



House of Representatives

General Assembly

File No. 92

February Session, 2006

Substitute House Bill No. 5629

House of Representatives, March 22, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENVIRONMENTAL AUDITS.

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

1 Section 1. (NEW) (*Effective October 1, 2006*) Not later than December
2 31, 2007, the Commissioner of Environmental Protection shall adopt
3 regulations, in accordance with the provisions of chapter 54 of the
4 general statutes, to establish an environmental audit program.
5 Notwithstanding the provisions of the general statutes, the audit
6 program shall allow for the elimination or reduction of fines, penalties,
7 or civil actions for a violation of the provisions of title 22a of the
8 general statutes and the regulations adopted pursuant to said title 22a,
9 provided (1) the violation is discovered as a result of an environmental
10 compliance audit; (2) the person who discovers the violation conducts
11 an environmental compliance audit not less than annually; (3) the
12 audit is not required by any federal or state statute, regulation, court
13 order or administrative order; (4) the violation discovered during the
14 audit is reported not later than ten days after discovery to the
15 commissioner or the commissioner's designee; (5) the person takes

16 action to correct the violation within an appropriate period of time, as
17 determined by the commissioner; and (6) the violation is not a result of
18 knowing, wilful or reckless conduct of the person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section

Statement of Legislative Commissioners:

In subdivisions (1), (2), (3), (4) and (6), the tense was changed for statutory consistency.

ENV *Joint Favorable Subst.-LCO*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF/EQ - Cost/Revenue Impact	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Revenue Impact	See Below	See Below

Explanation

The Department of Environmental Protection (DEP) would require outside resources, an additional employee or the diversion of staff away from their current duties at a cost of \$75,000 in FY 07 to adopt regulations. The impact of the program to be adopted, to allow for the reduction or elimination of fines, penalties or civil actions, is anticipated to reduce revenue to the state and the department. The exact impact would depend on the content of the regulations and is indeterminate at this time.

To the extent that fines, penalties, or civil actions are reduced or eliminated in the regulations to be adopted by the DEP, certain municipalities could incur a cost savings. The exact impact is indeterminate.

The Out Years

The future fiscal impact associated with adoption of the regulations

would depend on the content of the regulations and is indeterminate at this time.

OLR Bill Analysis
sHB 5629

AN ACT CONCERNING ENVIRONMENTAL AUDITS.

SUMMARY:

This bill requires the environmental protection commissioner to adopt regulations establishing an environmental audit program by December 31, 2007.

The program must allow for the elimination or reduction of fines, penalties, or civil actions for violations of the state environmental protection laws and regulations if the violation was discovered by an environmental compliance audit that was not required by federal or state law or regulation, or court or administrative order. According to the Department of Environmental Protection, an environmental audit is a systematic, documented, periodic, and objective review by regulated entities of their facility operations and practices related to meeting environmental requirements.

To be eligible under the program, the person who discovered the violation also must:

1. conduct an environmental compliance audit at least annually;
2. report the violation to the commissioner or her designee no later than 10 days after discovering it;
3. act to correct the violation within a time period the commissioner deems appropriate; and
4. not have knowingly, willfully, or recklessly caused the violation.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 18 Nay 7 (03/09/2006)