



General Assembly

**Substitute Bill No. 6803**

January Session, 2005

\*          HB06803JUD          041505          \*

**AN ACT CONCERNING REVISIONS TO CERTAIN WASTE  
MANAGEMENT PROGRAMS.**

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

1       Section 1. Subdivision (1) of section 22a-134 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective*  
3       *October 1, 2005*):

4       (1) "Transfer of establishment" means any transaction or proceeding  
5       through which an establishment undergoes a change in ownership, but  
6       does not mean:

7       (A) [conveyance] Conveyance or extinguishment of an easement; [ ]

8       (B) [conveyance] Conveyance of an establishment through a  
9       foreclosure, as defined in subsection (b) of section 22a-452f or  
10      foreclosure of a municipal tax lien; [ ]

11      (C) [conveyance] Conveyance of a deed in lieu of foreclosure to a  
12      lender, as defined in and that qualifies for the secured lender  
13      exemption pursuant to subsection (b) of section 22a-452f; [ ]

14      (D) [conveyance] Conveyance of a security interest, as defined in  
15      subdivision (7) of subsection (b) of section 22a-452f; [ ]

16      (E) [termination] Termination of a lease and conveyance,

17 assignment or execution of a lease for a period less than ninety-nine  
18 years including conveyance, assignment or execution of a lease with  
19 options or similar terms that will extend the period of the leasehold to  
20 ninety-nine years, or from the commencement of the leasehold, ninety-  
21 nine years, including conveyance, assignment or execution of a lease  
22 with options or similar terms that will extend the period of the  
23 leasehold to ninety-nine years, or from the commencement of the  
24 leasehold; [ ]

25 (F) [any] Any change in ownership approved by the Probate Court;  
26 [ ]

27 (G) [devolution] Devolution of title to a surviving joint tenant, or to  
28 a trustee, executor or administrator under the terms of a testamentary  
29 trust or will, or by intestate succession; [ ]

30 (H) [corporate] Corporate reorganization not substantially affecting  
31 the ownership of the establishment; [ ]

32 (I) [the] The issuance of stock or other securities of an entity which  
33 owns or operates an establishment; [ ]

34 (J) [the] The transfer of stock, securities or other ownership interests  
35 representing less than forty per cent of the ownership of the entity that  
36 owns or operates the establishment; [ ]

37 (K) [any] Any conveyance of an interest in an establishment where  
38 the transferor is the sibling, spouse, child, parent, grandparent, child of  
39 a sibling or sibling of a parent of the transferee; [ ]

40 (L) [conveyance] Conveyance of an interest in an establishment to a  
41 trustee of an inter vivos trust created by the transferor solely for the  
42 benefit of one or more sibling, spouse, child, parent, grandchild, child  
43 of a sibling or sibling of a parent of the transferor; [ ]

44 (M) [any] Any conveyance of a portion of a parcel upon which  
45 portion no establishment is or has been located and upon which there  
46 has not occurred a discharge, spillage, uncontrolled loss, seepage or

47 filtration of hazardous waste, provided either the area of such portion  
48 is not greater than fifty per cent of the area of such parcel or written  
49 notice of such proposed conveyance and an environmental condition  
50 assessment form for such parcel is provided to the commissioner sixty  
51 days prior to such conveyance; [ ]

52 (N) [conveyance] Conveyance of a service station, as defined in  
53 subdivision (5) of this section; [ ]

54 (O) [any] Any conveyance of an establishment which, prior to July  
55 1, 1997, had been developed solely for residential use and such use has  
56 not changed; [ ]

57 (P) [any] Any conveyance of an establishment to any entity created  
58 or operating under chapter 130 or 132, or to an urban rehabilitation  
59 agency, as defined in section 8-292, or to a municipality under section  
60 32-224, or to the Connecticut Development Authority or any  
61 subsidiary of the authority; [ ]

62 (Q) [any] Any conveyance of a parcel in connection with the  
63 acquisition of properties to effectuate the development of the overall  
64 project, as defined in section 32-651; [ ]

65 (R) [the] The conversion of a general or limited partnership to a  
66 limited liability company under section 34-199; [ ]

67 (S) [the] The transfer of general partnership property held in the  
68 names of all of its general partners to a general partnership which  
69 includes as general partners immediately after the transfer all of the  
70 same persons as were general partners immediately prior to the  
71 transfer; [ ]

72 (T) [the] The transfer of general partnership property held in the  
73 names of all of its general partners to a limited liability company  
74 which includes as members immediately after the transfer all of the  
75 same persons as were general partners immediately prior to the  
76 transfer; [ , or ]

77 (U) [~~acquisition~~] Acquisition of an establishment by any  
78 governmental or quasi-governmental condemning authority; or

79 (V) Conveyance of any real property or business operation that (i)  
80 generates more than one hundred kilograms of universal waste in a  
81 calendar month, (ii) stores, handles or transports universal waste  
82 generated at a different location, or (iii) undertakes activities at a  
83 universal waste transfer facility, except that any such real property or  
84 business operation qualifies as a transfer of establishment if it  
85 otherwise qualifies as an establishment, if there has been a discharge,  
86 spillage, uncontrolled loss, seepage or filtration of a universal waste or  
87 a constituent of universal waste that is a hazardous substance at or  
88 from such real property or business operation, or if universal waste is  
89 recycled, treated, except for treatment of a universal waste pursuant to  
90 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or  
91 disposed of at such real property or business operation.

92 Sec. 2. Subdivisions (10) and (11) of section 22a-134 of the general  
93 statutes are repealed and the following is substituted in lieu thereof  
94 (*Effective October 1, 2005*):

95 (10) "Form I" means a written certification by the transferor of an  
96 establishment on a form prescribed and provided by the commissioner  
97 that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration  
98 of hazardous waste or a hazardous substance has occurred at the  
99 establishment which certification is based on an investigation of the  
100 parcel in accordance with prevailing standards and guidelines, or (B)  
101 no discharge spillage, uncontrolled loss, seepage or filtration of  
102 hazardous waste has occurred at the establishment based upon an  
103 investigation of the parcel in accordance with the prevailing standards  
104 and guidelines and the commissioner has determined, in writing, or a  
105 licensed environmental professional has verified, in writing, that any  
106 discharge, spillage, uncontrolled loss, seepage or filtration of a  
107 hazardous substance has been remediated in accordance with the  
108 remediation standards and that since any such written approval or  
109 verification, including any approval or verification for a portion of an

110 establishment, no discharge, spillage, uncontrolled loss, seepage or  
111 filtration of hazardous waste or hazardous substances has occurred at  
112 any portion of the establishment;

113 (11) "Form II" means a written certification by the transferor of an  
114 establishment on a form prescribed and provided by the commissioner  
115 that the parcel has been investigated in accordance with prevailing  
116 standards and guidelines and that (A) any pollution caused by a  
117 discharge, spillage, uncontrolled loss, seepage or filtration of  
118 hazardous waste or a hazardous substance which has occurred from  
119 the establishment has been remediated in accordance with the  
120 remediation standards and that the remediation has been approved in  
121 writing by the commissioner or has been verified pursuant to section  
122 22a-133x or section 22a-134a in writing attached to such form by a  
123 licensed environmental professional to have been performed in  
124 accordance with the remediation standards and that since any such  
125 written approval or verification, including any approval or verification  
126 for a portion of an establishment, no discharge, spillage, uncontrolled  
127 loss, seepage or filtration of hazardous waste or hazardous substances  
128 has occurred at any portion of the establishment, (B) the commissioner  
129 has determined in writing or a licensed environmental professional has  
130 verified pursuant to section 22a-133x or section 22a-134a, as amended  
131 by this act, in writing, attached to the form that no remediation is  
132 necessary to achieve compliance with the remediation standards, or  
133 (C) a Form IV verification was previously submitted to the  
134 commissioner and, since the date of the submission of the Form IV, no  
135 discharge, spillage, uncontrolled loss, seepage or filtration of  
136 hazardous waste or a hazardous substance has occurred at the  
137 establishment, which certification is based on an investigation of the  
138 parcel in accordance with prevailing standards and guidelines.

139 Sec. 3. Section 22a-134 of the general statutes is amended by adding  
140 subdivisions (26) and (27) as follows (*Effective October 1, 2005*):

141 (NEW) (26) "Universal waste" means batteries, pesticides,  
142 thermostats, lamps and used electronics regulated as a universal waste

143 under regulations adopted pursuant to subsection (c) of section 22a-  
144 449. "Universal waste" does not mean (A) batteries, pesticides,  
145 thermostats and lamps that are not covered under 40 CFR Part 273, or  
146 (B) used electronics that are not regulated as a universal waste under  
147 regulations adopted pursuant to subsection (c) of section 22a-449.

148 (NEW) (27) "Universal waste transfer facility" means any facility  
149 related to transportation, including loading docks, parking areas,  
150 storage areas and other similar areas where shipments of universal  
151 waste are held during the normal course of transportation for ten days  
152 or less.

153 Sec. 4. Subsections (g) and (h) of section 22a-134a of the general  
154 statutes are repealed and the following is substituted in lieu thereof  
155 (*Effective October 1, 2005*):

156 (g) (1) If the commissioner notifies the certifying party to a Form III  
157 or Form IV that a licensed environmental professional may verify the  
158 remediation, such certifying party shall, on or before thirty days of the  
159 receipt of such notice or such later date as may be approved in writing  
160 by the commissioner, submit a schedule for [investigating and  
161 remediating the establishment] the investigation of the parcel and  
162 remediation of the establishment. Such schedule shall, unless a later  
163 date is specified in writing by the commissioner, provide that the  
164 investigation shall be completed within two years of the date of receipt  
165 of such notice and that remediation shall be initiated within three years  
166 of the date of receipt of such notice. The schedule shall also include a  
167 schedule for providing public notice of the remediation prior to the  
168 initiation of such remediation in accordance with subsection (i) of this  
169 section. The commissioner shall notify such certifying party if the  
170 commissioner determines that the commissioner's review and written  
171 approval is necessary. Such certifying party shall investigate the parcel  
172 and remediate the establishment in accordance with the proposed  
173 schedule or the schedule specified by the commissioner. [Such  
174 certifying party shall submit to the commissioner an independent  
175 verification by a licensed environmental professional that the

176 establishment has been remediated in accordance with the remediation  
177 standards, and as applicable, a Form IV verification.] When  
178 remediation of the entire establishment is complete, the certifying  
179 party shall submit to the commissioner a final verification by a licensed  
180 environmental professional. Any such final verification may include  
181 and rely upon a verification for a portion of the establishment  
182 submitted pursuant to subdivision (2) of this subsection.

183 (2) If a certifying party completes the remediation of a portion of an  
184 establishment, such party may submit a verification by a licensed  
185 environmental professional for any such portion of an establishment.  
186 The certifying party shall be deemed to have satisfied the requirements  
187 of this subsection for that portion of the establishment covered by any  
188 such verification, but shall be responsible for investigation and  
189 remediation of the remainder of the establishment not covered by such  
190 verification. If any portion of an establishment for which a verification  
191 is submitted pursuant to this subdivision is transferred, conveyed or  
192 undergoes a change in ownership before remediation of the entire  
193 establishment is complete, the certifying party shall provide notice to  
194 the commissioner of such transfer, conveyance or change in  
195 ownership. Such notice shall be provided to the commissioner within  
196 thirty days of any such transfer, conveyance or change in ownership.

197 (h) (1) If the commissioner notifies the certifying party to a Form III  
198 or Form IV that the commissioner's review and written approval of the  
199 investigation of the parcel and remediation of the establishment is  
200 required, such certifying party shall, on or before thirty days of the  
201 receipt of such notice or such later date as may be approved in writing  
202 by the commissioner, submit for the commissioner's review and  
203 written approval a proposed schedule for: [(1)] (A) Investigating the  
204 parcel and remediating the establishment; [(2)] (B) submitting to the  
205 commissioner scopes of work, technical plans, technical reports and  
206 progress reports related to such investigation and remediation; and  
207 [(3)] (C) providing public notice of the remediation prior to the  
208 initiation of such remediation in accordance with subsection (i) of this  
209 section. Upon the commissioner's approval of such schedule, such

210 certifying party shall, in accordance with the approved schedule,  
211 submit scopes of work, technical plans, technical reports and progress  
212 reports to the commissioner for the commissioner's review and written  
213 approval. Such certifying party shall perform all actions identified in  
214 the approved scopes of work, technical plans, technical reports and  
215 progress reports in accordance with the approved schedule. The  
216 commissioner may approve in writing any modification proposed in  
217 writing by such certifying party to such schedule or investigation and  
218 remediation. The commissioner may, at any time, notify such  
219 certifying party in writing that the commissioner's review and written  
220 approval is not required and that a licensed environmental  
221 professional may verify that the remediation has been performed in  
222 accordance with the remediation standards.

223 (2) A certifying party may complete the remediation of a portion of  
224 an establishment and request that the commissioner determine that the  
225 requirements of this subsection have been satisfied for any such  
226 portion of the establishment. If the commissioner determines that any  
227 such remediation is complete, the certifying party shall be deemed to  
228 have satisfied the requirements of this subsection for any such portion  
229 of an establishment. Any determination by the commissioner that  
230 remediation at the entire establishment has been completed may  
231 include and rely upon any determination made pursuant to this  
232 subdivision that remediation is complete at a portion of an  
233 establishment. If any portion of an establishment for which the  
234 commissioner determines that remediation is complete pursuant to  
235 this subdivision is transferred, conveyed or undergoes a change in  
236 ownership before remediation of the entire establishment is complete,  
237 the certifying party shall provide notice to the commissioner of such  
238 transfer, conveyance or change in ownership. Such notice shall be  
239 provided to the commissioner within thirty days of any such transfer,  
240 conveyance or change in ownership.

241 Sec. 5. Subsection (l) of section 22a-134a of the general statutes is  
242 repealed and the following is substituted in lieu thereof (*Effective*  
243 *October 1, 2005*):

244 (l) Notwithstanding any other provisions of this section, no person  
245 shall be required to comply with the provisions of sections 22a-134 to  
246 22a-134e, inclusive, as amended by; this act, when transferring real  
247 property (1) (A) for which a Form I or Form II has been filed for the  
248 transfer of the parcel on or after October 1, 1995, and for which no  
249 discharge, spillage, uncontrolled loss, seepage or filtration of  
250 hazardous waste or hazardous substances has occurred at any portion  
251 of the establishment since the Form I or Form II was filed, or (B) for  
252 which parcel a Form III or Form IV has been filed and which has been  
253 remediated and such remediation has been approved, in writing, by  
254 the commissioner or has been verified in writing in accordance with  
255 this section by a licensed environmental professional that an  
256 investigation has been performed in accordance with prevailing  
257 standards and guidelines and that the remediation has been performed  
258 in accordance with the remediation standards, and that since any such  
259 written approval or verification, including any approval or verification  
260 for a portion of an establishment, no discharge, spillage, uncontrolled  
261 loss, seepage or filtration of hazardous waste or hazardous substances  
262 has occurred at any portion of the establishment, and (2) at which no  
263 activities described in subdivision (3) of section 22a-134 have been  
264 conducted since the date of such approval or verification or the date on  
265 which the Form I or Form II was filed.

266 Sec. 6. Subsections (e) and (f) of section 22a-133v of the general  
267 statutes are repealed and the following is substituted in lieu thereof  
268 (*Effective October 1, 2005*):

269 (e) The board shall authorize the commissioner to issue a license  
270 under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e,  
271 inclusive, this section and section 22a-133w to any person who  
272 demonstrates to the satisfaction of the board that such person: (1) (A)  
273 Has for a minimum of eight years engaged in the investigation and  
274 remediation of releases of hazardous waste or petroleum products into  
275 soil or groundwater, including a minimum of four years in responsible  
276 charge of investigation and remediation of the release of hazardous  
277 waste or petroleum products into soil or groundwater, and holds a

278 bachelor's or advanced degree from an accredited college or university  
279 in a related science or related engineering field or is a professional  
280 engineer licensed in accordance with chapter 391, or (B) has for a  
281 minimum of fourteen years engaged in the investigation and  
282 remediation of releases of hazardous waste or petroleum products into  
283 soil or groundwater, including a minimum of seven years in  
284 responsible charge of investigation and remediation of hazardous  
285 waste or petroleum products into soil or groundwater; (2) has  
286 successfully passed a written examination, or a written and oral  
287 examination, prescribed by the board and approved by the  
288 commissioner, which shall test the applicant's knowledge of the  
289 physical and environmental sciences applicable to an investigation of a  
290 polluted site and remediation conducted in accordance with  
291 regulations adopted by the commissioner under section 22a-133k and  
292 any other applicable guidelines or regulations as may be adopted by  
293 the commissioner; and (3) has paid an examination fee of one hundred  
294 eighty-eight dollars to the commissioner. In considering whether a  
295 degree held by an applicant for such license qualifies for the  
296 educational requirements under this section, the board may consider  
297 all undergraduate, graduate, postgraduate and other courses  
298 completed by the applicant.

299 (f) The board shall authorize the commissioner to issue a license to  
300 any applicant who, in the opinion of the board, has satisfactorily met  
301 the requirements of this section. The issuance of a license by the  
302 commissioner shall be evidence that the person named therein is  
303 entitled to all the rights and privileges of a licensed environmental  
304 professional while such license remains unrevoked or unexpired. A  
305 licensed environmental professional shall pay to the commissioner an  
306 annual fee of three hundred thirty-eight dollars, due and payable on  
307 July first of every year beginning with July first of the calendar year  
308 immediately following the year of license issuance. The commissioner,  
309 with the advice and assistance of the board, may adopt regulations in  
310 accordance with the provisions of chapter 54, pertaining to the design  
311 and use of seals by licensees under this section and governing the

312 license issuance and renewal process, including, but not limited to,  
313 procedures for allowing the renewal of licenses when an application is  
314 submitted not later than six months after the expiration of the license  
315 without the applicant having to take the examination required under  
316 subsection (e) of this section.

317 Sec. 7. Section 22a-463 of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective October 1, 2005*):

319 As used in sections 22a-463 to 22a-469, inclusive:

320 [(a)] (1) "Commissioner" means the Commissioner of Environmental  
321 Protection.

322 [(b)] (2) "PCB" means the class of organic compounds known as  
323 polychlorinated biphenyls or terphenyls and includes any of several  
324 compounds produced by replacing two or more hydrogen atoms on  
325 the biphenyl or terphenyl molecule with chlorine.

326 [(c)] (3) "Incidental amounts of PCB" means amounts of the  
327 compound PCB in an item, product or material which are beyond the  
328 control of the person manufacturing, selling for use, or using such  
329 item, product or material.

330 (4) "Dispose" means to intentionally or unintentionally discard,  
331 throw away or otherwise complete or terminate the useful life of PCBs  
332 and items containing PCBs. "Dispose" includes spills, leaks and other  
333 uncontrolled discharges of PCBs, as well as actions relating to  
334 containing, transporting, destroying, degrading, decontaminating or  
335 confining PCBs and items containing PCBs.

336 Sec. 8. Section 22a-467 of the general statutes is repealed and the  
337 following is substituted in lieu thereof (*Effective October 1, 2005*):

338 No person shall dispose of the compound PCB or any item, product  
339 or material containing the compound PCB except in accordance with a  
340 permit issued pursuant to section 22a-208a, 22a-430 or 22a-454.  
341 Notwithstanding the provisions of this section, a person or

342 municipality may dispose of the compound PCB, or the item, product  
343 or material containing the compound PCB, in accordance with a  
344 written approval by the commissioner if such disposal (1) results in  
345 destruction of the compound PCB; or (2) is not inconsistent with the  
346 provisions of Part 761 of Title 40 of the Code of Federal Regulations.  
347 The commissioner may include in any such approval such conditions  
348 as he deems appropriate to protect the environment and human  
349 health. For purposes of this section, person includes any responsible  
350 corporate officer or municipal official. [and "dispose" means to  
351 incinerate or treat the compound PCB or any item, product or material  
352 containing the compound PCB, or to discharge, deposit, inject, dump  
353 or place the compound PCB or any item, product or material  
354 containing the compound PCB into or on land or water so that such  
355 compound, item, product or material enters the environment, is  
356 emitted into the air, or is discharged into any waters, including  
357 groundwaters.]

358 Sec. 9. Subdivisions (1) to (4), inclusive, of section 22a-255h of the  
359 general statutes are repealed and the following is substituted in lieu  
360 thereof (*Effective October 1, 2005*):

361 As used in sections 22a-255g to 22a-255m, inclusive:

362 (1) "Package" means any container, produced either domestically or  
363 in a foreign country, used for the marketing, protecting or handling of  
364 a product and includes a unit package, an intermediate package and a  
365 shipping container, as defined in the American Society of Testing and  
366 Materials specification D966. "Package" also means any unsealed  
367 receptacle such as a carrying case, crate, cup, pail, rigid foil or other  
368 tray, wrapper or wrapping film, bag or tub. [but shall not include any  
369 glass, ceramic or metal receptacle which is intended to be reusable or  
370 refillable.]

371 (2) "Distributor" means any person who takes title or delivery from  
372 the manufacturer of a package, packaging component or product,  
373 produced either domestically or in a foreign country, to use for

374 promotional purposes or to sell.

375 (3) "Packaging component" means any part of a package, produced  
376 either domestically or in a foreign country, including, but not limited  
377 to, any interior or exterior blocking, bracing, cushioning,  
378 weatherproofing, exterior strapping, coating, closure, ink, label, dye,  
379 pigment, adhesive, stabilizer or other additive. Tin-plated steel that  
380 meets specification A623 of the American Society of Testing and  
381 Materials shall be considered as a single packaging component.  
382 [Electrolytic galvanized steel that meets specification A879 of the  
383 American Society of Testing and Materials and hot-dipped coated  
384 galvanized steel that meets specification A525 of the American Society  
385 of Testing and Materials shall be treated in the same manner as tin-  
386 plated steel] Electro-galvanized coated steel and hot dipped coated  
387 galvanized steel that meets the American Society of Testing and  
388 Materials specifications A653, A924, A879 and A591 shall be treated in  
389 the same manner as tin-plated steel.

390 (4) "Commissioner" means the Commissioner of Environmental  
391 Protection or an authorized agent or designee of the commissioner.

392 Sec. 10. Subdivisions (12) to (14), inclusive, of section 22a-255h of the  
393 general statutes are repealed and the following is substituted in lieu  
394 thereof (*Effective October 1, 2005*):

395 (12) "Manufacturer" means any person [, firm, association,  
396 partnership or corporation] producing a package or packaging  
397 component as defined in subdivision (3) of this section, as amended by  
398 this act.

399 (13) "Manufacturing" means the physical or chemical modification  
400 of a material to produce packaging or packaging components.

401 (14) "Supplier" means any person, firm, association, partnership or  
402 corporation which sells, offers for sale or offers for promotional  
403 purposes packages or packaging components which will be used by  
404 any other person [, firm, association, partnership or corporation] to

405 package a product.

406 Sec. 11. Subsection (a) of section 22a-255i of the general statutes is  
407 repealed and the following is substituted in lieu thereof (*Effective*  
408 *October 1, 2005*):

409 (a) As soon as feasible, but not later than October 1, 1992, no  
410 package or packaging component shall be offered for sale or  
411 promotional purposes in this state, by its manufacturer or distributor,  
412 if it is composed of any lead, cadmium, mercury or hexavalent  
413 chromium which has been intentionally introduced during  
414 manufacturing or distribution, as opposed to the incidental presence of  
415 any of these substances.

416 Sec. 12. Section 22a-255j of the general statutes is repealed and the  
417 following is substituted in lieu thereof (*Effective October 1, 2005*):

418 All packages and packaging components shall be subject to sections  
419 22a-255g to 22a-255m, inclusive, as amended by this act, except the  
420 following:

421 (1) A package or packaging component which was manufactured  
422 prior to October 1, 1990, and displays a code indicating the date it was  
423 manufactured;

424 (2) A package or packaging component that would not exceed any  
425 maximum concentration set forth in subsection (c) of section 22a-255i  
426 but for the addition or use of recycled materials; provided the  
427 provisions of sections 22a-255g to 22a-255m, inclusive, as amended by  
428 this act, shall apply to such packages on and after January 1, [2000]  
429 2010;

430 (3) A package or packaging component to which lead, cadmium,  
431 mercury or hexavalent chromium have been added in the  
432 manufacturing or distribution process in order to comply with health  
433 or safety requirements of federal law, provided the manufacturer of  
434 such a package or packaging component has demonstrated to the

435 commissioner that such package or packaging component is entitled to  
436 an exemption under this subdivision and the commissioner grants  
437 such exemption. The exemption shall be effective for up to two years  
438 and may be extended if circumstances warrant an extension. An  
439 extension may be granted for up to two years;

440 (4) Any alcoholic liquor bottled prior to October 1, 1992;

441 (5) A package or packaging component to which lead, cadmium,  
442 mercury or hexavalent chromium have been added in the  
443 manufacturing, forming, printing or distribution process for which  
444 there is no feasible alternative to the use of lead, cadmium, mercury or  
445 hexavalent chromium provided the manufacturer of such a package or  
446 packaging component has demonstrated to the commissioner that such  
447 package or packaging component is entitled to an exemption under  
448 this subdivision and the commissioner grants such exemption. The  
449 exemption shall be effective for two years and may be extended if  
450 circumstances warrant an extension. An extension may be granted for  
451 up to two years. For purposes of this subdivision, a use for which there  
452 is no feasible alternative is one which is essential to the protection, safe  
453 handling or function of the package's contents and for which [there is  
454 no substitute] technical constraints preclude the substitution of other  
455 materials. For purposes of this subdivision, a use for which there is no  
456 feasible alternative shall not include the use of any lead, cadmium,  
457 mercury or hexavalent chromium for the purpose of marketing;

458 (6) A package or packaging component that is reused but exceeds  
459 contaminant levels set forth in subsection (c) of section 22a-255i,  
460 provided (A) the product being conveyed by such package or  
461 packaging component is regulated under federal or state health or  
462 safety requirements; (B) the transportation of such package or  
463 packaging component is regulated under federal or state  
464 transportation requirements; (C) the disposal of the package or  
465 packaging component is performed according to federal or state  
466 radioactive or hazardous waste disposal requirements; and (D) the  
467 manufacturer of such package or packaging component has

468 demonstrated to the commissioner that such package or packaging  
469 component is entitled to an exemption under this subdivision and the  
470 commissioner grants such exemption. Any exemption granted under  
471 this subdivision shall expire on January 1, [2000] 2010;

472 (7) A package or packaging component which is reusable and has a  
473 controlled distribution and reuse but which exceeds the contaminant  
474 levels set forth in subsection (c) of section 22a-255i, provided the  
475 manufacturer or distributor of such package or packaging component  
476 petitions the commissioner for an exemption and the commissioner  
477 grants such exemption. A manufacturer or distributor petitioning the  
478 commissioner for such an exemption shall (A) satisfactorily  
479 demonstrate that the environmental benefit of the reusable packaging  
480 or packaging component is significantly greater as compared to the  
481 same package or packaging component manufactured in compliance  
482 with the contaminant levels set forth in subsection (c) of section 22a-  
483 255i, and (B) submit a written plan including, at a minimum, the  
484 following elements: (i) A means of identifying in a permanent and  
485 visible manner those reusable packages or packaging components  
486 containing regulated metals for which the exemption is sought; (ii) a  
487 method of regulatory and financial accountability such that a specified  
488 percentage of such reusable packaging or packaging components  
489 manufactured and distributed to other persons are not discarded by  
490 those persons after use, but are returned to the manufacturer or his  
491 designee; (iii) a system of inventory and record maintenance to  
492 account for the reusable packaging or packaging components placed in  
493 and removed from service; (iv) a means of transforming returned  
494 packaging or packaging components that are no longer reusable into  
495 recycled materials for manufacturing or into manufacturing wastes  
496 which are subject to existing federal or state laws or regulations to  
497 ensure that these wastes do not enter the commercial or municipal  
498 waste stream; and (v) a system for annually reporting to the  
499 commissioner any changes to the system or changes regarding the  
500 manufacturer's designee. Any exemption granted under this  
501 subdivision shall expire on January 1, [2000] 2010;

502     (8) A glass or ceramic package or packaging component that has a  
503 vitriified label which, when prepared according to the American  
504 Society for Testing and Materials specification C1606-04 and when  
505 tested in accordance with the Toxicity Characteristic Leaching  
506 Procedures of the United States Environmental Protection Agency Test  
507 Method and Publication SW 846, third edition, "Test Methods for  
508 Evaluating Solid Waste", does not exceed one part per million for  
509 cadmium, five parts per million for hexavalent chromium and five  
510 parts per million for lead.

511     Sec. 13. Subsection (a) of section 22a-255m of the general statutes is  
512 repealed and the following is substituted in lieu thereof (*Effective*  
513 *October 1, 2005*):

514     (a) The [department] commissioner may, in consultation with the  
515 [Source Reduction Council of the Council of Northeastern Governors]  
516 other member states of the Toxics in Packaging Clearinghouse, review  
517 the effectiveness of sections 22a-255g to 22a-255m, inclusive, as  
518 amended by this act, and provide a report based on such review to the  
519 Governor and the General Assembly. The report may describe  
520 substitutes which manufacturers and distributors of packages and  
521 packaging components have used in place of lead, mercury, cadmium  
522 and hexavalent chromium, and may contain recommendations  
523 concerning (1) other toxic substances contained in packaging that  
524 should be added to those regulated under the provisions of sections  
525 22a-255g to 22a-255m, inclusive, as amended by this act, in order to  
526 further reduce the toxicity of packaging waste, and (2) the advisability  
527 of retaining the exemption provided in subdivision (2) of section 22a-  
528 255j, as amended by this act.

529     Sec. 14. Subsection (b) of section 22a-449 of the general statutes is  
530 repealed and the following is substituted in lieu thereof (*Effective*  
531 *October 1, 2005*):

532     (b) The commissioner may: (1) License terminals in the state for the  
533 loading or unloading of oil or petroleum or chemical liquids or solid,

534 liquid or gaseous products or hazardous wastes and shall adopt, in  
535 accordance with chapter 54, reasonable regulations in connection  
536 therewith for the purposes of identifying terminals subject to licensure  
537 and protecting the public health and safety and for preventing the  
538 discharge, spillage, uncontrolled loss, seepage or filtration of oil or  
539 petroleum or chemical liquids or solid, liquid or gaseous products or  
540 hazardous wastes. Each license issued under this section shall be valid  
541 for a period of not more than [three years commencing July first] ten  
542 years from the date of issuance, unless sooner revoked by the  
543 commissioner, and there shall be charged for each such license or  
544 renewal thereof fees established by regulation sufficient to cover the  
545 reasonable cost to the state of inspecting and licensing such terminals;  
546 (2) provide by regulations for the establishment and maintenance in  
547 operating condition and position of suitable equipment to contain as  
548 far as possible the discharge, spillage, uncontrolled loss, seepage or  
549 filtration of any oil or petroleum or chemical liquids or solid, liquid or  
550 gaseous products or hazardous wastes; (3) inspect periodically all  
551 hoses, gaskets, tanks, pipelines and other equipment used in  
552 connection with the transfer, transportation or storage of oil or  
553 petroleum or chemical liquids or solid, liquid or gaseous products or  
554 hazardous wastes to make certain that they are in good operating  
555 condition, and order the renewal of any such equipment found unfit  
556 for further use. No person shall commence operation of any such  
557 terminal in this state on or after July 1, 1993, without a license issued  
558 by the commissioner. Any person who operates any such terminal  
559 without a license issued by the commissioner shall be fined not more  
560 than five thousand dollars per day during any period of unlicensed  
561 operation.

562 Sec. 15. Section 22a-611 of the general statutes is repealed and the  
563 following is substituted in lieu thereof (*Effective October 1, 2005*):

564 The owner or operator of a facility required to complete a toxic  
565 release form under Section 313 of the Emergency Planning and  
566 Community Right-to-Know Act of 1986 shall annually submit such  
567 form to the commission on or before the first of July [1, 1990, and

568 annually thereafter] or a date established by the United States  
569 Environmental Protection Agency, whichever comes later.

570 Sec. 16. Subsections (a) to (d), inclusive, of section 22a-208a of the  
571 general statutes are repealed and the following is substituted in lieu  
572 thereof (*Effective October 1, 2005*):

573 (a) The Commissioner of Environmental Protection may issue, deny,  
574 modify, renew, suspend, revoke or transfer a permit, under such  
575 conditions as he may prescribe and upon submission of such  
576 information as he may require, for the construction, alteration and  
577 operation of solid waste facilities, in accordance with the provisions of  
578 this chapter and regulations adopted pursuant to this chapter.  
579 Notwithstanding the provisions of this section, the commissioner shall  
580 not issue (1) a permit for a solid waste land disposal facility on former  
581 railroad property until July 1, 1989, unless the commissioner makes a  
582 written determination that such facility is necessary to meet the solid  
583 waste disposal needs of the state and will not result in a substantial  
584 excess capacity of solid waste land disposal areas or disrupt the  
585 orderly transportation of or disposal of solid waste in the area affected  
586 by the facility, or (2) an operational permit for a resources recovery  
587 facility unless the applicant has submitted a plan pursuant to section  
588 22a-208g for the disposal or recycling of ash residue expected to be  
589 generated at the facility in the first five years of operation. In making a  
590 decision to grant or deny a permit to construct a solid waste land  
591 disposal facility, including a vertical or horizontal landfill expansion,  
592 the commissioner shall consider the character of the neighborhood in  
593 which such facility is located and may impose requirements for hours  
594 and routes of truck traffic, security and fencing and for measures to  
595 prevent the blowing of dust and debris and to minimize insects,  
596 rodents and odors. In making a decision to grant or deny a permit to  
597 construct or operate a new transfer station, the commissioner shall  
598 consider whether such transfer station will result in disproportionately  
599 high adverse human health or environmental effects. [The  
600 commissioner shall not authorize under a general permit or issue an  
601 individual permit under this section to establish or construct a new

602 volume reduction plant or transfer station located, or proposed to be  
603 located, within one-quarter mile of a child day care center, as defined  
604 in subdivision (1) of subsection (a) of section 19a-77, in a municipality  
605 with a population greater than one hundred thousand persons  
606 provided such center is operating as of July 8, 1997. The commissioner  
607 may modify or renew a permit for an existing volume reduction plant  
608 or transfer station, in accordance with the provisions of this chapter,  
609 without regard to its location.] In making a decision to grant or deny a  
610 permit to construct an ash residue disposal area, the commissioner  
611 shall consider any provision which the applicant shall make for a  
612 double liner, a leachate collection or detection system and the cost of  
613 transportation and disposal of ash residue at the site under  
614 consideration.

615 [(b) No solid waste facility shall be built or established and no solid  
616 waste facility without a permit to construct shall be altered after July 1,  
617 1971, until the plan, design and method of operation of such facility  
618 have been filed with the department and approved by the  
619 commissioner by the issuance of a permit to construct, provided,  
620 nothing in this chapter or chapter 446e shall be construed to limit the  
621 right of any local governing body to regulate, through zoning, land  
622 usage for solid waste disposal.]

623 (b) No person or municipality shall establish, construct or operate a  
624 solid waste facility without a permit issued by the commissioner under  
625 this section. An application for such permit shall be submitted on a  
626 form prescribed by the commissioner, shall include such information  
627 as the commissioner may require, including, but not limited to, a  
628 closure plan for such facility, and shall be accompanied by a fee  
629 prescribed in regulations adopted in accordance with chapter 54.  
630 Notwithstanding any provision, references to a permit to construct or a  
631 permit to operate in a regulation adopted pursuant to section 22a-209  
632 shall be deemed to mean a permit as required by this subsection. The  
633 [commissioner] applicant shall send a written notification of any  
634 application for [a] such permit [to construct] to the chief elected official  
635 of each municipality in which the proposed facility is to be located,

636 within five business days of the date on which any such application is  
637 filed.

638 [(c) No solid waste facility for which a permit to construct is  
639 required shall be operated on and after June 16, 1985, except for  
640 performance testing approved by the commissioner, unless such  
641 facility has been issued a permit to operate. The commissioner may  
642 issue such permit upon determination that the facility (1) will be  
643 operated in accordance with applicable laws or regulations, (2) has  
644 been constructed in accordance with a permit issued pursuant to  
645 subsection (b) of this section, and (3) has satisfactorily completed any  
646 performance tests required by the commissioner. All operating  
647 facilities holding a valid permit to construct on or before June 16, 1985,  
648 shall be issued a permit to operate and shall be allowed to continue  
649 operations prior to the issuance of such permit to operate. The  
650 commissioner shall allow any person who is lawfully disposing of ash  
651 residue within a solid waste disposal area on April 1, 1994, to continue  
652 disposing of such residue within such area until March 1, 1997, or until  
653 the issuance of a final permit to operate a new lined ash landfill in  
654 Hartford.]

655 (c) Upon written notice from the commissioner and in accordance  
656 with a schedule specified by the commissioner in such written notice,  
657 any person or municipality who owns an unpermitted solid waste  
658 disposal area shall (1) submit a closure plan for the commissioner's  
659 review and written approval, provide public notice of such proposed  
660 plan in a manner prescribed by regulations adopted pursuant to  
661 section 22a-133k and close and maintain such area after closure in  
662 accordance with the approved closure plan, or (2) remediate such  
663 disposal area in accordance with a remediation plan approved by the  
664 commissioner or verified by a licensed environmental professional  
665 pursuant to section 22a-134a, 22a-134x or 22a-133y or pursuant to an  
666 order of the commissioner. A fee of three thousand dollars shall  
667 accompany any closure plan submitted pursuant to this subsection.  
668 The commissioner may require the owner of a solid waste disposal  
669 area to post sufficient performance bond or other security to ensure

670 compliance with the approved closure plan. The commissioner may  
671 approve a modification to a closure plan for a solid waste disposal  
672 area. A fee of five hundred dollars shall accompany the request for  
673 such modification. The commissioner may reduce or waive the fees  
674 required by this subsection in cases of financial hardship and may  
675 modify such fees in regulations adopted in accordance with chapter 54.  
676 The commissioner may require a person or municipality to provide  
677 public notice of a proposed modification of a closure plan if the  
678 modification involves any activity that would disrupt the solid waste  
679 or change the use of the solid waste disposal area. Notwithstanding  
680 the provisions of this subsection, the commissioner may order a person  
681 or municipality who establishes or constructs a solid waste disposal  
682 area without first obtaining a permit as required by subsection (b) of  
683 this section to remove any solid waste disposed at such area, to  
684 remediate any pollution caused by such waste, and to properly dispose  
685 of such waste at a lawfully operated solid waste facility.

686 (d) (1) [Except as provided in subdivision (2) of this subsection, no  
687 solid waste facility which] No person or municipality who holds a  
688 permit [to construct shall be altered on and after June 16, 1985, until  
689 the proposed plan, design and] issued under this section shall alter the  
690 design or method of operation of the [altered facility have been filed  
691 with the commissioner and approved by him by issuance of a modified  
692 permit] permitted facility without first obtaining a modified permit.  
693 For the purposes of this section and sections 22a-208, 22a-208b, 22a-  
694 220a, 22a-225 and 22a-226, "alter" means [(A)] to change to any  
695 substantive degree the [approved] design, capacity, volume, process or  
696 operation of a solid waste facility [holding a permit to construct,] and  
697 includes, but is not limited to, changes in the approved capacity or  
698 composition of solid waste disposed of, processed, reduced, stored or  
699 recycled at the facility. [, or (B) to change to any substantive degree the  
700 existing design, capacity, volume, process or operation of a solid waste  
701 facility not holding a permit to construct and includes, but is not  
702 limited to, changes in the volume or composition of solid waste  
703 disposed, stored, processed, reduced or recycled at the facility.] The

704 commissioner may approve, in writing, a modification of a closure  
705 plan for a closed permitted solid waste disposal area without  
706 modifying the permit for such area. The commissioner may require a  
707 person who, or a municipality that, requests such modification to  
708 provide public notice of a proposed modification of a closure plan if  
709 the modification involves any activity that would disrupt the solid  
710 waste or change the use of the solid waste disposal area. A fee of five  
711 hundred dollars shall accompany any request for such modification of  
712 a closure plan. The commissioner may reduce or waive such fee in  
713 cases of financial hardship and may modify such fee in accordance  
714 with regulations adopted in accordance with chapter 54.

715 (2) Changes in design, processes or operations, including the  
716 addition of thermal oxidizers or other air pollution control equipment,  
717 made to mitigate, correct or abate odors from a solid waste facility that  
718 is owned or operated by the Connecticut Resources Recovery  
719 Authority and that contracts with more than fifty municipalities, shall  
720 not be considered an alteration requiring a modified permit or minor  
721 permit amendment under this chapter. In addition, notwithstanding  
722 any provision of the general statutes or regulation adopted pursuant to  
723 said statutes, any such change shall not be considered a modification  
724 or new stationary source requiring a permit to construct or operate  
725 under chapter 446c or under any regulation adopted pursuant to  
726 chapter 446c, unless such change is a major modification or a major  
727 stationary source requiring a permit under the federal Clean Air Act  
728 Amendments of 1990. Any person making any such change to an odor  
729 control system at such a facility shall, not more than thirty days after  
730 making such change, submit a written report to the commissioner fully  
731 describing the changes made and the reason for such changes for the  
732 commissioner's review and comment. Nothing in this subdivision shall  
733 affect the commissioner's authority to take any other action to enforce  
734 the requirements of this title.

735 Sec. 17. Section 22a-207 of the general statutes is amended by adding  
736 subdivision (25) as follows (*Effective October 1, 2005*):

737 (NEW) (25) "Person" means any individual, partnership, association,  
738 firm, limited liability company, corporation or other entity, except a  
739 municipality, and includes the federal government, the state or  
740 instrumentality of the state, and any officer or governing or managing  
741 body of any partnership, association, firm, or corporation, or any  
742 member or manager of a limited liability company.

743 Sec. 18. (NEW) (*Effective October 1, 2005*) (a) The Commissioner of  
744 Environmental Protection may issue, modify or revoke orders to  
745 correct or abate violations of chapter 446m of the general statutes,  
746 including, but not limited to, any regulation adopted pursuant to  
747 chapter 446m of the general statutes. Any such order may include  
748 remedial measures necessary to correct or abate such violations. Such  
749 orders may be issued to any person who violates any provision of  
750 chapter 446d of the general statutes or any regulation adopted  
751 pursuant to chapter 446m of the general statutes.

752 (b) Each order issued under chapter 446m of the general statutes  
753 shall be served by certified mail, return receipt requested, or by a state  
754 marshal or indifferent person. If a state marshal or indifferent person  
755 serves the order, a true copy of the order shall be served, and the  
756 original, with a return of such service endorsed thereon, shall be filed  
757 with the commissioner. The order shall be deemed to be issued upon  
758 service or upon deposit in the mail. Any order issued pursuant to  
759 chapter 446d of the general statutes shall state the basis on which it is  
760 issued.

761 (c) Unless a person aggrieved by an order files a written request for  
762 a hearing before the commissioner not later than thirty days after the  
763 date of issuance, such order shall become final. If requested, the  
764 commissioner shall hold a hearing as soon thereafter as practicable. A  
765 request for a hearing shall be a condition precedent to any appeal. The  
766 commissioner may, after the hearing or at any time after the issuance  
767 of the order, modify such order by agreement or extend the time  
768 schedule therefor if the commissioner deems such modification or  
769 extension advisable or necessary, and any such modification or

770 extension shall be deemed to be a revision of an existing order and  
771 shall not constitute a new order. There shall be no hearing subsequent  
772 to or any appeal from any such modification or extension.

773 (d) After hearing, the commissioner shall consider all supporting  
774 and rebutting evidence and affirm, modify or revoke such order in the  
775 commissioner's discretion and shall so notify the recipient of the order  
776 by certified mail, return receipt requested.

777 (e) The final order of the commissioner shall be subject to appeal as  
778 set forth in sections 4-183 and 4-184 of the general statutes, except that  
779 any such appeal shall be taken to the superior court for the judicial  
780 district of New Britain.

781 Sec. 19. (NEW) (*Effective October 1, 2005*) (a) Whenever, in the  
782 judgment of the Commissioner of Environmental Protection, any  
783 person has engaged in or is about to engage in any acts, practices or  
784 omissions which constitute, or will constitute, a violation of any  
785 provision of chapter 446m of the general statutes, or any regulation  
786 adopted or order issued pursuant to chapter 446m of the general  
787 statutes, at the request of the Commissioner of Environmental  
788 Protection, the Attorney General may bring an action in the superior  
789 court for the judicial district of New Britain for an order enjoining such  
790 acts or practices, an order directing remedial measures, or for an order  
791 directing compliance and, upon a showing by the commissioner that  
792 such person has engaged in or is about to engage in any such acts,  
793 practices or omissions, a permanent or temporary injunction,  
794 restraining order or other order may be granted.

795 (b) Any person who violates any provision of chapter 446m of the  
796 general statutes, including, but not limited to, any regulation adopted  
797 or order issued pursuant to chapter 446m of the general statutes, shall  
798 be assessed a civil penalty not to exceed twenty-five thousand dollars  
799 per day, to be fixed by the court, for each offense. Each violation shall  
800 be a separate and distinct offense and, in the case of a continuing  
801 violation, each day's continuance thereof shall be deemed to be a

802 separate and distinct offense. The Attorney General, upon request of  
803 the commissioner, shall institute a civil action in the superior court for  
804 the judicial district of New Britain to recover such penalty.

805 (c) If two or more persons are responsible for a violation of any  
806 provision of chapter 446m of the general statutes, including, but not  
807 limited to, any regulation adopted or order issued pursuant to said  
808 chapter 446m, such persons shall be jointly and severally liable under  
809 this section.

810 (d) Any action brought by the Attorney General pursuant to this  
811 section shall have precedence in the order of trial as provided in  
812 section 52-191 of the general statutes.

813 Sec. 20. (NEW) (*Effective October 1, 2005*) (a) Any person who, with  
814 criminal negligence, violates any provision of chapter 446m of the  
815 general statutes, including, but not limited to, any regulation adopted  
816 or order issued pursuant to chapter 446m of the general statutes, or  
817 who makes any false statement, representation or certification in any  
818 application, notification, request for exemption, record, plan, report or  
819 other document filed or required to be maintained under chapter 446m  
820 of the general statutes, shall be fined not more than twenty-five  
821 thousand dollars per day for each day of violation or be imprisoned  
822 not more than one year, or both. A subsequent conviction for any such  
823 violation shall carry a fine of not more than fifty thousand dollars per  
824 day for each day of violation or imprisonment for not more than two  
825 years, or both.

826 (b) Any person who knowingly violates any provision of chapter  
827 446m of the general statutes, including, but not limited to, any  
828 regulation adopted or order issued pursuant to chapter 446m of the  
829 general statutes, or who makes any false statement, representation or  
830 certification in any application, notification, request for exemption,  
831 record, plan, report or other document filed or required to be  
832 maintained under chapter 446m of the general statutes, shall be fined  
833 not more than fifty thousand dollars per day for each day of violation

834 or be imprisoned not more than three years, or both. A subsequent  
 835 conviction for any such violation shall carry a fine of not more than  
 836 fifty thousand dollars per day for each day of violation or  
 837 imprisonment for not more than ten years, or both.

838 Sec. 21. Section 22a-207b of the general statutes is repealed. (*Effective*  
 839 *October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	22a-134(1)
Sec. 2	<i>October 1, 2005</i>	22a-134(10) and (11)
Sec. 3	<i>October 1, 2005</i>	22a-134
Sec. 4	<i>October 1, 2005</i>	22a-134a(g) and (h)
Sec. 5	<i>October 1, 2005</i>	22a-134a(l)
Sec. 6	<i>October 1, 2005</i>	22a-133v(e) and (f)
Sec. 7	<i>October 1, 2005</i>	22a-463
Sec. 8	<i>October 1, 2005</i>	22a-467
Sec. 9	<i>October 1, 2005</i>	22a-255h(1) to (4)
Sec. 10	<i>October 1, 2005</i>	22a-255h(12) to (14)
Sec. 11	<i>October 1, 2005</i>	22a-255i(a)
Sec. 12	<i>October 1, 2005</i>	22a-255j
Sec. 13	<i>October 1, 2005</i>	22a-255m(a)
Sec. 14	<i>October 1, 2005</i>	22a-449(b)
Sec. 15	<i>October 1, 2005</i>	22a-611
Sec. 16	<i>October 1, 2005</i>	22a-208a(a) to (d)
Sec. 17	<i>October 1, 2005</i>	22a-207
Sec. 18	<i>October 1, 2005</i>	New section
Sec. 19	<i>October 1, 2005</i>	New section
Sec. 20	<i>October 1, 2005</i>	New section
Sec. 21	<i>October 1, 2005</i>	Repealer section

**Statement of Legislative Commissioners:**

In section 1(1)(V), changes were made for purposes of clarity, in section 4(g)(2) "for" was changed to "of"; in section 16(b), "shall" was added in two places for purposes of clarity in section 16(c) "property" was changed to "properly"; and in section 19(a) "to order" was changed to "an order directing" for consistency.

