

Connecticut Brownfields Liability Relief Programs Fact Sheet

Abandoned Brownfield Cleanup Program (CGS Section 32-768)

- For 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 DEEP voluntary remediation program (CGS Section 22a-133x or y)
\$3250 fee for 133x
- Eligible for free covenant not to sue (133aa)

Brownfield Remediation and Redevelopment Program (CGS Section 32-769)

- For bona fide prospective purchaser, innocent property owner or contiguous landowner
- 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 (collected by DEEP Central Processing)
- No fee for municipality but new owner must pay when acquiring from municipality
- Exempt from Transfer Act

Municipal Brownfields Liability Relief (CGS Section 22a-133ii)

- Open to municipalities or development corps that are not responsible parties
- Simple application submitted 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
- Municipality must submit plan & schedule to facilitate investigation, remediation & redevelopment

Covenants Not To Sue (CGS Section 22a-133aa)

- Available early in the process. Plan and schedule for investigation and remediation needed.
- Agreement with DEEP that releases claims related to pollution or contamination on or emanating from the property that resulted from a discharge, spillage, uncontrolled loss, seepage, or filtration on such property prior to the effective date of the covenant.
- Property must be remediated in accordance with Remediation Standard Regulations, and any environmental land use restriction necessary to comply with RSRs must be recorded on the land records and must remain in effect.
- Fee 3% of property value appraised as if not contaminated, free for municipalities.
- Transferable for qualifying new owners.

Covenants Not To Sue (CGS Section 22a-133bb)

- DEEP will not require additional remediation in the future even if the remediation standards change after the covenant is executed.
- No fee, not transferable to new owner

Third-party liability Relief (CGS Section 22a-133ee)

- A non-responsible owner is not liable except to the state and federal government for pollution that occurred or existed prior to taking title. This requires DEEP approved investigation report and remediation report (prepared by LEP)

Innocent Landowners (CGS Section 22a-452d &452e)

- A property owner is not liable for State actions taken to contain, remove or mitigate a spill, or for an order to abate or remediate a spill or discharge issued on/ before August 1, 1990 and subject to appeal as of July 6, 1995; or any order issued after July 1, 1996.
- Due diligence is required for private landowners
- Due diligence is not required for government entities, inheritance or bequest, estate executor/ administrator

Municipal Access Liability Relief (CGS Section 22a-133dd)

Any municipality, economic development entity, or LEP may enter a property to conduct an investigation without liability if:

- Owner cannot be located, or
- Property encumbered by tax lien, or
- Notice of eminent domain filed, or
- Municipality finds investigation in public interest to determine if property should be redeveloped, or
- Municipal official determines investigation necessary to assess potential risk to health or environment.

For further information contact:

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