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## ***Proposed Substitute Bill No. 1038***

*January Session, 2021*

LCO No. 5841

### ***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 Section 32-768 of the general statutes is repealed and the  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

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21 or any contractual, corporate or financial relationship other than a  
22 relationship by which such owner's interest in such property is leased  
23 for a term not exceeding five years or is to be conveyed or financed; (5)  
24 such person is not otherwise required by law, an order or consent order  
25 issued by the Commissioner of Energy and Environmental Protection or  
26 a stipulated judgment to remediate pollution on or emanating from such  
27 property; (6) the person responsible for pollution on or emanating from  
28 the property is indeterminable, is no longer in existence, is required by  
29 law to remediate releases on and emanating from the property or is  
30 otherwise unable to perform necessary remediation of such property;  
31 and (7) the property and the person meet any other criteria said  
32 commissioner deems necessary.

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

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

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

47 (f) Upon designation by the Commissioner of Economic and  
48 Community Development, in consultation with the Commissioner of  
49 Energy and Environmental Protection, of an eligible person who holds  
50 title to such property, such eligible person shall (1) enter [and remain in]  
51 the voluntary remediation program established in section 22a-133x [;  
52 (2)] not later than six months after the date such eligible person takes

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53 title to such property, except that the Commissioner of Economic and  
54 Community Development, in consultation with the Commissioner of  
55 Energy and Environmental Protection, may allow such eligible person  
56 to enter such voluntary remediation program later than six months after  
57 the date such eligible person takes title to such property; (2) remain in  
58 and comply with the requirements of such voluntary remediation  
59 program; (3) investigate pollution on such property in accordance with  
60 prevailing standards and guidelines and remediate pollution on such  
61 property in accordance with regulations established for remediation  
62 adopted by the Commissioner of Energy and Environmental Protection  
63 and in accordance with applicable schedules; and [(3)] (4) eliminate  
64 further emanation or migration of any pollution from such property.

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

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

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

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

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

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

102 (m) (1) Not later than sixty days after the receipt of a verification, as  
103 defined in section 22a-133x, for such property or portion of such  
104 property, the Commissioner of Energy and Environmental Protection  
105 shall notify such eligible person and the Commissioner of Economic and  
106 Community Development whether the Department of Energy and  
107 Environmental Protection will conduct an audit of such verification.  
108 Any such audit shall be conducted not later than one hundred eighty  
109 days after the receipt of such verification by the Department of Energy  
110 and Environmental Protection, except as provided in subdivisions (2)  
111 and (3) of this subsection. Not later than fourteen days after the  
112 completion of any such audit, the Commissioner of Energy and  
113 Environmental Protection shall provide written audit findings to such  
114 eligible person, the Commissioner of Economic and Community  
115 Development and the licensed environmental professional that issued  
116 such verification. The written audit findings shall approve or

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117 disapprove of such verification, provided any written audit findings  
118 disapproving of such verification shall include the reasons for such  
119 disapproval.

120 (2) The Commissioner of Energy and Environmental Protection may  
121 request additional information from an eligible person during any audit  
122 of a verification. If such eligible person does not provide the requested  
123 information to said commissioner within fourteen days of such request,  
124 the time period to conduct an audit under subdivision (1) of this  
125 subsection shall be suspended until such information is provided to said  
126 commissioner.

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

147 (n) Not later than sixty days after such eligible person's receipt of a  
148 notice of disapproval of a verification for a property from the

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

157     ~~[(m)]~~ (o) Upon completion of the requirements of subsection (f) of this  
158 section to the satisfaction of the Commissioner of Energy and  
159 Environmental Protection, such person shall qualify for a covenant not  
160 to sue from the Commissioner of Energy and Environmental Protection  
161 without fee, pursuant to section 22a-133aa.

162     ~~[(n)]~~ (p) Any person designated as an eligible person under the  
163 abandoned brownfield cleanup program shall not be liable to the  
164 Commissioner of Energy and Environmental Protection or any person  
165 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar  
166 statute or common law for conditions preexisting or existing on the  
167 brownfield property as of the date of acquisition or control as long as  
168 the person (1) did not establish, cause or contribute to the discharge,  
169 spillage, uncontrolled loss, seepage or filtration of such hazardous  
170 substance, material, waste or pollution; (2) does not exacerbate the  
171 conditions; ~~[and]~~ (3) complies with reporting of significant  
172 environmental hazard requirements in section 22a-6u; and (4) remains  
173 in compliance with subsection (f) of this section. To the extent that any  
174 conditions are exacerbated, the person shall only be responsible for  
175 responding to contamination exacerbated by its negligent or reckless  
176 activities.

177     ~~[(o)]~~ (q) Any person who acquires a property in the abandoned  
178 brownfield cleanup program shall apply to the Commissioner of  
179 Economic and Community Development on a form prescribed by the  
180 commissioner to determine if such person qualifies as an eligible party

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181 under the abandoned brownfield cleanup program. If the commissioner  
182 determines that such person is an eligible party, such eligible party shall  
183 be subject to the provisions of this section, and shall receive liability  
184 relief pursuant to subsections (g), (l), [(m)] (o) and [(n)] (p) of this  
185 section.

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

188 (a) The commissioner shall, within available appropriations, establish  
189 a brownfield remediation and revitalization program to provide certain  
190 liability protections to program participants. Not more than thirty-two  
191 properties per year shall be accepted into the program. Participation in  
192 the program shall be by accepted application pursuant to this subsection  
193 or by approved nomination pursuant to subsection (c) of this section. To  
194 be considered for acceptance, an applicant shall submit to the  
195 commissioner, on a form prescribed by the commissioner, a certification  
196 that: (1) The applicant meets the definition of a bona fide prospective  
197 purchaser, innocent landowner or contiguous property owner; (2) the  
198 property meets the definition of a brownfield and has been subject to a  
199 release of a regulated substance in an amount that is in excess of the  
200 remediation standards; (3) the applicant did not establish, create or  
201 maintain a source of pollution to the waters of the state for purposes of  
202 section 22a-432 and is not responsible pursuant to any other provision  
203 of the general statutes for any pollution or source of pollution on the  
204 property; (4) the applicant is not affiliated with any person responsible  
205 for such pollution or source of pollution through any direct or indirect  
206 familial relationship or any contractual, corporate or financial  
207 relationship other than that by which such [purchaser's] applicant's  
208 interest in such property is leased for a term not exceeding five years or  
209 is to be conveyed or financed; and (5) the property is not (A) currently  
210 the subject of an enforcement action, including any consent order issued  
211 by the Department of Energy and Environmental Protection or the  
212 United States Environmental Protection Agency under any current  
213 Department of Energy and Environmental Protection or United States

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214 Environmental Protection Agency program, (B) listed on the national  
215 priorities list of hazardous waste disposal sites compiled by the United  
216 States Environmental Protection Agency pursuant to 42 USC 9605, (C)  
217 listed on the State of Connecticut Superfund Priority List, or (D) subject  
218 to corrective action as may be required by the federal Resource  
219 Conservation and Recovery Act of 1976, 42 USC 6901 et seq. The  
220 commissioner may review such certifications to ensure accuracy, in  
221 consultation with the Commissioner of Energy and Environmental  
222 Protection, and applications will not be considered if such certifications  
223 are found inaccurate.

224 (b) To ensure a geographic distribution and a diversity of projects and  
225 broad access to the brownfield remediation and revitalization program,  
226 the commissioner, in consultation with the Commissioner of Energy and  
227 Environmental Protection, shall review all applications received and  
228 determine admission of eligible properties into the brownfield  
229 remediation and revitalization program taking into consideration state-  
230 wide portfolio factors including: (1) Job creation and retention; (2)  
231 sustainability; (3) readiness to proceed; (4) geographic distribution of  
232 projects; (5) population of the municipality where the property is  
233 located; (6) project size; (7) project complexity; (8) duration and degree  
234 to which the property has been underused; (9) projected increase to the  
235 municipal grand list; (10) consistency of the property as remediated and  
236 developed with municipal or regional planning objectives; (11)  
237 development plan's support for and furtherance of principles of smart  
238 growth, as defined in section 1 of public act 09-230, or transit-oriented  
239 development, as defined in section 13b-79o; and (12) other factors as  
240 may be determined by the commissioner. Admittance into the  
241 brownfield remediation and revitalization program shall not indicate  
242 approval or award of funding requested under any federal, state or  
243 municipal grant or loan program, including, but not limited to, any state  
244 brownfield grant or loan program.

245 (c) The commissioner shall accept nominations of properties for  
246 participation in the program established pursuant to subsection (a) of



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247 this section by a municipality or an economic development agency,  
248 where no bona fide prospective purchaser, contiguous property owner  
249 or innocent landowner has applied for participation in the program. For  
250 a property to be considered for approval for nomination to the program  
251 established pursuant to this section, a municipality shall submit to the  
252 commissioner, on a form prescribed by the commissioner, a certification  
253 that the property meets the eligibility requirements provided in  
254 subdivisions (2) and (5) of subsection (a) of this section and any other  
255 relevant factors, including state-wide portfolio factors provided in  
256 subsection (b) of this section, as may be determined by the  
257 commissioner. After the commissioner approves a property's  
258 nomination, any subsequent applicant shall apply in accordance with  
259 subsections (a) and (f) of this section. In any such application, the  
260 applicant shall demonstrate it satisfies the eligibility requirements  
261 provided in subdivisions (1), (3) and (4) of subsection (a) of this section  
262 and shall demonstrate satisfaction of subdivisions (2) and [(5)] (6) of  
263 subsection (a) of this section for the period after the commissioner's  
264 acceptance of the municipality's or economic development agency's  
265 nomination of the property.

266 (d) (1) Properties otherwise eligible for the brownfield remediation  
267 and revitalization program currently being investigated and remediated  
268 in accordance with the state voluntary remediation programs under  
269 sections 22a-133x and 22a-133y, the property transfer program under  
270 section 22a-134 and the covenant not to sue programs under section 22a-  
271 133aa or 22a-133bb shall not be excluded from eligibility in said  
272 program, provided the other requirements set forth in this section are  
273 met.

274 (2) Properties otherwise eligible for the brownfield remediation and  
275 revitalization program that have been subject to a release requiring  
276 action pursuant to the PCB regulations or that have been subject to a  
277 release requiring action pursuant to the UST regulations shall not be  
278 deemed ineligible, but no provision of this section shall affect any  
279 eligible party's obligation under such regulations to investigate or

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280 remediate the extent of any such release.

281 (e) Inclusion of a property within the brownfield remediation and  
282 revitalization program by the commissioner shall not limit any person's  
283 ability to seek funding for such property under any federal, state or  
284 municipal grant or loan program, including, but not limited to, any state  
285 brownfield grant or loan program. Admittance into the brownfield  
286 remediation and revitalization program shall not indicate approval or  
287 award of funding requested under any federal, state or municipal grant  
288 or loan program, including, but not limited to, any state brownfield  
289 grant or loan program.

290 (f) Any applicant seeking a designation of eligibility for a person or a  
291 property under the brownfield remediation and revitalization program  
292 shall apply to the commissioner at such times and on such forms as the  
293 commissioner may prescribe. The application shall include, but not be  
294 limited to, (1) a title search, (2) the Phase I Environmental Site  
295 Assessment conducted by or for the bona fide prospective purchaser or  
296 the contiguous property owner, which shall be prepared in accordance  
297 with prevailing standards and guidelines, (3) a current property  
298 inspection, if requested by the commissioner, (4) documentation  
299 demonstrating satisfaction of the eligibility criteria set forth in  
300 subsection (a) of this section, (5) information about the project that  
301 relates to the state-wide portfolio factors set forth in subsection (b) of  
302 this section, and (6) such other information as the commissioner may  
303 request to determine admission.

304 (g) Any applicant accepted into the brownfield remediation and  
305 revitalization program by the commissioner shall pay the  
306 Commissioner of Energy and Environmental Protection a fee equal to  
307 five per cent of the assessed value of the land, as stated on the last-  
308 completed grand list of the relevant town. The fee shall be paid in two  
309 installments, each equal to fifty per cent of such fee, subject to potential  
310 reductions as specified in subsection (h) of this section. The first  
311 installment shall be due not later than one hundred eighty days after the

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312 later of the date such applicant is notified that the application has been  
313 accepted by the commissioner or the date that such applicant takes title  
314 to the eligible property. The second installment shall be due not later  
315 than four years after the acceptance date. Upon request by such  
316 applicant, a municipality or an economic development agency, the  
317 commissioner may, at the commissioner's discretion, extend either or  
318 both of the installment due dates. Such fee shall be deposited into the  
319 Special Contaminated Property Remediation and Insurance Fund  
320 established pursuant to section 22a-133t and shall be available for use  
321 by the Commissioner of Energy and Environmental Protection pursuant  
322 to section 22a-133u.

323 (h) (1) The first installment of the fee in subsection (g) of this section  
324 shall be reduced by ten per cent for any eligible party that completes  
325 and submits to the Commissioner of Energy and Environmental  
326 Protection documentation, approved in writing by a licensed  
327 environmental professional and on a form prescribed by said  
328 commissioner, that the investigation of the property has been completed  
329 in accordance with prevailing standards and guidelines within one  
330 hundred eighty days after the date the application is accepted by the  
331 commissioner.

332 (2) The second installment of the fee in subsection (g) of this section  
333 shall be eliminated for any eligible party that submits the remedial  
334 action report and verification or interim verification to the  
335 Commissioner of Energy and Environmental Protection within four  
336 years after the date the application is accepted by the commissioner. In  
337 the event an eligible party submits a request for the Commissioner of  
338 Energy and Environmental Protection's approval, where such approval  
339 is required pursuant to the remediation standard and where said  
340 commissioner issues a decision on such request beyond sixty days after  
341 submittal, such four-year period shall be extended by the number of  
342 days equal to the number of days between the sixtieth day and the date  
343 a decision is issued by said commissioner, but not including the number  
344 of days that a request by said commissioner for supplemental

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345 information remains pending with the eligible party.

346 (3) The second installment of the fee in subsection (g) of this section  
347 shall be reduced by, or any eligible party shall receive a refund in the  
348 amount equal to, twice the reasonable environmental service costs of  
349 such investigation, as determined by the Commissioner of Energy and  
350 Environmental Protection, for any eligible party that completes and  
351 submits to the Commissioner of Energy and Environmental Protection  
352 documentation, approved in writing by a licensed environmental  
353 professional and on a form that may be prescribed by said  
354 commissioner, that the investigation of the nature and extent of any  
355 contamination that has migrated from the property has been completed  
356 in accordance with prevailing standards and guidelines. Such refund  
357 shall not exceed the amount of the second installment of the fee in  
358 subsection (g) of this section.

359 (4) No municipality or economic development agency seeking  
360 designation of eligibility shall be required to pay a fee, provided, upon  
361 transfer of the eligible property from the municipality or economic  
362 development agency to an eligible person, that eligible person shall pay  
363 to the Commissioner of Energy and Environmental Protection the fee in  
364 subsection (g) of this section in accordance with the applicable  
365 requirements in this subsection.

366 (5) A municipality or economic development agency may submit a  
367 fee waiver request to the commissioner to waive a portion or the entire  
368 fee for an eligible property located within that municipality. The  
369 commissioner, at his or her discretion, shall consider the following  
370 factors in determining whether to approve a fee waiver or reduction: (A)  
371 Location of the brownfield within a distressed municipality, as defined  
372 in section 32-9p; (B) demonstration by the municipality or economic  
373 development agency that the project is of significant economic impact;  
374 (C) demonstration by the municipality or economic development  
375 agency that the project has a significant community benefit to the  
376 municipality; (D) demonstration that the eligible party is a

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377 governmental or nonprofit entity; and (E) demonstration that the fee  
378 required will have a detrimental effect on the overall success of the  
379 project.

380 (i) (1) An applicant whose application has been accepted into the  
381 brownfield remediation and revitalization program and who remains in  
382 compliance with such program's obligations pursuant to this section  
383 shall not be liable to the state or any person for the release of any  
384 regulated substance at or from the eligible property, except and only to  
385 the extent that such applicant (A) caused or contributed to the release of  
386 a regulated substance that is subject to remediation or exacerbated such  
387 condition, or (B) the Commissioner of Energy and Environmental  
388 Protection determines the existence of any of the conditions set forth in  
389 subdivision (4) of subsection (m) of this section.

390 (2) If such applicant conveys or, prior to July 1, 2017, conveyed a  
391 security interest, as defined in section 22a-452f, in the eligible property  
392 to a lender, as defined in section 22a-452f, and such lender (A) did not  
393 establish, create or maintain a source of pollution to the waters of the  
394 state for purposes of section 22a-432, (B) is not responsible pursuant to  
395 any other provision of the general statutes for any pollution or source of  
396 pollution on the eligible property, and (C) is not affiliated with any  
397 person responsible for such pollution or source of pollution through any  
398 direct or indirect familial relationship or any contractual, corporate or  
399 financial relationship other than that creating the security interest in the  
400 eligible property, such lender shall not be liable to the state or any  
401 person for the release of any regulated substance at or from the eligible  
402 property.

403 (j) (1) An applicant whose application to the brownfield remediation  
404 and revitalization program has been accepted by the commissioner (A)  
405 shall investigate the release or threatened release of any regulated  
406 substance within the boundaries of the property in accordance with  
407 prevailing standards and guidelines and remediate such release or  
408 threatened release within the boundaries of such property in accordance

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409 with the brownfield investigation plan and remediation schedule and  
410 this section, and (B) shall not be required to characterize, abate and  
411 remediate the release of a regulated substance beyond the boundary of  
412 the eligible property, except for releases caused or contributed to by  
413 such applicant.

414 (2) Not later than one hundred eighty days after the first installment  
415 due date, including any extension thereof by the commissioner, of the  
416 fee required pursuant to subsection (g) of this section, the eligible party  
417 shall submit to the commissioner and the Commissioner of Energy and  
418 Environmental Protection a brownfield investigation plan and  
419 remediation schedule that is signed and stamped by a licensed  
420 environmental professional. Unless otherwise approved in writing by  
421 the Commissioner of Energy and Environmental Protection, such  
422 brownfield investigation plan and remediation schedule shall provide  
423 that (A) the investigation shall be completed not later than two years  
424 after the first installment due date, including any extension thereof by  
425 the commissioner, of the fee required pursuant to subsection (g) of this  
426 section, (B) remediation shall be initiated not later than three years from  
427 the first installment due date, including any extension thereof by the  
428 commissioner, of the fee required pursuant to subsection (g) of this  
429 section, and (C) remediation shall be completed sufficiently to support  
430 either a verification or interim verification not later than eight years after  
431 the first installment due date, including any extension thereof by the  
432 commissioner, of the fee required pursuant to subsection (g) of this  
433 section. The schedule shall also include a schedule for providing public  
434 notice of the remediation prior to the initiation of such remediation in  
435 accordance with subdivision (1) of subsection (j) of this section. Not later  
436 than two years after the first installment due date, including any  
437 extension thereof by the commissioner, of the fee required pursuant to  
438 subsection (g) of this section, unless the Commissioner of Energy and  
439 Environmental Protection has specified a later day, in writing, the  
440 eligible party shall submit to the Commissioner of Energy and  
441 Environmental Protection documentation, approved in writing by a  
442 licensed environmental professional and in a form prescribed by the

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443 Commissioner of Energy and Environmental Protection, that the  
444 investigation of the property has been completed in accordance with  
445 prevailing standards and guidelines. Not later than three years after the  
446 first installment due date, including any extension thereof by the  
447 commissioner, of the fee required pursuant to subsection (g) of this  
448 section, unless the Commissioner of Energy and Environmental  
449 Protection has specified a later day, in writing, the eligible party shall  
450 notify the Commissioner of Energy and Environmental Protection and  
451 the commissioner in a form prescribed by the Commissioner of Energy  
452 and Environmental Protection that the remediation has been initiated,  
453 and shall submit to the Commissioner of Energy and Environmental  
454 Protection a remedial action plan, approved in writing by a licensed  
455 environmental professional in a form prescribed by the Commissioner  
456 of Energy and Environmental Protection. Not later than eight years after  
457 the first installment due date, including any extension thereof by the  
458 commissioner, of the fee required pursuant to subsection (g) of this  
459 section, unless the Commissioner of Energy and Environmental  
460 Protection has specified a later day, in writing, the eligible party shall  
461 complete remediation of the property and submit the remedial action  
462 report and verification or interim verification to the Commissioner of  
463 Energy and Environmental Protection and the commissioner. The  
464 Commissioner of Energy and Environmental Protection shall grant a  
465 reasonable extension if the eligible party demonstrates to the  
466 satisfaction of the Commissioner of Energy and Environmental  
467 Protection that: (i) Such eligible party has made reasonable progress  
468 toward investigation and remediation of the eligible property; and (ii)  
469 despite best efforts, circumstances beyond the control of the eligible  
470 party have significantly delayed the remediation of the eligible  
471 property.

472 (3) The eligible party may complete the investigation and  
473 remediation of a portion of the eligible property and submit a  
474 verification or an interim verification for such portion to the  
475 Commissioner of Energy and Environmental Protection and the  
476 commissioner, provided the eligible party (A) is in compliance with the

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477 provisions of this section and the brownfield investigation plan and  
478 remediation schedule, and (B) has, prior to submitting such verification  
479 or interim verification for such portion: (i) Timely submitted  
480 documentation to the Commissioner of Energy and Environmental  
481 Protection that the investigation of the entire property is complete in  
482 accordance with prevailing standards and guidelines, in accordance  
483 with subdivision (2) of this subsection, (ii) timely notified the  
484 Commissioner of Energy and Environmental Protection that the  
485 remediation was initiated and submitted to said commissioner a  
486 remedial action plan for the entire property originally accepted into the  
487 brownfield remediation and revitalization program, in accordance with  
488 subdivision (2) of this subsection, and (iii) demonstrated to the  
489 satisfaction of the Commissioner of Energy and Environmental  
490 Protection and the commissioner that it will complete the remediation  
491 of the remainder of the eligible property in accordance with the  
492 remediation schedule. For any verification or interim verification of a  
493 portion of the eligible property, the remediation of releases on and from  
494 such portion shall extend to the boundaries of the eligible property as a  
495 whole.

496 (4) An eligible party who submits an interim verification for an  
497 eligible property or a portion of an eligible property, and any  
498 subsequent owner of such eligible property, shall, until the remediation  
499 standards for groundwater are achieved, (A) operate and maintain the  
500 long-term remedy for groundwater in accordance with the remedial  
501 action plan, the interim verification and any approvals issued by the  
502 Commissioner of Energy and Environmental Protection, (B) prevent  
503 exposure to any groundwater plume containing a regulated substance  
504 in excess of the remediation standards on the property, (C) take all  
505 reasonable action to contain any groundwater plume on the property,  
506 and (D) submit annual status reports to the Commissioner of Energy  
507 and Environmental Protection and the commissioner.

508 (5) Before commencement of remedial action pursuant to the plan  
509 and schedule, the eligible party shall: (A) Publish notice of the remedial



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510 action in a newspaper having a substantial circulation in the town where  
511 the property is located, (B) notify the director of health of the  
512 municipality where the property is located, and (C) either (i) erect and  
513 maintain for at least thirty days in a legible condition a sign not less than  
514 six feet by four feet on the property, which shall be clearly visible from  
515 the public highway and shall include the words "ENVIRONMENTAL  
516 CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER  
517 INFORMATION CONTACT:" and include a telephone number for an  
518 office from which any interested person may obtain additional  
519 information about the remedial action, or (ii) mail notice of the remedial  
520 action to each owner of record of property which abuts such property,  
521 at the address on the last-completed grand list of the relevant town.  
522 Public comments shall be directed to the eligible party for a thirty-day  
523 period starting with the last provided public notice provision and such  
524 eligible party shall provide all comments and any responses to the  
525 Commissioner of Energy and Environmental Protection prior to  
526 commencing remedial action.

527 (6) The remedial action shall be conducted under the supervision of  
528 a licensed environmental professional and the remedial action report  
529 shall be submitted to the commissioner and the Commissioner of  
530 Energy and Environmental Protection signed and stamped by a licensed  
531 environmental professional. In such report, the licensed environmental  
532 professional shall include a detailed description of the remedial actions  
533 taken and issue a verification or interim verification for the eligible  
534 property or a portion of the eligible property, in which he or she shall  
535 render an opinion, in accordance with the standard of care provided in  
536 subsection (c) of section 22a-133w and the regulations adopted pursuant  
537 to subsection (c) of section 22a-133v, that the action taken to contain,  
538 remove or mitigate the release of regulated substances within the  
539 boundaries of such property is in accordance with the remediation  
540 standards.

541 (7) Copies of all applications for permits required to implement such  
542 plan and schedule in this section shall be submitted to the permit

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543 ombudsman within the Department of Economic and Community  
544 Development.

545 (8) Each eligible party participating in the brownfield remediation  
546 and revitalization program shall maintain all records related to its  
547 implementation of such plan and schedule and completion of the  
548 remedial action of the property for a period of not less than ten years  
549 and shall make such records available to the commissioner or the  
550 Commissioner of Energy and Environmental Protection at any time  
551 upon request by either.

552 (9) (A) Not later than sixty days after receiving a remedial action  
553 report signed and stamped by a licensed environmental professional  
554 and a verification or interim verification for the eligible property or a  
555 portion of the eligible property, the Commissioner of Energy and  
556 Environmental Protection shall notify the eligible party and the  
557 commissioner whether the Commissioner of Energy and Environmental  
558 Protection will conduct an audit of such remedial action. Any such audit  
559 shall be conducted not later than one hundred eighty days after the  
560 Commissioner of Energy and Environmental Protection receives such  
561 remedial action report and verification or interim verification, plus any  
562 additional time permitted pursuant to subparagraph (B) of this  
563 subdivision, except as provided in subparagraph (C) of this subdivision.  
564 Not later than fourteen days after completion of an audit, the  
565 Commissioner of Energy and Environmental Protection shall send  
566 written audit findings to the eligible party, the commissioner and the  
567 licensed environmental professional. The audit findings may approve  
568 or disapprove the report, provided any disapproval shall set forth the  
569 reasons for such disapproval.

570 (B) The Commissioner of Energy and Environmental Protection may  
571 request additional information during an audit conducted pursuant to  
572 this subdivision. If such information has not been provided to said  
573 commissioner within fourteen days of such request, the time frame for  
574 said commissioner to complete the audit shall be suspended until the

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575 information is provided to said commissioner. The Commissioner of  
576 Energy and Environmental Protection may choose to conduct such  
577 audit if and when the eligible party fails to provide a response to said  
578 commissioner's request for additional information within sixty days.

579 (C) The Commissioner of Energy and Environmental Protection shall  
580 not conduct an audit of a verification or interim verification for the  
581 eligible property or a portion of the eligible property pursuant to this  
582 subdivision after one hundred eighty days from receipt of such  
583 verification, plus any additional time permitted pursuant to  
584 subparagraph (B) of this subdivision, unless (i) said commissioner has  
585 reason to believe that a verification was obtained through the submittal  
586 of materially inaccurate or erroneous information, or otherwise  
587 misleading information material to the verification or that material  
588 misrepresentations were made in connection with the submittal of the  
589 verification, (ii) any post-verification monitoring or operations and  
590 maintenance is required as part of a verification and has not been done,  
591 (iii) a verification that relies upon an environmental use restriction was  
592 not recorded on the land records of the municipality in which such land  
593 is located in accordance with section 22a-133o and applicable  
594 regulations, (iv) said commissioner determines that there has been a  
595 violation of law material to the verification, or (v) said commissioner  
596 determines that information exists indicating that the remediation may  
597 have failed to prevent a substantial threat to public health or the  
598 environment for releases on the property.

599 (k) Not later than sixty days after receiving a notice of disapproval of  
600 a verification or interim verification for the eligible property or a portion  
601 of the eligible property from the Commissioner of Energy and  
602 Environmental Protection, the eligible party shall submit to said  
603 commissioner and to the commissioner a report of cure of noted  
604 deficiencies. Within sixty days after receiving such report of cure of  
605 noted deficiencies by said commissioner, said commissioner shall issue  
606 a successful audit closure letter or a written disapproval of such report  
607 of cure of noted deficiencies.

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608 (l) Before approving a verification or interim verification for the  
609 eligible property or a portion of the eligible property, the Commissioner  
610 of Energy and Environmental Protection may enter into a memorandum  
611 of understanding with the eligible party with regard to any further  
612 remedial action or monitoring activities on or at such property that said  
613 commissioner deems necessary for the protection of human health or  
614 the environment.

615 (m) (1) An eligible party who has been accepted into the brownfield  
616 remediation and revitalization program shall have no obligation as part  
617 of its plan and schedule to characterize, abate and remediate any release  
618 of a regulated substance outside the boundaries of the eligible property  
619 originally accepted into the brownfield remediation and revitalization  
620 program, provided the notification requirements of section 22a-6u  
621 pertaining to significant environmental hazards shall continue to apply  
622 to the property and the eligible party shall not be required to  
623 characterize, abate or remediate any such significant environmental  
624 hazard outside the boundaries of the subject property unless such  
625 significant environmental hazard arises from the actions of the eligible  
626 party after its acquisition of or control over the property from which  
627 such significant environmental hazard has emanated outside its own  
628 boundaries. If an eligible party who has been accepted into the  
629 brownfield remediation and revitalization program conveys or  
630 otherwise transfers its ownership of the subject property and such  
631 eligible party is in compliance with the provisions of this section and the  
632 brownfield investigation plan and remediation schedule at the time of  
633 conveyance or transfer of ownership, the provisions of this section shall  
634 apply to such transferee, if such transferee meets the eligibility criteria  
635 set forth in this section, complies with the obligations undertaken by the  
636 eligible party under this section, and timely pays the greater of: (A) Any  
637 fee required by subsection (g) or (h) of this section not yet paid by such  
638 eligible party, or (B) a fee of ten thousand dollars. In such case, all  
639 references to applicant or eligible party shall mean the subsequent  
640 owner or transferee.

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641 (2) After the Commissioner of Energy and Environmental Protection  
642 issues either a no audit letter or a successful audit closure letter, or no  
643 audit decision has been made by said commissioner within one hundred  
644 eighty days, plus any additional time permitted pursuant to  
645 subparagraph (B) of subdivision (9) of subsection (j) of this section, after  
646 the submittal of the remedial action report and verification or interim  
647 verification, for the eligible property or a portion of the eligible  
648 property, such eligible party shall not be liable to the state or any person  
649 for (A) costs incurred in the remediation of, equitable relief relating to,  
650 or damages resulting from the release of regulated substances  
651 addressed in such verification or interim verification, and (B) historical  
652 impacts off the eligible property as a whole, including air deposition,  
653 waste disposal, impacts to sediments and natural resource damages. No  
654 eligible party shall be afforded any relief from liability such eligible  
655 party may have from a release requiring action pursuant to the PCB  
656 regulations or a release requiring action pursuant to the UST  
657 regulations.

658 (3) The provisions of this section concerning liability shall extend to  
659 any person who acquires title to all or part of the property for which a  
660 remedial action report and verification or interim verification have been  
661 submitted pursuant to this section, provided (A) there is payment of a  
662 fee of ten thousand dollars to said commissioner for each such  
663 extension, (B) such person acquiring all or part of the property meets the  
664 criteria of this section, and (C) the Commissioner of Energy and  
665 Environmental Protection has issued either a successful audit closure  
666 letter or no audit letter, or no audit decision has been made by said  
667 commissioner not later than one hundred eighty days, plus any  
668 additional time permitted pursuant to subparagraph (B) of subdivision  
669 (9) of subsection (j) of this section, after the submittal of the remedial  
670 action report and verification or interim verification. No municipality or  
671 economic development agency that acquires title to all or part of the  
672 property shall be required to pay a fee, provided the municipality or  
673 economic development agency shall collect and pay the fee upon  
674 transfer of the property to another person for purposes of development.

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675 Such fee shall be deposited into the Special Contaminated Property  
676 Remediation and Insurance Fund established under section 22a-133t  
677 and such funds shall be for the exclusive use by the Department of  
678 Energy and Environmental Protection.

679 (4) Neither a successful audit closure nor no audit letter issued  
680 pursuant to this section, nor the expiration of one hundred eighty days,  
681 plus any additional time permitted pursuant to subparagraph (B) of  
682 subdivision (9) of subsection (j) of this section, after the submittal of the  
683 remedial action report and verification or interim verification without  
684 an audit decision by the Commissioner of Energy and Environmental  
685 Protection, shall preclude said commissioner from taking any  
686 appropriate action, including, but not limited to, any action to require  
687 remediation of the property by the eligible party or, as applicable, to its  
688 successor, if said commissioner determines that:

689 (A) The successful audit closure, no audit letter, or the expiration of  
690 one hundred eighty days, plus any additional time permitted pursuant  
691 to subparagraph (B) of subdivision (9) of subsection (j) of this section,  
692 after the submittal of the remedial action report and verification or  
693 interim verification without an audit decision by the Commissioner of  
694 Energy and Environmental Protection was based on information  
695 provided by the person submitting such remedial action report and  
696 verification or interim verification that the Commissioner of Energy and  
697 Environmental Protection can show that such person knew, or had  
698 reason to know, was false or misleading, and, in the case of the successor  
699 to an applicant, that such successor was aware or had reason to know  
700 that such information was false or misleading;

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

705 (C) The eligible party who received the successful audit closure or no  
706 audit letter or where one hundred eighty days, plus any additional time

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707 permitted pursuant to subparagraph (B) of subdivision (9) of subsection  
708 (j) of this section, lapsed without an audit decision by the Commissioner  
709 of Energy and Environmental Protection has materially failed to  
710 complete the remedial action required by the brownfield investigation  
711 plan and remediation schedule or to carry out or comply with  
712 monitoring, maintenance or operating requirements pertinent to a  
713 remedial action including the requirements of any environmental land  
714 use restriction; or

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

719 (5) If an eligible party who has been accepted into the brownfield  
720 remediation and revitalization program conveys or otherwise transfers  
721 all or part of its ownership interest in the subject property at any time  
722 before the issuance of a successful audit closure or no audit letter or the  
723 expiration of one hundred eighty days, plus any additional time  
724 permitted pursuant to subparagraph (B) of subdivision (9) of subsection  
725 (j) of this section, after the submittal of the remedial action report and  
726 verification or interim verification without an audit decision by the  
727 Commissioner of Energy and Environmental Protection, the eligible  
728 party conveying or otherwise transferring its ownership interest shall  
729 not be liable to the state or any person, for the portion of the property  
730 transferred, for (A) costs incurred in the remediation of, equitable relief  
731 relating to, or damages resulting from the release of regulated  
732 substances addressed in the brownfield investigation plan and  
733 remediation schedule, and (B) historical impacts off the eligible property  
734 as a whole, including air deposition, waste disposal, impacts to  
735 sediments and natural resource damages, provided the eligible party  
736 complied with its obligations under this section during the period when  
737 the eligible party held an ownership interest in the subject property.  
738 Nothing in this subsection shall provide any relief from liability such  
739 eligible party may have related to a release requiring action pursuant to

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740 the PCB regulations, or a release requiring action pursuant to the UST  
741 regulations.

742 (6) Upon the Commissioner of Energy and Environmental  
743 Protection's issuance of a successful audit closure letter or no audit letter  
744 for the entire eligible property originally accepted into the brownfield  
745 remediation and revitalization program, or after one hundred eighty  
746 days, plus any additional time permitted pursuant to subparagraph (B)  
747 of subdivision (9) of subsection (j) of this section, have passed since the  
748 submittal of a verification or interim verification and said commissioner  
749 has not audited the verification or interim verification, the immediate  
750 prior owner regardless of its own eligibility to participate in the  
751 comprehensive brownfield remediation and revitalization program  
752 shall have no liability to the state or any person for any future  
753 investigation and remediation of the release of any regulated substance  
754 at the eligible property addressed in the verification or interim  
755 verification, provided the immediate prior owner has complied with  
756 any legal obligation such owner had with respect to investigation and  
757 remediation of releases at and from the property, and provided further  
758 the immediate prior owner shall retain any and all liability such  
759 immediate prior owner would otherwise have for the investigation and  
760 remediation of the release of any regulated substance beyond the  
761 boundary of the eligible property. In any event, the immediate prior  
762 owner shall remain liable for (A) penalties or fines, if any, relating to the  
763 release of any regulated substance at or from the eligible property, (B)  
764 costs and expenses, if any, recoverable or reimbursable pursuant to  
765 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the  
766 immediate prior owner as a certifying party on a Form III or IV  
767 submitted pursuant to sections 22a-134 to 22a-134e, inclusive.

768 (n) A person whose application to the brownfield remediation and  
769 revitalization program has been accepted by the commissioner or any  
770 subsequent eligible party whose application to the brownfield  
771 remediation and revitalization program has been accepted by the  
772 commissioner shall be exempt for filing as an establishment pursuant to



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773 sections 22a-134a to 22a-134d, inclusive, if such real property or prior  
774 business operations constitute an establishment. Nothing in this section  
775 shall be construed to alter any existing legal requirement applicable to  
776 any certifying party at a property under sections 22a-134 and 22a-134a  
777 to 22a-134e, inclusive.

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

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

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

786 (2) "Brownfield remediation plan" means any written narrative or  
787 plan for the substantial remediation of a brownfield, including, but not  
788 limited to, the investigation and remediation of any release or  
789 threatened release of pollution to soil or groundwater at the brownfield  
790 or the abatement of hazardous building materials, that is submitted to  
791 and approved by the commissioner, in consultation with the  
792 Commissioner of Energy and Environmental Protection;

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

795 (4) "Completion of the brownfield remediation" means the  
796 completion of a brownfield remediation plan and documentation by an  
797 owner of such completion to the satisfaction of the commissioner,  
798 including, but not limited to, the filing of either a verification or interim  
799 verification that meets the requirements of section 22a-133x, 22a-133y or  
800 22a-134 of the general statutes, or the written determination by the  
801 Commissioner of Energy and Environmental Protection that (A) the  
802 investigation of the brownfield has been performed in accordance with

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803 prevailing standards and guidelines, and (B) the remediation has been  
804 completed in accordance with the remediation standards adopted under  
805 section 22a-133k of the general statutes, except that for remediation  
806 standards for groundwater (i) the selected remedy is in operation but  
807 has not achieved the remediation standards for groundwater, (ii) there  
808 is an identified long-term remedy being implemented to achieve  
809 groundwater standards, along with an estimated duration for such  
810 remedy, and established ongoing operation and maintenance  
811 requirements for continued operation of such remedy, and (iii) there are  
812 not current exposure pathways to the groundwater area that have not  
813 yet met the remediation standards;

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

816 (6) "Owner" means any person, firm, limited liability company,  
817 nonprofit or for-profit corporation or other business entity or  
818 municipality that (A) holds title to a brownfield and undertakes a  
819 brownfield remediation plan, and (B) did not establish, create or  
820 maintain a source of pollution to the waters of the state for purposes of  
821 section 22a-432 of the general statutes and is not responsible pursuant  
822 to any other provision of the general statutes for any pollution or source  
823 of pollution on such brownfield; and

824 (7) "Qualified expenditures" means the expenditures associated with  
825 the investigation, assessment and remediation of a brownfield,  
826 including, but not limited to: (A) Soil, groundwater and infrastructure  
827 investigation; (B) assessment; (C) remediation of soil, sediments,  
828 groundwater or surface water; (D) abatement; (E) hazardous materials  
829 or waste removal and disposal; (F) long-term groundwater or natural  
830 attenuation monitoring; (G) (i) environmental land use restrictions, (ii)  
831 activity and use limitations, or (iii) other forms of institutional control;  
832 (H) reasonable attorneys' fees; (I) planning, engineering and  
833 environmental consulting; and (J) remedial activity to address building  
834 and structural issues, including, but not limited to, demolition, asbestos

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835 abatement, polychlorinated biphenyls removal, contaminated wood or  
836 paint removal and other infrastructure remedial activities. "Qualified  
837 expenditures" do not include expenditures for such investigation,  
838 assessment, remediation and development funded directly through  
839 other state brownfield programs administered by the commissioner.

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

843 (2) A tax credit that is reserved pursuant to this section shall be  
844 available in the tax year in which the completion of the brownfield  
845 remediation takes place. In the case of a brownfield remediation plan  
846 that is completed in phases, the tax credit shall be prorated to the  
847 identifiable portion of the completed brownfield remediation and made  
848 available in the tax year in which the completion of such identifiable  
849 portion takes place. If the tax credit is more than the amount owed by  
850 the taxpayer for the year in which the completion of the brownfield  
851 remediation takes place, the amount that is more than the taxpayer's tax  
852 liability may be carried forward and credited against the taxes imposed  
853 for the succeeding five years or until the full credit is used, whichever  
854 occurs first.

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

858 (4) If a credit is allowed under this section for the remediation of a  
859 brownfield with multiple owners, such credit shall be passed through  
860 to such owners, or persons designated as partners or members of such  
861 owners, pro rata or pursuant to an agreement among such owners, or  
862 persons designated as partners or members of such owners,  
863 documenting an alternative distribution method without regard to  
864 other tax or economic attributes of such owners.

865 (5) Any owner entitled to a credit under this section may sell, assign

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866 or otherwise transfer such credit, in whole or in part, to one or more  
867 persons, as defined in section 12-1 of the general statutes, provided any  
868 credit, after issuance, may be sold, assigned or otherwise transferred, in  
869 whole or in part, not more than three times. Such transferee shall be  
870 entitled to offset the tax imposed under chapter 207, 208, 209, 210, 211  
871 or 212 of the general statutes as if such transferee had incurred the  
872 qualified expenditure.

873 (6) If a credit under this section is sold, assigned or otherwise  
874 transferred, whether by the owner or any subsequent transferee, the  
875 transferor and transferee shall jointly submit written notification of such  
876 transfer to the department not later than thirty days after such transfer.  
877 The notification after each transfer shall include the credit voucher  
878 number, the date of the transfer, the amount of the credit transferred,  
879 the tax credit balance before and after the transfer, the tax identification  
880 numbers for both the transferor and the transferee and any other  
881 information required by the Commissioner of Revenue Services. Failure  
882 to comply with this subsection shall result in a disallowance of the tax  
883 credit until there is full compliance on the part of the transferor and the  
884 transferee, and for a second or third transfer, on the part of all  
885 subsequent transferors and transferees.

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

891 (c) For the purpose of seeking a tax credit voucher pursuant to  
892 subsection (b) of this section, prior to beginning any brownfield  
893 remediation, the owner shall submit to the commissioner a tax credit  
894 application on forms provided by the commissioner and with such  
895 information the commissioner deems necessary, including, but not  
896 limited to: (1) A brownfield remediation plan; (2) a description of the  
897 proposed brownfield remediation and redevelopment project; (3) an

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898 explanation of the expected benefits of the proposed project; (4)  
899 information concerning the financial and technical capacity of the  
900 applicant to undertake the proposed project; (5) an estimate of the  
901 qualified expenditures; and (6) if the owner plans to undertake the  
902 brownfield remediation in phases, a complete description of each such  
903 phase, with anticipated schedules for the completion of brownfield  
904 remediation and an estimate of the qualified expenditures in each phase.  
905 The commissioner may charge any owner seeking a tax credit voucher  
906 pursuant to this subsection an application fee in an amount not to  
907 exceed five thousand dollars to cover the cost of administering the  
908 program established pursuant to this section. If an application is not  
909 approved in one fiscal year but is resubmitted in a subsequent fiscal  
910 year, the commissioner may waive the application fee for the  
911 resubmitted application.

912 (d) The commissioner may approve, reject or modify any application  
913 properly submitted in accordance with the provisions of this section. In  
914 reviewing an application and determining whether to issue tax credit  
915 vouchers, the commissioner shall consider the following criteria: (1) The  
916 availability of tax credits for the applicable fiscal year; (2) the estimated  
917 eligible costs; (3) the relative economic condition of the municipality in  
918 which the brownfield is located; (4) the degree to which a tax credit  
919 under this section is necessary to induce the applicant to undertake the  
920 project; (5) the public health and environmental benefits of the project;  
921 (6) the relative benefits of the project to the municipality, the region and  
922 the state, including, but not limited to, the extent to which the project  
923 will likely result in a contribution to the municipality's tax base, the  
924 retention and creation of jobs and the reduction of blight; (7) the time  
925 frame in which the contamination occurred; (8) the length of time the  
926 brownfield has been abandoned; and (9) such other criteria as the  
927 commissioner may establish consistent with the purposes of this section.

928 (e) The commissioner shall issue tax credit vouchers on a competitive  
929 basis, based on a request for applications occurring semiannually in  
930 April and October. The commissioner may increase the frequency of

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931 requests for applications and awards depending on the number of  
932 applicants and the availability of tax credits for the applicable fiscal  
933 year.

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

938 (g) Following the completion of the brownfield remediation plan in  
939 its entirety or in phases to an identifiable portion of the brownfield, any  
940 owner who seeks a tax credit voucher pursuant to subsection (b) of this  
941 section shall notify the commissioner that such completion of the  
942 brownfield remediation has occurred. Such owner shall provide the  
943 department with documentation of the remediation performed on the  
944 brownfield, evidence of the completion of the brownfield remediation  
945 and certification by a licensed environmental professional of the  
946 qualified expenditures incurred as part of the completion of the  
947 brownfield remediation plan. The commissioner, in consultation with  
948 the Commissioner of Energy and Environmental Protection, shall  
949 review such remediation and verify its compliance with the brownfield  
950 remediation plan. Following such verification, the department shall  
951 issue a tax credit voucher to such owner in an amount equivalent to the  
952 amount of the qualified expenditure, provided such amount does not  
953 exceed the amount reserved under subsection (f) of this section. In order  
954 to obtain a credit against any state tax due that is specified in subsection  
955 (h) of this section, the holder of the tax credit voucher shall file the  
956 voucher with the holder's state tax return.

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

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963 Revenue Services.

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

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

972 (k) Not later than October 1, 2021, and annually thereafter, the  
973 department shall report, in accordance with section 11-4a of the general  
974 statutes, the total amount of tax credit vouchers reserved for the prior  
975 fiscal year pursuant to subsections (b) to (j), inclusive, of this section, to  
976 the joint standing committees of the General Assembly having  
977 cognizance of matters relating to commerce and finance, revenue and  
978 bonding. Each such report shall include the following information for  
979 each project for which a tax credit voucher has been reserved: (1) The  
980 total project costs; and (2) the value of the tax credit vouchers reserved  
981 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