

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Economic Development

Subject

Urban Site Remediation Program

Inclusive Sections

§§ 22a-133m-1—22a-133m-3

CONTENTS

Sec. 22a-133m-1.	Definitions
Sec. 22a-133m-2.	Eligible property
Sec. 22a-133m-3.	Transfer and reuse of remediated property

Urban Site Remediation Program

Sec. 22a-133m-1. Definitions

As used in section 22a-133m-1 to section 22a-133m-3, inclusive, of these regulations:

(1) “Manufacturing or economic base business” shall be construed as defined in section 32-222 (k) of the general statutes.

(2) “Targeted investment community” shall be construed as defined in section 32-222 (u) of the general statutes.

(3) “Commissioner” means the Commissioner of Economic Development.

(4) “Transferor” means the person transferring the interest in the property to the Commissioner.

(5) “Eligible applicant” means any manufacturing or economic base business, as defined under sec. 32-222 (f) of the general statutes; and any other for-profit organization or nonprofit organization.

(6) “Eligible project” means any existing polluted commercial or industrial property that is proposed to be reused for economic development purposes by an eligible applicant following the remediation of such polluted property pursuant to sections 22a-133m-1 to 22a-133m-3, inclusive, of these regulations.

(7) “Agreement” means an agreement between the Commissioner of economic development and an eligible applicant for the remediation and reuse of polluted property pursuant to sections 22a-133m-1 to 22a-133m-3, inclusive, of these regulations.

(8) “For-profit organization” means a for-profit partnership or sole proprietorship or corporation which is a manufacturing or economic base business or which has demonstrated to the satisfaction of the commissioner that it has the qualifications, including financial qualifications, necessary to carry out an eligible project.

(9) “Nonprofit organization” means a nonprofit corporation as defined in section 33-421 of the general statutes which is organized under the laws of this state and which has demonstrated to the satisfaction of the commissioner that it has the qualifications, including financial qualifications, necessary to carry out an eligible project.

(Effective February 18, 1994)

Sec. 22a-133m-2. Eligible property

(a) The commissioner in consultation with the commissioner of environmental protection may acquire polluted commercial and industrial property for the purpose of remediation of the pollution. Such acquisition may include, but not be limited to, condemnation of the property in accordance with the provisions of chapter 835 of the general statutes.

(b) Such property may consist of polluted, undeveloped land zoned commercial or industrial; any developed but polluted commercial or industrial property that is abandoned or underutilized; or any developed but polluted commercial or industrial property that is underutilized provided the commissioner finds that the remediation of such property will assist with the retention or expansion of an existing manufacturing or economic base business or businesses operating on such property.

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

§22a-133m-3

Department of Economic Development

(c) Prior to the acquisition of real property by the Commissioner, the Commissioner of Environmental Protection shall conduct an assessment to evaluate the potential cost of remedial activities of any property proposed for acquisition under section 22a-133m of the General Statutes, provided that an eligible applicant has entered into an agreement with the Commissioner in accordance with sections 22a-133m-1 to 22a-133m-3, inclusive, of these regulations.

(d) After the Commissioner of Environmental Protection performs the assessment of the property pursuant to section 22a-133m-2 (c) of these regulations, the Commissioner shall consult with the Commissioner of Environmental Protection to determine whether to initiate property acquisition. If the Commissioner finds that the estimated cost of remedial activities at the site are not significant and do not warrant participation by the State and, furthermore, that the proposed transferor of the property or the eligible applicant has the financial ability to implement the remediation activities, the Commissioner may require that the transferor or the eligible applicant fully reimburse the State for the costs of the property assessment and provide security to guarantee such repayment to the State.

(e) If, in the opinion of the Commissioner of Economic Development, the cost to assess or remediate the property, or both, represents a significant impediment to the remediation and subsequent reuse of the property for an eligible project, and provided that the Commissioner determines that the property has significant economic development and job creation potential, the Commissioner may provide financial assistance to fund the cost of assessing or remediating the property, or both. In the event that the Commissioner decides to provide financing for such costs the State shall not accept any liability under Federal law.

(f) In deciding whether to acquire any such property described in subsection (b) of this section, the Commissioner may consider any factors he deems necessary, including, but not limited to, the location of the property, the size of the polluted property and the job creation potential of the eligible project. The Commissioner shall give priority consideration to eligible projects located in a targeted investment community.

(Effective February 18, 1994)

Sec. 22a-133m-3. Transfer and reuse of remediated property

Prior to the acquisition of polluted commercial or industrial property under section 22a-133m of the Statutes, the Commissioner shall enter into an agreement with the eligible applicant. The provisions of such an agreement shall include, but not be limited to, the following:

- (1) Agreement to conduct a manufacturing or economic base business at the site;
- (2) Agreement to pay all necessary and appropriate legal costs incurred by the Department of Economic Development and related to this project;
- (3) Agreement to execute a lease, or other legal instrument, with the State, acting through the Commissioner of Economic Development to provide for the following:
 - (A) Payment to the Commissioner of local property taxes related to the subject property. Such payments shall be used by the Commissioner to reimburse the municipality in which

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Department of Economic Development

§22a-133m-3

an eligible property is located for the local property taxes while such property is under the ownership of the State;

(B) Payment to the Commissioner for the costs incurred by the Department of Economic Development in administering the program;

(C) Payment to the Commissioner for the costs incurred by the Department of Environmental Protection in assessing and remediating the property;

(D) A long-term commitment by the applicant, its successors or assigns, for the term of the lease or 10 years, whichever is greater, to use the property for the specified economic development purposes;

(E) Such other terms and conditions that the Commissioner of Economic Development, in consultation with the Commissioner of Environmental Protection, may deem necessary, including, but not limited to, the provision of collateral to secure the terms and conditions specified above.

(4) That the applicant or the property transferor will assume responsibility for any direct costs in excess of \$15 million;

(5) That the applicant, its successors or assigns will assume full title to the property upon full repayment of all appropriate costs to the State;

(6) That the State shall not be liable for any and all environmental contamination which occurs after the date of completion of the site assessment conducted pursuant to section 22a-133m-2 (c) of these regulations.

(Effective February 18, 1994)