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It's a new day for Connecticut brownfields, with new laws, new opportunities and new administration

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It's all new for Connecticut brownfield redevelopment. With new laws, new opportunities, and a new administration, it's clearly a new day for anyone owning or seeking to develop brownfields. Brownfield redevelopment in Connecticut has really taken a giant leap forward with the implementation of the 2011 initiatives and significant funding for grants and loans. Without question, brownfield redevelopment in Connecticut has a strong leader and advocate in Governor Dannel Malloy and, with the passing of the first anniversary of his administration, a new direction is not only being charted but is being realized.

From a funding perspective, the state's 2011-2012 biennial budget provided sorely needed financial assistance. In 2011, the Connecticut Dept. of Economic and Community Development Office of Brownfield Remediation and Development awarded more than \$17 million in funding for brownfield redevelopment. Approximately \$13 million in loans and \$4.575 million in grants were awarded. With overwhelming legislative support, the types of eligible recipients and projects were expanded. For this past funding round, manufacturing, mixed use, hotel, retail and residential development were funded. In addition, for the first time, assistance was provided to existing businesses where the dedication of financial resources to clean up contamination has adversely affected job retention and business expansion.

Applications for the second round of funding through the Target Brownfield Development Loan and the Municipal Grant programs will be due February 3, 2012. \$15 million is available to be distributed as loans and \$3 million is available as grants to eligible municipalities. The state is looking for projects that are shovel ready and will lead to job creation. Criteria for selection certainly includes the immediate economic development benefits, but also serves the longer term, added benefits of restoring brownfield properties to productive reuse, enhancing the community and restoring the municipal tax base.

In addition, the due date for second round of applications under the state's new liability relief program is fast approaching. Established in 2011 by the Connecticut General Assembly, this new program creates an innovative alternative approach to stimulate private investment in brownfields.

Liability protection is the hallmark of this program. It affords the applicant relief from investigating off-site properties and provides liability protection from claims by the state or any third party for contamination that has migrated to off-site properties. In addition, to encourage sites owned by viable responsible parties to no longer mothball the property and to encourage sales to new developers, once a property is remediated by the new owner, the prior property owner is relieved of any liability to the state or third parties for further investigation and remediation of releases at the property.

To be eligible, an applicant must have purchased the property after the contamination occurred or

be an abutting property owner. The applicant cannot be a party or related to a party already responsible for the contamination. An eligible property must be a brownfield, with contamination above the regulatory standards. Properties listed on the national priorities list, the state's Superfund Priority List or subject to an enforcement action or corrective action as required by the Resource Conservation and Recovery Act are ineligible. The definition of brownfield has been expanded in 2011 to include abandoned or underutilized sites where redevelopment, reuse or expansion has not occurred due to pollution in the soil, groundwater and buildings and that investigation and remediation of such media is required in conjunction with redevelopment. As a result, the category of eligible properties is very broad.

Admission will be determined by the Dept. of Economic and Community Development in collaboration with the Dept. of Energy and Environmental Protection. Factors that will be considered include insuring geographic distribution, project diversity, and related economic development factors. Once accepted, the applicant will develop a remediation plan designed to complete remediation within five years. DEEP approvals and audit will be on an accelerated schedule so the applicant may move forward faster, efficiently and, most importantly, with certainty.

Four properties have been admitted into this program including development of residential apartments, due diligence for relocation of manufacturing, and two properties that require further investigation before redevelopment decisions can be made. Two dates are fast approaching for the next round of applicants. For an early award, the application deadline is January 20, 2012; for a late award, the deadline is February 3, 2012.

With these new programs and continued funding, the future of brownfield redevelopment in Connecticut appears very bright.

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