



Joan McDonald
Commissioner



Amey Marrella
Commissioner

State of Connecticut
Department of Economic and
Community Development

State of Connecticut
Department of
Environmental Protection

October 21, 2009

To our Brownfield Redevelopment Partners:

There have been some recent administrative and legislative changes that greatly expand brownfield redevelopment opportunities in the state of Connecticut. We are reaching out today to inform you of these changes and to share with you what they mean for developers, municipalities and any others engaged in brownfield redevelopment and responsible growth activities.

As you know, to remain viable, cities and towns must expand their economic base, but they must do so in a way that properly manages growth and protects natural resources. One way to accomplish these goals is to reuse existing resources and what has already been developed — such as vacant, underutilized, and sometimes contaminated properties known as brownfields. This is a core principle of responsible growth.

Here in Connecticut, under the leadership of Governor Rell, we are taking action on our own responsible growth initiatives.

Measures to Strengthen Mill Redevelopment in Connecticut

Connecticut's industrial heritage has provided the state with a rich history, but also a legacy of functionally obsolete mills throughout the state. Reuse of these mills, which are often brownfields, is critical to our economic and community development efforts. Conversion of these mills from their original manufacturing uses to residential or mixed uses is, in many cases, the only viable means to bring these properties back into productive use. Because many of the mills relied on rivers and streams to power these historic structures, state investment into these sites often required floodplain management approval or time intensive exemptions to be reviewed by the Department of Environmental Protection (DEP).

To streamline the process, the Department of Economic and Community Development (DECD) and DEP have come to an agreement that effectively removes the need for DECD to apply for an exemption under DEP's floodplain management statutes, which brings a greater degree of certainty and predictability to the process.

Former mill buildings that are renovated to provide a residential component will be considered a non-intensive use of the floodplain when the following criteria are satisfied:

- The mill site is considered a brownfield under section 32-9cc(g) of the CGS.
- Any residential living space or critical activities are elevated above the 500 year base flood elevation consistent with the requirements of the flood management act.
- Appropriate flood proofing as required under National Flood Insurance Program (NFIP) is undertaken.
- Above grade activities are confined to existing mill buildings or within the footprint of previous mill structures.
- All other requirements of the NFIP and the flood management act and its associated regulations are adhered to.

These administrative changes were included in P.A. 09-235, AN ACT CONCERNING BROWNFIELDS DEVELOPMENT PROJECTS.

In another example of strong interagency collaboration, DECD and DEP have also agreed to a series of new reforms that will expand the activities allowed under the DECD's Flood Management General Permit. This will make the process of mill redevelopment more user-friendly and efficient. New activities, such as environmental remediation, dredging and structural rehabilitation of historic and residential buildings will no longer be subject to the formal DEP floodplain certification process.

Other Key Provisions

Public Act 09-235 makes several additional changes that will benefit Brownfield identification, investigation, remediation and redevelopment of brownfields. Some of these provisions are:

- Expanding liability protection for municipalities.
- Strengthening the ability of those purchasing brownfields to recover investigation and remediation costs from responsible parties.
- Creating a program to protect developers from liability for contamination that escapes from a brownfield prior to acquisition.
- Allowing developers to remediate the soil and use a property while conducting long-term groundwater monitoring and remediation.
- Permitting any party, rather than just owners or municipalities, to enter into a voluntary remediation program.

The reforms we have outlined should greatly improve the programs and processes that govern brownfield redevelopment in Connecticut.

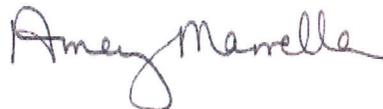
Any assistance you can provide in helping spread the word about these changes is greatly appreciated. Please share this information with your members, partners or any other interested parties that would benefit from knowing about these important new developments.

Thank you for your support. We look forward to working with you as we continue to expand economic development opportunities for Connecticut's businesses and taxpayers.

Sincerely,



Joan McDonald
Commissioner
DECD



Amey Marrella
Commissioner
DEP