

PA13-308

HB6651

Commerce	1077-1087, 1408-1410	14
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 28
9391 - 9742**

Substitute House Bill 6692 as amended by House
"A".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	124
Those voting Nay	23
Absent and not voting	3

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

Will the Clerk please call Calendar Number 309?

THE CLERK:

On page 42, Calendar Number 309, favorable report
of Joint Standing Committee on Finance, Revenue and
Bonding, Substitute House Bill 6651, AN ACT
IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF
CONNECTICUT BROWNFIELD WORKING GROUP.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Madam Speaker, I move for acceptance of the Joint
Committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Perone, you have the floor, sir.

REP. PERONE (137th):

Thank you, Madam Speaker.

The Clerk has an amendment LCO 8664. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 8664, which shall be designated House Amendment Schedule "A"?

A VOICE:

8664, Yeah.

THE CLERK:

House Amendment "A", LCO 66 -- excuse me -- 8664
as introduced by Representative Berger, et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection?

Seeing none, Representative Perone, you may proceed with summarization.

REP. PERONE (137th):

Thank you, Madam Speaker.

Since 2006 the Commerce Committee has been adding new policies and -- and programs to boost the state's efforts to reclaim abandoned and polluted property for economically viable uses. It did this in conjunction with the Brownfield's Working Group, a statutory body comprised of many environmental and economic development stakeholders.

Over the years the committee had amend- -- amended many existing statutory provisions and added a new one. In 2013 a working group concentrated its efforts on consolidating and streamlining these provisions making them more accessible and easy to follow for Brownfield remediation practitioners.

More specifically, they -- the bill generally consolidates the statutory provisions governing the DECD's Brownfield's, however, mediation and redevelopment programs, consolidates the Brownfield funds, makes several programmatic changes, including making blight reduction and eligible loan expense, and consolidates duplicative differential statutes and it -- and then it gets into the --- in the weeds.

But I -- I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule "A". Will you remark on the amendment?

Representative Lavielle of the 143rd.

REP. LAVIELLE (143rd):

Thank you very much, Madam Speaker.

And I -- I thank Representative Perone, the good Chair of the Commerce Committee for his summary. And while I'm at it, for his work and that of Representative Berger and our other Chair, Senator LeBeau and our other Ranking Member Senator Frantz, for their work on this amendment and the underlying bill.

Brownfields are not necessarily the most exciting subject to everybody, but I think it's important to mention just how key they are as an economic driver. These Brownfield programs that the good Representative has referred to are essential really as are -- as we try to help in this economy to create jobs in this state to enhance our state and municipal tax base and to restore and development idle blighted properties.

Also of course, this improves the environment and ensures that redevelopment activities take place in locations where there is already an infrastructure.

Many of these Brownfields are in municipal -- municipalities in cities where there were factory sites and where there is plenty of infrastructure to use.

The -- the bill before us -- the amendment before us, I should say, most of it up to Section 28 covers the roles and responsibilities in -- in this process of the DECD, questions of process of financing, of conveyances, of liability, eligibility. The latter part of the bill from Section 28 on concerns the role and responsibilities of the DEEP, more specifically, types of contamination, the liabilities associated with those types of contamination, chemicals, et cetera. So for those who are going to peruse the whole thing.

I would like to start with a few general questions to the proponent. And before I do, I would like to say I do stand in support of the bill, but it's important -- it's kind of a an arcane subject and I want to be sure that we understand the legislative intent and that everyone here is aware of the importance of these activities, which I think should receive due attention.

So with that I have some questions, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Please frame your questions, Madam.

REP. LAVIELLE (143rd):

Thank you very much.

One of the provisions -- one of the recommendations coming out of the Brownfield's Working Group that Representative Perone referred to was that all siting for state facilities and buildings should always consider Brownfield development when something new is being built. And I wondered to what extent that is taken into account in this particular amendment.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you very much, Madam Speaker.

It's -- it really refers to any instruction on -- on residential and new -- new commercial construction.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. PERONE (137th):

On remediated properties, sorry.

REP. LAVIELLE (143rd):

I'm sorry. I didn't -- I didn't hear what the Representative just said. I'm sorry.

DEPUTY SPEAKER SAYERS:

Representative Perone, if you could just repeat your answer, sir.

REP. PERONE (137th):

Sure.

Thank you, Madam Speaker.

It -- it refers to remediation on -- on residential and -- and new -- new commercial construction.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

So all of the provisions in this amendment would apply to those state sites -- those state facilities as well as to everything else that's covered in here, just to make sure?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

That is correct.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

One of the other recommendations -- and really I -- I just have two or three of these general recommendations to cover because I think they are -- they are indications and snippets in the amendment, but I -- I want to be sure where we are. Lines 495 to 498 refer to -- no, I'm sorry. That's not it.

There is a reference in here to a discreet and separate website. Its Lines 184 to 187. For the Department of Brownfield Remediation Development -- the office, pardon me -- Brownfield Remediation Development. I refer to that because in the Brownfield Working Group's recommendations one of the last that they make is that this program cannot be fully operational and fully on top of its game, if you will, unless there is a strong and vigorous marketing program.

So again, there is a reference to the website in the amendment. Are we vis-a-vis the amendment is --

does -- does the Representative consider that we are at a stage where marketing is adequate now to realize all of the provisions that are here?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you very much, Madam Speaker.

It's -- it's -- it is the -- the intent of the website is to be a standalone -- essentially a standalone Brownfield's website through available funds that will essentially be a one-stop -- one-stop shop portal for people with Brownfield's issues, concerns and -- and people looking to get more information.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

Is that the only marketing tool we have right now, or is there a -- I -- I won't ask the details -- but is there a broader marketing program that is in force?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

That is actually something that has come up several times and -- and I think that it's an ongoing discussion. Clearly, this is, you know -- as -- as -- as the Brownfield's legislation has evolved over time and has gotten more focused -- more streamlined, a -- it -- the -- certainly it's -- it's becoming more -- more incumbent on us, and more of a need through DCD to make sure that there is -- there is more outreach and -- and more outreach strategies discussed to be able to facilitate a real -- a real understanding between what the state DCD Brownfield's initiative has to offer to -- to developers.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

I would -- I would add that the -- that this really is an important program and it would probably

be an excellent idea if we were to maintain some oversight perhaps through the Commerce Committee, or perhaps just through DECD on the -- the -- how dynamic the marketing program might be because there -- there is clearly information here that perhaps not everyone has or knows where to look for it and it would be, I think, very useful economically if -- if this were made as widely available as possible, so just -- just a remark.

I wonder if the good Chair could just -- for the purposes of the understanding the whole amendment describe how DECD and DEEP work together in the Brownfield's program? What is the general role of each?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through -- through you, Madam Speaker.

Essentially, the DCD and Brownfield's Development Committee work in -- in conjunction through the -- the Brownfield's Committee. That's essentially the -- the main operating mechanism.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Are there -- are there roles that one takes and the other doesn't and vice versa just in -- in very general terms? I'm not looking for specific details. It's really just for purposes of intent.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Will the Representative please repeat the question? I think I have a good handle on, but I just want to make sure I got it right.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle, if you wouldn't mind repeating your question?

REP. LAVIELLE (143rd):

I would be glad to, Madam Speaker.

I -- I was just looking for broad-brush generalities about the differences between the roles

of the two agencies, just so that we're clear. I didn't want specific details.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

The -- the strategy that the working group hit upon was to essentially have one -- an environmental component and a economic development component, so there was -- so you would have some -- some more (inaudible) -- some real -- real -- basically a more quality recommendations coming out of that group going forward.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

It would seem clear that most of the administrative functions here are performed by DECD. I think the -- the gray area for me that I would just like to shed some light on is in terms of evaluation of applications by developers or purchasers. Is that

undertaken by both agencies, just by DEEP, just by DECD? That's a bit of a gray area if the Representative could just clarify that for us.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Essentially the -- the applications would be reviewed through the Brownfield's Development Group, you know, within the -- the -- within in the DECD.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

And a -- a -- a final general question before I get into the text here. How -- it -- it was -- there -- there is not an actual -- so far as I know, fiscal note to the amendment because it really just changes procedures and things like that, but what is the amount in the coming by any budget allocated for the Brownfield's program?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

It would be bonding 20 million in the first year
and 10 million in the second.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

And that's for both grants and loans?

Through you.

And -- and administration. Pardon me.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Through you.

Yes.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

I would go -- I will go into the text now and it will take me a moment just to -- I'm not in quite the same amendment because I marked up the prior copy. I hope my Line numbers are consistent.

I am going to Section 3, which begins on Line 275 and I think that's still the same. It -- it is a discussion of the Brownfield Remediation and Development Account. And there shall be deposited in the account the proceeds of bonds issued by the state. I would like to know what the current total of bond authorizations are.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

148 -- 4 -- 14.85 million.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

And how much of those authorizations has actually been issued as bonds?

Through you.

And how much spent?

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Well, they're -- they're all bonds and they're
due to spent.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. PERONE (137th):

By June of this year. Sorry.

DEPUTY SPEAKER SAYERS:

Oops.

REP. PERONE (137th):

Sorry.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

So -- so to clarify the -- the total amount
authorized has been issued, in other words? Is -- am
I correct?

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Yes.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

If we move to Section 4 starting on Line 313 that comes out, at least in what I have here, through Line 395 and I would like to ask the Representative what that change is by -- by coming out. Where do we -- where do we find the -- the replacement text? Is that in -- in Subsection A from then on from 396?

Through you.

DEPUTY SPEAKER SAYERS:

Rep --

REP. PERONE (137th):

Yeah, through --

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Yes.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

So that -- that essentially changes the -- some
of the characteristics of the grant program; am I
right?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Yes. It's consolidation of all the -- all the
funds through the Office of Brownfield Remediation.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. PERONE (137th):

(Inaudible)

DEPUTY SPEAKER SAYERS:

Oops.

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

Going to Lines 415. There is a -- an upper limit the size of the grants of \$4 million and I -- I wondered if there was a criterion for choosing \$4 million whether we've had that for a long time? Whether there's any particular size of property that applies to? Something that would back up the criterion.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you very much, Madam Speaker.

They found that the -- under the existing funds that that would be the most equitable method of distributing the funds.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Okay. Thank you.

Moving to Lines, oh, approximately 455 to 457, just want to clarify. I think I understand from this that the process for requesting applications is still annual. It was annual before. It remains annual, but

it's -- the dates changed from June to October; am I correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And I don't why I found this ambiguous, but in -- in the Lines 466 to 468 there's a -- there is a reference to the applicants obligation to receive any money -- to return any money received through a grant when the property is sold and that comes out. So does that obligation disappear? I think I saw it somewhere else, but I would -- I would just like to clarify what is the owner required to do if they sell the property?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes. The -- the obligation it -- is -- is taken out of the bill completely.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Okay. So that -- so that doesn't change.

There is also a reference in Line 474 to loans that a grant recipient may make to a Brownfield redeveloper. And the reference here is to low-interest loans. Is there a definition of low interest?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Yeah. The -- the loans amount -- loan amounts are .5 to 2.75.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

Would those change depending on what happens to interest rates in the market?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

They're at the Commissioner's discretion.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And I -- I think her discretion is doubtless very reliable.

I'm moving on to Lines 501 that whole part there. And my notes tell me that this comes out of course. This appears to eliminate loans made by the state directly to developers and instead the state is replaced by the property owners who make the loans. I'm not sure that's true because I've seen some other references, so I would like to clarify.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I would like to ask the good Representative to clarify her question.

DEPUTY SPEAKER SAYERS:

Representative Lavielle, if you could just reframe your question please?

REP. LAVIELLE (143rd):

Sure, Madam Speaker.

My impression on reading this section was that it's removal seems to imply that the state can no longer make loans directly to developers. That the loans would be made by property owners to developers instead, but I am not sure that's true. I think there might be some special cases where the state can loan directly to developers, so I'm seeking to clarify that.

Thank you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

The good Representative happens to be in luck. If I can please refer her to Lines 15 -- 515 through

525 that section of the bill does spell -- spell that part out.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

I thank the Representative and I am -- oh, yes, indeed there they are. Okay.

Thank you.

If you'll indulge me for just a moment. Now, there is -- sorry I'll skip that one.

Do I understand -- in Lines 813 and et alia -- in that section do I understand that if a property owner receives a grant and subsequently sells the property the buyer does not -- the buyer shares the -- the person who first bought the properties -- immunity to liability after buying the property; am I correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

The -- the immunity transfers -- carries with the property rather.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

And I'm moving to Line 872 -- 874 actually -- 874 and here we define the period for loans -- the term of loans that are made through the program, which are not to exceed 20 years. And I -- again, I'm just seeking some clarification of why 20 years is the preferred maximum duration?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes.

Through you, Madam Speaker.

It's a standard commercial loan.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And I -- there is a -- in that same section Subsection G, a loan recipient may be eligible for a loan of not more than \$2 million per year for no more than two years. I -- I'm not quite sure I understand that. It -- it -- that is a special loan as part of the 20 year term or is that a separate term?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, Madam Speaker.

Through you.

That is the case if additional loans are -- are required -- or additional -- yeah, additional loans are required.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Pardon me, Madam Speaker.

Sorry.

Thank you.

Moving to 895 and -- and I -- this I think is a -
- a very important question that's just provoked by
this section. What happens in the contract with the

DECD -- what happens if the grant or loan recipient does not do the remediation or development work? What then are their obligations?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you very much, Madam Speaker.

The -- the loan is secured by a -- by a property lien and a claw back provision.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Is there any penalty for the recipient of the grant or the loan?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, Madam Speaker.

Through you.

They -- they reimburse the -- the state and which -- sorry. They could be required to reimburse the state.

Through you, Madam Speaker.

I just want to be clear.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

So the penalty then is -- is reimbursement under some -- some conditions?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, Madam Speaker.

It's a -- a standard claw back for the -- for the state.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

That's very helpful.

Pardon me. I have to -- I have to turn a number of pages here. This is a long bill.

H – 1178

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 29
9742 – 10110**

I've moved to Lines 1306 and following. And here this is a -- this concerns applications participation in the Brownfield's program. And here is a distinction I think it's important to understand and I would like to ask for some clarification.

There seems to be first acceptance into the program as an eligible Brownfield property and then there is the receipt -- the successful receipt of a grant or a loan following applications, so could the good Representative just differentiate for us what belonging to the program means, as opposed to receiving some assistance?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I just wanted clarification if the good Representative was referring to the -- the application process?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

I seem to have understood by -- by reading this that there are really two stages and I would -- I would like to know if I'm correct. That there are two stages in the process. One is when -- before even making an application for a grant or a loan or some other type of assistance -- well, that's all there is -- does a property -- I -- I have understood that a property needs to be accepted as part of the program, meaning that it is eligible for consideration, and I think there were two separate processes for that, and I believe there's a fee for being accepted into the program, so I wanted to clarify those things.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Well, it's my understanding that the -- the two delineated areas are -- one is -- is -- tends to deal with the -- the application process and the other deals more with the certification -- official certification once the -- once -- by -- by the Office of Brownfield Remediation once it's -- once it's approved, so there's -- there's an application

component and the official certification component by the Office of Brownfield Development.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

In this section that -- that starts on 1 -- 1306 it talks about how a -- a town may nominate a property and then someone -- a developer or a purchase might find out that that property has been certified or deemed eligible and then might be interested in receiving some financial assistance from DECD to buy it or invest in it.

And that's what has made me focus on that two-stage process and it -- am I correct that in that event might a town actually pay the fee for acceptance into the program and then the developer or buyer -- whatever -- would at that time then make an application for financial assistance; is that how that works? And if not, how does it work?

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

The -- the town is -- is exempt both from the fee
as well as the -- the -- the transfer fee.

Through you, Madam Speaker.

Transfer Act.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

So the -- the fee is completely separate. Anyone
who pays that fee is out the fee no matter what
happens subsequently in terms of development
remediation financial assistance, what have you; am I
correct?

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Other than the municipality. That is correct.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

I'm still turning pages here.

I don't have much more, so -- yep.

This may be the last one. In -- in Section 23, Madam Speaker, there is a reference to Connecticut innovations and the establishment of a loan guarantee program to provide guarantees to lenders. So the lenders here work directly with Connecticut innovations. They functions -- Connecticut innovations functions as a kind of pass through. In this case and the lenders may be anyone on the financial markets. Do I understand properly?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

The members of (inaudible) are also on the board of the Brownfield Remediation Group -- sorry -- over - over (inaudible) and so that -- that's the case.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

There's -- just a couple of little tiny things here. Section 25 -- 2550 -- Line 2550, I -- I think the import here the -- the -- the -- just to clarify and confirm -- the working group changes by adding a member -- nominee of the Department of Public Health; am I correct?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

I'm sorry we were actually -- because we also have the same large document over here and I didn't quite hear the good Speaker -- good Representative's question. Could you please repeat it?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle, if you wouldn't mind --

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

It's a -- it's a quickie.

Just confirming that the change here to the working group is the nomination by the Department of Public Health of a new member; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

And finally, I think Section 27 from Line 2605 covers the consolidation into one account of all funds that have anything to do with the Brownfield Development of Remediation Program and I think that's a -- that -- that's an -- well, actually that's not new. So is there something new besides what's here in this section that involves the consolidation?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, it is.

Through, through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

I -- I'm afraid I have to ask the Representative to repeat his answer. I'm sorry I couldn't hear.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

It's my understanding that -- that it is.

Madam Speaker, through you.

DEPUTY SPEAKER SAYERS:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Madam Speaker.

I -- I think that going through this I -- I -- besides clarifying a number of points that weren't necessarily clear in the -- in the language. I think one thing that this process makes abundantly clear is that the marketing question that I referred to a little while ago is important because the subject is (inaudible), and the processes are not necessarily simple.

We'll see that I think even more with some of the questions on the environmental part. I think -- I -- I want to thank Representative Perone, again, for his

collaboration, for his patience and for all of his work. I -- I just can't stress enough how important it is for us to support this program and to ensure that potential developers and purchasers of Brownfield's sites know exactly to what they have access and where to go find out.

As -- as I've said before with a couple of other bills, a website doesn't go to you, you have to go to it, unless you're doing some other things to let people know that it's there. I -- I hope that there will be a more aggressive effort directed to municipalities and also to developers who have already worked with other Brownfields, because this is clearly a way to energize our cities more, improve our environment, and stimulate the economy.

So I stand in very strong support of the bill and hope we'll continue to progress on this every year. And I urge all the other members of the Chamber to support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Madam.

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Speaker.

If I may, a few questions, through you, to the proponent of the bill.

DEPUTY SPEAKER SAYERS:

Please frame your questions, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker.

At the outset just tell the Chamber, I rise in support of this bill. You know, this -- the sections we're going to talk about now existed in a separate bill. I think it was 1082 as I recall, that was before the Environment Committee and it raised -- there were some major concerns raised with how were defining different types of hazards and how we were going to add guys to a list, or take people off a list, or what we were going to do once you were on the list.

There was a fair amount of work that was done. Representative Berger was kind of the tippest (sic) -- tip of the spear on it. And a lot of -- there was a - a lot of work from the interest groups, the regulated community, the folks on the Commerce Commission -- Committee, and the Environment Committee, so out the outset again, I support the

bill, but there's enough moving parts in here without going into too excruciating detail. I'm going to have a few questions.

So through you, Madam Speaker.

The environment section -- the Environment Committee's section of this bill really does start at Section 28. And it's an important section and frankly I think one that made the bill a whole lot better. Through you, Madam Speaker, to the proponent. What does Section 28 do -- or seek to do?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I just, you know, reference from -- from this because this -- a lot of work went into making sure we had all of the moving parts located in one place. But essentially it requires DEEP and consultation with DPH to evaluate how it accesses the environmental and public health risks Brownfields pose and reports findings by October 1st, 2014.

Essentially, it must engage independent experts to conduct an evaluation and prepare a report, allow

for public input and recommends statutory and regulatory changes to the risk-based decision making process, including notice and mitigation requirements.

I think, if I may, I think -- I believe that's actually one of the strongest parts of this particular section of this particular bill.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Yeah, thank you, Madam Speaker.

And I agree with the Representative. This is one of the strongest and most important parts of this bill because it actually requires DEEP to go out and -- it's base -- basically a best practices kind of requirement in that the Commissioner shall consider and make recommendations for statutory and regulatory changes, which is important to the industry, which is important to the regulated industry, because there was concerns.

And we may touch upon this later as we go through this part of the bill, that some of the requirements, whether it's 10 times this, 30 times that, 15 time that, you know, whatever, certain levels. The levels

themselves haven't in all cases been established, so there was a little bit of a concern there.

A little more detail. If the gentleman knows, in -- in Lines 2637, basically the end of Section 28, one of the things that Commissioner is supposed to report and make recommendations on is included, but not limited to those criteria in Sections 22A-6U of the General Statutes. Now, I note that that's basically the -- some of the standard sections of the Environmental Statutes, but it also includes notice provisions and civil penalties.

If the gentleman knows, is this best practices risk analysis report -- is that also going to revisit or potentially suggest amendments to the notice and civil penalties provision under our existing environmental laws?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

If you would hold on just one moment, Madam Speaker, I just want to clarify something.

Madam Speaker, through you -- through you.

That's -- yes, potentially. Potentially yes, probably is the more accurate way of saying it.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Yeah, and I -- I think that's an important thing to tease out again for the regulated community that is potential. It -- while everyone was looking at criteria and remediation standards that is -- it's possible -- it's possible through this report -- or this study that the Commissioner may come back and report that there are better ways to skin this cat. So I appreciate the gentleman's response.

Move down to Section 29. Essentially, in asking DEEP to adopt regulations to shorten the timeframes for conducting audits and what not.

Through you, Madam Speaker.

And again, if the gentleman knows, is -- has there been a -- an understanding -- or should there be an understanding or -- for legislative history at least of how much shorter we're hoping DEEP can -- can set these audits?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I would -- if -- if the good Representative wouldn't mind, I would like him -- I was wondering if he might be able to give a specific example to help me frame a -- a better answer.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Yeah, well -- well, it's really a general question. I guess, you know, my understanding with Section 9 is supposed to do is that going forward at least the regulations coming out of DEEP regarding the establishment of a unified cleanup program, including oil and hazardous substances we're going to shorten the timeframes. It's in Line 2645.

So whatever -- you know, whether it's for cleanup of non-aqueous phase liquids -- whatever it is. So it's a cleanup of bad stuff. But really it's a general question, I mean, how much shorter are we --

are we shooting for here, if -- if the gentleman knows?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Yes, the -- you know, in the past it's been somewhere in the neighborhood of say two years, but now essentially what's -- what we're trying to do now is -- is shorten that time to 90 days to six months.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And -- and that there, again, is an important reason, A, that I support the bill and I think others could or should support the bill because that is again one of the concerns that a regulated community and our business entities have when dealing with DEEP, especially on these more complicated projects that, you know, you try and do the right thing and it takes a long time to get it out the back end. So I think

Section 29 is once again a good effort and something to be supported.

Moving on to Section 30. I think it's where we start the municipal third party liability relief. The question I have and -- and it's -- it's definitional really, but I think it's important, because as we read through the section we'll see that the goal here is to make municipalities able to grab properties -- or buy properties without fear of being sued every way to Sunday just because there's existing environmental problems on it.

And one of the ways -- at least definitionally, we started in Lines 2653 -- it's the first part of Section 30. We define the term applicant to mean any municipality and economic development agency, or an entity established pursuant and it reads as it reads.

Through you, Madam Speaker.

My question goes to special taxing districts and I have specific interest in this because some of the folks in my district have in fact started doing some Brownfield remediation's through a special taxing district and, you know, the issue becomes whether or not it's private or public, obviously, but would a special taxing district established under our existing

laws qualify for the municipal third party liability relief detailed in Section 30?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes.

Through you, Madam Speaker.

(Inaudible) in -- in all theory and all potentiality it's -- it's very possible.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

I'm sorry. I -- I think the gentleman just basically said yes. Did -- did -- okay. I got a thumbs what. Well, what the -- let the record reflect the gentleman gave me a thumbs up.

REP. PERONE (137th):

The people who couldn't see it at home, yes, I gave a thumbs up. That is a yes.

Through you, Madam Speaker.

REP. SHABAN (135th):

Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Moving on. Small concern. And again, it's -- I know that some of this stuff is a little arcane and the gentleman's on the commerce side of the equation, not the DEEP side of the equation, but if -- if he could entertain a question. Item 5 regulated substance. It's on Line 2669.

In my initial read of this it -- is -- it could be read probably broader than I think it was meant to, because a regulated substance means any oil or petroleum or chemical liquid or solid -- liquid or gaseous product, or hazardous waste. It -- if read in such a way -- I think a chemical liquid or solid could mean just about anything.

So through you, Madam Speaker.

If the gentleman could, could we kind of bracket at least for the sake of legislative intent what we're talking about on -- with regulated substances?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Essentially, this -- this part of the -- the language zeroes in on, you know, the worst stuff that -- that is likely to be found, so in -- in that sense it -- the -- it is -- is bracketed in that regard. I mean, there are those -- there -- the -- the example's there, but it is -- that -- that's -- that's the intent. That's the legislative intent. To -- to that -- to zero in on the items I -- I -- that pose the most potential hazard.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And -- and if I understood the gentleman and I -- I think we're probably on the same page here that the -- for legislative intent the -- the goal here was to speak about substances that are hazardous materials, oil, gas, you know, those non-aqueous phase liquids that there's a defined term in here. Basically, bad stuff. Not anything that's chemical liquid or solid.

And -- and the reason I -- I mention that because some crafty lawyer -- and there are many out there -- could read this in such a way to say wait a second I wrote this, you know, under this definition and try and pull in all kinds of things and really not what we're -- we're shooting for.

And moving on, we'll basically in the same section. I know -- I note and I know under federal Environmental Protection Acts -- I think its Circular and/or other provisions of the Clean Water Act -- there are the -- the -- there is the ability of citizens through citizen civil suits to bring actions against potentially responsible parties. And that's -- that's been a subject of a lot of litigation over the last 20, 30 years about what a PRP is and is not.

But through you, Madam Speaker.

My question is, under this section we seek to protect our municipalities from civil liability if they move forward pursuant to these terms, through you, would that same civil protection potentially immunize them from some of these federal civil citizen suits.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I can't say that I'm 100 percent certain on what the -- what the Feds -- the federal government is able to -- to preempt or -- or -- or not from -- from this particular language.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And -- and I agree with the gentleman. It is sort of a -- a murky area. I mean, I think for -- at least from where I stand to the extent that, you know, adds some gloss to the discussion I would hope that we could try to use our rights as a state to -- you know, under our approved EPA DEEP programs to potentially extend that liability protection to some of those actions. I don't know if, you know, that may get teased out in court. It may get teased out with the further regulation, but I raise it because I would like it to be reflected on the record.

A similar question. The other day -- I think it was yesterday in fact, we amended some language under CEPA. I forget -- it's a Connecticut Environmental Protection Act. And one of the things that CEPA does is it basically says that, you know, if any who -- who has aggrieved pursuit -- in a permitting process has the right to bring a -- bring an action to -- to allege that aggrievement. And one of the things we did -- I think it was yesterday -- saying if you do that it's got to be a verified pleading, more detailed and what not.

But through you, Madam Speaker.

If a municipality follows all of the provisions detailed in section 30 would they also be immune from a CEPA action?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

They -- they are exempt.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Again, another important point -- another important thing to -- to highlight and to note for our regulated community and yet another reason to support this version of the bill.

Now, let's see, moving on. I'll skip some of the tedious stuff. Moving on to Section 31. Now, Section 31 gets in -- we could -- we frankly we could if we -- if -- if we wanted to spend all day going through ten times this, 15 times that. I'm going to try and condense it as best I could for the sake of the Chamber and the gentleman.

But right out of the gate, Section 31 there's a mitigation definition, which is new to a General Statutes. If the gentleman could, could you explain for the Chamber the significance and the import of this mitigation section? It's in Lines 2764 through 2769.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Essentially the purpose of the mitigation is to -
- is to have at least a -- an initial -- for want of a
better term containment or -- or treatment of the hot
-- of a hot spot of -- of an area that the -- the
State Department of Environmental Protection feels
poses a risk or a hazard.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Yeah, and -- and -- and for the sake of the
Chamber, I note in Lines 2767 we use the words
reasonably prevent exposure. Again, that's important
because I believe this is new in our environmental
laws. Typically most of our Brownfield and
environmental laws have been remediation driven. If
you find it, you must clean it. This is how we're
remediated. This is what we do.

It would -- through this -- through this bill and
this law and we'll hit upon some of this going
forward, there are opportunities for landowners,
municipalities, in particular, but landowners to
mitigate it. To reasonably prevent exposure, and

that's a -- that's a different thing from remediate.
That's I believe what the Commissioner has called make
safe, which is more reasonable, more cost effective,
and probably allows more sites to be freed up for
commerce than otherwise under remediation standard.

I just noted that I actually forgot to ask one
question on the previous section, but it's on the same
page. Looking at Section 30H, Lines 2752. Again, the
municipal liability section. Acceptance of a
Brownfield in such Brownfield liability relief program
shall exempt the applicant from and it lists some
sections.

Through you, Madam Speaker.

Am I correct that this is in fact what is known
as the Transfer Act?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

That is correct.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

So if a -- a Brownfield has been accepted pursuant to the terms of Section 30 and is now exempt under the Transfer Act -- through you, Madam Speaker, just to confirm, that if the municipality follows whatever the plan is under Section 30 that they need no longer in the future -- well, if they transfer the property do one of the three or four -- I think it's four type of studies or reports presently required under our Transfer Act.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, Madam Speaker.

That is correct.

Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Again, another important provision to kind of flag and note for the Chamber because, you know, part

of the -- again, what -- what the whole Act is driving at is trying to get some bad -- or -- or otherwise polluted properties back into use.

Moving -- moving a little deeper into the bill. You know, rather hit the Line numbers, if the gentleman could, to the best of his ability, because again, I know this is tedious.

A VOICE:

(Inaudible)

REP. SHABAN (135th):

That's right.

Is to just kind of summarize what we're doing with respect to contaminated soils and contaminated ground waters, and -- and how this is going to work. You know, I know there is a -- there's a cheat sheet and it probably is as good as -- as anything here, but I think it's important for the Chamber to hear.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

With all -- all due respect, to the -- to the speaker, I didn't hear the part of the cheat sheet that he was talking about.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

Where I'm focus on in Section 31. And there's -- there's different ways to treat contaminated soils and contaminated water. So let's start with just ground water. If an owner, or some -- or -- or a environmental technician who's hired on behalf of an owner finds contaminated ground water on a property what -- under this Act Section 31 -- what is the owner supposed to do?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Just a moment.

Through you.

Through you, Madam Speaker.

Essentially it -- it imposes notification requirements on the TEPs and owners when contamination is within 200 feet of a -- a drinking water well. It increases from 7 to 30 days the deadline for owners

to notify DEEP about the contamination and also requires owners to determine if there are other wells within 500 feet of the polluted ground water, sample then and then report to DEEP the results within 30 days after being notified of the contamination.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

I think that was the -- almost like the auctioneer version, but I think that -- I think that -- I mean, I think, long story short, really what this provision, as I read it, and -- and I'll ask the gentleman to confirm my understanding, is, once an owner becomes aware of a problem with the ground water, whether it's on their property or now actually bleeding off to the neighboring properties, the owner must take steps to monitor it, report it perhaps if necessary and that -- and these steps potentially make safe after that.

And these steps depend on the type of property, i.e., commercial/industrial or residential, and then the types of neighborhood that -- that they're in.

Through you, Madam Speaker.

Is that a -- an accurate summation?

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

Yes, that is -- that is correct.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And through you, Madam Speaker.

With -- with respect to contaminated soils, and there's -- there's a couple of different divisions in here. And again, all this was worked out with the regulated community depending where you are two feet below the surface, or 10 feet below the surface, or what not. Same kind of thing.

My understanding -- and I ask the gentleman to confirm it if -- if I'm accurate. The same kind of thing if you find contaminated soils, owner or their -- or their licensed technician -- their environmental technician -- if they find contaminated soils there's a couple of hoops they have to jump through which could be noticed -- which could be a mitigation plan

and potentially could be as little as, not remediation, but mitigation, which we talked about before.

Through you, Madam Speaker.

Is that a -- is that an accurate summation?

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Yes, Madam Speaker.

That is very accurate summation.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And again, I think it's important for the Chamber to know that again, we're -- when we're moving away from a pure remediation into a mitigation model we're actually giving the opportunity for some of our regulated community to do things such as pave over it, put a fence around it, add gravel over it. I mean, some of this stuff is actually detailed out in the -- in the bill itself, as opposed to dig it up and make it perfect.

I mean, some of the criticisms that have gone on in the regulated communities for 30 some odd years is how clean is clean. Do I have to make this dirt edible to babies, or do I have to make this dirt safe for the conditions in which it's found.

Through you, Madam Speaker.

Similar question with respect to soils. There's a distinction between industrial uses and uses to -- I think they call it sensitive areas -- or sensitive receptors -- if the gentleman could kind of detail that -- or flush that out a little for us.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you.

Through you, Madam Speaker.

Essentially it lowers the threshold for reporting volatile organic compounds, VOCs, under commercial or industrial building from 30 to 10 times commercial and industrial -- I'm sorry -- volatilization criterion by the same magnitude of the residential volatilization for VOCs within 15 feet of a residual building.

Through you -- through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

I -- I -- I think I heard the gentleman. Long story short a sensitive receptor is a thing like a daycare, a school, a residence, that kind of thing, whereas, you find contaminated soils within a certain number of feet of a factory there's a different criteria for what you need to do, as opposed to if you find contaminated soils within a short number of feet from a daycare. And again, that is -- that was a negotiated and highly discussed criterion how we were going to address this.

Moving on to Section 32. The made safe certificate. If the gentleman could detail to -- to a certain degree what that means and how it works?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Excuse me. Just -- just a moment if I might.

Thank you, Madam Speaker.

Essentially the -- the idea is -- is to, you know, within a -- in a -- this -- an identified area to zero in on a -- on a smaller area that -- that happens to be considered above -- I just want to get the term right -- the -- it's 10 parts per 10 parts. It's essentially from 30 to 10.

Sorry if I'm drawing this answer out, but that's essentially the -- the concept is -- is to try to, you know, within an existing area zero in on -- on the most high risk area and -- and take care of that first.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

I note that in -- in parts of Section 32 and other parts of the bill there -- there are references to the DEEP website. There's a certain list that some sites have been put on and potentially could be -- be put on.

If the gentleman could give us just an explanation of how this made safe certificate works vis-a-vis that list?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Essentially the -- the -- the properties would have to be put on the made safe list by the -- the DEEP Commissioner and -- and -- and ever agreed to that process.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I think -- you know, just to add, you know, my understanding of the -- what the gentle -- to what the gentleman just said, you know, some -- some of the other concerns the regulated community had is sometimes you get on this list and there's no seeming way to get off this list.

So I think what this bill does now is makes it a little harder to get on the list, especially if you notify the Commissioner and follow a certain set of criterion, make it safe that kind of thing. And it makes it a little easier to get off the list, which

again, is important for lenders frankly and -- and --
and property owners.

Last -- last batch of questions, if I may.
Sections 33 through 36 talk about the filing of
certain land use restrictions.

Through you, Madam Speaker.

If the gentleman could give us again, sort of a
thumbnail sketch of the who, what, where, when and
high of how these land use restrictions work?

Through you, Madam -- Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam -- Madam Speaker.

Essentially the bill more or less allows
restrictions to be in the form of a notice of activity
and (inaudible) --

A VOICE:

John.

REP. PERONE (137th):

-- limitation requires a (inaudible) notice to
parties holding an interest in land for recording
notice of activity, prohibits notices from being
recording. I'm -- what I'm really trying not to do

is, you know, read verbatim from this list, because that would be just cruel and unusual punishment to the Chamber. But just to get you the points that -- that are really key.

When a property is transferred it requires notice to be incorporated in deeds and there are several other points, but essentially those are the -- the broad strokes.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

I think current law had -- well, basically we're changing current law in the way -- on the way potentially some of these land use restrictions are supposed to be captured. In my under -- I think my under -- my understanding is, and the gentleman can correct me if I'm wrong, is we're actually going to create some standards potentially with the way these things are going to go forward.

But through you, Madam Speaker.

The one question I actually did have and I don't know the answer to this -- (inaudible) -- is what is -

- how are -- what -- what makes a -- an owner required to file one of these -- its called an ELUR, but it's basically a land use restriction? Is it just -- is it just by requirement of the statute, or is it to trigger some other type of, you know, funding or liability protection, if the gentleman knows. You know, why does an owner have to do this going forward?

Through you.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

It would essentially -- thank you. I just had to clarify before I spoke. Just essentially that would enable to the landowner to be unable to access both.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Through you, Madam Speaker.

Yeah, I think -- I think it's detailed pretty well of the bill. It's just a -- it's important to -- to note for some of the folks that going forward some of the -- the owners of the regulated communities are going to have certain types of requirements with what

they have to stick on the land records, and that's important for future owners. That's important for lenders. That's important for developments going forward. Insurers -- potentially even title insurers and what not.

Finally, if the gentleman could, there already is an abandoned Brownfield cleanup program that's on our books. And this -- this bill I think is slightly different from that. It's kind of -- it tries to supplement it. If the gentleman could just kind of give an explanation to the Chamber of what this bill does differently or better than that abandoned Brownfield cleanup program.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Well, the -- the bill does two specific things. One, is it -- it does consolidate and -- and streamlines existing statutes that -- that we have, but it also as far as the Office of Brownfield Remediation goes that the -- it's -- it's -- the idea is to put more not only some more definition behind, you know, timeframes for, you know, the DEP procedures

as they relate to not only, you know, remediation, but -- but also the application process.

I think that what -- what's -- what we've been lacking in the past from a regulatory standpoint have really been universally accepted rules of the road and I believe also that with regards to, you know, having some -- some measurements in place I think that the -- the -- the Environmental Committee portion of the bill, for want of a better term, has -- has really, you know, helped that along. So that's kind of a rough overview.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

And I thank the gentleman for -- for that response because it is important that going forward our -- this Brownfield effort is -- does complement and supplement what our current Brownfield effort's going to do. You know, overall -- and I thank the gentleman for his responses. I know he's been up for a while and this is a big bill because it was two

bills combined. It was a Commerce bill and it was an Environment bill. And we all kind of combined it.

So I -- I rise in support of the -- of the bill because it does exactly what it says it's going to do. It tries to -- it tries to change the model to move away from a, you know, got you remediation standard, you know, back to a all right let's work together standard. Let's try and get some of these things cleaned up. So I'm -- I'm proud to have helped worked on the bill.

I'm -- I'm -- I appreciate the gentleman's questions and I urge the Chamber support.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

Good afternoon to you.

DEPUTY SPEAKER SAYERS:

Good afternoon to you too, sir.

REP. NOUJAIM (74TH):

Thank you.

Madam Speaker, I have been privileged to be a member of the Commerce Committee since I joined this

wonderful body back in 2002 and it's been an honor for me to see the progress of our Brownfield Remediation. But, Madam Speaker, I looked in the Webster Dictionary for a definition of Brownfield. And basically what it says is it's a tract of land that has been developed for industrial purposes polluted and then abandoned. And that's basically what Webster defines Brownfield as being.

" The one thing about it is when we look at Brownfield -- you can relax for a few minutes. When -- when we look at Brownfield, Madam Speaker, through you to Representative Perone, when we look at Brownfield, Madam Speaker, we just look at them as building that have been abandoned, polluted, invested sometimes with, like, addicts and drug dealers and -- and broken windows and everything.

But we what we don't see and what we don't look at and what we don't remember is the history behind those Brownfields and -- and industrial age. I only can speak for my city of Waterbury. In Waterbury we are very blessed. That's why we're known as the blessed center of the world, the blessed capital of the world, because during World War II every -- every single factory in Waterbury was converted to become a

-- to become -- to -- to supply -- to supply
ammunitions for our war heroes -- for our World War
II, and they left us -- those industrial age. They
left us a great deal of legacy in Waterbury.

So if you look in we have the Schofield -- the
Schofield Manufacturing Company left us the ghost
(inaudible) sanctuary. We have Hampton Park 92 acres
right in the inner city of Waterbury that is really
beautiful park. We have Fulton Park. And we worked
very, very hard in developing some of those -- though
some of those buildings. One of them that is being
developed now through federal funds is -- is the
Commons.

The Commons used to be Chase (inaudible) and they
donated the Chase building and City Hall to the city
of Waterbury. At one time I hear that at 3:00 in
afternoon when the buzzer rings up to 5,000 people
used to walk out of that building, because that's what
they produced. They produced industrial aged material
that put Waterbury in the map.

So what they leave us with now -- it left us with
a great deal of polluted land that we need to -- to
fix and we need to remediate. One of them is the
Magic Manufacturing site, which back in 1998, way

before I was elected, we started to lobby our government to clean that site and --, and redevelop it. And thank God it's an 80 acres of prime land -- land and in the city of Waterbury and now it has been redeveloped into -- into a beautiful -- beautiful complex that is putting the taxes back into the city of Waterbury, creating tax incentives and at the same time also created a community center for the senior -- the seniors of the city of Waterbury and for the youth to enjoy, which is really a beautiful community center that just been -- is in the process of being opened right now.

So if you look at -- at the Brownfield and you say geez it was something bad in the past, hopefully it will be something good in the future. And through you, Madam Speaker, to Representative Perone, I know that my colleagues Representative Lavielle and Representative Shaban asked so many questions, so as I am sitting here every question they asked I cross it off my own, so that will not be redundant and take up -- and take up the -- the time of this -- of this Chamber.

But I do have a question. On Lines 138 to 149 some of it, Madam Speaker, is -- is old language, but

it is a kind of a like making the -- the Office becoming an Office Remediation and Development in this new language. So through you to Representative Perone, what I would like to ask is we do have apparently this in place. We do have a -- a director in place. The director has a staff and they have been operating for quite some time.

So through you, Madam Speaker.

I would like to ask Representative Perone, what have we seen so far? Have we seen any good -- good progress and good results from the work that they have been doing in -- in remediation and development of Brownfield?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Yes, Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

The Representative makes a -- makes a great point. Essentially for all intent and purposes it -- it is not really been up and active as -- as much as it needs to be and that in fact -- or adequately funded for intent and purposes. So I think that this, you know, would make sure that that entity is -- is

funded. It would also have a director that would oversee the, you know, the agenda and the -- and the - - frankly the mission of the -- of the board.

So I completely agree that -- that, you know, if we're going to send a message that we are trying to help manufacturers, businesses have -- have this capacity to do remediation in the -- in the state of Connecticut. You know, the state of Connecticut needs to also do its job to make sure that those resources are available and -- and working properly.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

And quite honestly, Madam Speaker, this is the concern that I have. We have been talking about Brownfield for a long time, but I have not seen a great deal of Brownfield being redeveloped and to put back to you and -- and employ our people create the jobs and bring their tax revenues to the cities -- to the municipalities and to the state.

So with this legislation now I am hoping that we can -- with -- with a leadership of -- of the Commerce

Committee and -- and the leadership that we have is to kind of push the -- push the edge of the envelope and put some more efforts into creating more development in Brownfield. Not only in my city. Quite honestly I want it in my city as well, but I want it in every other city in the state of Connecticut, so I appreciate the fact that we want the desire. We have the desire to push it through.

The other question that I have, Madam Speaker, to ask -- and I think, you know, I know Representative Berger is -- has been very much involved in this and, you know, he's sitting there as well. We can always help each other.

Lines 417 to 428, although it is new language, I am looking at this as something that is done now. I think I know the application process. I know how the application process works. And I know that usually when companies apply they are going through the same specific things that are mentioned -- that are being mentioned here on Line 417 to 428.

So what is new in here?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

I think -- through you, Madam Speaker.

I would -- my -- my understanding for the, you know, purposes of legislative intent is that it -- it is -- it's an attempt to define more clearly the -- the application process.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

So through you, Madam Speaker.

Basically, it is a definition and -- of a process that has already been taken place as right now being applicable and is being applied. So what we are doing, through you, Madam Speaker, if I'm understanding correctly we already have a practice that is in place. All we are doing right now is we are defining the practice and the language in the statutes; am I correct?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Yes, the -- the attempt is to make the process as user friendly as possible to the -- to the applicant.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

And through you, Madam Speaker.

I have one question on -- on page 98, which is -- page 99, which is Line -- Line 3009 to 3013, which is also -- which is also a -- a new language. And basically, it talks about the fact that if a person finds out that he or she has contaminated property they need to within 30 days to -- to communicate to the Commissioner, which is really fine.

My point is there is nothing to police them and somebody can know this, but not say anything about it. Keep it just to themselves and then how would the state know about it?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Perone.

REP. PERONE (137th):

Well, through you, Madam Speaker.

The -- the most likely way that in -- in this area -- scenario from the good Representative is that it would be during the -- the inspection process through -- through the transfer of the property, such a -- such a hot spot might be likely found.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

And through, Madam Speaker.

I would like to paint a synopsis of -- of something that I am aware it happened at one time in a municipality. What happened in a municipality -- and I'm referring to -- to help Representative Perone is Lines 3071, which is on page 100 of 111.

Good afternoon, Madam Speaker. Good to see you there.

DEPUTY SPEAKER RITTER:

Thank you.

REP. NOUJAIM (74TH):

We look -- we have a new Madam Speaker.

DEPUTY SPEAKER RITTER:

That's correct.

REP. NOUJAIM (74TH):

Madam Speaker, through you.

I -- I know of a -- of a company that discovered contaminated water. And what happened is unfortunately the contamination seeped through and went through the ledge and went upward, rather than going upward, but somehow it contamination flows very fast it flown upwards through wells in another town and contaminated 20 wells.

So in this case, the owner of that property was obligated to remediate 20 wells, which really 20 homes as a matter of fact. Drinking water for those homes. In this case, unfortunately if -- if that owner of the property runs out of money and is unable to do it and has no other recourses but to declare bankruptcy, what would happen in a case like this?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

I just had a-- a quick question, through you, Madam Speaker, to the good Representative. Is that --

would the -- the properties be -- be adjacent to one another?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (74TH):

Please accept my apology, Madam Speaker. May I ask Representative Perone to -- to -- to -- what's the word I want to use? Thank you.

REP. PERONE (137th):

Yeah.

REP. NOUJAIM (74TH):

You know what I mean.

DEPUTY SPEAKER RITTER:

Representative Perone, would you care to rephrase

--

REP. NOUJAIM (74TH):

Repeat.

DEPUTY SPEAKER RITTER:

-- your question?

REP. NOUJAIM (74TH):

Please. Thank you, Madam Speaker.

REP. PERONE (137th):

Yes, I would be happy to, Madam Speaker.

Just to get a better understanding of the -- fo
the scenario that the Representative pointed out.
Would the two -- would the two properties, you know,
one property leaking into another in this -- in this
case, would they be adjacent to each other? Would
they be connecting through a common border?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Ms. -- Madam Speaker.

Yes, 100 percent. They're well adjacent to each
other, but -- but the contaminated water seeped
through the ledge into adjacent properties, which in
this case happened to be a private homeowners and then
seeped into their wells.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Essentially if -- if this is the case that the --
you know, the property would have to be remediated no

longer than 30 days after the -- after such date that the owner becomes aware of the contamination.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (74TH):

Thank you, Madam Speaker.

I truly appreciate the answer. This -- I have a few short questions that I wrote as I was going through and reading this piece of legislation, and obviously I'm -- I'm very excited about it -- extremely excited about the fact that we want to move forth and put some funds into it, put some resources into remediating and -- and making our -- our Brownfield properties, put them back on the tax rolls and -- and create jobs and that is very important.

I would like to extend a gratitude to Representative Perone, my friend Senator LeBeau for all of -- and also my friend Representative Perone, I don't want to exclude him from that sentence and I -- and I wish to work with them in the future to make it happen.

Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Vicino, you have the floor, sir.

REP. VICINO (35TH):

Thank you, Madam Chair.

I'm in support of this bill. This is smart development for our state. This Brownfield bill will create jobs. We have a lot of properties in our state that need to be cleaned up. This will provide jobs. This will create new property tax. This will build our state's tax base.

My district we've just received a grant from the state to redevelop an old dump that was bringing in zero tax dollars to our town. This particular site will help out our economic development. When people visit our town they'll go to restaurants, fill up with gas, stay in our hotels. This provides jobs. This is a good investment.

I urge all of my members to support this bill because that's what we're here for is to support jobs and the economy.

Thank you very much.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Larry Miller of the 122nd, you have the floor, sir.

REP. MILLER (122ND):

Thank you, Madam Speaker.

In my town of Stratford we have a facility. It's the old Avco Lycoming facility. It's about 90 acres. And the federal government owns it. During the war years it was utilized as a partly by Sikorsky, Chance Vought, Avco, then Avco Lycoming and the Bracht Commission closed the plant down about 10 years ago -- maybe 15 years ago now.

But the fact is that the plant is contaminated -- it -- inside through -- because of manufacturing. There is also a little lagoon in the back. It's part of the Housatonic River. And the Housatonic River flows into the Connecticut River -- Long Island Sound -- excuse me.

And it's a title river from Long Island Sound up until oh, maybe Ansonia Derby. So it does reflect tides twice a day. And in doing so there's a lot of contamination that gets caught up in Long Island Sound that is pulled back into this area. Mainly most of it would be get caught at the factory operation at the mouth of the river.

So my question is, how could a developer in it -- by the way the -- the federal government is trying to sell it as is, which creates a great big problem, because they don't want to clean it up, or have the responsibility to clean it up. They would rather sell it as is. So that has been a -- kind of a -- a juggernaut for Stratford because we want to get taxes out of it and the federal government is unwilling to really clean it up to give us some leeway when we try to market the property.

So if the lagoon behind the factory is contaminated would there be money for a developer to clean that lagoon out. It's -- its maybe couple of hundred feet by -- by -- maybe a 100 by 200 feet.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Really the -- the best -- given that scenario, the best -- the best answer I could give that would come probably closest to answering it would essentially that under the amended bill this -- the bill would extend the liability under the DCD

Liability Relief Programs. The property remediate under the grant program -- convey to private developers.

So really the -- the -- you know, really the -- the intent would be to -- to make sure that -- that the -- the developer would have some kind of -- kind of redress in -- in that scenario.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miller.

REP. MILLER (122ND):

So just so I get this clear, through you, Madam Speaker.

He would be able to get some funding from the state?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Through you, Madam -- through you, Madam Speaker.

Without actually seeing the -- knowing -- knowing more, the -- I -- I think that the under -- under everything the -- the bill is -- is trying to do and - and from the scenario that the good Representative

has -- has painted I think there's a -- I -- I strongly urge that developer to -- to apply to the Brownfield's Remediation Group to see if he can get some redress.

Through you -- through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miller.

REP. MILLER (122ND):

Thank you.

And through you, Madam Speaker.

The (inaudible) itself -- well, everything that you can think of in an industrial facilities as far as contamination it was there whether it would be oils used for cutting. You name the materials they use titanium. They use aluminum. They use brass, copper. They used it all. And stainless steel.

So all that kind of stuff is in the ground with - within the plant someplace. And I'm not sure how far -- how deep it goes, but this is a -- would be a - a really a costly -- costly operation.

So I don't know. Is there a limit to the money that might be available?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I -- I -- it's -- I -- I think that the scenario again that you -- you've outlined I think is a -- is a situation that many parts of many municipalities around the state are -- are facing in that they have got older factories. Factories that have had several lives, you know, they might have started making hats, then they make mercury switches and then they make something else.

There's a cumulative effect of the things that go into the -- the property. So -- but I think that those are reviewed really on a -- on a -- on a case by case basis, but it is a -- it is a brown -- brown -- Brownfield by -- by every indication that you've laid out, so I would -- I would -- I would think that there's a -- you have a story of remediation to be had there.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miller.

REP. MILLER (122ND):

And through you, Madam Speaker.

Is there a limitation as to the amount of funds that one developer -- developer might be able to get from the state?

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Thank you, Madam Speaker.

Off the -- off the top of my head I believe there may be, but I don't have a specific answer for the Representative right now, but I would certainly when I can supply him with.

But I also may -- go ahead. I'm -- I'm good.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miller.

REP. MILLER (122ND):

And through you, Madam Speaker.

My guess is this would be a humongous job that would take a number of years to remediate this facility. Is there a time limit that these funds would be available? Is there a window of when they should utilize these -- these monies if they get a grant? Is it three year, five year, anything like that?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Perone.

REP. PERONE (137th):

Through you, Madam Speaker.

I believe that there may be a review process after a certain period of time, but I -- I -- I am not sure that -- that I could say with certainly that there's a an unlimited time that the funds would be available, but with that said, it's also reasonable that too conclude that, you know, once requested -- once granted, that in, you know, in the -- in the name of -- of a, you know, redevelopment that that -- that the process would begin sooner rather than later.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miller.

REP. MILLER (122ND):

And -- well, this -- through you, Madam Speaker.

Just for your information, they manufactured the Corsair airplane at this facility before it was moved now to California. Sirkorsky did his helicopters in this facility. Chance was -- Avco Lycoming did tank engine parts -- tank engines in the facility as well.

And they did a host of other things as -- as far as that, aircraft motors and things of that sort.

And unfortunately there is some -- some of the buildings they're like a vault, but they're some of them have asbestos in them as well. So there would be a -- it would be a difficult thing to take the -- first you would have to take down the buildings -- some of the buildings -- the old ones before we could get into the factory. And the factory is you need a golf cart to get around from one end to the other. It's -- you know, take you like ten minutes to walk the plant because it's that big.

Most of it is -- has high ceilings and I think there are some overhead cranes still left in the building to facilitate maybe somebody who might want to remediate it. So I just want to make sure that there's money available and the timeframe would be something that the -- the developer could work with and certainly Stratford would like to get some taxes out of this property and we would do everything we could to facilitate the developer to get a grant from this state and again, this is a -- one time had 10,000 employees in this facility.

So and I want to thank the Representative for his answers. And I thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Berger, you have the floor, sir.

REP. BERGER (73RD):

Thank you, Madam Speaker.

Now, that the Chamber is thoroughly confused and probably half-asleep as for what went on here in this conversation. Let's try to bring it in full circle. Since 2006 has been talked about before the Commerce Committee embarked on Brownfield Remediation and Development. And when we embarked on Brownfield Remediation and Development we talked about that as economic development, Madam Speaker.

It wasn't about an advocacy group of cleaning up a contaminated site. It was about economic development, jobs, returning properties to tax rolls, cleaning up blighted property. That mission started in 2006 and progressively got better as the years went on and the current rendition culminating what this Chamber's going to vote on right now is a consolidation of all of that work. A continuation of the working group reporting back to the committees of

cognizance and how better we can achieve those original goals.

Those common sense goals of returning property to the tax rolls, of creating jobs. The consolidation and there was debate on the floor of this -- the consolidation of the Office of Brownfield Remediation and Development under a director's status within the Department of Economic Community Development is a -- is a huge efficiency for the state of Connecticut and is a one-stop shop for Brownfield Remediation and Development for both private municipal developers throughout the state of Connecticut.

And with that, you get funding. \$20 million this year; \$10 million with the hope of getting an additional ten. Forty million committed to Brownfield Remediation and clean up in the state of Connecticut. And I had heard through the debate, while there are some changes made in this bill, yes. There's efficiencies that have been made in this bill.

Prior to this bill hundreds of millions of dollars have been cleaned up in the state of Connecticut through the leadership of DECD, the working group and this General Assembly. This mission, this statement in the state of Connecticut

now continues with the passage of this bill. So I thank the Commerce Committee the Chairman for bringing out the bill. Doing a great job of answering very, very difficult, tough questions.

I thank the Environmental Community. I thank DEEP for being an important part of getting together, working together, caring about the environment, caring about cleaning up contaminated properties and caring about economic development.

So thank you, Madam Speaker. And I look forward to the passage of this -- of this bill and the continuation of the great work that this General Assembly has done.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Will you remark further on the amendment before us?

If not, I will try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

Opposed nay.

The ayes have it. And the amendment is adopted.

Will you remark further on the bill as amended?

Our distinguished Minority Leader Representative Larry Cafero, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I got to catch my breath.

Madam Speaker, ladies and gentlemen of the Chamber, I had no intentions of speaking on this bill and I have every intention of supporting it. We are in the last two days of session. And there's a lot going on in this building. With regard to the bills, frankly the order in which they're called, what bills we're taking up and what bills we're not.

The questions that are asked by any member of this General Assembly are presumed legitimate and asked in good faith. They are not from our perspective a waste of time. And if anyone is bored by them maybe you should think about a new Line of work, because that's what we do.

We are a deliberative body. So if you are going to get bored or insulted by questions and answers in this Chamber I would suggest for the next 30 hours maybe you step outside, because that's exactly what's going to go on. Questions and answers on bills that

are important to the citizenry of the state of Connecticut. That's exactly what's going to go on.

Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Will you remark further on the bill as amended?

Will you remark further?

If not, will staff and guests please come to the Well of the House? Will members please take their seats; the machine will be open.

THE CLERK:

The House of Representatives is voting by role.

The House of Representatives is voting by role. Will members please report to the Chamber immediately?

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted?

Will the members please check the board to determine if your vote has been properly cast?

If all the members have been voted, the machine will be locked and the Clerk will take a tally.

THE CLERK:

Seven, 0, 3.

DEPUTY SPEAKER RITTER:

The Clerk will please announce the tally?

THE CLERK:

Substitute House Bill 6651 as amended by House
"A".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Absent and not voting	3

DEPUTY SPEAKER RITTER:

The bill as amended passes.

Will the Clerk please call Calendar Number 574?

THE CLERK:

Madam Speaker, on page 22, Calendar 574,
favorable report of the Joint Standing Committee on
Government Administration and Elections, Substitute
Senate Bill 761, AN ACT MAKING THE JANITORIAL WORK
PILOT PROGRAM FOR PERSONS WITH A DISABILITY OR A
DISADVANTAGED PERMANENT.

DEPUTY SPEAKER RITTER:

Representative Lesser.

REP. LESSER (100th):

Good afternoon, Madam Speaker.

Madam Speaker, I move for acceptance of the Joint
Committee's favorable report and passage of the bill.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**COMMERCE
PART 4
1067 - 1410**

2013

2
hac/gbr COMMERCE COMMITTEE

March 19, 2013
11:00 A.M.

REP. BERGER: We should be fine.

SENATOR LEBEAU: So this is Gary O'Connor and Ann Catino?

REP. BERGER: Yes, Senator.

They're the co-chairs of the working group. Ann Catino and Gary O'Connor, I think the committee is familiar with these two individuals and for the purposes of the record, my name is Jeffrey Berger, representing the 73rd district in the House, which is Waterbury.

And again, thank you, Senator, and committee members for moving forward the latest and newest rendition of Brownfield's remediation and development which is under House Bill 6651. And I'm going to give a short overview of some key points within the legislation. Both Ann and Gary are here to also give a short presentation and be available for committee members to answer questions.

And as the committee knows we have -- we have done much work in this committee and certainly in the General Assembly as a whole on Brownfield remediation and development over the last six years. The -- the genesis of the bill that's before you this year is an implementation of recommendations of the working group -- Brownfield's Working Group in consultation with the DEEP and with DECD under counsel.

It establishes a Brownfield specific chapter in statute with formal declaration of policy to provide for ease and cross-referencing and consistency in definitions. It also, more importantly -- also importantly, establishes an Office of Brownfield's Remediation and

Development currently in Section 32-9cc of existing statute and creates a director level position.

And you know -- and as committee members have known in the past, we have fought very, very heartily those involved in this legislation in having a consolidated office within DECD that would be essential one stop shop for Brownfield Remediation and Development under the leadership of a director. And it's my understanding that the Commissioner is very, very close to a hire there and we will have a director within the Office of Brownfield Remediation and Development.

Also within sections of the bill there is a consolidation of multiple Brownfield accounts. You know, that under past Brownfield legislation we had multiple different Brownfield accounts with pots of money scattered over many, many different accounts. This brings in consolidation to those -- to those accounts.

There's also cleanup legislation so that there exists one grant program and one loan program through elimination of outdated and unused programs, so this is another great consolidation and -- of a grant -- separate grant program, separate loan program. And -- and money -- many of those changes are located within Section 5, which is a new section of the bill that's before you.

There's also a Liability Relief and Transfer Act changes located within the context of the bill, so we see a consolidation and reorganization. We see -- we -- we see that this bill will make it easier for private and non-profit developers and municipal and state economic development and environmental agencies

to access, identify and find both loan and grant programs and streamline the process.

So that, Senator and members, is a short overview and I would like to turn over to first Gary and then Ann, not in any order of -- of preference or seniority, but -- yes, Senator?

SENATOR LEBEAU: Just a couple of comments first and a question, Jeff.

REP. BERGER: Yes, sir.

SENATOR LEBEAU: Do we have written testimony?

REP. BERGER: I have my intern putting together my testimony and that will be delivered to the committee before the end of business today.

SENATOR LEBEAU: That's -- that's helpful.

And thank you.

And before we start, Ann and Gary, I want to thank them for their work over the years on this issue. You've -- we've made a lot of progress and a lot of that is because of your work and we really -- this committee and the General Assembly and state of Connecticut has -- owe you a Thank you.

GARY O'CONNOR: Well, thank you, Senator.

And -- and I have to say that your support over the last seven years has been instrumental in allowing us to advance a lot of these bills and --

SENATOR LEBEAU: That's only because I just do what Jeff tells me to do.

GARY O'CONNOR: Well, having been in a lot of those

meetings with the both of you I can tell you it's more than that, but thank you for your help.

And Jeff essentially highlighted the bill. Over the past seven years the -- the task force and now the -- the working group have made a number of recommendations and through -- and your committee a lot of bills have been passed. You know, other people have proposed Brownfield's bills. They've also been enacted.

You know, and it -- at this point what we're trying to do is say, okay, we have all these various bills and programs, now we have to kind of make some sense of everything, streamline the legislation and get rid of duplication and put into some logical order so it's easier for everybody to read and that's essentially what we're doing here.

There's not a whole lot of substantive changes, but by doing this we'll make the whole body of Brownfield laws easier to read, easier to understand, eliminate the duplication and -- and make it easier for stakeholders to access the laws in -- in a better way.

REP. BERGER: Thank you, Gary.

And -- and, Senator, if -- if I could defer over Ann Catino, with your permission. Ann, thank you.

ANN CATINO: And -- and thank you for your kind comments, Senator, and if it wasn't for your leadership, the leadership of Representative Berger and this committee Connecticut would be completely lost in the dust as other states have moved forward and we are moving forward and we're really --

SENATOR LEBEAU: Lost in the Brownfield.

ANN CATINO: Lost in the Brownfield's, huh, the dirty dust.

I think that Representative Berger and -- and Gary have -- have said it, but the intent of this is to -- and the -- recommendations of the working group is to streamline these programs. What we've been doing over the past several years and particularly this year is working closely with the Commissioner of DECD and the staff to really understand how the programs that have been created over the years have been working and practice does make perfect and this is a road we're on.

We have a lot of practice with the funding that has been provided. In fact, the funding has almost been expended. There's a last round of grant funding that is out there and there have been several -- dozens of tremendous projects that have gone through the process. We have received feedback from the recipients. We've received feedback from the staff as to how these programs should be consolidated, how they should be streamlined, and how they should be forward.

6651 does go that next step in consolidation and streamlining and it brings to bear the understanding of how these programs work from the agency that we understand as a working group and what we would like to do is continue to refine some of these changes. It's amazing when you take in all the amendments and all the changes we've made over the years and then now they're in one place. We're seeing things that we haven't seen before and it's a very valuable tool to put it all in one place because now we are seeing things as we streamline it, so we look forward to working with you and your staff

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going forward in order to make 6651 an even better bill.

Thank you.

REP. BERGER: Senator, also if I could comment --

SENATOR LEBEAU: Thank you, Ann.

REP. BERGER: -- I -- would like to also acknowledge for the purposes of everyone here on the committee the great work that Nick Elsie (phonetic), attorney for Commerce has done.

SENATOR LEBEAU: He was just telling me the great work -- the work he was doing.

REP. BERGER: Yeah, and I'm -- and I'm sure he has, Senator.

And -- and compiling a, you know, 90-page document and -- and consolidating the references in sections to help conformity to general statutes, so, you know, I thank him and the committee for their work.

SENATOR LEBEAU: Well, this is a thank you fest.

But we have testimony from DECD Commissioner and it's very positive.

REP. BERGER: Yes.

SENATOR LEBEAU: And reflects your comments, except -- and actually, Ann, you just said something that is also reflective and I wanted to ask you because you said it's a work in progress. You didn't use the work in progress, but you kind of alluded to that and she says -- the Commissioner says, "Though I am proud of the work thus far, the bill is a work in progress, and I look forward to working with all of you

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in the months ahead in order to craft a very effective piece of legislation."

REP. BERGER: Yes.

SENATOR LEBEAU: So you -- so let me go to Ann, if that's -- or Jeff --

REP. BERGER: I -- I think I have an answer for that, Senator.

SENATOR LEBEAU: Yep.

REP. BERGER: I -- I believe that -- that the Commissioner may be alluding to the fact that there is a -- a parallel bill that is before the Environment Committee that deals with DEEP issues.

There's two -- there's two bills in Environment that are related to Brownfield, so potentially, I believe it's my opinion that they could be merged at some point if there is consensus agreement, so that -- that might be where she's coming.

(SB1082)

The second issue, Senator, would be in the area of funding. The 6651 does not address funding, although the Governor has presented a budget that identifies \$10 million in each of the biennium. We feel certainly as a group that that does fall short of the requirements and that the past biennium we were able to achieve an authorization of 25 million per year, so we would think that a level of commitment and bonding equal to that would be sufficient to be able to ramp up both the -- the grant and loan programs.

So I -- I believe in consensus, Senator, that's -- that's where the work in progress may be coming in.

SENATOR LEBEAU: Thank you. Thank you -- thank you, Representative Berger for that response.

Are there any substantive differences in the other -- there are some other bills out there, are there substantive differences?

ANN CATINO: There are subject matter differences. In the Environment Committee bill that deals with municipal immunity from certain liability if a municipality goes in and acquires a Brownfield site. There is also reporting changes if there's a significant environmental hazard on property. They have a certain group of statutes that deals with the threshold level of contamination that may exist. You have to report what you have to do.

There are changes in the significant environmental hazard reporting statute that has implications for Brownfields that is -- that's serious issue for us because it may -- it unintendedly (sic) create more Brownfields and put a chilling effect on reporting.

The third section of the bill has to do with modifying the environmental land use restrictions and potentially putting on a notice of activity use limitation. In prior years that portion of the bill has been part of the Brownfield's bill coming out of this committee. The DEEP is working with the environmental section and the real property section of the Connecticut Bar Association, as well as other groups, to modify the types of restrictions that would be put on title on property when you have contamination. That is also -- is a work in progress right now.

Those three areas are going to be before the -- are part of an Environment Committee bill that

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will be the subject of a public hearing on Friday. And it -- then two of those areas have evolved out of the Brownfields Working Group.

SENATOR LEBEAU: Great. Thank you very much.

Any further questions by members of the committee?

Chairman.

REP. PERONE: Thank you very much.

And thank you for your testimony and it's an amazing bill thanks for keeping it under 100 pages.

A VOICE: Barely.

REP. PERONE: Barely -- close. But really it was -- my question is more about the -- the situation with the -- the Connecticut Bar Association and the -- what -- what you just eluded to that's being worked out, I mean, do you have any -- is there a sense of timeframe or -- or if there are any -- any, you know, like major sticking points on that that you could talk you because I just want to get a better sense?

Because that -- that's an important piece of it. I just want to make sure that -- that that's on track.

ANN CATINO: It -- I believe it is on track. Where they are -- or are they having daily conversations or not I don't know, but it is a topic that is -- the DEEP is working with the chair of the Environmental Section currently.

REP. PERONE: All right. Thank you very much.

Are there any further comments?

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No, questions?

No questions.

REP. BERGER: Senator, I -- I might want to just make one more recommendation to the committee. There's currently a -- a bill that has to do with Brownfields that was proposed by myself that's sitting in committee. As a recommendation that's other than 6651 and the proposed bill number eludes me at this time, but it is -- it is in committee at this point.

(HB 6174)

I would recommend that if the committee so chooses to fill that bill in with a bonding request of \$50 million, 25 in the biennium and then ship -- maybe ship it over to Finance, as a recommendation of -- of something to do for -- for us under Brownfield's remediation.

SENATOR LEBEAU: And what are you -- and what have you been smoking this morning, Mr. -- Representative?

REP. BERGER: Well, Senator, it's a -- there's a -- there is a proposal before us that says 10 million we are just increasing that by 15 million to be able to expedite --

SENATOR LEBEAU: No sweat.

REP. BERGER: -- (inaudible) program.

SENATOR LEBEAU: Finance Committee will love it.

Thank you for appearing again. I appreciate your input.

GARRY O'CONNOR: Thank you, Senator.

SENATOR LEBEAU: Again, thank you for your work on

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this bill.

ANN CATINO: Thank you.

SENATOR LEBEAU: Representative Janowski.

REP. JANOWSKI: I am Representative Janowski from the 56th District of Bergin and I apologize, I'm still smiling from the comments made about smoking from Senator LeBeau.

And I am here --

SENATOR LEBEAU: That was to Senator Boucher. I think she kind of slipped in and --

REP. JANOWSKI: I don't think so.

I am here to speak on Bill 6650, which is the bill to tax home heating oil to fund energy programs; however, while I'm here I would also like to lend my support to Bill 6651 regarding Brownfield mediation. I know that this committee has taken a leadership role in Brownfield mediation and it has been a great benefit to local communities, so I -- I do want to lend my support to that bill.

As indicated, I'm here to -- to speak in opposition of Bill 6650, which is the bill to tax home heating oil to fund energy programs. However well intended this legislation may be it will only add to the already high cost of home heating oil and increase the potential for price gauging and only add to the high price that we have already been experiencing for some time to come.

Based on my own personal experience, the cost per gallon this year has ranged from \$3.79 per gallon to \$3.89 per gallon and I imagine when I have the next delivery inquiry it will be



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Catherine H. Smith
Commissioner

**Testimony before Commerce Committee
3/19/2013**

**RE: HB 6651: AA Implementing the Recommendations of the State of
Connecticut Brownfields Working Group.**

Senator LeBeau, Representative Perone, Senator Frantz, Representative Lavielle and members of the Commerce Committee. Thank you for the opportunity to testify in support of HB 6651: AA Implementing the Recommendations of the State of Connecticut Brownfields Working Group. This legislation seeks to streamline and consolidate the state's brownfield remediation programs and statutes.

The legislation before you is a culmination of many hours of hard work by many people, many of which will be presenting before you today. Though I am proud of the progress thus far, the bill is a work in progress and I look forward to working with all of you in the months ahead in order to craft a very effective piece of legislation.

Brownfields continue to be a major stumbling block for municipalities that are eagerly trying to spur economic development of these properties. This legislation seeks to simplify and streamline the brownfield remediation process and modernize the legislative language to reflect changes that we think are necessary for the program to run more effectively.

By consolidating all brownfield references within one chapter we have the opportunity to create an outline of a basic operating structure that can be easily cross referenced. This also presents us with an opportunity to clearly define a Declaration of Policy in order to assure that brownfield money finds its way to where it was intended and we can also formulate definitions that are easily referenced and understood.

Besides the technical aspects of the bill, there are some structural elements that deserve to be mentioned, all of which DECD is in full support of.

- **Section 2** establishes the Office of Brownfield Remediation and Development as well as eliminates the state funded municipal grant *pilot* program, which was never intended to become a permanent financing mechanism for brownfields. It is replaced in Section 4.



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- **Section 3** consolidates two brownfield accounts into one revolving account with the state financial system. This account will be used to fund the grant and loan program as well as serve as the depository of any loan repayments.
- **Section 4** is the Municipal Brownfields Remediation Grant Program. Language creates a single grant program by modifying the existing one in 32-9kk and eliminating the modified pilot from 32-9cc.
- **Section 5** is the Loan Program. Language seeks to clarify eligible applicants and recipients and to clearly define eligible uses of funds.

There are many other sections within this bill that are of a technical nature, but all serve one purpose, and that is to make the Office of Brownfield Remediation and Development streamlined, easy to navigate and ultimately effective in its intended purpose. I urge the committee's support of this very important piece of legislation.

Catherine Smith



State of Connecticut
HOUSE OF REPRESENTATIVES
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(1)

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Representative Jeffrey Berger
In support of

**HB 6651 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE OF
CONNECTICUT BROWNFIELDS WORKING GROUP**

Key Points

- ❖ This bill consolidates and reorganizes the laws governing several brownfield remediation and development programs
- ❖ In doing so, it makes it easier for private and nonprofit developers and municipal and state economic development and environmental protection to access identify and access these programs.
- ❖ This bill is the work of the Brownfield Working Group, which began meeting over 5 years ago to find ways to clean up and restore blighted and contaminated land and structures to productive uses.
- ❖ The legislature enacted most of the group's recommendations, which provided more tools for this purpose
- ❖ The legislature enacted most of the group's recommendations, which provided more tools for this purpose.
- ❖ (General Assembly, committees and etc)
- ❖ Establish a Brownfield specific chapter in statues with formal Declaration of Policy to provide for ease in cross referencing and consistency in definitions
- ❖ Establish Office of Brownfield's Remediation & Development. *(Currently in 32-9cc)*
(DIRECTOR LEVEL POSITION)
- ❖ Consolidation of multiple Brownfield accounts. Need to assure that account created would have ability to receive deposit of block grants approved by Bond Commission (Consolidator) and deposit of any loan repayments.
- ❖ *New Section 5* - Cleanup legislation so that there exists one Grant Program and one Loan Program through elimination of outdated and unused programs. Utilize State of *(Illinois)* Program as model for streamlining.
- ❖ Liability Relief (and Transfer Act). Assuring the same applies to both grant and loan programs moving forward
- ❖ My recommendation is for funding \$50 million in Biennial budget - \$25 million for each budget year – HB 6174, also in your committee, could be a vehicle for the funding component