



Senate

General Assembly

February Session, 2000

File No. 289

Senate Bill No. 438

Senate, March 29, 2000

The Committee on Environment reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning Voluntary Environmental Audits.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Public act 99-226 is repealed and the following is substituted in lieu
2 thereof:

3 (a) Any business required to obtain a permit or other approval from
4 the Commissioner of Environmental Protection to operate in this state
5 may apply to the commissioner for the benefits of the program
6 established under subsection (e) of this section. Such application shall
7 be on forms and in a manner prescribed by the commissioner. The
8 advisory board convened under subsection (c) of this section shall
9 consider, and may approve, such application if the business has
10 demonstrated to the satisfaction of such board that such business (1)
11 has an exemplary record of compliance with environmental laws
12 which shall include, but shall not be limited to, evidence that such
13 business has not been found in violation of any such law, other than a
14 minor violation as determined under section 22a-6s, within the

15 preceding three years; (2) has complied with the provisions of section
16 22a-6s and any orders of the commissioner under said section, with
17 regard to any minor violation, as defined in said section; and (3)
18 consistently employs practices in its operation that ensure protection of
19 the natural environment to a degree greater than that required by law.

20 (b) Upon approval of such application, the commissioner may
21 provide the benefits of the program to the business if the commissioner
22 finds that (1) the business is registered as meeting the ISO 14001
23 Environmental Management System Standard and has adopted
24 principles for sustainability such as the CERES principles, the Natural
25 Step, the Hanover Principles or equivalent internationally recognized
26 principles for sustainability as determined by the commissioner, or (2)
27 in the case of a small business, as defined in section 32-344, the
28 business has an equivalent environmental management system which
29 employs a data collection system for the categories of information
30 described in 63 Federal Register 12094 (1998). The environmental
31 management system of any business approved for the program system
32 shall include provisions for commitment of the management of the
33 business to the environmental management system, compliance
34 assurance and pollution prevention, enabling systems, performance
35 and accountability, third-party audits and measurement and
36 improvement. Any business approved for the program shall be issued
37 a certificate by the commissioner evidencing such approval.

38 (c) The commissioner shall submit an application of a business
39 under subsection (a) of this section to an advisory board convened by
40 the commissioner for consideration of such application. Such board
41 shall consist of a representative of the Council on Environmental
42 Quality; the Attorney General, or a designee; a representative of the
43 industry in which the business is engaged, provided such
44 representative has no business relationship with the applicant; and the
45 commissioner, or a designee.

46 (d) If the commissioner finds that a business that has been approved
47 for the program ceases to be qualified for the program because it no
48 longer complies with the requirements provided for in subsections (a)
49 and (b) of this section, the commissioner shall revoke the certificate
50 issued under subsection (b) of this section and the business shall not be
51 entitled to any further benefits under the program. Any such business
52 may reapply to the program at any time.

53 (e) The Commissioner of Environmental Protection may establish a
54 pilot program to attract to this state, or to support in this state,
55 businesses which require a permit or other approval from the
56 commissioner in order to operate in this state and which have a history
57 of providing for the best protection of the natural environment in the
58 operations of such business. Such program may be based on any
59 model plan developed by a multistate working group or may replicate
60 a pilot program developed by such a group. Such program shall
61 provide for expedited review of permit applications and a public
62 recognition process which may include issuance to businesses of a
63 symbol or seal signifying the exemplary record of environmental
64 protection and exclusive use of such symbol or seal by the business in
65 its advertising or other public displays. Notwithstanding any
66 provision of this title and the regulations adopted by the commissioner
67 under this title, such program may provide for (1) less frequent
68 reporting, consistent with federal law, of information otherwise
69 required to be reported as a condition of the business' operation in this
70 state, (2) a facility-wide permit for all approvals required from the
71 commissioner for operation of a facility operated by the business in
72 this state, (3) a permit that would allow for changes in individual
73 processes at a facility without the need for a new permit provided the
74 total pollutant emissions or discharge from the facility does not
75 increase, or (4) reduced fees for any permit required from the
76 commissioner.

77 (f) Notwithstanding any regulations adopted by the United States

78 Environmental Protection Agency addressing violations and
79 discrepancies discovered and corrected as a result of a voluntary audit,
80 the advisory board described in subsection (c) of this section may
81 consider action taken by a business to correct a discrepancy identified
82 in a voluntary audit in considering whether the business qualifies for
83 the benefits of the program established under subsection (e) of this
84 section, provided the business takes action to correct the discrepancy
85 and notifies the department within a reasonable period of time after
86 the discrepancy was discovered. The provisions of this subsection shall
87 not apply if the commissioner finds the business is not qualified
88 because it is not in compliance with the requirements provided for in
89 subsections (a) and (b) of this section.

ENV Committee Vote: Yea 24 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Department of Environmental Protection

Municipal Impact: None

Explanation**State Impact:**

Broadening the eligibility for the state's exemplary environmental management systems program could result in the reduction of future environmental permit fees for certain businesses, which would be offset by a reduction in reporting and administrative costs to the Department of Environmental Protection (DEP). No net impact is anticipated.

OLR Bill Analysis

SB 438

AN ACT CONCERNING VOLUNTARY ENVIRONMENTAL AUDITS.**SUMMARY:**

This bill broadens the eligibility criteria for the state's exemplary environmental management systems program to allow for consideration of corrective actions undertaken by a business for environmental discrepancies discovered as a result of a voluntary environmental audit. The business must otherwise meet the program eligibility requirements.

EFFECTIVE DATE: October 1, 2000

THE EXEMPLARY ENVIRONMENTAL MANAGEMENT SYSTEMS PROGRAM

The exemplary environmental management systems program is a pilot incentive program for businesses that have a history of best environmental management practices. To be eligible, businesses must have in place a recognized environmental management system with certain minimum requirements. The program's potential incentives include an expedited permit process, less frequent reporting requirements, facility-wide permitting, flexible capped emission permits, and reduced permit fees.

Application advisory boards convened by the Department of Environmental Protection (DEP) must review the applications before DEP can accept businesses into the program. By law, the advisory board may approve businesses with unintentional, minor violations, regardless of how they were discovered, so long as they have been remedied.

The bill allows the advisory board to consider corrective actions taken as a result of a voluntary environmental audit when considering a business for the program. The business must have notified DEP of the

discrepancy within a reasonable time after discovering it. The board may consider the corrective action despite any federal Environmental Protection Agency regulation addressing violations or discrepancies discovered during a voluntary audit.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 24 Nay 0