



General Assembly

Substitute Bill No. 118

February Session, 2004

* _____SB00118ENVJUD031604_____*

AN ACT CONCERNING PENALTIES RELATING TO CERTAIN SITING COUNCIL FACILITIES.

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

1 Section 1. Subsection (b) of section 16-50p of the general statutes is
2 amended by adding subdivision (3) as follows (*Effective from passage*):

3 (NEW) (3) When issuing a certificate for a facility described in
4 subdivisions (1) to (3), inclusive, of subsection (a) of section 16-50i, as
5 amended, the council shall require the certificate holder to submit to
6 the council information about the actual cost of the construction of
7 such facility either (A) upon submission of a final report of a
8 development and management plan in accordance with regulations
9 adopted pursuant to this chapter, where applicable, or (B) thirty days
10 prior to the commercial operation of the facility, whichever is earlier.

11 Sec. 2. Section 16-50u of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective from passage*):

13 The council shall take reasonable steps to insure that each facility for
14 which a certificate has been issued is constructed, maintained and
15 operated in compliance with such certificate and any other standards
16 established pursuant to this chapter. Whenever the council deems it
17 necessary to verify such compliance and whenever the meeting of any
18 such other standards involves expenses, the person to whom such

19 certificate has been issued shall be charged with and pay such
20 expenses. The courts are authorized to grant such restraining orders,
21 and such temporary and permanent injunctive relief, as may be
22 necessary to secure compliance with this chapter and with a certificate
23 issued pursuant to this chapter. The courts may assess civil penalties in
24 an amount not less than one thousand dollars per day for each day of
25 construction or operation in material violation of this chapter, or in
26 material violation of any certificate issued pursuant to this chapter,
27 except that, for a facility described in subdivisions (1) to (3), inclusive,
28 of subsection (a) of section 16-50i, as amended, the courts may assess
29 civil penalties in an amount not less than ten thousand dollars per day
30 for operation in material violation of any certificate issued pursuant to
31 this chapter. Each violation shall be a separate and distinct offense and
32 in the case of a continuing violation each day's continuance thereof
33 may be deemed to be a separate and distinct offense. Civil proceedings
34 to enforce this chapter may be brought by the Attorney General, on
35 behalf of the council or the state, in the superior court for any judicial
36 district affected by the violation. The remedies and penalties in this
37 section shall be cumulative and shall be in addition to any other
38 penalties and remedies available at law, or in equity, to any person.

39 Sec. 3. Section 22a-361a of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective from passage*):

41 Any person who violates, continues or maintains any violation of
42 any provision of sections 22a-359 to 22a-363f, inclusive, or violates,
43 continues or maintains a violation of any term or condition of any
44 permit, certificate, authorization or order issued pursuant to said
45 sections shall be liable for a civil penalty of not more than one
46 thousand dollars for each offense, except that, where such violation
47 relates to a facility described in subdivisions (1) to (3), inclusive, of
48 subsection (a) of section 16-50i, as amended, such civil penalty shall be
49 not more than ten thousand dollars per day. Any civil penalties
50 collected under this section due to violations related to a facility
51 described in subdivisions (1) to (3), inclusive, of subsection (a) of
52 section 16-50i, as amended, shall be deposited in the Environmental

53 Quality Fund established pursuant to section 22a-27g. Each violation
54 shall be a separate and distinct offense and in the case of a continuing
55 violation each day's continuance thereof shall be deemed to be a
56 separate and distinct offense. The Commissioner of Environmental
57 Protection may request the Attorney General to bring a civil action in
58 the superior court for the judicial district of Hartford to seek
59 imposition and recovery of such civil penalty.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

ENV

Joint Favorable Subst. C/R

JUD