



Substitute Senate Bill No. 285

Public Act No. 06-76

AN ACT CONCERNING PERSONAL WATERCRAFT AND CHILDREN, REVISIONS TO ENVIRONMENTAL PROTECTION STATUTES, LAKE PATROLMEN AND THE APPOINTMENT OF SPECIAL CONSERVATION OFFICERS.

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

Section 1. Section 15-140j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this section, "personal watercraft" is any inboard powered vessel less than sixteen feet in length which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(b) On and after June 23, 1993, no person shall operate a personal watercraft unless he has successfully completed a course in safe personal watercraft handling approved by the Commissioner of Environmental Protection and has been issued a certificate of personal watercraft operation by the Commissioner of Environmental Protection. Notwithstanding the provisions of this section, the commissioner may modify or suspend requirements for a certificate of personal watercraft operation by written authorization with respect to

Substitute Senate Bill No. 285

any marine event authorized by the commissioner or upon receipt of a copy of the United States Coast Guard authorization for a marine event.

(c) The commissioner may adopt regulations in accordance with the provisions of chapter 54 establishing the content of courses in safe personal watercraft handling. Such regulations may include provisions for examinations, issuance of certificates of personal watercraft operation and establishment of a reasonable fee for such course and examination and for the issuance of a certificate and duplicate certificate. Any fee collected pursuant to regulations adopted under this section shall be deposited in the boating account established pursuant to section 15-155.

(d) Notwithstanding subsection (b) of this section, any person who purchases a new or used personal watercraft after May 20, 1994, may, upon vessel registration, apply to the Commissioner of Environmental Protection for a temporary certificate of personal watercraft operation which shall be valid for six months from the date of registration, provided the applicant has successfully completed a course in safe personal watercraft handling prior to application for the temporary certificate. No person shall be issued more than one temporary certificate of personal watercraft operation.

(e) The commissioner may enter into a reciprocal agreement with any other state which has a similar safe personal watercraft handling certificate program which the commissioner deems acceptable for purposes of this subsection. Any person who successfully completes a course in safe personal watercraft handling and holds a certificate or license from another state which has such a reciprocal agreement with the commissioner may operate a personal watercraft on the waters of this state.

(f) Any person required to obtain a certificate of personal watercraft

Substitute Senate Bill No. 285

operation pursuant to this section shall have such certificate on board at all times while operating a personal watercraft. On demand of an officer authorized to enforce the provisions of this chapter, such person shall exhibit the certificate to the officer.

(g) No passenger shall be permitted to ride in front of the operator on a personal watercraft. No passenger shall be permitted to ride upon a personal watercraft unless the passenger is able to securely hold onto the person in front of them or to the handholds on the personal watercraft, and is able to keep both feet on the deck of the personal watercraft so as to maintain balance while the personal watercraft is in operation.

~~[(g)]~~ (h) Any person who violates any provision of this section shall be fined not less than sixty dollars nor more than two hundred fifty dollars for each such violation.

~~[(h)]~~ (i) A certificate of personal watercraft operation may be suspended or revoked in accordance with the provisions of section 15-133, 15-140l or 15-140n.

Sec. 2. Subsection (g) of section 22a-178 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(g) When an order issued by the commissioner to any person pursuant to this chapter becomes final, except for an order to create or use emission reduction credits, the [respondent to such order shall file] commissioner shall cause a certified copy or notice of the final order to be filed on the land records in the town where the subject property is located, and such certified copy or notice shall constitute a notice to the owner's heirs, successors and assigns. [Notwithstanding the provisions of this subsection, where the respondent to a final order does not own the subject property, the commissioner shall record notice of such

Substitute Senate Bill No. 285

order on the land records in the town where the subject property is located.] When the order has been fully complied with or revoked, the commissioner shall issue a [certificate] notice showing such compliance or revocation, which [certificate the recipient of such certificate shall record] the commissioner shall cause to be recorded on the land records in the town wherein the order was previously recorded. [Notwithstanding the provisions of this subsection, where the recipient of such certificate does not own the subject property, the commissioner shall record such certificate on the land records in the town where the subject property is located. A person filing a notice, a final order or a certificate pursuant to this subsection shall submit to the commissioner a certified copy of the filing indicating the volume and page number upon which the notice, final order or certificate is filed.]

Sec. 3. Subsection (l) of section 1-79 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(l) "Quasi-public agency" means the Connecticut Development Authority, Connecticut Innovations, Incorporated, Connecticut Health and Education Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, [Connecticut Hazardous Waste Management Service,] Lower Fairfield County Convention Center Authority, Capital City Economic Development Authority and Connecticut Lottery Corporation.

Sec. 4. Subdivision (1) of section 1-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(1) "Quasi-public agency" means the Connecticut Development

Substitute Senate Bill No. 285

Authority, Connecticut Innovations, Incorporated, Connecticut Health and Educational Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, [Connecticut Hazardous Waste Management Service,] Capital City Economic Development Authority and Connecticut Lottery Corporation.

Sec. 5. Subsections (b) and (c) of section 16-50j of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) Except for proceedings under chapter 445, this subsection and subsection (c) of this section, [and sections 22a-134cc, 22a-134ff and 22a-163 to 22a-163u, inclusive,] the council shall consist of: (1) The Commissioner of Environmental Protection, or his designee; (2) the chairman, or his designee, of the Public Utilities Control Authority; (3) one designee of the speaker of the House and one designee of the president pro tempore of the Senate; and (4) five members of the public, to be appointed by the Governor, at least two of whom shall be experienced in the field of ecology, and not more than one of whom shall have affiliation, past or present, with any utility or governmental utility regulatory agency, or with any person owning, operating, controlling, or presently contracting with respect to a facility, a hazardous waste facility as defined in section 22a-115 [, a regional low-level radioactive waste facility as defined in section 22a-163a] or ash residue disposal area.

(c) For proceedings under chapter 445, subsection (b) of this section [.] and this subsection, [and sections 22a-134cc, 22a-134ff and 22a-163 to 22a-163u, inclusive,] the council shall consist of (1) the Commissioners of Public Health and Public Safety or their designated representatives; (2) the designees of the speaker of the House of Representatives and the president pro tempore of the Senate as

Substitute Senate Bill No. 285

provided in subsection (b) of this section; (3) the five members of the public as provided in subsection (b) of this section; and (4) four ad hoc members, three of whom shall be electors from the municipality in which the proposed facility is to be located and one of whom shall be an elector from a neighboring municipality likely to be most affected by the proposed facility. The municipality most affected by the proposed facility shall be determined by the permanent members of the council. If any one of the five members of the public or of the designees of the speaker of the House of Representatives or the president pro tempore of the Senate resides [(1)] (A) in the municipality in which a hazardous waste facility is proposed to be located for a proceeding concerning a hazardous waste facility or in which a low-level radioactive waste facility is proposed to be located for a proceeding concerning a low-level radioactive waste facility, or [(2)] (B) in the neighboring municipality likely to be most affected by the proposed facility, the appointing authority shall appoint a substitute member for the proceedings on such proposal. If any appointee is unable to perform his duties on the council due to illness, or has a substantial financial or employment interest which is in conflict with the proper discharge of his duties under this chapter, the appointing authority shall appoint a substitute member for proceedings on such proposal. An appointee shall report any substantial financial or employment interest which might conflict with the proper discharge of his duties under this chapter to the appointing authority who shall determine if such conflict exists. If any state agency is the applicant, an appointee shall not be deemed to have a substantial employment conflict of interest because of employment with the state unless such appointee is directly employed by the state agency making the application. Ad hoc members shall be appointed by the chief elected official of the municipality they represent and shall continue their membership until the council issues a letter of completion of the development and management plan to the applicant.

Substitute Senate Bill No. 285

Sec. 6. Subdivision (10) of section 25-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(10) "Major state plan" means the master transportation plan adopted pursuant to section 13b-15, the plan for development of outdoor recreation adopted pursuant to section 22a-21, the solid waste management plan adopted pursuant to section 22a-211, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the plan for the disposal of dredged material for Long Island Sound, the historic preservation plan adopted under the National Historic Preservation Act, as amended, the state-wide facility and capital plan adopted pursuant to section 4b-23, as amended, the water quality management plan adopted under the federal Clean Water Act, the marine resources management plan, [the Connecticut hazardous waste management plan adopted pursuant to section 22a-134cc,] the plan for managing forest resources, the wildlife management plans and the salmon restoration plan.

Sec. 7. Subdivision (4) of section 25-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(4) "Major state plan" means any of the following: The master transportation plan adopted pursuant to section 13b-15, the plan for development of outdoor recreation adopted pursuant to section 22a-21, the solid waste management plan adopted pursuant to section 22a-211, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the historic preservation plan adopted under the National Historic Preservation Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted pursuant to section 4b-23, as amended, the long-range state housing plan adopted

Substitute Senate Bill No. 285

pursuant to section 8-37t, the comprehensive energy plan adopted pursuant to section 16a-7a, the water quality management plan adopted under the federal Clean Water Act, 33 USC 1251 et seq., [the Connecticut hazardous waste management plan adopted pursuant to section 22a-134cc,] any plans for managing forest resources adopted pursuant to section 23-20 and the Connecticut River Atlantic Salmon Compact adopted pursuant to section 26-302.

Sec. 8. Section 22a-161d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

The Connecticut commissioner of the Northeast Interstate Low-Level Radioactive Waste Compact shall not take any action which accepts for disposal any low-level radioactive waste [, as defined in section 22a-163a,] which was generated outside the Northeast Interstate Low-Level Radioactive Waste Compact unless approval for such disposal is granted, in writing, by the chief elected official of the municipality in which a low-level radioactive waste disposal facility is located.

Sec. 9. Subsection (a) of section 51-344a of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Whenever the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in the following sections of the general statutes, it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160, as amended, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, as amended, 8-30g, as amended, 9-7a, 9-7b, as amended, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-597, 12-730, 13b-34, as amended, 13b-235, 13b-315, 13b-375, 14-

Substitute Senate Bill No. 285

57, 14-66, as amended, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, as amended, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, as amended, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, as amended, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 21a-196, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, as amended, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, [22a-163m,] 22a-167, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, as amended, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, as amended, 22a-432, 22a-438, 22a-449f, as amended, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, as amended, 29-158, as amended, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, as amended, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, as amended, 36a-517, as amended, 36a-587, as amended, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, as amended, 36b-27, as amended, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, as amended, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, as amended, 49-73, 51-44a, as amended, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

Sec. 10. Subsection (f) of section 22a-137 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(f) The provisions of this section shall not apply to the disposal of

Substitute Senate Bill No. 285

low-level radioactive waste in accordance with the provisions of sections 22a-161 to [22a-165f] 22a-162a, inclusive.

Sec. 11. Subdivision (1) of section 22a-134 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

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

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

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

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

(E) [termination] Termination of a lease and conveyance, assignment or execution of a lease for a period less than ninety-nine years including conveyance, assignment or execution of a lease with options or similar terms that will extend the period of the leasehold to ninety-nine years, or from the commencement of the leasehold, ninety-nine years, including conveyance, assignment or execution of a lease with options or similar terms that will extend the period of the leasehold to ninety-nine years, or from the commencement of the leasehold; [.]

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

Substitute Senate Bill No. 285

[]

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

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

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

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

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

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

(M) [any] Any conveyance of a portion of a parcel upon which portion no establishment is or has been located and upon which there has not occurred a discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste, provided either the area of such portion is not greater than fifty per cent of the area of such parcel or written notice of such proposed conveyance and an environmental condition assessment form for such parcel is provided to the commissioner sixty days prior to such conveyance; []

(N) [conveyance] Conveyance of a service station, as defined in

Substitute Senate Bill No. 285

subdivision (5) of this section; []

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

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

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

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

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

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

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

(V) Conveyance of any real property or business operation that

Substitute Senate Bill No. 285

would qualify as an establishment solely as a result of (i) the generation of more than one hundred kilograms of universal waste in a calendar month, (ii) the storage, handling or transportation of universal waste generated at a different location, or (iii) activities undertaken at a universal waste transfer facility, provided any such real property or business operation does not otherwise qualify as an establishment, that there has been no discharge, spillage, uncontrolled loss, seepage or filtration of a universal waste or a constituent of universal waste that is a hazardous substance at or from such real property or business operation and that universal waste is not also recycled, treated, except for treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at such real property or business operation; or

(W) Conveyance of a unit in a residential common interest community in accordance with section 12 of this act.

Sec. 12. (NEW) (*Effective October 1, 2006*) (a) Notwithstanding the provisions of chapter 445 of the general statutes, a conveyance of a unit in a residential common interest community shall not be subject to the requirements of sections 22a-134 to 22a-133e, inclusive, of the general statutes, as amended by this act, provided the declarant for the residential common interest community of which the unit is a part is a certifying party, as defined in section 22a-134 of the general statutes, as amended by this act, for purposes of remediation of any establishment, as defined in section 22a-134 of the general statutes, as amended by this act, within such community and provides to the Commissioner of Environmental Protection a surety bond or other form of financial assurance acceptable to the commissioner.

(b) The surety bond or other form of financial assurance required pursuant to subsection (a) of this section shall (1) identify both the Department of Environmental Protection and the unit owners association for the common interest community as beneficiaries, and

Substitute Senate Bill No. 285

(2) be in an amount and in a form approved by the commissioner that is, at all times when the real property comprising the common interest community is an establishment, equal to the cost of remediation of the contaminants on the subject property. In calculating such remediation costs, the amount of the bond or other form of financial assurance may be reduced from time to time as work covered by the bond is completed, may exclude the costs of any improvements to the real estate not required to remediate the contamination, and may exclude the costs of remediation work already completed or on parcels of real estate that may be added to the common interest community by the exercise of development rights pursuant to section 47-229 of the general statutes.

(c) Each time a seller conveys to a purchaser a unit in common interest community that is an establishment, the seller shall provide a notice to the purchaser that summarizes (1) the status of the environmental condition of the common interest community, (2) any investigation or remediation activities, and (3) any environmental land use restrictions. Such notice requirement applies to all such conveyances, including those conveyances otherwise excepted from the requirement for delivery of a public offering statement or of a resale certificate under subsection (b) of section 47-262 of the general statutes and section 47-270 of the 2006 supplement to the general statutes.

Sec. 13. Subdivisions (10) and (11) of section 22a-134 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(10) "Form I" means a written certification by the transferor of an establishment on a form prescribed and provided by the commissioner that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance has occurred at the establishment which certification is based on an investigation of the

Substitute Senate Bill No. 285

parcel in accordance with prevailing standards and guidelines, or (B) no discharge spillage, uncontrolled loss, seepage or filtration of hazardous waste has occurred at the establishment based upon an investigation of the parcel in accordance with the prevailing standards and guidelines and the commissioner has determined, in writing, or a licensed environmental professional has verified, in writing, that any discharge, spillage, uncontrolled loss, seepage or filtration of a hazardous substance has been remediated in accordance with the remediation standards and that since any such written approval or verification, including any approval or verification for a portion of an establishment, no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or hazardous substances has occurred at any portion of the establishment;

(11) "Form II" means a written certification by the transferor of an establishment on a form prescribed and provided by the commissioner that the parcel has been investigated in accordance with prevailing standards and guidelines and that (A) any pollution caused by a discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance which has occurred from the establishment has been remediated in accordance with the remediation standards and that the remediation has been approved in writing by the commissioner or has been verified pursuant to section 22a-133x or section 22a-134a, as amended by this act, in writing attached to such form by a licensed environmental professional to have been performed in accordance with the remediation standards and that since any such written approval or verification, including any approval or verification for a portion of an establishment, no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or hazardous substances has occurred at any portion of the establishment, (B) the commissioner has determined in writing or a licensed environmental professional has verified pursuant to section 22a-133x or section 22a-134a, as amended by this act, in

Substitute Senate Bill No. 285

writing, attached to the form that no remediation is necessary to achieve compliance with the remediation standards, or (C) a Form IV verification was previously submitted to the commissioner and, since the date of the submission of the Form IV, no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance has occurred at the establishment, which certification is based on an investigation of the parcel in accordance with prevailing standards and guidelines.

Sec. 14. Section 22a-134 of the general statutes is amended by adding subdivisions (26) and (27) as follows (*Effective October 1, 2006*):

(NEW) (26) "Universal waste" means batteries, pesticides, thermostats, lamps and used electronics regulated as a universal waste under regulations adopted pursuant to subsection (c) of section 22a-449. "Universal waste" does not mean (A) batteries, pesticides, thermostats and lamps that are not covered under 40 CFR Part 273, or (B) used electronics that are not regulated as a universal waste under regulations adopted pursuant to subsection (c) of section 22a-449.

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

Sec. 15. Subsections (g) and (h) of section 22a-134a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(g) (1) If the commissioner notifies the certifying party to a Form III or Form IV that a licensed environmental professional may verify the remediation, such certifying party shall, on or before thirty days of the receipt of such notice or such later date as may be approved in writing

Substitute Senate Bill No. 285

by the commissioner, submit a schedule for [investigating and remediating the establishment] the investigation of the parcel and remediation of the establishment. Such schedule shall, unless a later date is specified in writing by the commissioner, provide that the investigation shall be completed within two years of the date of receipt of such notice and that remediation shall be initiated within three years of the date of receipt of such notice. The schedule shall also include a schedule for providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. The commissioner shall notify such certifying party if the commissioner determines that the commissioner's review and written approval is necessary. Such certifying party shall investigate the parcel and remediate the establishment in accordance with the proposed schedule or the schedule specified by the commissioner. [Such certifying party shall submit to the commissioner an independent verification by a licensed environmental professional that the establishment has been remediated in accordance with the remediation standards, and as applicable, a Form IV verification.] When remediation of the entire establishment is complete, the certifying party shall submit to the commissioner a final verification by a licensed environmental professional. Any such final verification may include and rely upon a verification for a portion of the establishment submitted pursuant to subdivision (2) of this subsection.

(2) If a certifying party completes the remediation for a portion of an establishment, such party may submit a verification by a licensed environmental professional for any such portion of an establishment. The certifying party shall be deemed to have satisfied the requirements of this subsection for that portion of the establishment covered by any such verification. If any portion of an establishment for which a verification is submitted pursuant to this subdivision is transferred, conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be

Substitute Senate Bill No. 285

subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this act, then the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days of any such transfer, conveyance or change in ownership.

(h) (1) If the commissioner notifies the certifying party to a Form III or Form IV that the commissioner's review and written approval of the investigation of the parcel and remediation of the establishment is required, such certifying party shall, on or before thirty days of the receipt of such notice or such later date as may be approved in writing by the commissioner, submit for the commissioner's review and written approval a proposed schedule for: [(1)] (A) Investigating the parcel and remediating the establishment; [(2)] (B) submitting to the commissioner scopes of work, technical plans, technical reports and progress reports related to such investigation and remediation; and [(3)] (C) providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. Upon the commissioner's approval of such schedule, such certifying party shall, in accordance with the approved schedule, submit scopes of work, technical plans, technical reports and progress reports to the commissioner for the commissioner's review and written approval. Such certifying party shall perform all actions identified in the approved scopes of work, technical plans, technical reports and progress reports in accordance with the approved schedule. The commissioner may approve in writing any modification proposed in writing by such certifying party to such schedule or investigation and remediation. The commissioner may, at any time, notify such certifying party in writing that the commissioner's review and written approval is not required and that a licensed environmental professional may verify that the remediation has been performed in accordance with the remediation standards.

Substitute Senate Bill No. 285

(2) A certifying party may complete the remediation of a portion of an establishment and request that the commissioner determine that the requirements of this subsection have been satisfied for any such portion of the establishment. If the commissioner determines that any such remediation is complete, the certifying party shall be deemed to have satisfied the requirements of this subsection for any such portion of an establishment. Any determination by the commissioner that remediation at the entire establishment has been completed may include and rely upon any determination made pursuant to this subdivision that remediation is complete at a portion of an establishment. If any portion of an establishment for which the commissioner determines that remediation is complete pursuant to this subdivision is transferred, conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as amended by this act, then the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days of any such transfer, conveyance or change in ownership.

Sec. 16. Subsections (e) and (f) of section 22a-133v of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

Substitute Senate Bill No. 285

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

(f) The board shall authorize the commissioner to issue a license to any applicant who, in the opinion of the board, has satisfactorily met the requirements of this section. The issuance of a license by the commissioner shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed environmental professional while such license remains unrevoked or unexpired. A licensed environmental professional shall pay to the commissioner an annual fee of three hundred thirty-eight dollars, due and payable on July first of every year beginning with July first of the calendar year immediately following the year of license issuance. The commissioner, with the advice and assistance of the board, may adopt regulations in

Substitute Senate Bill No. 285

accordance with the provisions of chapter 54, pertaining to the design and use of seals by licensees under this section and governing the license issuance and renewal process, including, but not limited to, procedures for allowing the renewal of licenses when an application is submitted not later than six months after the expiration of the license without the applicant having to take the examination required under subsection (e) of this section.

Sec. 17. Subdivisions (1) to (4), inclusive, of section 22a-255h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

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

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

(3) "Packaging component" means any part of a package, produced either domestically or in a foreign country, including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, label, dye, pigment, adhesive, stabilizer or other additive. Tin-plated steel that

Substitute Senate Bill No. 285

meets specification A623 of the American Society of Testing and Materials shall be considered as a single packaging component. [Electrolytic galvanized steel that meets specification A879 of the American Society of Testing and Materials and hot-dipped coated galvanized steel that meets specification A525 of the American Society of Testing and Materials shall be treated in the same manner as tin-plated steel] Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society of Testing and Materials specifications A653, A924, A879 and A591 shall be treated in the same manner as tin-plated steel.

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

Sec. 18. Subdivisions (12) to (14), inclusive, of section 22a-255h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

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

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

Sec. 19. Subsection (a) of section 22a-255i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

Substitute Senate Bill No. 285

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

Sec. 20. Section 22a-255j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

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

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

(3) A package or packaging component to which lead, cadmium, mercury or hexavalent chromium have been added in the manufacturing or distribution process in order to comply with health or safety requirements of federal law, provided the manufacturer of such a package or packaging component has demonstrated to the commissioner that such package or packaging component is entitled to an exemption under this subdivision and the commissioner grants such exemption. The exemption shall be effective for up to two years

Substitute Senate Bill No. 285

and may be extended if circumstances warrant an extension. An extension may be granted for up to two years;

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

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

(6) A package or packaging component that is reused but exceeds contaminant levels set forth in subsection (c) of section 22a-255i, as amended by this act, provided (A) the product being conveyed by such package or packaging component is regulated under federal or state health or safety requirements; (B) the transportation of such package or packaging component is regulated under federal or state transportation requirements; (C) the disposal of the package or packaging component is performed according to federal or state radioactive or hazardous waste disposal requirements; and (D) the manufacturer of such package or packaging component has demonstrated to the commissioner that such package or packaging

Substitute Senate Bill No. 285

component is entitled to an exemption under this subdivision and the commissioner grants such exemption. Any exemption granted under this subdivision shall expire on January 1, [2000] 2010;

(7) A package or packaging component which is reusable and has a controlled distribution and reuse but which exceeds the contaminant levels set forth in subsection (c) of section 22a-255i, as amended by this act, provided the manufacturer or distributor of such package or packaging component petitions the commissioner for an exemption and the commissioner grants such exemption. A manufacturer or distributor petitioning the commissioner for such an exemption shall (A) satisfactorily demonstrate that the environmental benefit of the reusable packaging or packaging component is significantly greater as compared to the same package or packaging component manufactured in compliance with the contaminant levels set forth in subsection (c) of section 22a-255i, as amended by this act, and (B) submit a written plan including, at a minimum, the following elements: (i) A means of identifying in a permanent and visible manner those reusable packages or packaging components containing regulated metals for which the exemption is sought; (ii) a method of regulatory and financial accountability such that a specified percentage of such reusable packaging or packaging components manufactured and distributed to other persons are not discarded by those persons after use, but are returned to the manufacturer or his designee; (iii) a system of inventory and record maintenance to account for the reusable packaging or packaging components placed in and removed from service; (iv) a means of transforming returned packaging or packaging components that are no longer reusable into recycled materials for manufacturing or into manufacturing wastes which are subject to existing federal or state laws or regulations to ensure that these wastes do not enter the commercial or municipal waste stream; and (v) a system for annually reporting to the commissioner any changes to the system or changes regarding the manufacturer's designee. Any

Substitute Senate Bill No. 285

exemption granted under this subdivision shall expire on January 1, [2000] 2010;

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

Sec. 21. Subsection (a) of section 22a-255m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

Sec. 22. Subsection (b) of section 22a-449 of the 2006 supplement to

Substitute Senate Bill No. 285

the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

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

Substitute Senate Bill No. 285

Sec. 23. Section 22a-611 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

The owner or operator of a facility required to complete a toxic release form under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 shall annually submit such form to the commission on or before the first of July [1, 1990, and annually thereafter] or a date established by the United States Environmental Protection Agency, whichever comes later.

Sec. 24. Subsections (a) to (d), inclusive, of section 22a-208a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) The Commissioner of Environmental Protection may issue, deny, modify, renew, suspend, revoke or transfer a permit, under such conditions as he may prescribe and upon submission of such information as he may require, for the construction, alteration and operation of solid waste facilities, in accordance with the provisions of this chapter and regulations adopted pursuant to this chapter. Notwithstanding the provisions of this section, the commissioner shall not issue (1) a permit for a solid waste land disposal facility on former railroad property until July 1, 1989, unless the commissioner makes a written determination that such facility is necessary to meet the solid waste disposal needs of the state and will not result in a substantial excess capacity of solid waste land disposal areas or disrupt the orderly transportation of or disposal of solid waste in the area affected by the facility, or (2) an operational permit for a resources recovery facility unless the applicant has submitted a plan pursuant to section 22a-208g for the disposal or recycling of ash residue expected to be generated at the facility in the first five years of operation. In making a decision to grant or deny a permit to construct a solid waste land disposal facility, including a vertical or horizontal landfill expansion, the commissioner shall consider the character of the neighborhood in

Substitute Senate Bill No. 285

which such facility is located and may impose requirements for hours and routes of truck traffic, security and fencing and for measures to prevent the blowing of dust and debris and to minimize insects, rodents and odors. In making a decision to grant or deny a permit to construct or operate a new transfer station, the commissioner shall consider whether such transfer station will result in disproportionately high adverse human health or environmental effects. [The commissioner shall not authorize under a general permit or issue an individual permit under this section to establish or construct a new volume reduction plant or transfer station located, or proposed to be located, within one-quarter mile of a child day care center, as defined in subdivision (1) of subsection (a) of section 19a-77, in a municipality with a population greater than one hundred thousand persons provided such center is operating as of July 8, 1997. The commissioner may modify or renew a permit for an existing volume reduction plant or transfer station, in accordance with the provisions of this chapter, without regard to its location.] In making a decision to grant or deny a permit to construct an ash residue disposal area, the commissioner shall consider any provision which the applicant shall make for a double liner, a leachate collection or detection system and the cost of transportation and disposal of ash residue at the site under consideration.

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

(b) No person or municipality shall establish, construct or operate a

Substitute Senate Bill No. 285

solid waste facility without a permit issued by the commissioner under this section. An application for such permit shall be submitted on a form prescribed by the commissioner, include such information as the commissioner may require, including, but not limited to, a closure plan for such facility, and be accompanied by a fee prescribed in regulations adopted in accordance with chapter 54. Notwithstanding any provision, references to a permit to construct or a permit to operate in a regulation adopted pursuant to section 22a-209 shall be deemed to mean a permit as required by this subsection. The [commissioner] applicant shall send a written notification of any application for [a] such permit [to construct] to the chief elected official of each municipality in which the proposed facility is to be located, within five business days of the date on which any such application is filed.

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

(c) Upon written notice from the commissioner and in accordance

Substitute Senate Bill No. 285

with a schedule specified by the commissioner in such written notice, any person or municipality who owns an unpermitted solid waste disposal area shall (1) submit a closure plan for the commissioner's review and written approval, provide public notice of such proposed plan in a manner prescribed by regulations adopted pursuant to section 22a-133k and close and maintain such area after closure in accordance with the approved closure plan, or (2) remediate such disposal area in accordance with a remediation plan approved by the commissioner or verified by a licensed environmental professional pursuant to section 22a-134a, as amended by this act, 22a-134x or 22a-133y or pursuant to an order of the commissioner. A fee of three thousand dollars shall accompany any closure plan submitted pursuant to this subsection. The commissioner may require the owner of a solid waste disposal area to post sufficient performance bond or other security to ensure compliance with the approved closure plan. The commissioner may approve a modification to a closure plan for a solid waste disposal area. A fee of five hundred dollars shall accompany the request for such modification. The commissioner may reduce or waive the fees required by this subsection in cases of financial hardship and may modify such fees in regulations adopted in accordance with chapter 54. The commissioner may require a person or municipality to provide public notice of a proposed modification of a closure plan if the modification involves any activity that would disrupt the solid waste or change the use of the solid waste disposal area. Notwithstanding the provisions of this subsection, the commissioner may order a person or municipality who establishes or constructs a solid waste disposal area without first obtaining a permit as required by subsection (b) of this section to remove any solid waste disposed at such area, to remediate any pollution caused by such waste, and to properly dispose of such waste at a lawfully operated solid waste facility.

(d) (1) [Except as provided in subdivision (2) of this subsection, no

Substitute Senate Bill No. 285

solid waste facility which] No person or municipality who holds a permit [to construct shall be altered on and after June 16, 1985, until the proposed plan, design and] issued under this section shall alter the design or method of operation of the [altered facility have been filed with the commissioner and approved by him by issuance of a modified permit] permitted facility without first obtaining a modified permit. For the purposes of this section and sections 22a-208, 22a-208b, 22a-220a, 22a-225 and 22a-226, "alter" means [(A)] to change to any substantive degree the [approved] design, capacity, volume process or operation of a solid waste facility [holding a permit to construct,] and includes, but is not limited to, changes in the approved capacity or composition of solid waste disposed of, processed, reduced, stored or recycled at the facility. [, or (B) to change to any substantive degree the existing design, capacity, volume, process or operation of a solid waste facility not holding a permit to construct and includes, but is not limited to, changes in the volume or composition of solid waste disposed, stored, processed, reduced or recycled at the facility.] The commissioner may approve, in writing, a modification of a closure plan for a closed permitted solid waste disposal area without modifying the permit for such area. The commissioner may require a person who, or a municipality that, requests such modification to provide public notice of a proposed modification of a closure plan if the modification involves any activity that would disrupt the solid waste or change the use of the solid waste disposal area. A fee of five hundred dollars shall accompany any request for such modification of a closure plan. The commissioner may reduce or waive such fee in cases of financial hardship and may modify such fee in accordance with regulations adopted in accordance with chapter 54.

(2) Changes in design, processes or operations, including the addition of thermal oxidizers or other air pollution control equipment, made to mitigate, correct or abate odors from a solid waste facility that is owned or operated by the Connecticut Resources Recovery

Substitute Senate Bill No. 285

Authority and that contracts with more than fifty municipalities, shall not be considered an alteration requiring a modified permit or minor permit amendment under this chapter. In addition, notwithstanding any provision of the general statutes or regulation adopted pursuant to said statutes, any such change shall not be considered a modification or new stationary source requiring a permit to construct or operate under chapter 446c or under any regulation adopted pursuant to chapter 446c, unless such change is a major modification or a major stationary source requiring a permit under the federal Clean Air Act Amendments of 1990. Any person making any such change to an odor control system at such a facility shall, not more than thirty days after making such change, submit a written report to the commissioner fully describing the changes made and the reason for such changes for the commissioner's review and comment. Nothing in this subdivision shall affect the commissioner's authority to take any other action to enforce the requirements of this title.

Sec. 25. Section 22a-207 of the general statutes is amended by adding subdivisions (25) and (26) as follows (*Effective October 1, 2006*):

(NEW) (25) "Person" has the same meaning as in subsection (c) of section 22a-2.

(NEW) (26) "Closure plan" means a comprehensive written plan, including maps, prepared by a professional engineer licensed by the state that details the closure of a solid waste disposal area and that addresses final cover design, stormwater controls, landfill gas controls, water quality monitoring, leachate controls, postclosure maintenance and monitoring, financial assurance for closure and postclosure activities, postclosure use and any other information that the commissioner determines is necessary to protect human health and the environment from the effects of the solid waste disposal areas.

Sec. 26. Subsection (a) of section 22a-430b of the general statutes is

Substitute Senate Bill No. 285

repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) The Commissioner of Environmental Protection may issue a general permit for a category or categories of discharges regulated pursuant to section 22a-430, as amended, [except for process wastewater discharges from the following industrial categories as defined pursuant to the federal Water Pollution Control Act: Timber products processing; electroplating; iron and steel manufacturing; inorganic chemicals manufacturing (I and II); textile mills; petroleum refining; pulp, paper and paperboard; steam electric power plants; leather tanning and finishing; porcelain enameling; coil coating I; coil coating (can making); electrical and electronic components (I and II); metal finishing; copper forming; aluminum forming; pharmaceuticals and manufacturing; nonferrous metals manufacturing (I and II); battery manufacturing; plastics molding and forming; nonferrous metals forming; pesticides; metal molding and casting; organic chemicals, plastics and synthetic fibers manufacturing; and] except for a discharge covered by an individual permit. The general permit may regulate, within a geographical area, (1) A category of discharges which: Involve the same or substantially similar types of operations, involve the same type of wastes, require the same effluent limitations, operating conditions or standards, and require the same or similar monitoring and which in the opinion of the commissioner are more appropriately controlled under a general permit; (2) stormwater discharges; or (3) a category of discharges not requiring a permit under the federal Water Pollution Control Act. Any person or municipality conducting an activity covered by a general permit shall not be required to apply for or obtain an individual permit pursuant to section 22a-430, as amended, except as provided in subsection (c) of this section. The general permit may require that any person or municipality initiating, creating, originating or maintaining any discharge into the waters of the state under the general permit shall

Substitute Senate Bill No. 285

register such discharge with the commissioner before the general permit becomes effective as to such discharge. Registration shall be on a form prescribed by the commissioner.

Sec. 27. (NEW) (*Effective October 1, 2007*) (a) The Commissioner of Environmental Protection may issue, modify or revoke orders to correct or abate violations of chapter 446m of the general statutes, including, but not limited to, any regulation adopted pursuant to chapter 446m of the general statutes. Any such order may include remedial measures necessary to correct or abate such violations. Such orders may be issued to any person who violates any provision of chapter 446d of the general statutes or any regulation adopted pursuant to chapter 446m of the general statutes.

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

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

Substitute Senate Bill No. 285

shall not constitute a new order. There shall be no hearing subsequent to or any appeal from any such modification or extension.

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

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

Sec. 28. (NEW) (*Effective October 1, 2007*) (a) Whenever, in the judgment of the Commissioner of Environmental Protection, any person has engaged in or is about to engage in any acts, practices or omission which constitute, or will constitute, a violation of any provision of chapter 446m of the general statutes, or any regulation adopted or order issued pursuant to chapter 446m of the general statutes, at the request of the Commissioner of Environmental Protection, the Attorney General may bring an action in the superior court for the judicial district of New Britain for an order enjoining such acts or practices, to order remedial measures, or for an order directing compliance and, upon a showing by the commissioner that such person has engaged in any such acts, practices or omissions, a permanent or temporary injunction, restraining order or other order may be granted.

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

Substitute Senate Bill No. 285

violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Attorney General, upon request of the commissioner, shall institute a civil action in the superior court for the judicial district of New Britain to recover such penalty.

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

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

Sec. 29. (NEW) (*Effective October 1, 2007*) (a) Any person who, with criminal negligence, violates any provision of chapter 446m of the general statutes, including, but not limited to, any regulation adopted or order issued pursuant to chapter 446m of the general statutes, or who makes any false statement, representation, certification in any application, notification, request for exemption, record, plan, report or other document filed or required to be maintained under chapter 446m of the general statutes, shall be fined not more than twenty-five thousand dollars per day for each day of violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both.

(b) Any person who knowingly violates any provision of chapter 446m of the general statutes, including, but not limited to, any regulation adopted or order issued pursuant to chapter 446m of the general statutes, or who makes any false statement, representation, or certification in any application, notification, request for exemption,

Substitute Senate Bill No. 285

record, plan, report or other document filed or required to be maintained under chapter 446m of the general statutes, shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than ten years, or both.

Sec. 30. Section 26-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Environmental Protection shall appoint such number of conservation officers as may be necessary for the efficient execution of the duties of the department under section 26-6, as amended. The commissioner may supplement the regular conservation officer force by appointing as special conservation officer [or as patrolman] any employee of the department or any sworn federal law enforcement officer of the United States Fish and Wildlife Service or National Marine Fisheries Service, provided such federal officer shall not be considered an employee of the state and may only exercise such officer's authority pursuant to said section 26-6 when working with a full-time conservation officer. The commissioner may also appoint any lake patrolman as a special conservation officer solely for the purpose of enforcing boating laws within such patrolman's jurisdiction, provided such patrolman shall not be considered an employee of the state, and further provided that such patrolman has completed a police training course at the state police training school or an equivalent course approved by the Commissioner of Public Safety. Notwithstanding the provisions of this section, no such lake patrolman shall carry a firearm while in the performance of his or her duties as a special conservation officer unless the board of selectmen of the town or towns in which the lake on which the lake patrolman serves is located approves such carrying of a firearm, or in the case of any town

Substitute Senate Bill No. 285

having no board of selectmen, the lake patrolman obtains the approval of the legislative body of such town or towns in which the lake is located. Each conservation officer [,] or special conservation officer [or patrolman] shall complete a police training course at the state police training school or an equivalent course approved by the Commissioner of Public Safety. Special conservation officers [and patrolmen] who are employees of the department shall be entitled to the same benefits to which conservation officers are entitled under the provisions of section 5-142, as amended; and such an appointment shall be deemed not to be in conflict with any of the provisions of chapter 67. In addition to their salaries, conservation officers [,] and special conservation officers [and patrolmen] who are employees of the department shall be reimbursed for all expenses incurred in performance of official duty.

Sec. 31. Sections 22a-134aa to 22a-134oo, inclusive, 22a-163 to 22a-163aa, inclusive, 22a-164 and 22a-165 to 22a-165h, inclusive, and section 22a-207b of the general statutes are repealed. (*Effective October 1, 2006*)

Approved May 30, 2006