

OFFICE OF BROWNFIELD REMEDIATION AND DEVELOPMENT
DECD LIABILITY RELIEF PROGRAMS
ABANDONED BROWNFIELD CLEANUP (ABC) & BROWNFIELD REMEDIATION & REVITALIZATION PROGRAM (BRRP)
FREQUENTLY ASKED QUESTIONS
March 2025

1. I would like to apply to one of the DECD Liability Relief Programs. Which one should I be applying to?

- Please see the chart below to understand program similarities and differences, to identify the eligibility, pros, and cons of each of the programs:

ABC Program (CGS Section 32-768)	Program Similarities	BRRP Program (CGS Section 32-769)
<ul style="list-style-type: none"> • Program targeting redevelopment of abandoned and highly underutilized brownfield sites. • Applicable only if property is unused/significantly underutilized for at least five years (and responsible party is indeterminable - does not apply to municipalities and public entities) • Special provisions for municipalities, brownfield land banks and economic development agencies. • No fees to apply. • Must remediate site under CT DEEP's Voluntary Remediation Program - includes a fee 	<ul style="list-style-type: none"> • No obligation to investigate and remediate off-site pollution as long as off-site migration is eliminated. • Must investigate and remediate contamination within site boundaries • Provides liability relief from State and third parties • Exempt from Property Transfer Act • Must apply prior to property acquisition (except for BRRP if one is applying as a contiguous property owner or an innocent land owner) • Will be reviewed for economic benefits. 	<ul style="list-style-type: none"> • Program targeting developers and public entities looking to redevelop potential brownfield sites to the highest & best end use. • Eligible entities include - bona fide prospective purchaser, innocent landowner, or contiguous landowner (as long there is no affiliation to the party responsible for pollution). • Municipalities/government entities can apply to the program after taking title to the property. • Fees involved • Must remediate site under the BRRP program and schedule.

- Please refer below for specific eligibility criteria.

ABC Eligibility Criteria

1. Property must satisfy the brownfield definition as per [C.G.S Section 32-760](#) and is significantly unused or underused for at least 5 years.
2. Applicant intends to acquire title to **redevelop** the property or **prepare the site towards future redevelopment**.

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3. **Redevelopment proposal has** regional or municipal economic benefit.
4. Applicant has not **caused the pollution** or have any affiliation to those responsible for the pollution.
5. Applicant is not subject to existing **enforcement or consent orders** by DEEP.
6. Person responsible for the pollution is **indeterminable** or is unable to perform remediation of such property (not applicable to municipalities, Brownfield Land Banks and Economic Development Agencies).
7. Other eligible criteria as determined by the DECD Commissioner.

BRRP Eligibility Criteria

DECD can approve up to 32 applications into the Program in any year.

1. Property must satisfy the brownfield definition as per [C.G.S Section 32-760](#) and there should be a release of a regulated substance in an amount that is in excess of the remediation standards.
2. Applicant must meet the definition of a [bona fide prospective purchaser](#), [innocent landowner](#) or [contiguous property owner](#).
3. Application and proposed redevelopment must satisfy state-wide economic and community development portfolio factors (see below).
4. Applicant has not established, created or maintained a source of pollution and is not responsible for any pollution on the property.
5. Applicant does not have any affiliation to those responsible for the pollution except where the Applicant has leased the property for less than five (5) years as a path to property acquisition.
6. Applicant/Property is not subject to existing enforcement or consent orders by DEEP or the U.S. EPA.
7. Property is not on [Superfund National Priority List](#) or the [CT Superfund Priority List](#).
8. Property is not subject to [corrective action](#) by the federal Resource Conservation and Recovery Act (RCRA).

2. How can I determine if a property qualifies as a Brownfield?

- As per [C.G.S Section 32-760](#), a Brownfield is:
“Any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the restoration, redevelopment, reuse and expansion of the property.”

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- In essence, your property would qualify as a Brownfield if:
 1. It is slated for redevelopment, reuse or expansion.
 2. The redevelopment, reuse or expansion cannot take place if there is presence of contamination on-site that include hazardous substances, building materials, or pollutants that exceed state or federal remediation standards.
- Another helpful indicator of understanding whether the property is contaminated is the knowledge of the property's operating history such as industrial or commercial activities that included the use of chemicals, fuels, and other hazardous materials. A Phase I Environmental Site Assessment can also help evaluate whether the site is potentially contaminated.

3. Does DECD recommend scheduling a pre-application meeting?

- DECD highly recommends scheduling a pre-application meeting to ensure the selection of the appropriate program and to confirm eligibility. During this meeting, DECD can also provide guidance on the application submission process and to direct applicants to available resources. Additionally, this dedicated time allows DECD to gain an initial understanding of the property's history and potential redevelopment plans. To schedule a meeting, please send a request to decd.liabilityreliefprogram@ct.gov.

4. Am I still eligible to apply for the liability relief programs after I acquire the property?

- No, to be eligible for either program, you must be accepted into the program before acquiring the property. However, [innocent landowners](#) and [contiguous property owners](#) are eligible for entry into the BRRP program.

5. Am I eligible to apply for the liability relief programs if I am leasing the property?

- It depends. If you have leased the property for less than five (5) years with the intent to acquire it, and you are not responsible for creating or maintaining the pollution on the property, you may be eligible to apply, as long as you meet all other eligibility criteria. However, if you have been leasing the property for more than five years, you are not eligible.

6. Do I need to provide a Phase I Environmental Site Assessment if I intend to apply?

- Yes, DECD requires the submission of a Phase I Environmental Site Assessment with the application that is representative of the current site conditions. If you are applying as a bona fide prospective purchaser under the BRRP, the Phase I ESA must have been prepared in the last 6 months.

7. What are the requirements that an applicant must be aware of, prior to applying?

- The site and applicant must meet the threshold criteria (see Question #1).
- The applicant should not have already acquired the property.

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- Applications must be submitted using the DECD-prescribed forms.
- All mandatory attachments listed in the Application Form must be provided, including the latest Phase I Environmental Site Assessment. The applicant (the entity seeking approval) must be the same entity purchasing the property and performing the remediation. Non-public entities, especially Limited Liability Companies (LLCs) formed specifically to acquire and remediate the property, must be registered with the Secretary of State to conduct business in Connecticut.

8. How does one apply into the Program?

- Please visit the DECD Liability Relief Program webpage (Go to the Office of Brownfields website, www.ctbrownfields.gov, and navigate to the webpage) for instructions on how to apply. The ABC and the BRRP programs have separate application forms and mandatory attachments list. Please ensure you are using the latest forms available on the DECD Website for submission.

9. Does an Applicant have to wait for an announcement from DECD to be able to apply?

- No, unlike DECD's funding rounds, one can apply for approval to be in the liability relief programs at any time.

10. When can I expect to receive a response once I submit an application?

- DECD has 90 days from the date of receipt of a complete application (form + attachments) to approve/deny. The 90-day clock restarts if OBRD staff notes an incomplete submission. DECD will notify the applicant of any missing information as soon as possible, but no later than 60 days after the initial submission.

11. Are there fees associated with applying to the programs?

- *ABC Program:* There is no fee to apply. However, applicants are required to enroll and remain in the Voluntary Remediation Program (VRP) which has a \$3,250 enrollment fee.
- *BRRP Program:* Applicants who qualify as innocent landowners and/or municipalities, Connecticut brownfield land banks, or economic development agencies are not required to pay the BRRP fee – however, there is a fee when one of these public entities transfers the property to a private entity. Other Applicants (private entities) have a fee equal to five percent (5%) of the assessed land value as stated on the last-completed grand list of the relevant town. There are fee reduction options available based on achieving certain milestones. Please visit the program webpage for more details on the base fees, fee reductions and fees owed upon the transfer of property.

12. Where can I find the program requirements, obligations, and expected deliverables once I am approved to be in one of the programs?

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- Please visit the DECD Liability Relief Program webpage (www.ctbrownfields.gov – navigate to the webpage).

13. If remediation has already begun on the property, am I still eligible for the liability relief program?

- DECD will evaluate on a case-by-case basis. We recommend a pre-consultation to discuss further. The Applicant will need to demonstrate that the property still satisfies the definition of a Brownfield and meets all other eligibility criteria.
- If the property is already in one of the DECD Liability Relief Programs, the liability protections and status can be transferred to a new owner. Please visit the webpage for more information on the transfer/assumption requirements.

14. What criteria does DECD use to approve or deny applications?

- DECD ensures that all eligibility criteria are satisfied and that all required documentation is submitted as part of application. DECD evaluates the application's merits to ensure it meets program requirements for economic and community benefits and verifies that the applicant is not responsible for causing or creating the site pollution. As part of the application review, DECD will collaborate with DEEP to assess the site conditions for each application. The risks associated with granting liability relief will also be evaluated. When determining whether to approve the request, the benefits of enrolling the property in a remediation program will be weighed against the potential costs to the state of assuming the associated risks.

15. If the Applicant has knowledge that contaminants are migrating from the property, will the application be approved?

- As part of the application review, DECD, in collaboration with DEEP will evaluate the site conditions associated with each application. The risks associated with off-site migration will be carefully assessed and will be a major factor in the review process. The presence of sensitive receptors along with costs and benefits will be evaluated. If approved for enrollment in a Liability Relief program, the applicant is responsible for remediation within the property's boundaries and must stop off-site migration.

16. Once approved, is there an expiry date for the letters?

- The applicant has two years from the approval letter date to obtain title to the property. The clock to enter the remediation program and begin cleanup obligations starts then. Extensions may be approved upon receipt of a written request. The written request must be received 60 days before the expiration date. A copy of the original DECD approval letter should be included with the request. Detailed justification for the request will need to be included. DECD will scrutinize the request to ensure that the environmental conditions have not changed before making an approval/denial decision.

17. Do municipalities and other public entities have any special provisions under these programs?

- *ABC Program:* Yes.
 - Municipalities, Brownfield Land Banks and Economic Development Agencies can apply even if the person responsible for the pollution exists and may be able to perform remediation of the property (CGS Sec. 32-768 (c))
 - Municipalities and Brownfield Land Banks may request DECD to determine if a property is eligible for the program regardless of ownership (CGS Sec. 32-768 (d))
- *BRRP Program:* Yes. Municipalities, Connecticut brownfield land banks, or economic development agencies:
 - may nominate properties to be in the Program (CGS Sec. 32-769 (c))
 - are not required to pay the BRRP fee when applying to the program. Please note transferee fees apply when the property is ultimately transferred to a private entity.
 - can submit a fee waiver for a property with required justification (See CGS Sec. 32-769 (h) (5))

18. Who should be signing and certifying the Application form?

- The person signing the Application Form should be legally authorized to sign on behalf of the Applicant entity.

19. The space provided in the application forms is limited. Can I provide an attachment with additional information to respond to the questions?

- DECD prefers that all responses are provided within the spaces provided on the forms. An attachment is acceptable only in cases where additional space is required to provide essential information crucial to DECD's review and determination.

20. I have a question that is not covered above. How can I get a response?

- Please feel free to send any questions you may have to decd.liabilityreliefprogram@ct.gov (preferred). The DECD team will reach out to you as soon as possible. For urgent questions please contact the dedicated OBRD hotline number at 860.500.2395.

21. Where can I find the Liability Relief Program webpage?

- Please visit the OBRD Website (www.ctbrownfields.gov) and navigate to the section: Liability Relief/Other Programs. Click "[Liability Relief Programs](#)" to access the webpage.