

2011 Public Act Affecting Programs of the Remediation Division

In the 2011 Regular Session of the General Assembly, legislative changes were made to the Connecticut General Statutes that affect Remediation Division programs.

[Public Act 11-141](#) – “An Act Concerning Brownfield Remediation and Development as an Economic Driver” was signed by the Governor on July 8, 2011. This Public Act makes changes to the following Programs and sections of the General Statutes:

Brownfield related changes	Property Transfer and ELUR related changes	
PA 11-141 section (effective date)	STATUTE AFFECTED	NATURE OF CHANGE / TOPIC
§ 1 (7/1/11)	CGS 32-9cc Office of Brownfield Remediation and Development.	32-9cc the former pilot program is now known as state-funded municipal brownfield grant program; increases maximum number of municipalities to be selected annually for funding from 5 to 6.
§2 (7/1/11)	CGS 32-9ee Brownfield remediation pilot program and grants.	32-9ee is revised to change reference from “pilot program” to “municipal brownfield grant program.
§3 (7/1/11)	CGS 32-9ff Connecticut brownfields remediation account.	32-9ff(b) is revised to change reference from “pilot program” to “municipal brownfield grant program.
§4 (7/8/11)	CGS 22a-134a Transfer of hazardous waste establishments: Forms, verification, schedules, audits, approval, notification requirements, orders, exceptions.	22a-134a(n) is a new subsection – for Form III or IV filings, the certifying party is not required to investigate or cleanup releases that occurred after either the filing of a Form III or Form IV or after completion of a Phase II investigation, as defined in the Site Characterization Guidance Document, whichever is later.
§5 (7/8/11)	CGS 22a-426. Standards of water quality.	22a-426 , as amended by section 9 of public act 10-158, is further amended by adding subsections (d) to (g), which contain provisions for reclassification of surface and ground water on or after March 1, 2011. Reclassification requests are handled through an administrative process; such requests do not require a regulation amendment.
§6 (7/8/11)	Comprehensive Review of Remediation Programs	This section requires a comprehensive evaluation of the property remediation programs and the provisions of the general statutes that affect property remediation. Not later than December 15, 2011, the commissioner shall issue a comprehensive report, in accordance with section 11-4a of the general statutes, to the Governor and to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and commerce.
§7 (7/1/11)	CGS 32-9kk(a)(1) Financial assistance for eligible brownfield projects. Definitions. Grant and loan programs. Brownfield remediation and development account.	32-9kk(a)(1) revises the definition of a Brownfield to “any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment and reuse of the property”.
§8 (7/8/11)	CGS 22a-6 Commissioner to establish environmental standards, regulations and fees, to make contracts and studies and to issue permits. Complaints. Hearings. Bonds. Notice of contested cases.	22a-6 is amended by adding new subsections (i) to (k) to provide fee waivers for Brownfield sites.

§9 (7/1/11)	CGS 32-9// Abandoned Brownfield Cleanup (ABC) program.	32-9// – new subsections (b) through (p) added to, among other things, allow acceptance into program for sites which are unused or significantly underused for 5 years prior to application (a timeframe which may be waived by the commissioner of DECD); also allows acceptance where the person responsible by law for the pollution is required to remediate releases.
§10 (10/1/09)	CGS 22a-134(1) Transfer of hazardous waste establishments: Definitions.	22a-134(1) is amended by adding new subsections (X),(Y), and (Z), which provide new exclusions from Property Transfer for brownfield sites in the Abandoned Brownfield Cleanup program, sites transferred from bankruptcy court or a municipality to a non-profit, and acquisition of a site in the new brownfield remediation and revitalization program.
§11 (7/8/11)	CGS 22a-133aa Covenant not to sue prospective purchasers or owners of contaminated land.	22a-133aa is amended to add a new subsection (g), which provides for sites in the abandoned brownfields cleanup program to automatically qualify for a Covenant not to sue under CGS section 22a-133aa without a fee.
§12 (7/8/11)	CGS 22a-133o Environmental land use restrictions: Requirements. Subordination agreements. Releases.	22a-133o subsection (b) is revised to add that the requirement for subordination agreements in ELURs can be waived for any interest in land that, when acted upon, is not capable of creating a condition contrary to any purpose of such ELUR. Subsection (d) is revised to provide temporary releases from ELURs, and waivers from recording temporary releases from an ELUR if the activity is sufficiently limited in scope and duration.
§13 (7/8/11)	CGS 22a-133p Environmental land use restrictions: Enforcement.	22a-133p is revised to provide for enforcement of the provisions of CGS §§22a-133n to 22a-133q, inclusive, and regulations adopted thereunder.
§14 (7/8/11)	CGS 22a-133q Environmental land use restrictions: Regulations.	22a-133q is revised to allow adoption of regulations authorized by this section to include provisions for fees, financial surety, monitoring and reporting in addition to provisions already identified.
§15 (7/8/11)	PA 10-135, (An Act Concerning Brownfield Remediation Liability) sec.2	This section extends the Brownfields work group created by PA 10-135; requires a report to the legislature and Governor by January 15, 2012; and increases the # of members from 11 to 13;
§16 (7/1/11)	CGS 32-23zz	32-23zz(f) is revised to remove the sunset provision for CDA's Tax Increment Financing (TIF) program.
§17 (7/1/11)	New Program: Brownfield Remediation and Revitalization Program	Creates new program (the Brownfield Remediation and Revitalization Program) for innocent new owners of Brownfield sites.
§18 (7/1/11)	PA 05-289, (An Act Concerning Taxing Districts to Pay for Sound Barriers and Establishing Special Taxing Districts Within the City of Bridgeport and the Town of East Lyme) section 2(g)(1)	2(g)(1) Revises the financing provisions for the Steel Point Infrastructure Improvement District (a Special Taxing District in Bridgeport).
§19 (10/1/11)	CGS 52-557f Landowner liability for recreational use of land. Definitions.	52-557f Definition of "Charge" is revised to exclude tax revenues collected under title 12 by an owner; definition of "Owner" is revised to include any municipality, district, metropolitan district and railroad company.
§20 (10/1/11)	New – pertains to easements for recreational use of lands obtained by municipalities with >90,000 people)	Pertains to recreational easements obtained by Bridgeport, Hartford, New Haven, Stamford and Waterbury (municipalities with > 90,000 people).