



# nerej

## **A message from the president of the Connecticut/Western Massachusetts chapter**

July 19, 2013 - Connecticut

On June 28th I attended a seminar held in Hartford at the Society Club and sponsored by the law firm of Pullman & Comley addressing changes at Connecticut's Department of Environmental and Energy Protection (DEEP). The speakers were a select group of attorneys from Pullman & Comley, who specialize in brownfields, energy regulations, and environmental law and are experts in their respective fields. Commissioner Daniel Esty and deputy commissioner Macky McCleary of the Department of Environmental and Energy Protection spoke on behalf of the DEEP.

Commissioner Esty said the DEEP is really the DEEEP - Department of Economic, Environment and Economy Program, as the organization has a direct impact on business in Connecticut. Although they have seen their budget shrink by 13% and their workforce cut by 11%, the commissioner stated that changes planned for the department in the coming year will translate into quicker and more transparent responses and decisions.

Permits that have been on the books for an extended period of time will be removed. There will be more business conducted by electronic means, and more efficiency put in place to streamline the department. There are many burdensome laws that pertain to outdated programs. These will be stripped away. The standards will remain, but the regulations modified.

Waste management and changes in the way companies and households dispose of their waste was discussed. We were told the price of electricity in Connecticut has decreased, whereas other states in the Southeast and Midwest regions have experienced an increase. Connecticut is the first state in the nation to have a green bank, which is being used to obtain financing for efficient energy in homes and businesses. Commercial and residential property tax relief for the implementation of renewable energy sources was also discussed. Aside from the state's moratorium on the new development of solar power, the State is clearly striving to compete with other states in the Northeast.

Remediation refinement drafted in new state regulations target the highest risks to public health. These regulations will not be eliminated if a given property is in close proximity to schools or densely populated areas. If it is a risk to public health, the standards will remain strong. It was noted that the last decade was not a high water mark for the environment and the effectiveness of the State's Transfer Act program. The 21st century will see changes that will likely result in higher standards, in turn making Connecticut a better place to live and work.

Brownfield legislation has a myriad of parameters making it hard to negotiate through the process. DEEP is working on a single set of definitions to make the process more streamlined.

One of the major issues in the new legislation is SB 1082 which pertains to the Remediation Standard Regulations (RSR). It was stated that fine tuning the standards is more like horse trading in the governing halls. It appears a dearth of scientific professionals in Hartford has allowed the

standards to be influenced by non-scientific data. The process still needs critiquing by outside sources. Regardless, the bill could be signed soon.

Environmental Land Use Restrictions (ELUR) were discussed. The general agreement is that the process is time consuming and costly to the property owner. For many properties encumbered with a minor issue, a simple form filed on the land records outlining the ELUR's status on the property would suffice. This would not apply to properties affected with heavy contamination.

DEEP is determined to transform itself into a modern focused organization. According to Macky McCleary, this is only the tip of the iceberg. Change is here and there is more to come. Connecticut's DEEP is taking a proactive role. The process seems to be going through changes that will ultimately be the envy of other states. We can only hope.

Bruce Wettenstein, SIOR is the president of the SIOR Connecticut/Western Massachusetts chapter.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540