



General Assembly

January Session, 2009

**Amendment**

LCO No. 8774

**\*HB0609708774HDO\***

Offered by:

REP. BERGER, 73<sup>rd</sup> Dist.  
REP. MAZUREK, 80<sup>th</sup> Dist.  
REP. SHARKEY, 88<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> Dist.  
REP. MIOLI, 136<sup>th</sup> Dist.  
REP. DREW, 132<sup>nd</sup> Dist.  
REP. O'CONNOR, 35<sup>th</sup> Dist.  
REP. ALDARONDO, 75<sup>th</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. NOUJAIM, 74<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. ALBERTS, 50<sup>th</sup> Dist.  
SEN. LEBEAU, 3<sup>rd</sup> Dist.  
SEN. CALIGIURI, 16<sup>th</sup> Dist.  
SEN. HARTLEY, 15<sup>th</sup> Dist.  
REP. MORRIS, 140<sup>th</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.  
REP. ZALASKI, 81<sup>st</sup> Dist.

REP. HURLBURT, 53<sup>rd</sup> Dist.  
REP. LEONE, 148<sup>th</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
REP. PERILLO, 113<sup>th</sup> Dist.  
SEN. FRANTZ, 36<sup>th</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
SEN. MEYER, 12<sup>th</sup> Dist.  
REP. MILLER L., 122<sup>nd</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
REP. CLEMONS, 124<sup>th</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.  
REP. HENNESSY, 127<sup>th</sup> Dist.  
REP. AYALA, 128<sup>th</sup> Dist.  
REP. GROGINS, 129<sup>th</sup> Dist.  
REP. SANTIAGO, 130<sup>th</sup> Dist.  
REP. CONWAY, 61<sup>st</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.  
SEN. MUSTO, 22<sup>nd</sup> Dist.

To: Subst. House Bill No. 6097

File No. 956

Cal. No. 238

**"AN ACT CONCERNING BROWNFIELDS DEVELOPMENT PROJECTS."**

1 Strike everything after the enacting clause and substitute the

2 following in lieu thereof:

3 "Section 1. Section 25-68d of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) No state agency shall undertake an activity or a critical activity  
6 within or affecting the floodplain without first obtaining an approval  
7 or approval with conditions from the commissioner of a certification  
8 submitted in accordance with subsection (b) of this section or  
9 exemption by the commissioner from such approval or approval with  
10 conditions in accordance with subsection (d) of this section.

11 (b) Any state agency proposing an activity or critical activity within  
12 or affecting the floodplain shall submit to the commissioner  
13 information certifying that:

14 (1) The proposal will not obstruct flood flows or result in an adverse  
15 increase in flood elevations, significantly affect the storage or flood  
16 control value of the floodplains, cause an adverse increase in flood  
17 velocities, or an adverse flooding impact upon upstream, downstream  
18 or abutting properties, or pose a hazard to human life, health or  
19 property in the event of a base flood or base flood for a critical activity;

20 (2) The proposal complies with the provisions of the National Flood  
21 Insurance Program (44 CFR 59 et seq.), and any floodplain zoning  
22 requirements adopted by a municipality in the area of the proposal  
23 and the requirements for stream channel encroachment lines adopted  
24 pursuant to the provisions of section 22a-342;

25 (3) The agency has acquired, through public or private purchase or  
26 conveyance, easements and property in floodplains when the base  
27 flood or base flood for a critical activity is elevated above the  
28 increment authorized by the National Flood Insurance Program or the  
29 flood storage loss would cause adverse increases in such base flood  
30 flows;

31 (4) The proposal promotes long-term nonintensive floodplain uses

32 and has utilities located to discourage floodplain development;

33 (5) The agency has considered and will use to the extent feasible  
34 flood-proofing techniques to protect new and existing structures and  
35 utility lines, will construct dikes, dams, channel alterations, seawalls,  
36 breakwaters or other structures only where there are no practical  
37 alternatives and will implement stormwater management practices in  
38 accordance with regulations adopted pursuant to section 25-68h; and

39 (6) The agency has flood forecasting and warning capabilities  
40 consistent with the system maintained by the National Weather  
41 Service and has a flood preparedness plan.

42 (c) The commissioner shall make a decision either approving,  
43 approving with conditions or rejecting a certification not later than  
44 ninety days after receipt of such certification, except that in the case of  
45 an exemption any decision shall be made ninety days after the close of  
46 the hearing. If a certification is rejected, the agency shall be entitled to a  
47 hearing in accordance with the provisions of sections 4-176e, 4-177, 4-  
48 177c and 4-180.

49 (d) Any state agency proposing an activity or critical activity within  
50 or affecting the floodplain may apply to the commissioner for  
51 exemption from the provisions of subsection (b) of this section. Such  
52 application shall include a statement of the reasons why such agency is  
53 unable to comply with said subsection and any other information the  
54 commissioner deems necessary. The commissioner, at least thirty days  
55 before approving, approving with conditions or denying any such  
56 application, shall publish once in a newspaper having a substantial  
57 circulation in the affected area notice of: (1) The name of the applicant;  
58 (2) the location and nature of the requested exemption; (3) the tentative  
59 decision on the application; and (4) additional information the  
60 commissioner deems necessary to support the decision to approve,  
61 approve with conditions or deny the application. There shall be a  
62 comment period following the public notice during which period  
63 interested persons and municipalities may submit written comments.

64 After the comment period, the commissioner shall make a final  
65 determination to either approve the application, approve the  
66 application with conditions or deny the application. The commissioner  
67 may hold a public hearing prior to approving, approving with  
68 conditions or denying any application if in the discretion of the  
69 commissioner the public interest will be best served thereby, and the  
70 commissioner shall hold a public hearing upon receipt of a petition  
71 signed by at least twenty-five persons. Notice of such hearing shall be  
72 published at least thirty days before the hearing in a newspaper  
73 having a substantial circulation in the area affected. The commissioner  
74 may approve or approve with conditions such exemption if the  
75 commissioner determines that (A) the agency has shown that the  
76 activity or critical activity is in the public interest, will not injure  
77 persons or damage property in the area of such activity or critical  
78 activity, complies with the provisions of the National Flood Insurance  
79 Program, and, in the case of a loan or grant, the recipient of the loan or  
80 grant has been informed that increased flood insurance premiums may  
81 result from the activity or critical activity. An activity shall be  
82 considered to be in the public interest if it is a development subject to  
83 environmental remediation regulations adopted pursuant to section  
84 22a-133k and is in or adjacent to an area identified as a regional center,  
85 neighborhood conservation area, growth area or rural community  
86 center in the State Plan of Conservation and Development pursuant to  
87 chapter 297, or (B) in the case of a flood control project, such project  
88 meets the criteria of subparagraph (A) of this subdivision and is more  
89 cost-effective to the state and municipalities than a project constructed  
90 to or above the base flood or base flood for a critical activity. Following  
91 approval for exemption for a flood control project, the commissioner  
92 shall provide notice of the hazards of a flood greater than the capacity  
93 of the project design to each member of the legislature whose district  
94 will be affected by the project and to the following agencies and  
95 officials in the area to be protected by the project: The planning and  
96 zoning commission, the inland wetlands agency, the director of civil  
97 defense, the conservation commission, the fire department, the police  
98 department, the chief elected official and each member of the

99 legislative body, and the regional planning agency. Notice shall be  
100 given to the general public by publication in a newspaper of general  
101 circulation in each municipality in the area in which the project is to be  
102 located.

103 (e) The use of a mill that is located on a brownfield, as defined in  
104 section 32-9kk, shall be exempt from the certification requirements of  
105 subdivision (4) of subsection (b) of this section, provided the agency  
106 demonstrates: (1) The activity is subject to the environmental  
107 remediation requirements of the regulations adopted pursuant to  
108 section 22a-133k, (2) the activity is limited to the areas of the property  
109 where historical mill uses occurred, (3) any critical activity is above the  
110 five hundred year flood elevation, and (4) the activity complies with  
111 the provisions of the National Flood Insurance Program.

112 [(e)] (f) The failure of any agency to comply with the provisions of  
113 this section or any regulations adopted pursuant to section 25-68c shall  
114 be grounds for revocation of the approval of the certification.

115 [(f)] (g) The provisions of this section shall not apply to any  
116 proposal by the Department of Transportation for a project within a  
117 drainage basin of less than one square mile.

118 Sec. 2. Subdivision (1) of section 22a-134 of the general statutes is  
119 repealed and the following is substituted in lieu thereof (*Effective from*  
120 *passage*):

121 (1) "Transfer of establishment" means any transaction or proceeding  
122 through which an establishment undergoes a change in ownership, but  
123 does not mean:

124 (A) Conveyance or extinguishment of an easement;

125 (B) Conveyance of an establishment through a foreclosure, as  
126 defined in subsection (b) of section 22a-452f, [or] foreclosure of a  
127 municipal tax lien or through a tax warrant sale pursuant to section 12-  
128 157, [or, provided the establishment is within the pilot program

129 established in subsection (c) of section 32-9cc,] an exercise of eminent  
130 domain pursuant to section 8-128 or 8-193 or by condemnation  
131 pursuant to section 32-224 or purchase pursuant to a resolution by the  
132 legislative body of a municipality authorizing the acquisition through  
133 eminent domain for establishments that also meet the definition of a  
134 brownfield as defined in section 32-9kk or a subsequent transfer by  
135 such municipality that has foreclosed on the property, foreclosed  
136 municipal tax liens or that has acquired title to the property through  
137 section 12-157, or is within the pilot program established in subsection  
138 (c) of section 32-9cc, or has acquired such property through the  
139 exercise of eminent domain pursuant to section 8-128 or 8-193 or by  
140 condemnation pursuant to section 32-224 or a resolution adopted in  
141 accordance with this subparagraph, provided (i) the party acquiring  
142 the property from the municipality did not establish, create or  
143 contribute to the contamination at the establishment and is not  
144 affiliated with any person who established, created or contributed to  
145 such contamination or with any person who is or was an owner or  
146 certifying party for the establishment, and (ii) on or before the date the  
147 party acquires the property from the municipality, such party or  
148 municipality enters and subsequently remains in the voluntary  
149 remediation program administered by the commissioner pursuant to  
150 section 22a-133x, as amended by this act, and remains in compliance  
151 with schedules and approvals issued by the commissioner. For  
152 purposes of this subparagraph, subsequent transfer by a municipality  
153 includes any transfer to, from or between a municipality, municipal  
154 economic development agency or entity created or operating under  
155 chapter 130 or 132, a nonprofit economic development corporation  
156 formed to promote the common good, general welfare and economic  
157 development of a municipality that is funded, either directly or  
158 through in-kind services, in part by a municipality, or a nonstock  
159 corporation or limited liability company controlled or established by a  
160 municipality, municipal economic development agency or entity  
161 created or operating under chapter 130 or 132;

162 (C) Conveyance of a deed in lieu of foreclosure to a lender, as

163 defined in and that qualifies for the secured lender exemption  
164 pursuant to subsection (b) of section 22a-452f;

165 (D) Conveyance of a security interest, as defined in subdivision (7)  
166 of subsection (b) of section 22a-452f;

167 (E) Termination of a lease and conveyance, assignment or execution  
168 of a lease for a period less than ninety-nine years including  
169 conveyance, assignment or execution of a lease with options or similar  
170 terms that will extend the period of the leasehold to ninety-nine years,  
171 or from the commencement of the leasehold, ninety-nine years,  
172 including conveyance, assignment or execution of a lease with options  
173 or similar terms that will extend the period of the leasehold to ninety-  
174 nine years, or from the commencement of the leasehold;

175 (F) Any change in ownership approved by the Probate Court;

176 (G) Devolution of title to a surviving joint tenant, or to a trustee,  
177 executor or administrator under the terms of a testamentary trust or  
178 will, or by intestate succession;

179 (H) Corporate reorganization not substantially affecting the  
180 ownership of the establishment;

181 (I) The issuance of stock or other securities of an entity which owns  
182 or operates an establishment;

183 (J) The transfer of stock, securities or other ownership interests  
184 representing less than forty per cent of the ownership of the entity that  
185 owns or operates the establishment;

186 (K) Any conveyance of an interest in an establishment where the  
187 transferor is the sibling, spouse, child, parent, grandparent, child of a  
188 sibling or sibling of a parent of the transferee;

189 (L) Conveyance of an interest in an establishment to a trustee of an  
190 inter vivos trust created by the transferor solely for the benefit of one  
191 or more siblings, spouses, children, parents, grandchildren, children of

192 a sibling or siblings of a parent of the transferor;

193 (M) Any conveyance of a portion of a parcel upon which portion no  
194 establishment is or has been located and upon which there has not  
195 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
196 of hazardous waste, provided either the area of such portion is not  
197 greater than fifty per cent of the area of such parcel or written notice of  
198 such proposed conveyance and an environmental condition  
199 assessment form for such parcel is provided to the commissioner sixty  
200 days prior to such conveyance;

201 (N) Conveyance of a service station, as defined in subdivision (5) of  
202 this section;

203 (O) Any conveyance of an establishment which, prior to July 1, 1997,  
204 had been developed solely for residential use and such use has not  
205 changed;

206 (P) Any conveyance of an establishment to any entity created or  
207 operating under chapter 130 or 132, or to an urban rehabilitation  
208 agency, as defined in section 8-292, or to a municipality under section  
209 32-224, or to the Connecticut Development Authority or any  
210 subsidiary of the authority;

211 (Q) Any conveyance of a parcel in connection with the acquisition of  
212 properties to effectuate the development of the overall project, as  
213 defined in section 32-651;

214 (R) The conversion of a general or limited partnership to a limited  
215 liability company under section 34-199;

216 (S) The transfer of general partnership property held in the names of  
217 all of its general partners to a general partnership which includes as  
218 general partners immediately after the transfer all of the same persons  
219 as were general partners immediately prior to the transfer;

220 (T) The transfer of general partnership property held in the names  
221 of all of its general partners to a limited liability company which

222 includes as members immediately after the transfer all of the same  
223 persons as were general partners immediately prior to the transfer;

224 (U) Acquisition of an establishment by any governmental or quasi-  
225 governmental condemning authority;

226 (V) Conveyance of any real property or business operation that  
227 would qualify as an establishment solely as a result of (i) the  
228 generation of more than one hundred kilograms of universal waste in  
229 a calendar month, (ii) the storage, handling or transportation of  
230 universal waste generated at a different location, or (iii) activities  
231 undertaken at a universal waste transfer facility, provided any such  
232 real property or business operation does not otherwise qualify as an  
233 establishment; there has been no discharge, spillage, uncontrolled loss,  
234 seepage or filtration of a universal waste or a constituent of universal  
235 waste that is a hazardous substance at or from such real property or  
236 business operation; and universal waste is not also recycled, treated,  
237 except for treatment of a universal waste pursuant to 40 CFR  
238 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at  
239 such real property or business operation; or

240 (W) Conveyance of a unit in a residential common interest  
241 community in accordance with section 22a-134i.

242 Sec. 3. Section 32-9dd of the general statutes is repealed and the  
243 following is substituted in lieu thereof (*Effective July 1, 2009*):

244 Upon remediation as approved by the Department of  
245 Environmental Protection of the brownfield property by the  
246 municipality, [or] economic development agency [, the economic  
247 development agency or the municipality] or entity established under  
248 chapter 130 or 132, nonprofit economic development corporation  
249 formed to promote the common good, general welfare and economic  
250 development of a municipality that is funded, either directly or  
251 through in-kind services, in part by a municipality, or a nonstock  
252 corporation or limited liability company controlled or established by a  
253 municipality, municipal economic development agency or entity

254 created or operating under chapter 130 or 132, such entity may transfer  
255 the property to any person provided such a person is not otherwise  
256 liable under section 22a-432, 22a-433, 22a-451 or 22a-452, as amended  
257 by this act. The person who acquires title [from the municipality or  
258 economic development agency] pursuant to this section shall not be  
259 liable under section 22a-432, 22a-433, 22a-451 or 22a-452, as amended  
260 by this act, provided that such person does not cause or contribute to  
261 the discharge, spillage, uncontrolled loss, seepage or filtration of such  
262 hazardous substance, material or waste and such person is not a  
263 member, officer, manager, director, shareholder, subsidiary, successor  
264 of, related to, or affiliated with, directly or indirectly, the person who is  
265 otherwise liable under section 22a-432, 22a-433, 22a-451 or 22a-452, as  
266 amended by this act. In addition, the Commissioner of Environmental  
267 Protection shall also provide such person with a covenant not to sue  
268 pursuant to section 22a-133 and shall not require the prospective  
269 purchaser or owner to pay a fee. The municipality, [or] economic  
270 development agency or entity established under chapter 130 or 132,  
271 nonprofit economic development corporation formed to promote the  
272 common good, general welfare and economic development of a  
273 municipality that is funded, either directly or through in-kind services,  
274 in part by a municipality, or a nonstock corporation or limited liability  
275 company controlled or established by a municipality, municipal  
276 economic development agency or entity created or operating under  
277 chapter 130 or 132 shall distribute the proceeds from any sale as  
278 follows: (1) Twenty per cent shall be retained by the municipality, [or]  
279 economic development agency, nonprofit economic development  
280 corporation or nonstock corporation or limited liability company and  
281 used for capital improvements for economic development, and (2)  
282 eighty per cent shall be transferred to the Office of Brownfield  
283 Remediation and Development and deposited in the account  
284 established pursuant to section 32-9ff.

285 Sec. 4. Subsection (a) of section 32-9ee of the general statutes is  
286 repealed and the following is substituted in lieu thereof (*Effective July*  
287 *1, 2009*):

288 (a) [The] Any municipality, [or] economic development agency or  
289 entity established under chapter 130 or 132, nonprofit economic  
290 development corporation formed to promote the common good,  
291 general welfare and economic development of a municipality that is  
292 funded, either directly or through in-kind services, in part by a  
293 municipality, or a nonstock corporation or limited liability company  
294 controlled or established by a municipality, municipal economic  
295 development agency or entity created or operating under chapter 130  
296 or 132 that receives grants through the Office of Brownfield  
297 Remediation and [Development's] Development or the Department of  
298 Economic and Community Development, including those  
299 municipalities designated by the Commissioner of Economic and  
300 Community Development as part of the pilot program established in  
301 subsection (c) of section 32-9cc for the investigation and remediation of  
302 a brownfield property shall be considered an innocent party and shall  
303 not be liable under section 22a-432, 22a-433, 22a-451 or 22a-452, as  
304 amended by this act, for conditions pre-existing or existing on the  
305 brownfield property as of the date of acquisition or control as long as  
306 the municipality, [or] economic development agency or entity  
307 established under chapter 130 or 132, nonprofit economic development  
308 corporation formed to promote the common good, general welfare and  
309 economic development of a municipality that is funded, either directly  
310 or through in-kind services, in part by a municipality, or a nonstock  
311 corporation or limited liability company controlled or established by a  
312 municipality, municipal economic development agency or entity  
313 created or operating under chapter 130 or 132 did not establish, cause  
314 or contribute to the discharge, spillage, uncontrolled loss, seepage or  
315 filtration of such hazardous substance, material, waste or pollution  
316 that is subject to remediation under [this pilot program] section 22a-  
317 133k and funded by the Office of Brownfield Remediation and  
318 Development or the Department of Economic and Community  
319 Development; does not exacerbate the conditions; and complies with  
320 reporting of significant environmental hazard requirements in section  
321 22a-6u. To the extent that any conditions are exacerbated, the  
322 municipality, economic development agency or entity established

323 under chapter 130 or 132, nonprofit economic development  
324 corporation formed to promote the common good, general welfare and  
325 economic development of a municipality that is funded, either directly  
326 or through in-kind services, in part by a municipality, or nonstock  
327 corporation or limited liability company controlled or established by a  
328 municipality, municipal economic development agency or entity  
329 created or operating under chapter 130 or 132 shall only be responsible  
330 for responding to contamination exacerbated by its negligent or  
331 reckless activities.

332 Sec. 5. Section 22a-452 of the general statutes is repealed and the  
333 following is substituted in lieu thereof (*Effective July 1, 2009*):

334 (a) Any person, firm, corporation or municipality which contains or  
335 removes or otherwise mitigates the effects of oil or petroleum or  
336 chemical liquids or solid, liquid or gaseous products or hazardous  
337 wastes resulting from any discharge, spillage, uncontrolled loss,  
338 seepage or filtration of such substance or material or waste shall be  
339 entitled, subject to the conditions in this section, to reimbursement  
340 from any person, firm or corporation for the reasonable costs  
341 expended for such containment, removal, or mitigation, including any  
342 investigation and remediation, if such oil or petroleum or chemical  
343 liquids or solid, liquid or gaseous products or hazardous wastes  
344 pollution or contamination or other emergency [resulted from the  
345 negligence or other] was directly or indirectly caused by or contributed  
346 to or exacerbated by the actions or negligent omissions of such person,  
347 firm or corporation. When such pollution or contamination or  
348 emergency results from the [joint negligence or other] actions or  
349 negligent omissions of two or more persons, firms or corporations,  
350 each shall be liable [to the others] for a pro rata share of the costs of  
351 [containing, and removing or otherwise mitigating the effects]  
352 investigation and remediation of the same and for all damage caused  
353 thereby. No person, firm or corporation shall be liable for  
354 reimbursement of costs incurred unless such person, firm or  
355 corporation received notice and the opportunity to participate in the  
356 investigation and remediation pursuant to subsection (f) of this

357 section. No such responsible person, firm or corporation shall be  
358 required to fund any remediation above the land use that existed when  
359 the person, firm or corporation owned or operated such site. If an  
360 imminent and substantial endangerment exists at the property or  
361 arises from pollution migrating beyond the property line, the  
362 provisions of this section limiting the potentially responsible party's  
363 liability shall not apply to an action for the costs associated with the  
364 investigation and remediation of such condition. For the purposes of  
365 this subsection, "reimbursement" means the reimbursement of funds  
366 already expended or the recovery of funds to be expended, pursuant to  
367 this section, and "pro rata share" means an equitable proportionate  
368 share based upon equitable and site-specific factors, including, but not  
369 limited to, the activity conducted on the property, the duration of such  
370 activity or ownership of the property, compliance with the laws,  
371 regulations and other standards that existed at the time of ownership  
372 or operation with respect to the ownership or operation of the  
373 property, type and amount of pollution caused, and prior efforts to  
374 prevent, contain, mitigate or remediate such pollution.

375 (b) No person, firm, [or] corporation or municipality which renders  
376 assistance or advice in mitigating or attempting to mitigate the effects  
377 of an actual or threatened discharge of oil or petroleum or chemical  
378 liquids or solid, liquid or gaseous products or hazardous materials,  
379 hazardous wastes or hazardous substances, other than a discharge of  
380 oil as defined in section 22a-457b, to the surface waters of the state, or  
381 [which] who assists in preventing, cleaning-up or disposing of any  
382 such discharge shall be held liable, notwithstanding any other  
383 provision of law, for any costs of investigation or remediation under  
384 this section and civil damages as a result of any act or omission by him  
385 in rendering such assistance or advice, except acts or omissions  
386 amounting to gross negligence or wilful or wanton misconduct, unless  
387 he is compensated for such assistance or advice for more than actual  
388 expenses. For the purpose of this subsection, "discharge" means  
389 spillage, uncontrolled loss, seepage or filtration and "hazardous  
390 materials" means any material or substance designated as such by any

391 state or federal law or regulation.

392 (c) The immunity provided in subsection (b) of this section shall not  
393 apply to (1) any person, firm, [or] corporation or municipality  
394 responsible for such discharge, or under a duty to mitigate the effects  
395 of such discharge, (2) any agency or instrumentality of such person,  
396 firm or corporation, or (3) negligence in the operation of a motor  
397 vehicle.

398 (d) An action for reimbursement or recovery of the reasonable costs  
399 expected for investigation and remediation, including the reasonable  
400 costs of investigation and remediation, shall be commenced on or  
401 before the later of (1) six years after written notice was provided to the  
402 known responsible person, firm or corporation pursuant to subsection  
403 (f) of this section, or (2) three years after the completion of remediation  
404 activities, exclusive of any post-remedial or other long-term  
405 groundwater monitoring.

406 (e) The provisions of this section shall not apply to any action filed  
407 before July 1, 2009. A performing party who has begun incurring costs  
408 for remediation started before July 1, 2009, who may seek to recover  
409 such costs pursuant to this section shall provide notice pursuant to  
410 subsection (f) of this section, no later than November 1, 2009.

411 (f) Before any person, firm or corporation files an action under this  
412 section in the Superior Court, such person, firm or corporation shall  
413 provide written notice of intent to conduct any remediation to all  
414 known potential responsible parties no later than one hundred twenty  
415 days before the commencement of such activity. Such notice shall  
416 identify the property, the potential responsible party's relationship to  
417 such site, the proposed investigation or remediation activity and its  
418 estimated cost and the date that such activity is to commence. No such  
419 notice shall be required before filing a lawsuit if an imminent and  
420 substantial endangerment exists necessitating immediate action,  
421 provided notice is made within a reasonable time after immediate  
422 action is taken. Notice provided pursuant to this subsection shall be

423 sent certified mail, return receipt requested to any potentially  
424 responsible party at their last known address on file at the Secretary of  
425 the State's office or their agent for service of process, if any. If a private  
426 corporation is no longer on file with the Secretary of the State, notice  
427 shall be sent to the last-known address of the president or, if a  
428 partnership, to the last-known address of any of the known partners,  
429 or, if an individual, to the last-known residential address of the  
430 individual. The performing party shall provide a copy of the notice to  
431 the Office of the Attorney General and the Commissioner of  
432 Environmental Protection. When other potentially responsible parties  
433 become known to the performing party after the notice under this  
434 section is provided, the performing party shall provide notice  
435 pursuant to this subsection not later than forty-five days after the  
436 discovery of the other potentially responsible parties.

437 (g) Any potentially responsible party shall inform such performing  
438 party, not later than ninety days after receipt of the notice required  
439 pursuant to subsection (f) of this section, of their intent to negotiate  
440 with the performing party regarding a reasonable pro rata allocation  
441 for the investigation and remediation costs.

442 (h) A potentially responsible party that has exercised its right to  
443 participate and participates in the investigation and remediation of an  
444 eligible site shall be responsible solely for its pro rata share of any  
445 necessary and reasonable costs of investigation and remediation. A  
446 potentially responsible party that fails to offer and share in the costs  
447 reasonably proportionate to its pro rata share, or who fails to  
448 participate or respond to the notice provided in subsection (c) of this  
449 section shall (1) waive any right to challenge the reasonableness of  
450 investigation and remediation costs in any claim or action for  
451 reimbursement of such investigation and remediation costs; (2) pay  
452 damages to the performing party, including costs associated with any  
453 lost business opportunities; and (3) pay the performing party's  
454 attorneys fees, in the discretion of the court, and other costs of  
455 litigation, in the event the performing party prevails in its claim or  
456 action for reimbursement.

457 (i) In any action brought pursuant to this section, the Superior Court  
458 may issue an order granting the reimbursement or recovery of  
459 reasonable costs to be incurred in the future consistent with the pro  
460 rata share of the costs of the potential responsible party.

461 (j) A performing party that has failed to provide notice and  
462 opportunity to participate to any known potential responsible party  
463 shall be prohibited from seeking reimbursement of investigation and  
464 remediation costs from such potential responsible party.

465 (k) Nothing in this section shall relieve any potential responsible  
466 party from any liability to any third party for property damage or  
467 personal injury based upon common law.

468 (l) Nothing in this section shall deprive any potential responsible  
469 party from any possible defenses to any action, including, but not  
470 limited to, contribution, available by law.

471 (m) No eligible party shall be liable for a claim under this section for  
472 any costs or damages arising from any pollution or source of pollution  
473 on or emanating from the property that occurred or existed prior to  
474 such eligible party taking title to such property provided the eligible  
475 party did not establish, create or contribute to a condition or facility at  
476 or on such property that reasonably can be expected to create a source  
477 of pollution and the eligible party is not affiliated with any person  
478 responsible for such pollution or source of pollution through any  
479 direct or indirect familial relationship or any contractual, corporate or  
480 financial relationship other than that by which such eligible party's  
481 interest in the property was conveyed or financed.

482 (n) For purposes of this section: (1) "Potentially responsible party"  
483 means any person, firm, corporation or municipality that is liable  
484 under this section for an act or omission that directly or indirectly  
485 caused or contributed to or exacerbated the release, discharge, spillage,  
486 uncontrolled loss, seepage or filtration of oil or petroleum or chemical  
487 liquids or solid, liquid or gaseous products or hazardous wastes; (2)  
488 "eligible party" means a person, firm, corporation or municipality that

489 acquired the property after the pollution or source of pollution existed  
490 or occurred and such party is not otherwise responsible pursuant to  
491 section 22a-428, 22a-432, 22a-433 or 22a-451 or pursuant to transfer of  
492 ownership filing pursuant to section 22a-134, as amended by this act,  
493 or 22a-134e and is not affiliated with any person responsible for such  
494 pollution or source of pollution through any direct or indirect familial  
495 relationship or any contractual, corporate or financial relationship  
496 other than that by which such owner's interest in the property was  
497 conveyed or financed; (3) "performing party" means the person, firm or  
498 corporation that performs an investigation and remediation or  
499 contains or removes or otherwise mitigates the effects of oil or  
500 petroleum or chemical liquids or solid, liquid or gaseous products or  
501 hazardous wastes; (4) "investigation and remediation" means  
502 assessment, investigation, containment, mitigation, removal,  
503 remediation and subsequent monitoring; (5) "remediation" means the  
504 work performed on a site that is undertaken pursuant to a remedial  
505 action plan; and (6) "municipality" shall have the same meaning as in  
506 section 22a-423, and includes any municipal economic development  
507 agency or entity created or operating under chapter 130 or 132 and any  
508 nonprofit economic development corporation formed to promote the  
509 common good, general welfare and economic development of a  
510 municipality that is funded, either directly or through in-kind services,  
511 in part by a municipality, or a nonstock corporation or limited liability  
512 company established and controlled by a municipality, municipal  
513 economic development agency or entity created or operating under  
514 chapter 130 or 132.

515 Sec. 6. Section 22a-134b of the general statutes is repealed and the  
516 following is substituted in lieu thereof (*Effective from passage*):

517 (a) Failure of the transferor to comply with any of the provisions of  
518 sections 22a-134 to 22a-134e, inclusive, as amended by this act, entitles  
519 the transferee to recover damages from the transferor, and renders the  
520 transferor of the establishment strictly liable, without regard to fault,  
521 for all remediation costs and for all direct and indirect damages.

522 (b) An action to recover damages pursuant to subsection (a) of this  
523 section shall be commenced not later than six years after the later of (1)  
524 the due date for the filing of the appropriate transfer form pursuant to  
525 section 22a-134a, as amended by this act, or (2) the actual filing date of  
526 the appropriate transfer form.

527 (c) This section shall apply to any action brought for the  
528 reimbursement or recovery of costs associated with investigation and  
529 remediation, as defined in subsection (n) of section 22a-452, as  
530 amended by this act, and all direct and indirect damages, except any  
531 action that becomes final and is no longer subject to appeal on or  
532 before October 1, 2009.

533 Sec. 7. Section 22a-133dd of the general statutes is repealed and the  
534 following is substituted in lieu thereof (*Effective from passage*):

535 (a) Any municipality or any licensed environmental professional  
536 employed or retained by a municipality may enter, without liability [to  
537 any person other than the Commissioner of Environmental Protection,]  
538 upon any property within such municipality for the purpose of  
539 performing an environmental site assessment or investigation on  
540 behalf of the municipality if: (1) The owner of such property cannot be  
541 located; (2) such property is encumbered by a lien for taxes due such  
542 municipality; (3) upon a filing of a notice of eminent domain; (4) the  
543 municipality's legislative body finds that such investigation is in the  
544 public interest to determine if the property is underutilized or should  
545 be included in any undertaking of development, redevelopment or  
546 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)  
547 any official of the municipality reasonably finds such investigation  
548 necessary to determine if such property presents a risk to the safety,  
549 health or welfare of the public or a risk to the environment. The  
550 municipality shall give at least forty-five days' notice of such entry  
551 before the first such entry by certified mail to the property owner's last  
552 known address of record.

553 (b) A municipality accessing or entering a property to perform an

554 investigation pursuant to this section shall not [incur any liability  
555 pursuant to section 22a-432 for any preexisting contamination or  
556 pollution on such property, provided, however, a municipality may be  
557 liable for any pollution or contamination resulting from a negligent or  
558 reckless investigation] be liable for preexisting conditions pursuant to  
559 section 22a-432, 22a-433, 22a-451 or 22a-452, as amended by this act, or  
560 to the property owner or any third party, provided the municipality (1)  
561 did not establish, cause or contribute to the discharge, spillage,  
562 uncontrolled loss, seepage or filtration of such hazardous substance,  
563 material, waste or pollution; (2) does not negligently or recklessly  
564 exacerbate the conditions; and (3) complies with reporting of  
565 significant environmental hazard requirements pursuant to section  
566 22a-6u. To the extent that any conditions are negligently or recklessly  
567 exacerbated, the municipality shall only be responsible for responding  
568 to contamination exacerbated by its activities.

569 (c) The owner of the property may object to such access and entry  
570 by the municipality by filing an action in the Superior Court not later  
571 than thirty days after receipt of the notice provided pursuant to  
572 subsection (a) of this section, provided any objection be limited to the  
573 [owner affirmatively representing that it is diligently investigating the  
574 site in a timely manner and that any municipal taxes owed will be paid  
575 in full] issue of whether access is necessary and only upon proof by the  
576 owner that the owner has (1) completed or is in the process of  
577 completing in a timely manner a comprehensive environmental site  
578 assessment or investigation report; (2) provided the party seeking  
579 access with a copy of the assessment or report or will do so not later  
580 than thirty days after the delivery of such assessment or report to the  
581 owner; and (3) paid any delinquent property taxes assessed against the  
582 property for which access is being sought.

583 (d) For purposes of this section, "municipality" includes any  
584 municipality, municipal economic development agency or entity  
585 created or operating under chapter 130 or 132, nonprofit economic  
586 development corporation formed to promote the common good,  
587 general welfare and economic development of a municipality that is

588 funded, either directly or through in-kind services, in part by a  
589 municipality, or nonstock corporation or limited liability company  
590 established and controlled by a municipality, municipal economic  
591 development agency or entity created or operating under chapter 130  
592 or 132.

593       Sec. 8. (NEW) (*Effective October 1, 2009*) (a) There is established an  
594 abandoned brownfield cleanup program. The Commissioner of  
595 Economic and Community Development shall determine, in  
596 consultation with the Commissioner of Environmental Protection,  
597 properties and persons eligible for said program. For a person and a  
598 property to be eligible, the Commissioner of Economic and  
599 Community Development shall determine if (1) the property is a  
600 brownfield, as defined in section 32-9kk of the general statutes and  
601 such property has been unused or significantly underused since  
602 October 1, 1999; (2) such person intends to acquire title to such  
603 property for the purpose of redeveloping such property; (3) the  
604 redevelopment of such property has a regional or municipal economic  
605 development benefit; (4) such person did not establish or create a  
606 facility or condition at or on such property that can reasonably be  
607 expected to create a source of pollution to the waters of the state for the  
608 purposes of section 22a-432 of the general statutes and is not affiliated  
609 with any person responsible for such pollution or source of pollution  
610 through any direct or indirect familial relationship or any contractual,  
611 corporate or financial relationship other than a relationship by which  
612 such owner's interest in such property is to be conveyed or financed;  
613 (5) such person is not otherwise required by law, an order or consent  
614 order issued by the Commissioner of Environmental Protection or a  
615 stipulated judgment to remediate pollution on or emanating from such  
616 property; (6) the person responsible for pollution on or emanating  
617 from the property is indeterminable, is no longer in existence or is  
618 otherwise unable to perform necessary remediation of such property;  
619 and (7) the property and the person meet any other criteria said  
620 commissioner deems necessary.

621       (b) Upon designation by the Commissioner of Economic and

622 Community Development of an eligible person who holds title to such  
623 property, such eligible person shall (1) enter and remain in the  
624 voluntary remediation program established in section 22a-133x of the  
625 general statutes, as amended by this act, provided such person will not  
626 be a certifying party for the property pursuant to section 22a-134 of the  
627 general statutes, as amended by this act, when acquiring such  
628 property, (2) investigate pollution on such property in accordance with  
629 prevailing standards and guidelines and remediate pollution on such  
630 property in accordance with regulations established for remediation  
631 adopted by the Commissioner of Environmental Protection and in  
632 accordance with applicable schedules; and (3) eliminate further  
633 emanation or migration of any pollution from such property. An  
634 eligible person who holds title to an eligible property designated to be  
635 in the abandoned brownfields cleanup program shall not be  
636 responsible for investigating or remediating any pollution or source of  
637 pollution that has emanated from such property prior to such person  
638 taking title to such property.

639 (c) Any applicant seeking a designation of eligibility for a person or  
640 a property under the abandoned brownfields cleanup program shall  
641 apply to the Commissioner of Economic and Community  
642 Development at such times and on such forms as the commissioner  
643 may prescribe.

644 (d) Not later than sixty days after receipt of the application, the  
645 Commissioner of Economic and Community Development shall  
646 determine if the application is complete and shall notify the applicant  
647 of such determination.

648 (e) Not later than ninety days after determining that the application  
649 is complete, the Commissioner of Economic and Community  
650 Development shall determine whether to include the property and  
651 applicant in the abandoned brownfields cleanup program.

652 (f) Designation of a property in the abandoned brownfields cleanup  
653 program by the Commissioner of Economic and Community

654 Development shall not limit the applicant's or any other person's  
655 ability to seek funding for such property under any other brownfield  
656 grant or loan program administered by the Department of Economic  
657 and Community Development, the Connecticut Development  
658 Authority or the Department of Environmental Protection.

659 Sec. 9. Section 22a-134 of the general statutes is amended by adding  
660 subdivision (28) as follows (*Effective October 1, 2009*):

661 (NEW) (28) "Interim verification" means a written opinion by a  
662 licensed environmental professional, on a form prescribed by the  
663 commissioner, that (A) the investigation has been performed in  
664 accordance with prevailing standards and guidelines, (B) the  
665 remediation has been completed in accordance with the remediation  
666 standards, except that, for remediation standards for groundwater, the  
667 selected remedy is in operation but has not achieved the remediation  
668 standards for groundwater, (C) identifies the long-term remedy being  
669 implemented to achieve groundwater standards, the estimated  
670 duration of such remedy, and the ongoing operation and maintenance  
671 requirements for continued operation of such remedy, and (D) there  
672 are no current exposure pathways to the groundwater area that have  
673 not yet met the remediation standards.

674 Sec. 10. Subdivision (1) of subsection (g) of section 22a-134a of the  
675 general statutes is repealed and the following is substituted in lieu  
676 thereof (*Effective October 1, 2009*):

677 (g) (1) (A) Except as provided in subsection (h) of this section, the  
678 certifying party to a Form III [or Form IV] shall, not later than seventy-  
679 five days after the receipt of the notice that such form is complete or  
680 such later date as may be approved in writing by the commissioner,  
681 submit a schedule for the investigation of the parcel and remediation  
682 of the establishment. Such schedule shall, unless a later date is  
683 specified in writing by the commissioner, provide that the  
684 investigation shall be completed within two years of the date of receipt  
685 of such notice, [and that] remediation shall be initiated not later than

686 three years after the date of receipt of such notice and remediation  
687 shall be completed sufficient to support either a verification or interim  
688 verification not later than eight years after the date of such notice. The  
689 schedule shall also include a schedule for providing public notice of  
690 the remediation prior to the initiation of such remediation in  
691 accordance with subsection (i) of this section. Not later than two years  
692 after the date of the receipt of the notice that the Form III [or Form IV]  
693 is complete, unless the commissioner has specified a later day, in  
694 writing, the certifying party shall submit to the commissioner  
695 documentation, approved in writing by a licensed environmental  
696 professional and in a form prescribed by the commissioner, that the  
697 investigation has been completed in accordance with prevailing  
698 standards and guidelines. Not later than three years after the date of  
699 the receipt of the notice that the Form III [or Form IV] is complete,  
700 unless the commissioner has specified a later day in writing, the  
701 certifying party shall notify the commissioner in a form prescribed by  
702 the commissioner that the remediation has been initiated, and shall  
703 submit to the commissioner a remedial action plan approved in  
704 writing by a licensed environmental professional in a form prescribed  
705 by the commissioner. Notwithstanding any other provision of this  
706 section, the commissioner may determine at any time that the  
707 commissioner's review and written approval is necessary and in such  
708 case shall notify the certifying party that the commissioner's review  
709 and written approval is necessary. Such certifying party shall  
710 investigate the parcel and remediate the establishment in accordance  
711 with the [proposed] schedule or the schedule specified by the  
712 commissioner. [When]

713 (B) For a certifying party that submitted a Form III or Form IV  
714 before October 1, 2009, when remediation of the entire establishment is  
715 complete, the certifying party shall achieve the remediation standards  
716 for the establishment sufficient to support a final verification and shall  
717 submit to the commissioner a final verification by a licensed  
718 environmental professional. For a certifying party that submits a Form  
719 III or Form IV after October 1, 2009, not later than eight years after the

720 date of receipt of the notice that the Form III or Form IV is complete,  
721 unless the commissioner has specified a later date in writing, the  
722 certifying party shall achieve the remediation standards for the  
723 establishment sufficient to support a final or interim verification and  
724 shall submit to the commissioner such final or interim verification by a  
725 licensed environmental professional. Any such final verification may  
726 include and rely upon a verification for a portion of the establishment  
727 submitted pursuant to subdivision (2) of this subsection. Verifications  
728 shall be submitted on a form prescribed by the commissioner.

729 (C) A certifying party who submits an interim verification shall,  
730 until the remediation standards for groundwater are achieved, operate  
731 and maintain the long-term remedy for groundwater in accordance  
732 with the remedial action plan, the interim verification and any  
733 approvals by the commissioner, prevent exposure to the groundwater  
734 plume and submit annual status reports to the commissioner.

735 (D) The certifying party to a Form IV shall submit with the Form IV  
736 a schedule for the groundwater monitoring and recording of an  
737 environmental land use restriction, as applicable.

738 Sec. 11. Section 22a-133x of the general statutes is repealed and the  
739 following is substituted in lieu thereof (*Effective October 1, 2009*):

740 (a) For the purposes of this section, "applicant" means the person  
741 who submits the environmental condition assessment form to the  
742 commissioner pursuant to this section. Except as provided in section  
743 22a-133y, [a political subdivision of the state, an owner of an  
744 establishment, as defined in section 22a-134, an owner of property  
745 identified on the inventory of hazardous waste disposal sites  
746 maintained pursuant to section 22a-133c on October 1, 1995, or an  
747 owner of contaminated property located in an area for which the  
748 groundwater classification is GA or GAA,] any person may, at any  
749 time, submit to the commissioner an environmental condition  
750 assessment form for [such] real property [owned by such political  
751 subdivision or such owner] and an initial review fee in accordance

752 with subsection (e) of this section. [The owner or political subdivision]  
753 Such applicant shall use a licensed environmental professional to  
754 verify the investigation and remediation, unless not later than thirty  
755 days after the commissioner's receipt of such form, the commissioner  
756 notifies [the owner or political subdivision] such applicant, in writing,  
757 that review and written approval of any remedial action at such  
758 [establishment or] property by the commissioner will be required. The  
759 commissioner shall not process any such form submitted pursuant to  
760 this section unless such form is accompanied by the required initial  
761 review fee.

762 (b) The [owner or political subdivision] applicant shall, on or before  
763 ninety days after the submission of an environmental condition  
764 assessment form, submit a statement of proposed actions for  
765 investigating and remediating the parcel or a release area, as defined in  
766 the regulations adopted by the commissioner pursuant to section 22a-  
767 133k, and a schedule for implementing such actions. The commissioner  
768 may require the [owner or political subdivision] applicant to submit to  
769 the commissioner copies of technical plans and reports related to  
770 investigation and remediation of the parcel or release area.  
771 Notwithstanding any other provision of this section, the commissioner  
772 may determine that the commissioner's review and written approval  
773 of such technical plans and reports is necessary at any time, and in  
774 such case the commissioner shall notify the [owner or political  
775 subdivision] applicant of the need for the commissioner's review and  
776 written approval. The commissioner shall require that the certifying  
777 party submit to the commissioner all technical plans and reports  
778 related to the investigation and remediation of the parcel or release  
779 area if the commissioner receives a written request from any person for  
780 such information. The [owner or political subdivision] applicant shall  
781 advise the commissioner of any modifications to the proposed  
782 schedule. Upon receipt of a verification by a licensed environmental  
783 professional that the parcel or release area has been investigated in  
784 accordance with prevailing standards and guidelines and remediated  
785 in accordance with the remediation standards, the [owner or political

786 subdivision] applicant shall submit such verification to the  
787 commissioner on a form prescribed by the commissioner.

788 (c) If the commissioner notifies the [owner or political subdivision]  
789 applicant that the commissioner will formally review and approve in  
790 writing the investigation and remediation of the parcel, the [owner or  
791 political subdivision] applicant shall, on or before thirty days of the  
792 receipt of such notice, or such later date as may be approved in writing  
793 by the commissioner, submit for the commissioner's review and  
794 written approval, a proposed schedule for: (1) Investigating and  
795 remediating the parcel or release area; and (2) submitting to the  
796 commissioner technical plans, technical reports and progress reports  
797 related to such investigation and remediation. Upon the  
798 commissioner's approval of such schedule, the [owner or political  
799 subdivision] applicant shall, in accordance with the approved  
800 schedule, submit technical plans, technical reports and progress  
801 reports to the commissioner for the commissioner's review and written  
802 approval. The [owner or political subdivision] applicant shall perform  
803 all actions identified in the approved technical plans, technical reports  
804 and progress reports in accordance with the approved schedule. The  
805 commissioner may approve, in writing, any modification proposed in  
806 writing by the [owner or political subdivision] applicant to such  
807 schedule or investigation and remediation and may notify the [owner]  
808 applicant, in writing, if the commissioner determines that it is  
809 appropriate to discontinue formal review and approval of the  
810 investigation or remediation.

811 (d) If, in accordance with the provisions of this section, the  
812 commissioner has approved in writing or, as applicable, a licensed  
813 environmental professional has verified, that the parcel or release area  
814 has been remediated in accordance with the remediation standards,  
815 such approval or verification may be used as the basis for submitting a  
816 Form II pursuant to sections 22a-134 to 22a-134e, inclusive, as  
817 amended by this act, provided there has been no additional discharge,  
818 spillage, uncontrolled loss, seepage or filtration of hazardous waste at  
819 or on the parcel subsequent to the date of the commissioner's approval

820 or verification by a licensed environmental professional.

821 (e) The fee for submitting an environmental condition assessment  
822 form to the commissioner pursuant to this section shall be three  
823 thousand dollars and shall be paid at the time the environmental  
824 condition assessment form is submitted. Any fee paid pursuant to this  
825 section shall be deducted from any fee required by subsection (m) or  
826 (n) of section 22a-134e for the transfer of any parcel for which an  
827 environmental condition assessment form has been submitted within  
828 three years of such transfer.

829 (f) Nothing in this section shall be construed to affect or impair the  
830 voluntary site remediation process provided for in section 22a-133y.

831 (g) Prior to commencement of remedial action taken under this  
832 section, the [owner or political subdivision] applicant shall (1) publish  
833 notice of the remediation, in accordance with the schedule submitted  
834 pursuant to this section, in a newspaper having a substantial  
835 circulation in the area affected by the establishment, (2) notify the  
836 director of health of the municipality where the parcel is located of the  
837 remediation, and (3) either (A) erect and maintain for at least thirty  
838 days in a legible condition a sign not less than six feet by four feet on  
839 the parcel, which sign shall be clearly visible from the public highway,  
840 and shall include the words "ENVIRONMENTAL CLEAN-UP IN  
841 PROGRESS AT THIS SITE. FOR FURTHER INFORMATION  
842 CONTACT:" and include a telephone number for an office from which  
843 any interested person may obtain additional information about the  
844 remediation, or (B) mail notice of the remediation to each owner of  
845 record of property which abuts the parcel, at the last-known address of  
846 such owner on the last-completed grand list of the municipality where  
847 the parcel is located.

848 Sec. 12. (NEW) (*Effective October 1, 2009*) Notwithstanding any other  
849 provisions of the general statutes, whenever a state agency or quasi-  
850 public agency, as defined in section 1-120 of the general statutes,  
851 solicits bids, makes a request for proposals or negotiates a contract for

852 the environmental remediation of a brownfield property, such bid,  
 853 proposal or contract shall include a provision whereby the  
 854 employment and utilization of green remediation technologies shall be  
 855 accorded due consideration."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	25-68d
Sec. 2	<i>from passage</i>	22a-134(1)
Sec. 3	<i>July 1, 2009</i>	32-9dd
Sec. 4	<i>July 1, 2009</i>	32-9ee(a)
Sec. 5	<i>July 1, 2009</i>	22a-452
Sec. 6	<i>from passage</i>	22a-134b
Sec. 7	<i>from passage</i>	22a-133dd
Sec. 8	<i>October 1, 2009</i>	New section
Sec. 9	<i>October 1, 2009</i>	22a-134
Sec. 10	<i>October 1, 2009</i>	22a-134a(g)(1)
Sec. 11	<i>October 1, 2009</i>	22a-133x
Sec. 12	<i>October 1, 2009</i>	New section