



General Assembly

**Substitute Bill No. 5060**

*February Session, 2000*

***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 Section 22a-131a of the general statutes is repealed and  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 subsection (c) of section 22a-449 or any  
7 regulation adopted pursuant to said subsection, (2) knowingly makes  
8 any false material statement or representation on any application,  
9 label, manifest, record, report, permit or other document required in  
10 accordance with the provisions of [said act] subsection (c) of section  
11 22a-449 or said regulations, including any such statement or  
12 representation for used oil that is regulated under said subsection, or  
13 (3) wilfully fails to maintain or knowingly destroys, alters or conceals  
14 any record required to be maintained [under regulations pursuant to  
15 said act] in accordance with the provisions of subsection (c) of section  
16 22a-449 or said regulations, including any record for used oil that is  
17 regulated under said subsection, shall be fined not more than [twenty-  
18 five] fifty thousand dollars for each day of such violation or  
19 imprisoned not more than [one year] two years or both. A [second]  
20 subsequent conviction for any such violation shall carry a fine of not  
21 more than fifty thousand dollars per day or imprisonment for not  
22 more than [two] five years or both.

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

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

47 [(c)] (d) Any person, who in the commission of a violation for which  
48 a penalty would be imposed under subsection (a), [or] (b) or (c) of this  
49 section, who knowingly places another by such violation in imminent  
50 danger of death or serious bodily injury, shall be fined not more than  
51 two hundred fifty thousand dollars or imprisoned not more than [two]  
52 fifteen years or both, [except that where such violation indicates an  
53 extreme indifference to human life, the fine shall be not more than two  
54 hundred fifty thousand dollars or imprisonment for five years or both,]  
55 and when the violator is an organization, the fine shall be not more  
56 than one million dollars. This subsection shall not be construed as a

57 limitation on the amount of fines that may be imposed in accordance  
58 with subsection (a), [or] (b) or (c) of this section. As used in this section,  
59 "organization" means any legal entity, other than the state or any of its  
60 political subdivisions, established for any purpose, and includes a  
61 corporation, company, association, firm, partnership, joint stock  
62 company, foundation, institution, trust, society, union or any other  
63 association of persons.

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

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

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

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

80 (a) Any person who or municipality which violates any provision of  
81 this chapter, or section 22a-6 or 22a-7 shall be assessed a civil penalty  
82 not to exceed twenty-five thousand dollars, to be fixed by the court, for  
83 each offense. Each violation shall be a separate and distinct offense  
84 and, in case of a continuing violation, each day's continuance thereof  
85 shall be deemed to be a separate and distinct offense. The Attorney  
86 General, upon complaint of the commissioner, shall institute a civil  
87 action in the superior court for the judicial district of Hartford to  
88 recover such penalty. In determining the amount of any penalty

89 assessed under this subsection, the court may consider the nature,  
90 circumstances, extent and gravity of the violation, the person or  
91 municipality's prior history of violations, the economic benefit  
92 resulting to the person or municipality from the violation, and such  
93 other factors deemed appropriate by the court. The court shall consider  
94 the status of a person or municipality as a persistent violator. The  
95 provisions of this section concerning a continuing violation shall not  
96 apply to a person or municipality during the time when a hearing on  
97 the order pursuant to section 22a-436 or an appeal pursuant to section  
98 22a-437 is pending.

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

108 (c) Any person who or municipality which knowingly violates any  
109 provision of this chapter, or section 22a-6 or 22a-7 shall be fined not  
110 more than fifty thousand dollars per day for each day of violation or be  
111 imprisoned not more than three years or both. A subsequent  
112 conviction for any such violation shall carry a fine of not more than  
113 one hundred thousand dollars per day for each day of violation or  
114 imprisonment for not more than ten years or both. For the purposes of  
115 this subsection, person includes any responsible corporate officer.

116 [(c)] (d) Any person who or municipality which knowingly makes  
117 any false statement, representation, or certification in any application,  
118 record, report, plan, or other document filed or required to be  
119 maintained under this chapter, or section 22a-6 or 22a-7 or who  
120 falsifies, tampers with, or knowingly renders inaccurate any  
121 monitoring device or method required to be maintained under this

122 chapter, or section 22a-6 or 22a-7 shall upon conviction be fined not  
123 more than [ten] twenty-five thousand dollars for each violation or  
124 imprisoned not more than [six months] two years for each violation or  
125 both.

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

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

**Statement of Legislative Commissioners:**

In section 4, the definition for "dispose" was slightly changed for grammatical accuracy.

**ENV Committee Vote:** Yea 19 Nay 0 JFS C/R JUD

**JUD Committee Vote:** Yea 38 Nay 0 JFS