



General Assembly

January Session, 2001

Amendment

LCO No. 8609

Offered by:
REP. O'ROURKE, 32nd Dist.

To: Subst. House Bill No. 6997 File No. 769 Cal. No. 275

"AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES."

1 After line 238, insert the following:

2 "Sec. 8. Section 22a-191a of the general statutes is repealed and the
3 following is substituted in lieu thereof:

4 (a) On or before February 1, 1994, the Commissioner of
5 Environmental Protection, in conjunction with the dioxin testing
6 program established under section 22a-191 and within available
7 appropriations, shall prepare a plan to implement a program of testing
8 of resource recovery facilities for the presence of mercury and other
9 metals in the air emissions of such facilities. Such plan shall be
10 submitted to the joint standing committee of the General Assembly
11 having cognizance of matters relating to the environment. Such testing
12 shall commence July 1, 1994, in accordance with applicable testing
13 protocols established by the United States Environmental Protection
14 Agency and shall be conducted at least once annually thereafter. The
15 costs of such testing shall be paid out of the solid waste account

16 established pursuant to section 22a-233.

17 (b) On or before January 1, 2002, and annually thereafter, the
18 operator of each sewage sludge incinerator in this state shall conduct a
19 stack test for the presence of mercury, metals, hydrocarbons and
20 dioxins in the air emissions of each such incinerator. Such test shall be
21 conducted, and the results of such test reviewed and reported to the
22 commissioner, in accordance with any procedures established by the
23 commissioner and on any forms prescribed by the commissioner. After
24 reviewing such report, the commissioner may order additional testing
25 to be conducted or additional control measures to be undertaken at the
26 incinerator if the commissioner determines that such testing or
27 measures are necessary and reasonable for the protection of human
28 health or the environment.

29 Sec. 9. (NEW) The budget-making authority of a municipality may
30 appropriate any income earned from the investment of sewer benefit
31 assessments to pay for any increase in fees for the disposal of sewage
32 sludge, which increase is due to the requirements of section 1 of this
33 act, provided (1) no bonds, notes or other obligations issued to acquire
34 or construct all or any part of a sewerage system, pursuant to section 7-
35 259 of the general statutes are outstanding; and (2) no sewerage system
36 acquisition or construction projects are authorized or in progress.

37 Sec. 10. Section 7-249 of the general statutes is repealed and the
38 following is substituted in lieu thereof:

39 (a) At any time after a municipality, by its water pollution control
40 authority, has acquired or constructed, a sewerage system or portion
41 thereof, the water pollution control authority may levy benefit
42 assessments upon the lands and buildings in the municipality which,
43 in its judgment, are especially benefited thereby, whether they abut on
44 such sewerage system or not, and upon the owners of such land and
45 buildings, according to such rule as the water pollution control
46 authority adopts, subject to the right of appeal as hereinafter provided.
47 Benefits to buildings or structures constructed or expanded after the

48 initial assessment may be assessed as if the new or expanded buildings
49 or structures had existed at the time of the initial assessment. Such
50 benefits and benefits to anticipated development of land zoned for
51 other than business, commercial or industrial purposes or land
52 classified as farm land, forest land or open space land on the last
53 completed grand list of the municipality in which such land is located,
54 pursuant to the provisions of sections 12-107a to 12-107e, inclusive,
55 shall not be assessed until such construction or expansion or
56 development is approved or occurs. In case of a property so zoned or
57 classified which exceeds by more than one hundred per cent the size of
58 the smallest lot permitted in the lowest density residential zone
59 allowed under zoning regulations or, in the case of a town having no
60 zoning regulations, a lot size of one acre in area and one hundred fifty
61 feet in frontage, assessment of such excess land shall be deferred until
62 such time as such excess land shall be built upon or a building permit
63 issued therefor or until approval of a subdivision plan of such excess
64 property by the planning commission having jurisdiction, whichever
65 event occurs first at which time assessment may be made as provided
66 herein. No lien securing payment shall be filed until the property is
67 assessed. The sum of initial and subsequent assessments shall not
68 exceed the special benefit accruing to the property. Such assessment
69 may include a proportionate share of the cost of any part of the
70 sewerage system, including the cost of preliminary studies and
71 surveys, detailed working plans and specifications, acquiring
72 necessary land or property or any interest therein, damage awards,
73 construction costs, interest charges during construction, legal and
74 other fees, or any other expense incidental to the completion of the
75 work. The water pollution control authority may divide the total
76 territory to be benefited by a sewerage system into districts and may
77 levy assessments against the property benefited in each district
78 separately. In assessing benefits against property in any district the
79 water pollution control authority may add to the cost of the part of the
80 sewerage system located in the district a proportionate share of the
81 cost of any part of the sewerage system located outside the district but
82 deemed by the water pollution control authority to be necessary or

83 desirable for the operation of the part of the system within the district.
84 In assessing benefits and apportioning the amount to be raised thereby
85 among the properties benefited, the water pollution control authority
86 may give consideration to the area, frontage, grand list valuation and
87 to present or permitted use or classification of benefited properties and
88 to any other relevant factors. The water pollution control authority
89 may make reasonable allowances in the case of properties having a
90 frontage on more than one street and whenever for any reason the
91 particular situation of any property requires an allowance. Revenue
92 from the assessment of benefits shall be used solely for the acquisition
93 or construction of the sewerage system providing such benefits or for
94 the payment of principal of and interest on bonds or notes issued to
95 finance such acquisition or construction. No assessment shall be made
96 against any property in excess of the special benefit to accrue to such
97 property. The water pollution control authority shall place a caveat on
98 the land records in each instance where assessment of benefits to
99 anticipated development of land zoned for other than business,
100 commercial or industrial purposes or land classified as farm land,
101 forest land or open space land has been deferred.

102 (b) The budget-making authority of a municipality may appropriate
103 as general revenue of the municipality any income earned from the
104 investment of sewer benefit assessments provided (1) no bonds, notes
105 or other obligations issued to acquire or construct all or any part of a
106 sewerage system, pursuant to section 7-259 are outstanding; and (2) no
107 sewerage system acquisition or construction projects are authorized or
108 in progress."