

DEEP's Role in Brownfields Redevelopment - How Can We Help You?

Mark Lewis, Brownfields Coordinator
DEEP- Office of Constituent Affairs & Land Management

*Former US Baird
Machine Co., Stratford*



*Now
Two Roads Brewing Company*



Connecticut Department of Energy and Environmental Protection

Willimantic Thread Factory- J. Alden Weir- 1893



Our mills inspired 19th century landscape painters.
They remain a resource and a source of inspiration
today.



Connecticut Department of Energy and Environmental Protection

State Cleanup Requirements

- Remediation Standard Regulations (RSRs) (RCSA § 133k-1 to k-3) apply to all cleanups
- RSRs define clean-up endpoints, not why, how, or when to reach the endpoints
- Cleanup / liability relief programs dictate how/when to reach endpoint

*Former Waterbury Industrial Commons, Waterbury
Groundbreaking for new manufacturing space
for King Industries
September 2015*



DEEP Remediation Division Districts

North Central District

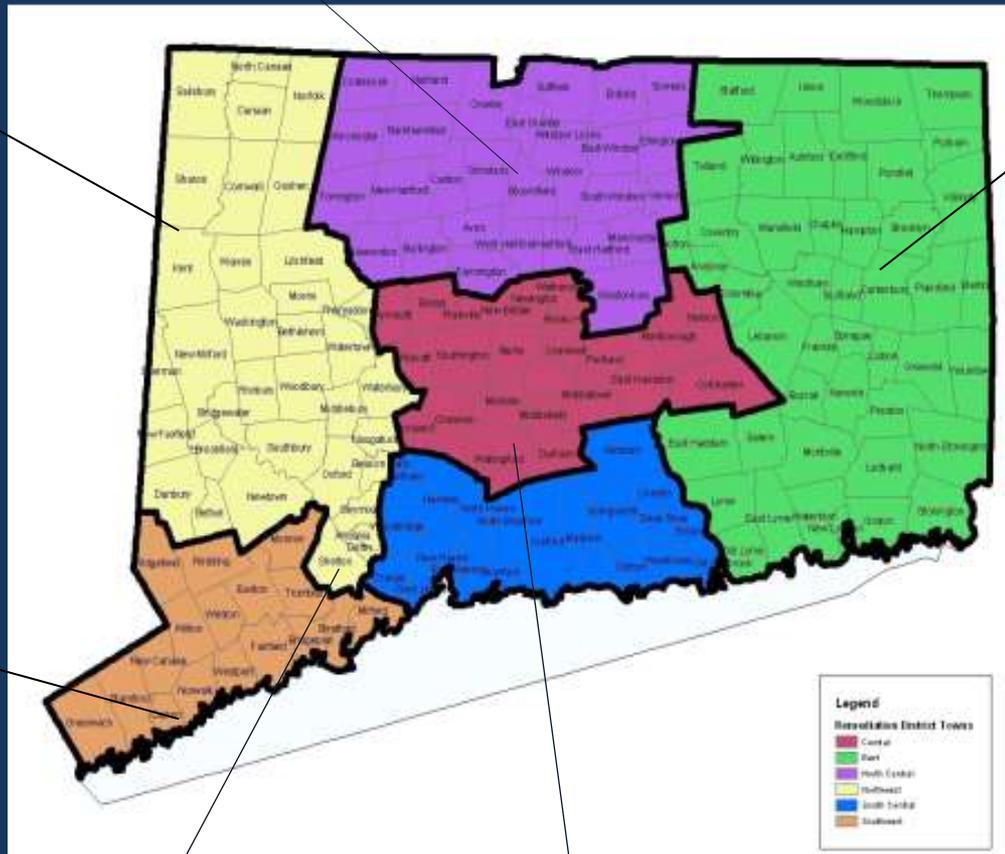
Robert (Rob) Robinson
(860) 424-3775

Northwestern District

Patricia (Pat) DeRosa
(860) 424-3501

Eastern District

Bill Warzecha
(860) 424-3776



Coordination & Support

Jacques Gilbert (acting)
(860) 424-3336

Petroleum Cleanup Fund

Jacques Gilbert
(860) 424-3336

Southwestern District

Peter Hill
(860) 424-3912

South Central District

Tom RisCassi
(860) 424-3781

Central District

David Ringquist
(860) 424-3373

Phase 1 Site Assessment

- Tells where to look in later phases
- Existing & past uses of site
 - What did they do, & where?
 - Raw materials & wastes
 - Identify areas where contaminants may have been released
- Important for Federal & state due diligence
 - Limited shelf life- 6 months to 1 year



Phase 2 Site Assessment

- Confirms presence/ absence of contamination in areas identified in Phase 1
- Sample collection- soil, groundwater, surface water, sediment, soil gas
- Possibly geophysics or other non- invasive methods



Phase 3 Site Assessment

- Full site characterization
 - Where is contamination now in three dimensions?
 - Where is contamination going in future?
 - Is contamination above cleanup standard?
- Needed to determine remedial (clean-up) options
- Leads to Remedial Action Plan (RAP)

*Former Contract Plating, Stratford
Start of demolition, October 2015*



State Liability Relief – DECD & DEEP

- Third-party liability relief
- Covenants Not To Sue
- Innocent Landowners
- Abandoned Brownfield Cleanup Program
- Brownfield Remediation and Redevelopment Program
- Municipal Brownfields Liability Relief
- Municipal Access to Brownfields



Third Party Liability Relief CGS §22a-133ee

- Non-responsible owner not liable except to state and federal government for pollution that occurred or existed prior to taking title
- Requires DEEP approved investigation report and remediation report (prepared by LEP)



Covenants Not To Sue

- When?- after submitting *Brownfield Investigation Plan and Remediation Schedule*
- CGS §22a-133aa: transferable, many protections, costs 3% of property value
 - *Free for municipalities; other parties may schedule payments over time*
- §22a-133bb: non-transferable, less protections, free



Abandoned Brownfield Cleanup Program CGS §32-768

- Property unused/ significantly underutilized 5 years prior
- Redevelopment of regional or municipal benefit
- No obligation to investigate/ remediate off-site, must stop offsite migration
- Liability relief from state and third parties
- No fee, Property Transfer Act exempt
- Must apply prior to property acquisition
- Must enroll/ remain in voluntary a remediation program
- Eligible for free covenant not to sue



American Woolen Mills, Stafford



Brownfield Remediation and Revitalization Program CGS§32-769 (Formerly called Section 17)

- Bona fide prospective purchaser, innocent property owner or contiguous landowner
- Must enter prior to acquisition, except innocent landowners can enter after acquisition. Towns are innocent landowners by statute.
- No offsite investigation/ remediation, must stop offsite migration
- Must investigate/ remediate within site boundaries
- Liability relief from state & third party
- Fee 5% of land value
- No fee for municipality – only for future owner

Harbor Point, Stamford



Municipal Brownfields Liability Relief CGS § 22a-133ii

- Open to municipalities or development corporations that aren't responsible parties
- Simple application, must apply prior to acquisition
- State and third party liability relief, exempt from Transfer Act
- Not required to fully investigate or cleanup Brownfield but must be good stewards of land
- Must submit plan & schedule to:
 - facilitate investigation, remediation and redevelopment
- Not for sites that town will own permanently

Remington Arms, Bridgeport



Municipal Access to Brownfields CGS § 22a-133dd

- Any municipality, economic development entity, or LEP may enter a property to conduct an investigation without liability if:
 - Owner cannot be located
 - Property encumbered by tax lien
 - Notice of eminent domain filed
 - Municipality finds investigation in public interest to determine if property should be redeveloped
 - Municipal official determines investigation necessary to assess potential risk to health or environment
- Must give owner 45 days notice before entry



Voluntary Remediation Program

- CGS § 22a-133x

- Environmental Condition Assessment Form filed with enrollment form

- \$3,250 fee (waived for state grantees)

- LEP oversight and verification or DEEP oversight- usually LEP

- CGS Section 22a-133y

- Must be GB or GC groundwater, not under order or stipulated judgment

- LEP does Phase 2 and 3 and submits final cleanup report

- LEP submits RAP before remediation starts



What do You See?



This?



Or this?

Proposed city boat launch at former oil terminal – Norwich



Connecticut Department of Energy and Environmental Protection

Questions?

Mark Lewis, Brownfields Coordinator
Connecticut Department of Energy &
Environmental Protection

mark.lewis@ct.gov

(860) 424-3768

