



General Assembly

February Session, 2000

Raised Bill No. 5060

LCO No. 812

Referred to Committee on Environment

Introduced by:
(ENV)

An Act Concerning Criminal Violations Of Environmental Laws.

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

1 Section 1. Section 22a-131a of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (a) Any person who (1) wilfully fails to prepare a manifest required
4 in accordance with the provisions of [the Resource Conservation and
5 Recovery Act of 1976 (42 USC 6901 et seq.)] the State Hazardous Waste
6 Program promulgated under section 22a-449 or any regulation
7 adopted pursuant to said section, (2) knowingly makes any false
8 material statement or representation on any application, label,
9 manifest, record, report, permit or other document required in
10 accordance with the provisions of [said act] section 22a-449 or said
11 regulations, including any such statement or representation for used
12 oil that is regulated under section 22a-449, or (3) wilfully fails to
13 maintain or knowingly destroys, alters or conceals any record required
14 to be maintained [under regulations pursuant to said act] in
15 accordance with the provisions of section 22a-449 or said regulations,
16 including any record for used oil that is regulated under section 22a-
17 449, shall be fined not more than [twenty-five] fifty thousand dollars

18 for each day of such violation or imprisoned not more than [one year]
19 two years or both. A [second] subsequent conviction for any such
20 violation shall carry a fine of not more than fifty thousand dollars per
21 day or imprisonment for not more than [two] five years or both.

22 (b) Any person who knowingly transports or causes to be
23 transported any hazardous waste to a facility which does not have a
24 permit required under [the Resource Conservation and Recovery Act
25 of 1976] section 22a-449 or any regulation adopted pursuant to said
26 section, or who knowingly treats, stores or disposes of any hazardous
27 wastes without a permit required under said [act] section or said
28 regulations, or who knowingly violates any material condition or
29 requirement of such permit or an order made pursuant to such permit,
30 shall be fined not more than fifty thousand dollars for each day of
31 violation or imprisoned not more than [two] five years or both. A
32 subsequent conviction for any such violation shall carry a fine of not
33 more than one hundred thousand dollars per day or imprisonment for
34 not more than ten years or both.

35 (c) Any person who knowingly stores, treats, disposes, recycles,
36 transports or causes to be transported or otherwise handles any used
37 oil that is regulated under section 22a-449 but not identified or listed as
38 hazardous waste in violation of any condition or requirement of a
39 permit under said section or under any regulation adopted pursuant to
40 said section shall be fined not more than fifty thousand dollars for each
41 day of violation or imprisoned not more than two years or both. A
42 subsequent conviction for any such violation shall carry a fine of not
43 more than one hundred thousand dollars per day or imprisonment for
44 not more than five years or both.

45 [(c)] (d) Any person, who in the commission of a violation for which
46 a penalty would be imposed under subsection (a), [or] (b) or (c) of this
47 section, who knowingly places another by such violation in imminent
48 danger of death or serious bodily injury, shall be fined not more than
49 two hundred fifty thousand dollars or imprisoned not more than [two]

50 fifteen years or both, [except that where such violation indicates an
51 extreme indifference to human life, the fine shall be not more than two
52 hundred fifty thousand dollars or imprisonment for five years or both,]
53 and when the violator is an organization, the fine shall be not more
54 than one million dollars. This subsection shall not be construed as a
55 limitation on the amount of fines that may be imposed in accordance
56 with subsection (a), [or] (b) or (c) of this section. As used in this section,
57 "organization" means any legal entity, other than the state or any of its
58 political subdivisions, established for any purpose, and includes a
59 corporation, company, association, firm, partnership, joint stock
60 company, foundation, institution, trust, society, union or any other
61 association of persons.

62 [(d)] (e) Any fine imposed pursuant to this section shall be
63 deposited in the General Fund.

64 Sec. 2. Section 22a-226a of the general statutes is repealed and the
65 following is substituted in lieu thereof:

66 Any person who knowingly violates any provision of section 22a-
67 252, section 22a-208a, section 22a-208c, any permit issued under said
68 section 22a-208a, subsection (c) or (d) of section 22a-250, any regulation
69 adopted under section 22a-209 or 22a-231, or any order issued
70 pursuant to section 22a-225 shall be fined not more than twenty-five
71 thousand dollars per day for each day of violation or imprisoned not
72 more than [one year] two years or both. A subsequent conviction for
73 any such violation shall carry a fine of not more than fifty thousand
74 dollars per day for each day of violation or imprisonment for not more
75 than [two] five years or both.

76 Sec. 3. Section 22a-438 of the general statutes is repealed and the
77 following is substituted in lieu thereof:

78 (a) Any person who or municipality which violates any provision of
79 this chapter, or section 22a-6 or 22a-7 shall be assessed a civil penalty
80 not to exceed twenty-five thousand dollars, to be fixed by the court, for

81 each offense. Each violation shall be a separate and distinct offense
82 and, in case of a continuing violation, each day's continuance thereof
83 shall be deemed to be a separate and distinct offense. The Attorney
84 General, upon complaint of the commissioner, shall institute a civil
85 action in the superior court for the judicial district of Hartford to
86 recover such penalty. In determining the amount of any penalty
87 assessed under this subsection, the court may consider the nature,
88 circumstances, extent and gravity of the violation, the person or
89 municipality's prior history of violations, the economic benefit
90 resulting to the person or municipality from the violation, and such
91 other factors deemed appropriate by the court. The court shall consider
92 the status of a person or municipality as a persistent violator. The
93 provisions of this section concerning a continuing violation shall not
94 apply to a person or municipality during the time when a hearing on
95 the order pursuant to section 22a-436 or an appeal pursuant to section
96 22a-437 is pending.

97 (b) Any person who or municipality which wilfully or with criminal
98 negligence violates any provision of this chapter, or section 22a-6 or
99 22a-7 shall be fined not more than twenty-five thousand dollars per
100 day for each day of violation or be imprisoned not more than one year
101 or both. A subsequent conviction for any such violation shall carry a
102 fine of not more than fifty thousand dollars per day for each day of
103 violation or imprisonment for not more than two years or both. For the
104 purposes of this subsection, person includes any responsible corporate
105 officer.

106 (c) Any person who or municipality which knowingly violates any
107 provision of this chapter, or section 22a-6 or 22a-7 shall be fined not
108 less than five thousand dollars per day nor more than fifty thousand
109 dollars per day for each day of violation or be imprisoned not more
110 than three years or both. A subsequent conviction for any such
111 violation shall carry a fine of not more than one hundred thousand
112 dollars per day for each day of violation or imprisonment for not more
113 than ten years or both. For the purposes of this subsection, person

114 includes any responsible corporate officer.

115 [(c)] (d) Any person who or municipality which knowingly makes
116 any false statement, representation, or certification in any application,
117 record, report, plan, or other document filed or required to be
118 maintained under this chapter, or section 22a-6 or 22a-7 or who
119 falsifies, tampers with, or knowingly renders inaccurate any
120 monitoring device or method required to be maintained under this
121 chapter, or section 22a-6 or 22a-7 shall upon conviction be fined not
122 more than [ten] twenty-five thousand dollars for each violation or
123 imprisoned not more than [six months] two years for each violation or
124 both.

125 Sec. 4. Section 22a-467 of the general statutes is repealed and the
126 following is substituted in lieu thereof:

127 No person or municipality shall dispose of the compound PCB or
128 any item, product or material containing the compound PCB except in
129 accordance with a permit issued pursuant to section 22a-208a, 22a-430
130 or 22a-454. Notwithstanding the provisions of this section, a person or
131 municipality may dispose of the compound PCB, or the item, product
132 or material containing the compound PCB, in accordance with a
133 written approval by the commissioner if such disposal (1) results in
134 destruction of the compound PCB; or (2) is not inconsistent with the
135 provisions of Part 761 of Title 40 of the Code of Federal Regulations.
136 The commissioner may include in any such approval such conditions
137 as he deems appropriate to protect the environment and human
138 health. For purposes of this section, "dispose" means the incineration
139 or treatment of the compound PCB or any item, product or material
140 containing the compound PCB, or the discharge, deposit, injection,
141 dumping or placing of the compound PCB or any item, product or
142 material containing the compound PCB into or on land or water so
143 that such compound, item, product or material enters the environment,
144 is emitted into the air, or is discharged into any waters, including
145 groundwaters.

Statement of Purpose:

To increase and update criminal penalties for violating environmental laws, to clarify the definition of "dispose" for purposes of handling PCBs, and to make clarifications regarding criminal penalties for violating certain state hazardous waste laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]