



# House of Representatives

General Assembly

**File No. 688**

January Session, 2003

Substitute House Bill No. 6423

*House of Representatives, May 13, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute 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2 repealed and the following is substituted in lieu thereof (*Effective July*  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] of this section, or in violation of such a permit, [he] the  
8 commissioner may issue an order to abate pollution which shall  
9 include a time schedule for the accomplishment of the necessary steps  
10 leading to the abatement of such pollution, or notwithstanding any  
11 request for a hearing pursuant to section 22a-436 or the pendency of an  
12 appeal therefrom, [he] the commissioner may request the Attorney  
13 General to bring an action in the superior court for the judicial district

14 of Hartford (1) to enjoin such discharge by such person or municipality  
15 until the person or municipality has received a permit from the  
16 commissioner or has complied with a permit which the commissioner  
17 has issued pursuant to this section, or (2) for injunctive relief to  
18 remediate the effects of such discharge. Any such action brought by  
19 the Attorney General shall have precedence in the order of trial as  
20 provided in section 52-191.

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

**JUD**      *Joint Favorable Subst.*

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**

sHB 6423

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

By law, people, companies, and 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 the clean-up of the effects of an illegal discharge. 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

**BACKGROUND*****Legislative History***

On April 22, the House referred the bill (File 329) to the Judiciary Committee. On May 2, the committee reported a substitute bill, eliminating a provision allowing the attorney general to ask a court to order the investigation of illegal discharges.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea 25 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0

