



General Assembly

January Session, 2001

Raised Bill No. 6757

LCO No. 3732

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING MINOR REVISIONS TO CERTAIN ENVIRONMENTAL PROTECTION STATUTES.

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

1 Section 1. Section 22a-6g of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [Notwithstanding any other provision of this title or regulations
4 adopted hereunder, any]

5 (a) Any person who submits an application to the Commissioner of
6 Environmental Protection for any permit or other license pursuant to
7 section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368,
8 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-
9 454 or Section 401 of the federal Water Pollution Control Act (33 USC
10 466 et seq.), except an application for authorization under a general
11 permit shall: (1) Include with such application a signed statement
12 certifying that the applicant will publish notice of such application on
13 a form supplied by the commissioner in accordance with this section;
14 (2) publish notice of such application in a newspaper of general
15 circulation in the affected area; (3) send the commissioner a certified

16 copy of such notice as it appeared in the newspaper; and (4) notify the
17 chief elected official of the municipality in which the regulated activity
18 is proposed. Such notices shall include: (A) The name and mailing
19 address of the applicant and the address of the location at which the
20 proposed activity will take place; (B) the application number, if
21 available; (C) the type of permit sought, including a reference to the
22 applicable statute or regulation; (D) a description of the activity for
23 which a permit is sought; (E) a description of the location of the
24 proposed activity and any natural resources affected thereby; (F) the
25 name, address and telephone number of any agent of the applicant
26 from whom interested persons may obtain copies of the application; [,
27 and (G) a statement that the application is available for inspection at
28 the office of the Department of Environmental Protection. The
29 commissioner shall not process an application until the applicant has
30 submitted to the commissioner a copy of the notice required by this
31 section. The provisions of this section shall not apply to discharges
32 exempted from the notice requirement by the commissioner pursuant
33 to subsection (b) of section 22a-430, to hazardous waste transporter
34 permits issued pursuant to section 22a-454 or to special waste
35 authorizations issued pursuant to section 22a-209 and regulations
36 adopted thereunder.

37 (b) Notwithstanding any other provision of this title or any
38 regulation adopted pursuant to this title, the following applications are
39 exempt from the provisions of subsection (a) of this section: (1) An
40 application for authorization under a general permit; (2) an application
41 for a minor permit modification for sources permitted under Title V of
42 the federal Clean Air Act Amendments of 1990 in accordance with 40
43 CFR 70.7; and (3) an application for a minor permit modification or
44 revision if the Commissioner of Environmental Protection has adopted
45 regulations, in accordance with the provisions of chapter 54,
46 establishing criteria to delineate applications for minor permit
47 modifications or revisions from those applications subject to the
48 requirements of subsection (a) of this section.

49 Sec. 2. Section 22a-6h of the general statutes is repealed and the
50 following is substituted in lieu thereof:

51 (a) The Commissioner of Environmental Protection, at least thirty
52 days before approving or denying an application under section 22a-32,
53 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368, 22a-403 or 22a-430,
54 subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of
55 the federal Water Pollution Control Act (33 USC 466 et seq.), shall
56 publish or cause to be published, at the applicant's expense, once in a
57 newspaper having a substantial circulation in the affected area notice
58 of [his] the commissioner's tentative determination regarding such
59 application. Such notice shall include: (1) The name and mailing
60 address of the applicant and the address of the location of the
61 proposed activity; (2) the application number; (3) the tentative decision
62 regarding the application; (4) the type of permit or other authorization
63 sought, including a reference to the applicable statute or regulation; (5)
64 a description of the location of the proposed activity and any natural
65 resources affected thereby; (6) the name, address and telephone
66 number of any agent of the applicant from whom interested persons
67 may obtain copies of the application; (7) a brief description of all
68 opportunities for public participation provided by statute or
69 regulation, including the length of time available for submission of
70 public comments to the commissioner on the application; and (8) such
71 additional information as the commissioner deems necessary to
72 comply with any provision of this title or regulations adopted
73 hereunder, or with the federal Clean Air Act, federal Clean Water Act
74 or federal Resource Conservation and Recovery Act. The commissioner
75 shall further give notice of such determination to the chief elected
76 official of the municipality in which the regulated activity is proposed.
77 Nothing in this section shall preclude the commissioner from giving
78 such additional notice as may be required by any other provision of
79 this title or regulations adopted hereunder, or by the federal Clean Air
80 Act, federal Clean Water Act or federal Resource Conservation and
81 Recovery Act. The provisions of this section shall not apply to
82 discharges exempted from the notice requirement by the commissioner

83 pursuant to subsection (b) of section 22a-430, to hazardous waste
84 transporter permits issued pursuant to section 22a-454 or to special
85 waste authorizations issued pursuant to section 22a-209 and
86 regulations adopted thereunder.

87 (b) For the purposes of this section, "application" means a request
88 for a license or renewal thereof or for any permit or modification of a
89 license or permit or renewal thereof if the modification is sought by the
90 licensee.

91 (c) Notwithstanding any other provision of this title or any
92 regulation adopted pursuant to this title, the following applications are
93 exempt from the provisions of subsection (a) of this section: (1) An
94 application for a minor permit modification for sources permitted
95 under Title V of the federal Clean Air Act Amendments of 1990 in
96 accordance with 40 CFR 70.7; or (2) an application for a minor permit
97 modification or revision if the Commissioner of Environmental
98 Protection has adopted regulations, in accordance with the provisions
99 of chapter 54, establishing criteria to delineate applications for minor
100 permit modifications or revisions from those applications subject to the
101 requirements of subsection (a) of this section.

102 Sec. 3. Section 12-63f of the general statutes is repealed and the
103 following is substituted in lieu thereof:

104 For the five assessment years commencing with the first assessment
105 and collection of the tax imposed under this chapter on a parcel of real
106 property which assessment and collection follows an approval of a
107 final remedial action report by the Commissioner of Environmental
108 Protection or a filing of such a report by a licensed environmental
109 professional regarding such property other than any such approval or
110 filing made under section 22a-133m, or if no such report has been
111 approved or filed, a filing of a Form IV under section 22a-134a, and
112 which assessment and collection occurs on or after January 1, 1999, and
113 before January 1, 2006, twenty per cent of any amount received by a
114 municipality from such assessment in excess of the highest amount

115 received from an assessment for any one of the three fiscal years
116 preceding such approval or filing shall be paid to the State Treasurer
117 and shall be deposited into the Special Contaminated Property
118 Remediation and Insurance Fund established under section 22a-133t
119 provided this section shall not apply to taxes imposed on personal
120 property, penalties or interest. For the purposes of this section,
121 "municipality" means any town, consolidated town and city or
122 consolidated town and borough.

123 Sec. 4. Subsection (b) of section 22a-6k of the general statutes is
124 repealed and the following is substituted in lieu thereof:

125 (b) The commissioner may issue a temporary authorization for any
126 activity for which the commissioner has authority to issue a general
127 permit under section 22a-174, 22a-208a, 22a-361, [22a-368] 22a-378a,
128 22a-411, 22a-430b or 22a-454 provided [he] the commissioner finds that
129 (1) such activity will not continue for more than thirty days; (2) such
130 activity does not pose a significant threat to human health or the
131 environment; (3) such authorization is necessary to protect human
132 health or the environment or is otherwise necessary to protect the
133 public interest; and (4) such authorization is not inconsistent with the
134 federal Water Pollution Control Act, the federal Rivers and Harbors
135 Act, the federal Clean Air Act or the federal Resource Conservation
136 and Recovery Act. No temporary authorization shall be renewed more
137 than once, and no such authorization shall be issued for an activity
138 which has been authorized by a temporary authorization during the
139 previous twelve months. Any person seeking a temporary
140 authorization shall submit to the commissioner sufficient information
141 to allow the commissioner to make the determination set forth herein.
142 A temporary authorization shall be limited by any conditions the
143 commissioner deems necessary to adequately protect human health
144 and the environment. Summary suspension of a temporary
145 authorization may be ordered in accordance with subsection (c) of
146 section 4-182. The commissioner may assess a fee for a temporary
147 authorization issued pursuant to this subsection. Such fee shall be of

148 an amount equal to the equivalent existing permit fee for the activity
149 authorized. The commissioner may reduce the fee required pursuant
150 to this subsection if good cause is shown. The fee required pursuant to
151 this subsection shall be paid before the issuance of the temporary
152 authorization. The commissioner may, if good cause is shown, allow
153 late payment of the fee required by this subsection provided such fee
154 shall be paid no later than ten days after the issuance of the temporary
155 authorization.

156 Sec. 5. Section 22a-6r of the general statutes is repealed and the
157 following is substituted in lieu thereof:

158 On or before [July 1, 1997, and annually thereafter] November first
159 of each year, the [commissioner] Commissioner of Environmental
160 Protection shall submit to the Governor and the joint standing
161 committees of the General Assembly having cognizance of matters
162 relating to environment and the Department of Economic and
163 Community Development a report on the [permitting efforts of]
164 progress made by the Department of Environmental Protection in the
165 preceding state fiscal year in matters relating to permitting,
166 enforcement and compliance assistance. Such report shall include, but
167 not be limited to: (1) An identification of revenues received from
168 permit application fees and any revenues derived from the processing
169 of such applications as set forth in this chapter and the department's
170 appropriation from the General Fund for permitting activities; (2) the
171 number and amount of permit applications received; (3) the number of
172 permit decisions issued; [and] (4) the number of permits pending; (5)
173 the number and amount of permit application fees refunded; (6) the
174 extent of compliance with the environmental protection laws of this
175 state by persons holding permits under this title; (7) the number of
176 permit applications requiring alternative timely action schedules
177 pursuant to section 22a-6q; [and] (8) the enforcement actions taken by
178 the commissioner in the preceding fiscal year; (9) the timeliness of
179 enforcement actions in the preceding fiscal year compared to
180 standards established by department policy; (10) any exceptions to or

181 variances from department policy related to enforcement actions in the
182 preceding year, including, but not limited to, the number of such
183 exceptions or variances and a brief description of each such
184 occurrence; (11) the effectiveness of environmental compliance
185 assistance programs; (12) an evaluation of the environmental
186 performance of entities regulated under this title by the commissioner;
187 (13) a summary of the significant improvements the department has
188 made in its permitting, enforcement and compliance assistance
189 programs, and (14) a summary of progress made in employing a
190 comprehensive enforcement case file management system and training
191 personnel in the use of such system as required under section 27 of
192 public act 99-225, as amended by this act.

193 Sec. 6. Section 27 of public act 99-225 is repealed and the following is
194 substituted in lieu thereof:

195 On or before January 1, 2000, the Commissioner of Environmental
196 Protection shall review the file management practices in the
197 Department of Environmental Protection related to enforcement cases
198 and shall develop a comprehensive file management system that
199 ensures that case files contain any and all documents important for
200 decision-making by the agency in a particular case and any documents
201 required by department policy. Such system shall provide for
202 maintenance of files in a consistent manner and in an accessible format
203 and shall further provide for periodic review of case files by
204 department management not less than once annually to monitor
205 implementation of the system. The department shall lease or purchase
206 and install an information technology system which provides for a
207 case file database to be shared among all bureaus of the department.
208 Training shall be provided to any relevant personnel in the use of such
209 system and ongoing training shall be provided as needed for changes
210 or updates to such system and for new employees. [The commissioner
211 shall annually report to the joint standing committee of the General
212 Assembly having cognizance of matters relating to the environment
213 regarding such training and any upgrade requirements.]

214 Sec. 7. Section 22a-6t of the general statutes is repealed.

ENV *Joint Favorable*