

Connecticut Brownfield Remediation and Revitalization Program



The State of Connecticut has adopted a new and innovative brownfields clean up program, PA no. 1-141; sec. 17, that incentivizes expedited redevelopment of sustainable projects on brownfields sites. The new program is intended to help Connecticut be a leader in the brownfields redevelopment marketplace. The program provides liability relief and expedited regulatory review.

The program is open to individuals, businesses, non-profit and municipal entities, and state agencies that satisfy the applicant requirements. These requirements include certification that the applicant is a “bona fide prospective purchaser” or BFPP and that

the applicant is not responsible for or affiliated with anyone who is responsible for the pollution on the property. At this time, the Department of Economic and Community Development (DECD) is limited to accepting only 32 applications per year. The DECD Commissioner must ensure a broad “geographic distribution and diversity of projects” while considering twelve portfolio criteria.

Once the applicant is accepted they must submit a brownfield investigation plan and remediation schedule (BIPRS) that is signed and stamped by a Licensed Environmental Professional (LEP) within 180 days. The plan schedule should include a **completion date of five years**. The assessment and remediation must be performed in accordance with the same standards and procedures as other voluntary remediation programs under the supervision of an LEP. Submittal of a Verification or Interim Verification by an LEP satisfies the deadline requirement.

Those accepted into the program **must pay a fee equal to 5% of the assessed value of the land**, in two payments. The first is due within 180 days of acceptance and the second within four years. As an incentive to assess the property quickly or assess offsite impacts the **fee can be reduced**. **Municipalities are exempt** from paying any fees.

The incentives of the program include:

- Participants are provided **liability relief from the State and third parties** for the historic contamination at the site while in the program
- Upon acceptance the person is **exempt from filing as an establishment** under the Connecticut Transfer Act
- The participant is only responsible for bringing the site into compliance with the Connecticut Remediation Standard Regulations, **not for any pollution that may have migrated off-site** historically
- After the Commissioner issues a no audit letter or a successful audit closure letter the eligible party is not liable to the State or any third party for remediated constituents
- Upon acceptance of an LEP's Verification that the remediation has been completed, the **site is exempt from the Connecticut Transfer Act**
- If the eligible party conveys the property before a verification is accepted the liability relief continues to them if they are in compliance with the program
- After successful acceptance of Verification, the **benefits can be extended to successive owners** for a fee of \$10,000
- Upon successful acceptance of a verification or interim verification **the immediate prior owner shall have no liability to the State or any third party** for any future remediation at the property provided they continue to retain all their existing liability for off-site impacts and any preexisting legal responsibilities including as a certifying party
- Within sixty days of submittal of a verification or interim verification the Commissioner will notify whether DEEP will conduct an audit
- **If DEEP conducts an audit, it must be completed within 180 days of submittal of the verification**

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