



## *An Environmental Program Fact Sheet*

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# Municipal Brownfield Liability Relief Program

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### Overview

The Municipal Brownfield Liability Relief (BLR) program provides relief from certain types of liability for municipalities, economic development agencies, and municipal economic development corporations that are not responsible parties that acquire a brownfield for the purpose of redeveloping or facilitating the redevelopment of the brownfield.

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### Authorizing Law

Connecticut General Statutes Section [22a-133ii](#)

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### Applicability

The Municipal BLR program is open to any municipality or economic development agency, nonprofit economic development corporation, or non-stock corporation or limited liability company established by a municipality to address redevelopment. Applicants must apply for the program, and DEEP must approve the application before the applicant takes title to the property. Applicants must certify that:

- they intend to acquire title to a brownfield for the purpose of redeveloping or facilitating the redevelopment of the brownfield;
- the applicant did not establish or create a facility or condition at or on the brownfield that can reasonably be expected to create a source of pollution,
- the applicant is not affiliated with any person responsible for such pollution or source of pollution through any contractual, corporate or financial relationship other than a municipality's exercise of such municipality's police, regulatory or tax powers or a contractual relationship in which such person's interest in such brownfield will be conveyed or financed;
- the applicant is not otherwise required by law, an order or consent order issued by the commissioner or a stipulated judgment to remediate pollution on or emanating from such brownfield; and
- the brownfield and applicant meet any other criteria that said commissioner deems necessary.

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## Eligibility

The program is open to any (A) municipality, (B) economic development agency or entity established pursuant to CGS chapter 130 or 132, (C) nonprofit economic development corporation formed to promote the common good, general welfare and economic development of a municipality and that is funded, either directly or through in-kind services, in part by a municipality, or (D) a non-stock corporation or limited liability company controlled or established by a municipality, municipal economic development agency or entity created or operating pursuant to CGS chapter 130 or 132.

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## What It Is

The Department of Energy and Environmental Protection (DEEP) administers the Municipal BLR. The goal of the program is to facilitate the cleanup and redevelopment of brownfields. Municipalities are not required to fully investigate or cleanup sites enrolled in the program, but are required to serve as good stewards of the land by:

- complying with the requirements of the [Significant Environmental Hazard program \(§22a-6u of the Connecticut General Statutes\)](#);
- making good faith efforts to minimize the risk to public health and the environment;
- submitting a plan and schedule that outlines what steps are being proposed to facilitate redevelopment and cleanup.

Examples of steps that can be taken to facilitate redevelopment and cleanup can include: assembling additional parcels of land; marketing a property for redevelopment; seeking proposals for redevelopment; applying for funding assistance (with or without a partner) to conduct planning, investigation, cleanup, or design functions; conducting site preparations (e.g., demolition, infrastructure improvements, removal of bulky wastes, securing the property); and/or conducting investigations or targeted hot spot remedial actions. This program is not for sites that will be permanently owned by a municipality or other eligible entity.

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## Approval

If the Commissioner determines that an application to the program is complete and the applicant and brownfield meets the eligibility criteria, DEEP will notify the applicant of acceptance into the Municipal BLR program. Acceptance into the program will provide liability relief to the municipality and will exempt the applicant from filing under the Property Transfer Program when they acquire the property.

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This overview is designed to answer general questions and provide basic information. You should refer to the appropriate statutes for the specific language. It is your responsibility to comply with all applicable laws. The information contained in this fact sheet is intended only to acquaint you with the Municipal Brownfield Liability Relief program and does not constitute the Department's interpretation of the applicable laws.