Commissioner of
551 Energy and Environmental Protection signed and stamped by a licensed
552 environmental professional. In such report, the licensed environmental
553 professional shall include a detailed description of the remedial actions
554 taken and issue a verification or interim verification for the eligible
555 property or a portion of the eligible property, in which he or she shall
556 render an opinion, in accordance with the standard of care provided in
557 subsection (c) of section 22a-133w and the regulations adopted pursuant
558 to subsection (c) of section 22a-133v, that the action taken to contain,
559 remove or mitigate the release of regulated substances within the
560 boundaries of such property is in accordance with the remediation
561 standards.

562 (7) Copies of all applications for permits required to implement such
563 plan and schedule in this section shall be submitted to the permit
564 ombudsman within the Department of Economic and Community
565 Development.

566 (8) Each eligible party participating in the brownfield remediation
567 and revitalization program shall maintain all records related to its
568 implementation of such plan and schedule and completion of the
569 remedial action of the property for a period of not less than ten years
570 and shall make such records available to the commissioner or the
571 Commissioner of Energy and Environmental Protection at any time
572 upon request by either.

573 (9) (A) Not later than sixty days after receiving a remedial action
574 report signed and stamped by a licensed environmental professional
575 and a verification or interim verification for the eligible property or a
576 portion of the eligible property, the Commissioner of Energy and
577 Environmental Protection shall notify the eligible party and the
578 commissioner whether the Commissioner of Energy and Environmental
579 Protection will conduct an audit of such remedial action. Any such audit
580 shall be conducted not later than one hundred eighty days after the
581 Commissioner of Energy and Environmental Protection receives such

582 remedial action report and verification or interim verification, plus any
583 additional time permitted pursuant to subparagraph (B) of this
584 subdivision, except as provided in subparagraph (C) of this subdivision.
585 Not later than fourteen days after completion of an audit, the
586 Commissioner of Energy and Environmental Protection shall send
587 written audit findings to the eligible party, the commissioner and the
588 licensed environmental professional. The audit findings may approve
589 or disapprove the report, provided any disapproval shall set forth the
590 reasons for such disapproval.

591 (B) The Commissioner of Energy and Environmental Protection may
592 request additional information during an audit conducted pursuant to
593 this subdivision. If such information has not been provided to said
594 commissioner within fourteen days of such request, the time frame for
595 said commissioner to complete the audit shall be suspended until the
596 information is provided to said commissioner. The Commissioner of
597 Energy and Environmental Protection may choose to conduct such
598 audit if and when the eligible party fails to provide a response to said
599 commissioner's request for additional information within sixty days.

600 (C) The Commissioner of Energy and Environmental Protection shall
601 not conduct an audit of a verification or interim verification for the
602 eligible property or a portion of the eligible property pursuant to this
603 subdivision after one hundred eighty days from receipt of such
604 verification, plus any additional time permitted pursuant to
605 subparagraph (B) of this subdivision, unless (i) said commissioner has
606 reason to believe that a verification was obtained through the submittal
607 of materially inaccurate or erroneous information, or otherwise
608 misleading information material to the verification or that material
609 misrepresentations were made in connection with the submittal of the
610 verification, (ii) any post-verification monitoring or operations and
611 maintenance is required as part of a verification and has not been done,
612 (iii) a verification that relies upon an environmental use restriction was
613 not recorded on the land records of the municipality in which such land
614 is located in accordance with section 22a-133o and applicable
615 regulations, (iv) said commissioner determines that there has been a

616 violation of law material to the verification, or (v) said commissioner
617 determines that information exists indicating that the remediation may
618 have failed to prevent a substantial threat to public health or the
619 environment for releases on the property.

620 (k) Not later than sixty days after receiving a notice of disapproval of
621 a verification or interim verification for the eligible property or a portion
622 of the eligible property from the Commissioner of Energy and
623 Environmental Protection, the eligible party shall submit to said
624 commissioner and to the commissioner a report of cure of noted
625 deficiencies. Within sixty days after receiving such report of cure of
626 noted deficiencies by said commissioner, said commissioner shall issue
627 a successful audit closure letter or a written disapproval of such report
628 of cure of noted deficiencies.

629 (l) Before approving a verification or interim verification for the
630 eligible property or a portion of the eligible property, the Commissioner
631 of Energy and Environmental Protection may enter into a memorandum
632 of understanding with the eligible party with regard to any further
633 remedial action or monitoring activities on or at such property that said
634 commissioner deems necessary for the protection of human health or
635 the environment.

636 (m) (1) An eligible party who has been accepted into the brownfield
637 remediation and revitalization program shall have no obligation as part
638 of its plan and schedule to characterize, abate and remediate any release
639 of a regulated substance outside the boundaries of the eligible property
640 originally accepted into the brownfield remediation and revitalization
641 program, provided the notification requirements of section 22a-6u
642 pertaining to significant environmental hazards shall continue to apply
643 to the property and the eligible party shall not be required to
644 characterize, abate or remediate any such significant environmental
645 hazard outside the boundaries of the subject property unless such
646 significant environmental hazard arises from the actions of the eligible
647 party after its acquisition of or control over the property from which
648 such significant environmental hazard has emanated outside its own

649 boundaries. If an eligible party who has been accepted into the
650 brownfield remediation and revitalization program conveys or
651 otherwise transfers its ownership of the subject property and such
652 eligible party is in compliance with the provisions of this section and the
653 brownfield investigation plan and remediation schedule at the time of
654 conveyance or transfer of ownership, the provisions of this section shall
655 apply to such transferee, if such transferee meets the eligibility criteria
656 set forth in this section, complies with the obligations undertaken by the
657 eligible party under this section, and timely pays the greater of: (A) Any
658 fee required by subsection (g) or (h) of this section not yet paid by such
659 eligible party, or (B) a fee of ten thousand dollars. In such case, all
660 references to applicant or eligible party shall mean the subsequent
661 owner or transferee.

662 (2) After the Commissioner of Energy and Environmental Protection
663 issues either a no audit letter or a successful audit closure letter, or no
664 audit decision has been made by said commissioner within one hundred
665 eighty days, plus any additional time permitted pursuant to
666 subparagraph (B) of subdivision (9) of subsection (j) of this section, after
667 the submittal of the remedial action report and verification or interim
668 verification, for the eligible property or a portion of the eligible
669 property, such eligible party shall not be liable to the state or any person
670 for (A) costs incurred in the remediation of, equitable relief relating to,
671 or damages resulting from the release of regulated substances
672 addressed in such verification or interim verification, and (B) historical
673 impacts off the eligible property as a whole, including air deposition,
674 waste disposal, impacts to sediments and natural resource damages. No
675 eligible party shall be afforded any relief from liability such eligible
676 party may have from a release requiring action pursuant to the PCB
677 regulations or a release requiring action pursuant to the UST
678 regulations.

679 (3) The provisions of this section concerning liability shall extend to
680 any person who acquires title to all or part of the property for which a
681 remedial action report and verification or interim verification have been
682 submitted pursuant to this section, provided (A) there is payment of a

683 fee of ten thousand dollars to said commissioner for each such
684 extension, (B) such person acquiring all or part of the property meets the
685 criteria of this section, and (C) the Commissioner of Energy and
686 Environmental Protection has issued either a successful audit closure
687 letter or no audit letter, or no audit decision has been made by said
688 commissioner not later than one hundred eighty days, plus any
689 additional time permitted pursuant to subparagraph (B) of subdivision
690 (9) of subsection (j) of this section, after the submittal of the remedial
691 action report and verification or interim verification. No municipality or
692 economic development agency that acquires title to all or part of the
693 property shall be required to pay a fee, provided the municipality or
694 economic development agency shall collect and pay the fee upon
695 transfer of the property to another person for purposes of development.
696 Such fee shall be deposited into the Special Contaminated Property
697 Remediation and Insurance Fund established under section 22a-133t
698 and such funds shall be for the exclusive use by the Department of
699 Energy and Environmental Protection.

700 (4) Neither a successful audit closure nor no audit letter issued
701 pursuant to this section, nor the expiration of one hundred eighty days,
702 plus any additional time permitted pursuant to subparagraph (B) of
703 subdivision (9) of subsection (j) of this section, after the submittal of the
704 remedial action report and verification or interim verification without
705 an audit decision by the Commissioner of Energy and Environmental
706 Protection, shall preclude said commissioner from taking any
707 appropriate action, including, but not limited to, any action to require
708 remediation of the property by the eligible party or, as applicable, to its
709 successor, if said commissioner determines that:

710 (A) The successful audit closure, no audit letter, or the expiration of
711 one hundred eighty days, plus any additional time permitted pursuant
712 to subparagraph (B) of subdivision (9) of subsection (j) of this section,
713 after the submittal of the remedial action report and verification or
714 interim verification without an audit decision by the Commissioner of
715 Energy and Environmental Protection was based on information
716 provided by the person submitting such remedial action report and

717 verification or interim verification that the Commissioner of Energy and
718 Environmental Protection can show that such person knew, or had
719 reason to know, was false or misleading, and, in the case of the successor
720 to an applicant, that such successor was aware or had reason to know
721 that such information was false or misleading;

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

726 (C) The eligible party who received the successful audit closure or no
727 audit letter or where one hundred eighty days, plus any additional time
728 permitted pursuant to subparagraph (B) of subdivision (9) of subsection
729 (j) of this section, lapsed without an audit decision by the Commissioner
730 of Energy and Environmental Protection has materially failed to
731 complete the remedial action required by the brownfield investigation
732 plan and remediation schedule or to carry out or comply with
733 monitoring, maintenance or operating requirements pertinent to a
734 remedial action including the requirements of any environmental land
735 use restriction; or

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

740 (5) If an eligible party who has been accepted into the brownfield
741 remediation and revitalization program conveys or otherwise transfers
742 all or part of its ownership interest in the subject property at any time
743 before the issuance of a successful audit closure or no audit letter or the
744 expiration of one hundred eighty days, plus any additional time
745 permitted pursuant to subparagraph (B) of subdivision (9) of subsection
746 (j) of this section, after the submittal of the remedial action report and
747 verification or interim verification without an audit decision by the
748 Commissioner of Energy and Environmental Protection, the eligible

749 party conveying or otherwise transferring its ownership interest shall
750 not be liable to the state or any person, for the portion of the property
751 transferred, for (A) costs incurred in the remediation of, equitable relief
752 relating to, or damages resulting from the release of regulated
753 substances addressed in the brownfield investigation plan and
754 remediation schedule, and (B) historical impacts off the eligible property
755 as a whole, including air deposition, waste disposal, impacts to
756 sediments and natural resource damages, provided the eligible party
757 complied with its obligations under this section during the period when
758 the eligible party held an ownership interest in the subject property.
759 Nothing in this subsection shall provide any relief from liability such
760 eligible party may have related to a release requiring action pursuant to
761 the PCB regulations, or a release requiring action pursuant to the UST
762 regulations.

763 (6) Upon the Commissioner of Energy and Environmental
764 Protection's issuance of a successful audit closure letter or no audit letter
765 for the entire eligible property originally accepted into the brownfield
766 remediation and revitalization program, or after one hundred eighty
767 days, plus any additional time permitted pursuant to subparagraph (B)
768 of subdivision (9) of subsection (j) of this section, have passed since the
769 submittal of a verification or interim verification and said commissioner
770 has not audited the verification or interim verification, the immediate
771 prior owner regardless of its own eligibility to participate in the
772 comprehensive brownfield remediation and revitalization program
773 shall have no liability to the state or any person for any future
774 investigation and remediation of the release of any regulated substance
775 at the eligible property addressed in the verification or interim
776 verification, provided the immediate prior owner has complied with
777 any legal obligation such owner had with respect to investigation and
778 remediation of releases at and from the property, and provided further
779 the immediate prior owner shall retain any and all liability such
780 immediate prior owner would otherwise have for the investigation and
781 remediation of the release of any regulated substance beyond the
782 boundary of the eligible property. In any event, the immediate prior

783 owner shall remain liable for (A) penalties or fines, if any, relating to the
784 release of any regulated substance at or from the eligible property, (B)
785 costs and expenses, if any, recoverable or reimbursable pursuant to
786 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the
787 immediate prior owner as a certifying party on a Form III or IV
788 submitted pursuant to sections 22a-134 to 22a-134e, inclusive.

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

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

803 (p) The Commissioner of Energy and Environmental Protection, in
804 consultation with the Commissioner of Economic and Community
805 Development, may issue a compliance order to any person whose
806 application has been accepted into the brownfield remediation and
807 revitalization program if such person knowingly, intentionally and
808 without good cause failed to comply with any provision of this section
809 or any activity which such person agreed to perform under such
810 program. The Commissioner of Energy and Environmental Protection
811 may request that the Attorney General bring an action in the superior
812 court for the judicial district of Hartford to enforce the obligations of
813 such program, provided such failure was knowing, intentional and
814 without good cause, and provided such person has not acted in good
815 faith or diligently pursued the obligations of such program. Any person

816 who is issued a compliance order pursuant to this subsection may
817 appeal such order in accordance with the procedures set forth in
818 sections 22a-436 and 22a-437.

819 Sec. 3. (NEW) (*Effective July 1, 2021, and applicable to income years*
820 *commencing on or after January 1, 2021*) (a) As used in this section:

821 (1) "Brownfield" has the same meaning as provided in section 32-760
822 of the general statutes;

823 (2) "Brownfield remediation plan" means any written narrative or
824 plan for the substantial remediation of a brownfield, including, but not
825 limited to, the investigation and remediation of any release or
826 threatened release of pollution to soil or groundwater at the brownfield
827 or the abatement of hazardous building materials, that is submitted to
828 and approved by the commissioner, in consultation with the
829 Commissioner of Energy and Environmental Protection;

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

832 (4) "Completion of the brownfield remediation" means the
833 completion of a brownfield remediation plan and documentation by an
834 owner of such completion to the satisfaction of the commissioner,
835 including, but not limited to, the filing of either a verification or interim
836 verification that meets the requirements of section 22a-133x, 22a-133y or
837 22a-134 of the general statutes, or the written determination by the
838 Commissioner of Energy and Environmental Protection that (A) the
839 investigation of the brownfield has been performed in accordance with
840 prevailing standards and guidelines, and (B) the remediation has been
841 completed in accordance with the remediation standards adopted under
842 section 22a-133k of the general statutes, except that for remediation
843 standards for groundwater (i) the selected remedy is in operation but
844 has not achieved the remediation standards for groundwater, (ii) there
845 is an identified long-term remedy being implemented to achieve
846 groundwater standards, along with an estimated duration for such
847 remedy, and established ongoing operation and maintenance

848 requirements for continued operation of such remedy, and (iii) there are
849 not current exposure pathways to the groundwater area that have not
850 yet met the remediation standards;

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

853 (6) "Owner" means any person, firm, limited liability company,
854 nonprofit or for-profit corporation or other business entity or
855 municipality that (A) holds title to a brownfield and undertakes a
856 brownfield remediation plan, and (B) did not establish, create or
857 maintain a source of pollution to the waters of the state for purposes of
858 section 22a-432 of the general statutes and is not responsible pursuant
859 to any other provision of the general statutes for any pollution or source
860 of pollution on such brownfield; and

861 (7) "Qualified expenditures" means the expenditures associated with
862 the investigation, assessment and remediation of a brownfield,
863 including, but not limited to: (A) Soil, groundwater and infrastructure
864 investigation; (B) assessment; (C) remediation of soil, sediments,
865 groundwater or surface water; (D) abatement; (E) hazardous materials
866 or waste removal and disposal; (F) long-term groundwater or natural
867 attenuation monitoring; (G) (i) environmental land use restrictions, (ii)
868 activity and use limitations, or (iii) other forms of institutional control;
869 (H) reasonable attorneys' fees; (I) planning, engineering and
870 environmental consulting; and (J) remedial activity to address building
871 and structural issues, including, but not limited to, demolition, asbestos
872 abatement, polychlorinated biphenyls removal, contaminated wood or
873 paint removal and other infrastructure remedial activities. "Qualified
874 expenditures" do not include expenditures for such investigation,
875 assessment, remediation and development funded directly through
876 other state brownfield programs administered by the commissioner.

877 (b) (1) The department shall administer a system of tax credit
878 vouchers within the resources, requirements and purposes of this
879 section for the remediation of a brownfield by an owner.

880 (2) A tax credit that is reserved pursuant to this section shall be
881 available in the tax year in which the completion of the brownfield
882 remediation takes place. In the case of a brownfield remediation plan
883 that is completed in phases, the tax credit shall be prorated to the
884 identifiable portion of the completed brownfield remediation and made
885 available in the tax year in which the completion of such identifiable
886 portion takes place. If the tax credit is more than the amount owed by
887 the taxpayer for the year in which the completion of the brownfield
888 remediation takes place, the amount that is more than the taxpayer's tax
889 liability may be carried forward and credited against the taxes imposed
890 for the succeeding five years or until the full credit is used, whichever
891 occurs first.

892 (3) In the case of a brownfield remediation plan that is completed in
893 phases, the department may issue vouchers for the identifiable portion
894 of the completed brownfield remediation.

895 (4) If a credit is allowed under this section for the remediation of a
896 brownfield with multiple owners, such credit shall be passed through
897 to such owners, or persons designated as partners or members of such
898 owners, pro rata or pursuant to an agreement among such owners, or
899 persons designated as partners or members of such owners,
900 documenting an alternative distribution method without regard to
901 other tax or economic attributes of such owners.

902 (5) Any owner entitled to a credit under this section may sell, assign
903 or otherwise transfer such credit, in whole or in part, to one or more
904 persons, as defined in section 12-1 of the general statutes, provided any
905 credit, after issuance, may be sold, assigned or otherwise transferred, in
906 whole or in part, not more than three times. Such transferee shall be
907 entitled to offset the tax imposed under chapter 207, 208, 209, 210, 211
908 or 212 of the general statutes as if such transferee had incurred the
909 qualified expenditure.

910 (6) If a credit under this section is sold, assigned or otherwise
911 transferred, whether by the owner or any subsequent transferee, the

912 transferor and transferee shall jointly submit written notification of such
913 transfer to the department not later than thirty days after such transfer.
914 The notification after each transfer shall include the credit voucher
915 number, the date of the transfer, the amount of the credit transferred,
916 the tax credit balance before and after the transfer, the tax identification
917 numbers for both the transferor and the transferee and any other
918 information required by the Commissioner of Revenue Services. Failure
919 to comply with this subsection shall result in a disallowance of the tax
920 credit until there is full compliance on the part of the transferor and the
921 transferee, and for a second or third transfer, on the part of all
922 subsequent transferors and transferees.

923 (7) The department shall provide a list to the Commissioner of
924 Revenue Services, on an annual basis, detailing the credits that have
925 been approved for the most recent fiscal year and all sales, assignments
926 and transfers thereof that were made under this section for said fiscal
927 year.

928 (c) For the purpose of seeking a tax credit voucher pursuant to
929 subsection (b) of this section, prior to beginning any brownfield
930 remediation, the owner shall submit to the commissioner a tax credit
931 application on forms provided by the commissioner and with such
932 information the commissioner deems necessary, including, but not
933 limited to: (1) A brownfield remediation plan; (2) a description of the
934 proposed brownfield remediation and redevelopment project; (3) an
935 explanation of the expected benefits of the proposed project; (4)
936 information concerning the financial and technical capacity of the
937 applicant to undertake the proposed project; (5) an estimate of the
938 qualified expenditures; and (6) if the owner plans to undertake the
939 brownfield remediation in phases, a complete description of each such
940 phase, with anticipated schedules for the completion of brownfield
941 remediation and an estimate of the qualified expenditures in each phase.
942 The commissioner may charge any owner seeking a tax credit voucher
943 pursuant to this subsection an application fee in an amount not to
944 exceed five thousand dollars to cover the cost of administering the
945 program established pursuant to this section. If an application is not

946 approved in one fiscal year but is resubmitted in a subsequent fiscal
947 year, the commissioner may waive the application fee for the
948 resubmitted application.

949 (d) The commissioner may approve, reject or modify any application
950 properly submitted in accordance with the provisions of this section. In
951 reviewing an application and determining whether to issue tax credit
952 vouchers, the commissioner shall consider the following criteria: (1) The
953 availability of tax credits for the applicable fiscal year; (2) the estimated
954 eligible costs; (3) the relative economic condition of the municipality in
955 which the brownfield is located; (4) the degree to which a tax credit
956 under this section is necessary to induce the applicant to undertake the
957 project; (5) the public health and environmental benefits of the project;
958 (6) the relative benefits of the project to the municipality, the region and
959 the state, including, but not limited to, the extent to which the project
960 will likely result in a contribution to the municipality's tax base, the
961 retention and creation of jobs and the reduction of blight; (7) the time
962 frame in which the contamination occurred; (8) the length of time the
963 brownfield has been abandoned; and (9) such other criteria as the
964 commissioner may establish consistent with the purposes of this section.

965 (e) The commissioner shall issue tax credit vouchers on a competitive
966 basis, based on a request for applications occurring semiannually in
967 April and October. The commissioner may increase the frequency of
968 requests for applications and awards depending on the number of
969 applicants and the availability of tax credits for the applicable fiscal
970 year.

971 (f) If the commissioner approves an application for a tax credit
972 voucher, the department shall reserve for the benefit of the owner an
973 allocation for a tax credit equivalent to the lesser of (1) fifty per cent of
974 the projected qualified expenditures, or (2) two million dollars.

975 (g) Following the completion of the brownfield remediation plan in
976 its entirety or in phases to an identifiable portion of the brownfield, any
977 owner who seeks a tax credit voucher pursuant to subsection (b) of this

978 section shall notify the commissioner that such completion of the
979 brownfield remediation has occurred. Such owner shall provide the
980 department with documentation of the remediation performed on the
981 brownfield, evidence of the completion of the brownfield remediation
982 and certification by a licensed environmental professional of the
983 qualified expenditures incurred as part of the completion of the
984 brownfield remediation plan. The commissioner, in consultation with
985 the Commissioner of Energy and Environmental Protection, shall
986 review such remediation and verify its compliance with the brownfield
987 remediation plan. Following such verification, the department shall
988 issue a tax credit voucher to such owner in an amount equivalent to the
989 amount of the qualified expenditure, provided such amount does not
990 exceed the amount reserved under subsection (f) of this section. In order
991 to obtain a credit against any state tax due that is specified in subsection
992 (h) of this section, the holder of the tax credit voucher shall file the
993 voucher with the holder's state tax return.

994 (h) The Commissioner of Revenue Services shall grant a tax credit to
995 a taxpayer holding the tax credit voucher issued in accordance with
996 subsections (b) to (g), inclusive, of this section against any tax due under
997 chapter 207, 208, 209, 210, 211 or 212 of the general statutes in the
998 amount specified in the tax credit voucher. Such taxpayer shall submit
999 the voucher and the corresponding tax return to the Department of
1000 Revenue Services.

1001 (i) The aggregate amount of all tax credit vouchers that may be
1002 reserved by the department upon approval of tax credit applications
1003 pursuant to subsections (b) to (h), inclusive, of this section shall not
1004 exceed ten million dollars in any fiscal year. No project may receive tax
1005 credits in an amount exceeding two million dollars.

1006 (j) The commissioner may adopt regulations, in accordance with the
1007 provisions of chapter 54 of the general statutes, to implement the
1008 provisions of this section.

1009 (k) Not later than October 1, 2021, and annually thereafter, the

1010 department shall report, in accordance with section 11-4a of the general
1011 statutes, the total amount of tax credit vouchers reserved for the prior
1012 fiscal year pursuant to subsections (b) to (j), inclusive, of this section, to
1013 the joint standing committees of the General Assembly having
1014 cognizance of matters relating to commerce and finance, revenue and
1015 bonding. Each such report shall include the following information for
1016 each project for which a tax credit voucher has been reserved: (1) The
1017 total project costs; and (2) the value of the tax credit vouchers reserved
1018 pursuant to subsection (f) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	32-768
Sec. 2	<i>October 1, 2021</i>	32-769
Sec. 3	<i>July 1, 2021, and applicable to income years commencing on or after January 1, 2021</i>	New section

Statement of Purpose:

To (1) allow short-term lessees of eligible brownfields to apply to the abandoned brownfield cleanup and the brownfield remediation and revitalization programs, (2) allow the Commissioner of Environmental Protection specific authority to issue compliance orders to participants in brownfield programs, (3) establish audit deadlines for the abandoned brownfield cleanup program, and (4) establish a brownfield tax credit program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]