



# House of Representatives

General Assembly

**File No. 329**

January Session, 2003

House Bill No. 6423

*House of Representatives, April 14, 2003*

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING ENFORCEMENT OF POLLUTION ABATEMENT ORDERS.**

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

1 Section 1. Subsection (d) of section 22a-430 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2003*):

4 (d) If the commissioner finds that any person or municipality has  
5 initiated, created or originated or is maintaining any discharge into the  
6 waters of the state without a permit as required in subsection (a)  
7 hereof, or in violation of such a permit, he may issue an order to abate  
8 pollution which shall include a time schedule for the accomplishment  
9 of the necessary steps leading to the abatement of such pollution, or  
10 notwithstanding any request for a hearing pursuant to section 22a-436  
11 or the pendency of an appeal therefrom, he may request the Attorney  
12 General to bring an action in the superior court for the judicial district  
13 of Hartford to enjoin such discharge by such person or municipality

14 until the person or municipality has received a permit from the  
15 commissioner or has complied with a permit which the commissioner  
16 has issued pursuant to this section or for injunctive relief to investigate  
17 and remediate the effects of such discharge. Any such action brought  
18 by the Attorney General shall have precedence in the order of trial as  
19 provided in section 52-191.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>

**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The legislation provides clarification as to the Department of Environmental Protection's authority, with the assistance of the Office of the Attorney General, to seek court action to investigate and remediate the clean up of illegal discharges. No fiscal impact is anticipated.

**OLR Bill Analysis**

HB 6423

**AN ACT CONCERNING ENFORCEMENT OF POLLUTION ABATEMENT ORDERS****SUMMARY:**

By law, people, companies or municipalities must obtain a Department of Environmental Protection (DEP) permit when discharging any water, substance, or material into state waters. This bill authorizes the DEP commissioner to request that the attorney general ask a court to order an investigation and clean-up of illegal discharges. The law already allows the attorney general to file an action to halt such illegal discharges until the person, company or municipality obtains, or complies with, a permit. By law, the attorney general must bring these actions in Hartford Superior Court, and such requests take precedence over other civil actions.

EFFECTIVE DATE: July 1, 2003

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea 25 Nay 0