



General Assembly

Substitute Bill No. 428

February Session, 2002

AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION STATUTES.

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

1 Section 1. Subsection (c) of section 22a-478 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

4 (c) The funding of an eligible water quality project shall be pursuant
5 to a project funding agreement between the state, acting by and
6 through the commissioner, and the municipality undertaking such
7 project and shall be evidenced by a project fund obligation or grant
8 account loan obligation, or both, or an interim funding obligation of
9 such municipality issued in accordance with section 22a-479. A project
10 funding agreement shall be in a form prescribed by the commissioner.
11 A nonpoint source pollution abatement project shall receive a project
12 grant of seventy-five per cent of the cost of the project determined to
13 be eligible by the commissioner. A combined sewer project shall
14 receive (1) a project grant of fifty per cent of the cost of the project,
15 which cost shall be the cost the federal Environmental Protection
16 Agency uses in making grants pursuant to Part 35 of the federal
17 Construction Grant Regulations and Titles II and VI of the federal
18 Water Pollution Control Act, as amended; and (2) a loan for the
19 remainder of the costs of the project, not exceeding one hundred per
20 cent of the eligible water quality project costs. A construction contract

21 eligible for financing awarded by a municipality on or after July 1,
22 1999, as a project undertaken for nitrogen removal shall receive a
23 project grant of thirty per cent of the cost of the project associated with
24 nitrogen removal and a loan for the remainder of the costs of the
25 project, not exceeding one hundred per cent of the eligible water
26 quality project costs. Nitrogen removal projects under design or
27 construction on July 1, 1999, and projects that have been constructed
28 but have not received permanent, clean water fund financing, on July
29 1, 1999, shall be eligible to receive a thirty per cent grant. A
30 municipality with a population of five thousand or less or highly
31 dispersed sections of a large municipality, as determined by the
32 commissioner, with a water pollution control project, the construction
33 of which began on or after July 1, 2002, shall be eligible to receive a
34 grant in the amount of twenty-five per cent of eligible project costs for
35 such projects. Provided federal grant funds are available for projects
36 funded on or after July 1, 2002, a distressed municipality, as defined in
37 section 32-9j, may receive a combination of state, federal and other
38 grants in an amount not to exceed fifty per cent of the cost approved
39 by the commissioner for the design and construction phase of an
40 eligible water quality project for nitrogen removal and a loan for the
41 remainder of the costs of the project, not exceeding one hundred per
42 cent of the eligible water quality project costs. Any other eligible water
43 quality project shall receive (A) a project grant of twenty per cent of
44 the cost, which cost shall be the cost the federal Environmental
45 Protection Agency uses for grants pursuant to said Part 35 and said
46 Titles II and VI, and (B) a loan for the remainder of the costs of the
47 project, not exceeding one hundred per cent of the eligible project cost.
48 Project agreements to fund eligible project costs with grants or loans
49 from the Clean Water Fund that were executed during or after the
50 fiscal year beginning July 1, 2002, shall not be reduced by the
51 provisions of subdivision (1) of subsection (h) of section 22a-482-3 of
52 the Regulations of Connecticut State Agencies or by 40 CFR 35.2123,
53 Subpart I. On or after fiscal year 2007, all eligible water quality projects
54 eligible for funding shall receive a loan of one hundred per cent of the
55 eligible costs and shall not receive a project grant. All loans made in

56 accordance with the provisions of this section for an eligible water
57 quality project shall bear an interest rate of two per cent per annum.
58 The commissioner may allow any project fund obligation, grant
59 account loan obligation or interim funding obligation for an eligible
60 water quality project to be repaid by a borrowing municipality prior to
61 maturity without penalty.

62 Sec. 2. Subsection (e) of section 22a-478 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective July*
64 *1, 2002*):

65 (e) (1) The commissioner may make a project grant or a grant
66 account loan or both to a municipality pursuant to a project funding
67 agreement for the planning and design phase of an eligible water
68 quality project. Principal and interest on a grant account loan for the
69 planning and design phases of an eligible water quality project may be
70 paid from and included in the principal amount of a loan for the
71 construction phase of an eligible water quality project.

72 (2) In lieu of a grant and loan pursuant to subsection (b) of this
73 section, the commissioner, upon written request by a municipality,
74 may make a project grant to such municipality in the amount of fifty-
75 five per cent of the cost approved by the commissioner for the
76 planning phase of an eligible water quality project.

77 (3) Provided federal grant funds are available, a distressed
78 municipality, as defined in section 32-9j, may receive a combination of
79 state, federal and other grants in an amount not to exceed one hundred
80 per cent of the cost approved by the commissioner for the planning
81 phase of an eligible water quality project for nitrogen removal.

82 Sec. 3. Subsection (b) of section 22a-133m of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective July*
84 *1, 2002*):

85 (b) The Commissioner of Economic and Community Development,
86 in consultation with the Commissioner of Environmental Protection,

87 shall establish the priority of sites for evaluation and remediation
88 based upon the following factors: (1) The estimated cost of evaluating
89 and remediating the site, if known; (2) the anticipated complexity of an
90 evaluation of the site; (3) the estimated schedule for completing an
91 evaluation; (4) the potential economic development benefits of the site
92 to the state of Connecticut; and (5) any other factors which the
93 commissioners deem relevant. No real property shall be eligible for
94 evaluation or remediation under this section unless [: (A) The] the
95 Commissioner of Economic and Community Development finds that
96 the state owns the site or otherwise has or obtains the power to
97 approve the type of development which first occurs on the site after
98 remediation. [; and (B) the Commissioner of Environmental Protection
99 is unable to determine the responsible party for the pollution or the
100 cleanup of the site, or the responsible party is not in timely compliance
101 with orders issued by the commissioner to provide remedial action, or
102 the commissioner has not issued a final decision on an order to a
103 responsible party to provide remedial action because of (i) a request
104 for a hearing on an order, or (ii) an order issued is subject to an appeal
105 pending before a court.] Except for any site proposed for acquisition
106 under subsection (e) of this section, no real property shall be eligible
107 for evaluation or remediation under this section unless the site is
108 located in a distressed municipality, as defined in section 32-9p, as
109 amended, or a targeted investment community, as defined in section
110 32-222, as amended. For purposes of this section, "responsible party"
111 means any person, as defined in section 22a-2, who created a source of
112 pollution on the site or an owner of the site during the investigation or
113 remediation funded pursuant to this section.

114 Sec. 4. Subsection (h) of section 22a-133m of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective July*
116 *1, 2002*):

117 (h) The Commissioner of Environmental Protection and the
118 Commissioner of Economic and Community Development shall jointly
119 identify urban community sites known to have, or suspected to have,

120 environmental contamination which, if remediated and developed,
121 will improve the urban environment. The Commissioner of
122 Environmental Protection and the Commissioner of Economic and
123 Community Development shall jointly establish the priority of such
124 sites for evaluation and remediation based upon the following factors:
125 (1) The potential benefits of remediation to the environment; (2) the
126 estimated cost of evaluating and remediating the site, if known; (3) the
127 potential benefits to the local community of such site; (4) community
128 support for remediation and redevelopment of such site; (5) the
129 commitment from investors or the municipality to redevelop the site;
130 and (6) any other factors which the commissioners deem relevant. No
131 real property shall be eligible for evaluation and remediation under
132 this subsection unless: [(A) The Commissioner of Environmental
133 Protection is unable to determine the responsible party, or the
134 responsible party is not in timely compliance with orders issued by the
135 commissioner to provide remedial action, or the commissioner has not
136 issued a final decision on an order to a responsible party to provide
137 remedial action because of a request for a hearing on an order or an
138 issued order is subject to an appeal pending before a court; (B)] (A) the
139 site is located in a distressed municipality, as defined in section 32-9p,
140 a targeted investment community, as defined in section 32-222, as
141 amended, or an enterprise corridor zone, as defined in section 32-80, or
142 in such other municipality as the Commissioner of Economic and
143 Community Development may designate; and [(C)] (B) the site is not
144 undergoing evaluation or remediation under subsections (a) to (g),
145 inclusive, of this section.

146 Sec. 5. (NEW) (*Effective July 1, 2002*) The Commissioner of
147 Environmental Protection shall have the authority to establish and
148 collect fees for parking, admission and other uses for a period of not
149 more than one year after the effective date of this act for properties or
150 facilities acquired by the Department of Environmental Protection on
151 or after July 1, 2001, that are designated as a state park, forest or state
152 recreational facility. The department shall adopt regulations, in
153 accordance with chapter 54 of the general statutes, to establish fees and

154 collection practices at such properties or facilities.

155 Sec. 6. Section 26-30 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2002*):

157 (a) Resident licenses to firearms hunt, archery hunt, trap or fish, or
158 the combination thereof, shall be issued only to qualified applicants
159 therefor by the Commissioner of Environmental Protection, the town
160 clerk of any town, an agent of such town clerk deputized pursuant to
161 subsection (f) of this section or an agent of the [Commissioner of
162 Environmental Protection] commissioner licensed pursuant to
163 subsection (g) of this section. Such licenses shall be issued in such form
164 as the commissioner shall prescribe.

165 (b) Nonresident licenses shall be issued by the commissioner, any
166 town clerk, an agent of such town clerk or an agent of the
167 commissioner, except that nonresident trapping licenses shall be
168 issued by the commissioner.

169 (c) Applications shall be made on forms furnished by the
170 commissioner, containing such information as the commissioner may
171 require, and any such application forms shall have printed thereon, "I
172 declare under the penalties of false statement that the statements
173 herein made by me are true and correct." Any person who makes any
174 material false statement on such application form shall be guilty of
175 false statement and shall be subject to the penalties provided for false
176 statement, and said offense shall be deemed to have been committed in
177 the town in which such application is presented or received for
178 processing.

179 (d) No application shall contain any material false statement.

180 (e) The commissioner, town clerk, an agent of such town clerk or an
181 agent of the commissioner shall, upon receipt of such application,
182 correctly filled out and accompanied by the required fee, issue to such
183 applicant the appropriate license. If such application is by mail, the
184 town clerk shall mail such license to such applicant within five days

185 from the receipt of the application and proper fee.

186 (f) The town clerk of any town may deputize agents in such town to
187 issue firearms hunting, archery hunting, trapping and fishing licenses,
188 or the combination thereof, provided he shall be solely responsible for
189 compliance with the provisions of the statutes relating to the duties of
190 the town clerk in connection with such licenses and the moneys
191 received therefor.

192 (g) The [Commissioner of Environmental Protection] commissioner
193 may, upon application by persons on forms furnished by the
194 commissioner and containing such information as the commissioner
195 may require, license such persons as agents for the issuance of firearms
196 hunting, archery hunting, trapping and fishing licenses, or the
197 combination thereof. Upon the request of any agent licensed by the
198 commissioner, the town clerk of the town in which such agent
199 conducts business shall sell license forms to such agent at the regular
200 license cost minus twenty-five cents for such agent's fee. Not later than
201 the first Monday of each month, such agent shall remit to the town
202 clerk from whom the license forms were purchased any license forms
203 voided by such agent and two copies of all licenses sold by such agent
204 during the preceding month. Upon the request of an agent, the town
205 clerk shall reimburse such agent for any unused or voided license
206 forms remitted to such town clerk.

207 Sec. 7. Section 26-48a of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective July 1, 2002*):

209 (a) The [commissioner] Commissioner of Environmental Protection
210 may establish, by regulations adopted in accordance with the
211 provisions of chapter 54, standards for the management of salmon,
212 migratory game birds in accordance with section 26-92, pheasant and
213 turkey which shall include provision for the issuance of permits, tags
214 or stamps. The commissioner may charge a fee for a permit, tag or
215 stamp as follows: Not more than ten dollars for turkey; not more than
216 two dollars for migratory game birds; not more than ten dollars for

217 pheasant and not more than twenty dollars for salmon. No person
218 shall be issued a permit, tag or stamp for migratory birds, pheasant or
219 turkey without first obtaining a license to hunt and no person shall be
220 issued a permit, tag or stamp for salmon without first obtaining a
221 license to fish. Notwithstanding any provision of any regulation to the
222 contrary, the commissioner may charge a fee of ten dollars for the
223 issuance of a permit to hunt wild turkey on state-owned or private
224 land during the fall season.

225 (b) Such permits, tags or stamps shall be issued to qualified
226 applicants by the commissioner or any town clerk. Application for
227 such permits, tags or stamps shall be on such form and require of the
228 applicant such information as the commissioner may prescribe. The
229 commissioner may adopt regulations in accordance with the
230 provisions of chapter 54 authorizing a town clerk to retain part of any
231 fee paid for a permit, tag or stamp issued by such town clerk pursuant
232 to this section, provided the amount retained shall not be less than fifty
233 cents.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>

ENV

Joint Favorable Subst. C/R

FIN