



General Assembly

February Session, 2006

**Substitute Bill No. 5564**

\*            HB05564ENV            032006            \*

**AN ACT CONCERNING REVISIONS TO ENVIRONMENTAL PROTECTION PROVISIONS.**

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

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2       to the general statutes is repealed and the following is substituted in  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

4       (g) When an order issued by the commissioner to any person  
5       pursuant to this chapter becomes final, except for an order to create or  
6       use emission reduction credits, the [respondent to such order shall file]  
7       commissioner shall cause a certified copy or notice of the final order to  
8       be filed on the land records in the town where the subject property is  
9       located, and such certified copy or notice shall constitute a notice to the  
10      owner's heirs, successors and assigns. [Notwithstanding the provisions  
11      of this subsection, where the respondent to a final order does not own  
12      the subject property, the commissioner shall record notice of such  
13      order on the land records in the town where the subject property is  
14      located.] When the order has been fully complied with or revoked, the  
15      commissioner shall issue a [certificate] notice showing such  
16      compliance or revocation, which [certificate the recipient of such  
17      certificate shall record] the commissioner shall cause to be recorded on  
18      the land records in the town wherein the order was previously  
19      recorded. [Notwithstanding the provisions of this subsection, where

20 the recipient of such certificate does not own the subject property, the  
21 commissioner shall record such certificate on the land records in the  
22 town where the subject property is located. A person filing a notice, a  
23 final order or a certificate pursuant to this subsection shall submit to  
24 the commissioner a certified copy of the filing indicating the volume  
25 and page number upon which the notice, final order or certificate is  
26 filed.]

27 Sec. 2. Section 22a-403 of the general statutes is amended by adding  
28 subsection (c) as follows (*Effective October 1, 2006*):

29 (NEW) (c) Notwithstanding the provisions of this section, the  
30 commissioner may construct, alter, rebuild, substantially repair, add  
31 to, replace or remove any dam, dike, reservoir or other similar  
32 structure, with their appurtenances, that are owned by the state and  
33 that are under the commissioner's control without issuance of a permit  
34 pursuant to this chapter, and without a permit, certification or  
35 approval pursuant to part I of chapter 439, or chapters 440, 444, 446i  
36 and 476a, provided such action is consistent with the policies  
37 contained in part I of chapter 439 and chapters 440, 444, 446i and 476a.  
38 Nothing in this subsection shall preclude an action under section 22a-  
39 16.

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

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

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

55       (1) "Quasi-public agency" means the Connecticut Development  
56 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
57 and Educational Facilities Authority, Connecticut Higher Education  
58 Supplemental Loan Authority, Connecticut Housing Finance  
59 Authority, Connecticut Housing Authority, Connecticut Resources  
60 Recovery Authority, [Connecticut Hazardous Waste Management  
61 Service,] Capital City Economic Development Authority and  
62 Connecticut Lottery Corporation.

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

66       (b) Except for proceedings under chapter 445, this subsection and  
67 subsection (c) of this section, [and sections 22a-134cc, 22a-134ff and  
68 22a-163 to 22a-163u, inclusive,] the council shall consist of: (1) The  
69 Commissioner of Environmental Protection, or his designee; (2) the  
70 chairman, or his designee, of the Public Utilities Control Authority; (3)  
71 one designee of the speaker of the House and one designee of the  
72 president pro tempore of the Senate; and (4) five members of the  
73 public, to be appointed by the Governor, at least two of whom shall be  
74 experienced in the field of ecology, and not more than one of whom  
75 shall have affiliation, past or present, with any utility or governmental  
76 utility regulatory agency, or with any person owning, operating,  
77 controlling, or presently contracting with respect to a facility, a  
78 hazardous waste facility as defined in section 22a-115 [, a regional low-  
79 level radioactive waste facility as defined in section 22a-163a] or ash  
80 residue disposal area.

81       (c) For proceedings under chapter 445, subsection (b) of this section  
82 [.] and this subsection, [and sections 22a-134cc, 22a-134ff and 22a-163  
83 to 22a-163u, inclusive,] the council shall consist of (1) the

84 Commissioners of Public Health and Public Safety or their designated  
85 representatives; (2) the designees of the speaker of the House of  
86 Representatives and the president pro tempore of the Senate as  
87 provided in subsection (b) of this section; (3) the five members of the  
88 public as provided in subsection (b) of this section; and (4) four ad hoc  
89 members, three of whom shall be electors from the municipality in  
90 which the proposed facility is to be located and one of whom shall be  
91 an elector from a neighboring municipality likely to be most affected  
92 by the proposed facility. The municipality most affected by the  
93 proposed facility shall be determined by the permanent members of  
94 the council. If any one of the five members of the public or of the  
95 designees of the speaker of the House of Representatives or the  
96 president pro tempore of the Senate resides [(1)] (A) in the  
97 municipality in which a hazardous waste facility is proposed to be  
98 located for a proceeding concerning a hazardous waste facility or in  
99 which a low-level radioactive waste facility is proposed to be located  
100 for a proceeding concerning a low-level radioactive waste facility, or  
101 [(2)] (B) in the neighboring municipality likely to be most affected by  
102 the proposed facility, the appointing authority shall appoint a  
103 substitute member for the proceedings on such proposal. If any  
104 appointee is unable to perform his duties on the council due to illness,  
105 or has a substantial financial or employment interest which is in  
106 conflict with the proper discharge of his duties under this chapter, the  
107 appointing authority shall appoint a substitute member for  
108 proceedings on such proposal. An appointee shall report any  
109 substantial financial or employment interest which might conflict with  
110 the proper discharge of his duties under this chapter to the appointing  
111 authority who shall determine if such conflict exists. If any state  
112 agency is the applicant, an appointee shall not be deemed to have a  
113 substantial employment conflict of interest because of employment  
114 with the state unless such appointee is directly employed by the state  
115 agency making the application. Ad hoc members shall be appointed by  
116 the chief elected official of the municipality they represent and shall  
117 continue their membership until the council issues a letter of  
118 completion of the development and management plan to the applicant.

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

122 (10) "Major state plan" means the master transportation plan  
123 adopted pursuant to section 13b-15, the plan for development of  
124 outdoor recreation adopted pursuant to section 22a-21, the solid waste  
125 management plan adopted pursuant to section 22a-211, the state-wide  
126 plan for the management of water resources adopted pursuant to  
127 section 22a-352, the state-wide environmental plan adopted pursuant  
128 to section 22a-8, the plan for the disposal of dredged material for Long  
129 Island Sound, the historic preservation plan adopted under the  
130 National Historic Preservation Act, as amended, the state-wide facility  
131 and capital plan adopted pursuant to section 4b-23, as amended, the  
132 water quality management plan adopted under the federal Clean  
133 Water Act, the marine resources management plan, [the Connecticut  
134 hazardous waste management plan adopted pursuant to section 22a-  
135 134cc,] the plan for managing forest resources, the wildlife  
136 management plans and the salmon restoration plan.

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

140 (4) "Major state plan" means any of the following: The master  
141 transportation plan adopted pursuant to section 13b-15, the plan for  
142 development of outdoor recreation adopted pursuant to section 22a-21,  
143 the solid waste management plan adopted pursuant to section 22a-211,  
144 the state-wide plan for the management of water resources adopted  
145 pursuant to section 22a-352, the state-wide environmental plan  
146 adopted pursuant to section 22a-8, the historic preservation plan  
147 adopted under the National Historic Preservation Act, 16 USC 470 et  
148 seq., the state-wide facility and capital plan adopted pursuant to  
149 section 4b-23, as amended, the long-range state housing plan adopted  
150 pursuant to section 8-37t, the comprehensive energy plan adopted  
151 pursuant to section 16a-7a, the water quality management plan

152 adopted under the federal Clean Water Act, 33 USC 1251 et seq., [the  
153 Connecticut hazardous waste management plan adopted pursuant to  
154 section 22a-134cc,] any plans for managing forest resources adopted  
155 pursuant to section 23-20 and the Connecticut River Atlantic Salmon  
156 Compact adopted pursuant to section 26-302.

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

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

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

170 (a) Whenever the term "judicial district of Hartford-New Britain" or  
171 "judicial district of Hartford-New Britain at Hartford" is used or  
172 referred to in the following sections of the general statutes, it shall be  
173 deemed to mean or refer to the judicial district of Hartford on and after  
174 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
175 71a, 4-61, 4-160, as amended, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-  
176 276a, as amended, 8-30g, as amended, 9-7a, 9-7b, as amended, 9-369b,  
177 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-  
178 448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-  
179 586f, 12-597, 12-730, 13b-34, as amended, 13b-235, 13b-315, 13b-375, 14-  
180 57, 14-66, as amended, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324,  
181 14-331, 15-125, 15-126, 16-41, as amended, 16a-5, 17b-60, 17b-100, 17b-  
182 238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-  
183 526, 19a-633, 20-12f, 20-13e, as amended, 20-29, 20-40, 20-45, 20-59, 20-

184 73a, 20-86f, 20-99, 20-114, as amended, 20-133, 20-154, 20-156, 20-162p,  
185 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271,  
186 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 21a-196,  
187 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386,  
188 22a-6b, as amended, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-  
189 62, 22a-63, 22a-66h, 22a-106a, 22a-119, [22a-163m,] 22a-167, 22a-180,  
190 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-  
191 227, 22a-250, as amended, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-  
192 285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408,  
193 22a-430, as amended, 22a-432, 22a-438, 22a-449f, as amended, 22a-449g,  
194 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, as amended, 29-158, as  
195 amended, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8,  
196 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, as amended, 31-284,  
197 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,  
198 36a-494, as amended, 36a-517, as amended, 36a-587, as amended, 36a-  
199 647, 36a-684, 36a-718, 36a-807, 36b-26, as amended, 36b-27, as  
200 amended, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52,  
201 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225,  
202 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774,  
203 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, as  
204 amended, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100,  
205 47a-21, as amended, 49-73, 51-44a, as amended, 51-81b, 51-194, 52-146j,  
206 53-392d and 54-211a.

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

210 (f) The provisions of this section shall not apply to the disposal of  
211 low-level radioactive waste in accordance with the provisions of  
212 sections 22a-161 to [22a-165f] 22a-162a, inclusive.

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

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

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

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

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

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

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

237 (F) [any] Any change in ownership approved by the Probate Court;  
238 [.]

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

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

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

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

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

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

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

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

266 (O) [any] Any conveyance of an establishment which, prior to July  
267 1, 1997, had been developed solely for residential use and such use has  
268 not changed; [,]

269 (P) [any] Any conveyance of an establishment to any entity created  
270 or operating under chapter 130 or 132, or to an urban rehabilitation  
271 agency, as defined in section 8-292, or to a municipality under section  
272 32-224, or to the Connecticut Development Authority or any  
273 subsidiary of the authority; [,]

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

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

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

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

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

291 (V) Conveyance of any real property or business operation that  
292 would qualify as an establishment solely as a result of (i) the  
293 generation of more than one hundred kilograms of universal waste in  
294 a calendar month, (ii) the storage, handling or transportation of  
295 universal waste generated at a different location, or (iii) activities  
296 undertaken at a universal waste transfer facility, provided any such  
297 real property or business operation does not otherwise qualify as an  
298 establishment, that there has been no discharge, spillage, uncontrolled  
299 loss, seepage or filtration of a universal waste or a constituent of  
300 universal waste that is a hazardous substance at or from such real  
301 property or business operation and that universal waste is not also  
302 recycled, treated, except for treatment of a universal waste pursuant to  
303 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or  
304 disposed of at such real property or business operation; or

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

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

319 (b) The surety bond or other form of financial assurance required  
320 pursuant to subsection (a) of this section shall (1) identify both the  
321 Department of Environmental Protection and the unit owners  
322 association for the common interest community as beneficiaries, and  
323 (2) be in an amount and in a form approved by the commissioner that  
324 is, at all times when the real property comprising the common interest  
325 community is an establishment, equal to the cost of remediation of the  
326 contaminants on the subject property. In calculating such remediation  
327 costs, the amount of the bond or other form of financial assurance may  
328 be reduced from time to time as work covered by the bond is  
329 completed, may exclude the costs of any improvements to the real  
330 estate not required to remediate the contamination, and may exclude  
331 the costs of remediation work already completed or on parcels of real  
332 estate that may be added to the common interest community by the  
333 exercise of development rights pursuant to section 47-229 of the  
334 general statutes.

335 (c) Each time a seller conveys to a purchaser a unit in common  
336 interest community that is an establishment, the seller shall provide a  
337 notice to the purchaser that summarizes (1) the status of the

338 environmental condition of the common interest community, (2) any  
339 investigation or remediation activities, and (3) any environmental land  
340 use restrictions. Such notice requirement applies to all such  
341 conveyances, including those conveyances otherwise excepted from  
342 the requirement for delivery of a public offering statement or of a  
343 resale certificate under subsection (b) of section 47-262 of the general  
344 statutes and section 47-270 of the 2006 supplement to the general  
345 statutes.

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

349 (10) "Form I" means a written certification by the transferor of an  
350 establishment on a form prescribed and provided by the commissioner  
351 that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration  
352 of hazardous waste or a hazardous substance has occurred at the  
353 establishment which certification is based on an investigation of the  
354 parcel in accordance with prevailing standards and guidelines, or (B)  
355 no discharge spillage, uncontrolled loss, seepage or filtration of  
356 hazardous waste has occurred at the establishment based upon an  
357 investigation of the parcel in accordance with the prevailing standards  
358 and guidelines and the commissioner has determined, in writing, or a  
359 licensed environmental professional has verified, in writing, that any  
360 discharge, spillage, uncontrolled loss, seepage or filtration of a  
361 hazardous substance has been remediated in accordance with the  
362 remediation standards and that since any such written approval or  
363 verification, including any approval or verification for a portion of an  
364 establishment, no discharge, spillage, uncontrolled loss, seepage or  
365 filtration of hazardous waste or hazardous substances has occurred at  
366 any portion of the establishment;

367 (11) "Form II" means a written certification by the transferor of an  
368 establishment on a form prescribed and provided by the commissioner  
369 that the parcel has been investigated in accordance with prevailing  
370 standards and guidelines and that (A) any pollution caused by a

371 discharge, spillage, uncontrolled loss, seepage or filtration of  
372 hazardous waste or a hazardous substance which has occurred from  
373 the establishment has been remediated in accordance with the  
374 remediation standards and that the remediation has been approved in  
375 writing by the commissioner or has been verified pursuant to section  
376 22a-133x or section 22a-134a, as amended by this act, in writing  
377 attached to such form by a licensed environmental professional to have  
378 been performed in accordance with the remediation standards and that  
379 since any such written approval or verification, including any  
380 approval or verification for a portion of an establishment, no  
381 discharge, spillage, uncontrolled loss, seepage or filtration of  
382 hazardous waste or hazardous substances has occurred at any portion  
383 of the establishment, (B) the commissioner has determined in writing  
384 or a licensed environmental professional has verified pursuant to  
385 section 22a-133x or section 22a-134a, as amended by this act, in  
386 writing, attached to the form that no remediation is necessary to  
387 achieve compliance with the remediation standards, or (C) a Form IV  
388 verification was previously submitted to the commissioner and, since  
389 the date of the submission of the Form IV, no discharge, spillage,  
390 uncontrolled loss, seepage or filtration of hazardous waste or a  
391 hazardous substance has occurred at the establishment, which  
392 certification is based on an investigation of the parcel in accordance  
393 with prevailing standards and guidelines.

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

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

403 (NEW) (27) "Universal waste transfer facility" means any facility

404 related to transportation, including loading docks, parking areas,  
405 storage areas and other similar areas where shipments of universal  
406 waste are held during the normal course of transportation for ten days  
407 or less.

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

411 (g) (1) If the commissioner notifies the certifying party to a Form III  
412 or Form IV that a licensed environmental professional may verify the  
413 remediation, such certifying party shall, on or before thirty days of the  
414 receipt of such notice or such later date as may be approved in writing  
415 by the commissioner, submit a schedule for [investigating and  
416 remediating the establishment] the investigation of the parcel and  
417 remediation of the establishment. Such schedule shall, unless a later  
418 date is specified in writing by the commissioner, provide that the  
419 investigation shall be completed within two years of the date of receipt  
420 of such notice and that remediation shall be initiated within three years  
421 of the date of receipt of such notice. The schedule shall also include a  
422 schedule for providing public notice of the remediation prior to the  
423 initiation of such remediation in accordance with subsection (i) of this  
424 section. The commissioner shall notify such certifying party if the  
425 commissioner determines that the commissioner's review and written  
426 approval is necessary. Such certifying party shall investigate the parcel  
427 and remediate the establishment in accordance with the proposed  
428 schedule or the schedule specified by the commissioner. [Such  
429 certifying party shall submit to the commissioner an independent  
430 verification by a licensed environmental professional that the  
431 establishment has been remediated in accordance with the remediation  
432 standards, and as applicable, a Form IV verification.] When  
433 remediation of the entire establishment is complete, the certifying  
434 party shall submit to the commissioner a final verification by a licensed  
435 environmental professional. Any such final verification may include  
436 and rely upon a verification for a portion of the establishment

437 submitted pursuant to subdivision (2) of this subsection.

438 (2) If a certifying party completes the remediation for a portion of an  
439 establishment, such party may submit a verification by a licensed  
440 environmental professional for any such portion of an establishment.  
441 The certifying party shall be deemed to have satisfied the requirements  
442 of this subsection for that portion of the establishment covered by any  
443 such verification. If any portion of an establishment for which a  
444 verification is submitted pursuant to this subdivision is transferred,  
445 conveyed or undergoes a change in ownership before remediation of  
446 the entire establishment is complete that would not otherwise be  
447 subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as  
448 amended by this act, then the certifying party shall provide notice to  
449 the commissioner of such transfer, conveyance or change in ownership  
450 not later than thirty days of any such transfer, conveyance or change in  
451 ownership.

452 (h) (1) If the commissioner notifies the certifying party to a Form III  
453 or Form IV that the commissioner's review and written approval of the  
454 investigation of the parcel and remediation of the establishment is  
455 required, such certifying party shall, on or before thirty days of the  
456 receipt of such notice or such later date as may be approved in writing  
457 by the commissioner, submit for the commissioner's review and  
458 written approval a proposed schedule for: [(1)] (A) Investigating the  
459 parcel and remediating the establishment; [(2)] (B) submitting to the  
460 commissioner scopes of work, technical plans, technical reports and  
461 progress reports related to such investigation and remediation; and  
462 [(3)] (C) providing public notice of the remediation prior to the  
463 initiation of such remediation in accordance with subsection (i) of this  
464 section. Upon the commissioner's approval of such schedule, such  
465 certifying party shall, in accordance with the approved schedule,  
466 submit scopes of work, technical plans, technical reports and progress  
467 reports to the commissioner for the commissioner's review and written  
468 approval. Such certifying party shall perform all actions identified in  
469 the approved scopes of work, technical plans, technical reports and

470 progress reports in accordance with the approved schedule. The  
471 commissioner may approve in writing any modification proposed in  
472 writing by such certifying party to such schedule or investigation and  
473 remediation. The commissioner may, at any time, notify such  
474 certifying party in writing that the commissioner's review and written  
475 approval is not required and that a licensed environmental  
476 professional may verify that the remediation has been performed in  
477 accordance with the remediation standards.

478 (2) A certifying party may complete the remediation of a portion of  
479 an establishment and request that the commissioner determine that the  
480 requirements of this subsection have been satisfied for any such  
481 portion of the establishment. If the commissioner determines that any  
482 such remediation is complete, the certifying party shall be deemed to  
483 have satisfied the requirements of this subsection for any such portion  
484 of an establishment. Any determination by the commissioner that  
485 remediation at the entire establishment has been completed may  
486 include and rely upon any determination made pursuant to this  
487 subdivision that remediation is complete at a portion of an  
488 establishment. If any portion of an establishment for which the  
489 commissioner determines that remediation is complete pursuant to  
490 this subdivision is transferred, conveyed or undergoes a change in  
491 ownership before remediation of the entire establishment is complete  
492 that would not otherwise be subject to the provisions of sections 22a-  
493 134 to 22a-134e, inclusive, as amended by this act, then the certifying  
494 party shall provide notice to the commissioner of such transfer,  
495 conveyance or change in ownership not later than thirty days of any  
496 such transfer, conveyance or change in ownership.

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

500 (e) The board shall authorize the commissioner to issue a license  
501 under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e,  
502 inclusive, this section and section 22a-133w to any person who

503 demonstrates to the satisfaction of the board that such person: (1) (A)  
504 Has for a minimum of eight years engaged in the investigation and  
505 remediation of releases of hazardous waste or petroleum products into  
506 soil or groundwater, including a minimum of four years in responsible  
507 charge of investigation and remediation of the release of hazardous  
508 waste or petroleum products into soil or groundwater, and holds a  
509 bachelor's or advanced degree from an accredited college or university  
510 in a related science or related engineering field or is a professional  
511 engineer licensed in accordance with chapter 391, or (B) has for a  
512 minimum of fourteen years engaged in the investigation and  
513 remediation of releases of hazardous waste or petroleum products into  
514 soil or groundwater, including a minimum of seven years in  
515 responsible charge of investigation and remediation of hazardous  
516 waste or petroleum products into soil or groundwater; (2) has  
517 successfully passed a written examination, or a written and oral  
518 examination, prescribed by the board and approved by the  
519 commissioner, which shall test the applicant's knowledge of the  
520 physical and environmental sciences applicable to an investigation of a  
521 polluted site and remediation conducted in accordance with  
522 regulations adopted by the commissioner under section 22a-133k and  
523 any other applicable guidelines or regulations as may be adopted by  
524 the commissioner; and (3) has paid an examination fee of one hundred  
525 eighty-eight dollars to the commissioner. In considering whether a  
526 degree held by an applicant for such license qualifies for the  
527 educational requirements under this section, the board may consider  
528 all undergraduate, graduate, postgraduate and other courses  
529 completed by the applicant.

530 (f) The board shall authorize the commissioner to issue a license to  
531 any applicant who, in the opinion of the board, has satisfactorily met  
532 the requirements of this section. The issuance of a license by the  
533 commissioner shall be evidence that the person named therein is  
534 entitled to all the rights and privileges of a licensed environmental  
535 professional while such license remains unrevoked or unexpired. A  
536 licensed environmental professional shall pay to the commissioner an

537 annual fee of three hundred thirty-eight dollars, due and payable on  
538 July first of every year beginning with July first of the calendar year  
539 immediately following the year of license issuance. The commissioner,  
540 with the advice and assistance of the board, may adopt regulations in  
541 accordance with the provisions of chapter 54, pertaining to the design  
542 and use of seals by licensees under this section and governing the  
543 license issuance and renewal process, including, but not limited to,  
544 procedures for allowing the renewal of licenses when an application is  
545 submitted not later than six months after the expiration of the license  
546 without the applicant having to take the examination required under  
547 subsection (e) of this section.

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

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

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

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

565 (3) "Packaging component" means any part of a package, produced  
566 either domestically or in a foreign country, including, but not limited  
567 to, any interior or exterior blocking, bracing, cushioning,

568 weatherproofing, exterior strapping, coating, closure, ink, label, dye,  
569 pigment, adhesive, stabilizer or other additive. Tin-plated steel that  
570 meets specification A623 of the American Society of Testing and  
571 Materials shall be considered as a single packaging component.  
572 [Electrolytic galvanized steel that meets specification A879 of the  
573 American Society of Testing and Materials and hot-dipped coated  
574 galvanized steel that meets specification A525 of the American Society  
575 of Testing and Materials shall be treated in the same manner as tin-  
576 plated steel] Electro-galvanized coated steel and hot dipped coated  
577 galvanized steel that meets the American Society of Testing and  
578 Materials specifications A653, A924, A879 and A591 shall be treated in  
579 the same manner as tin-plated steel.

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

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

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

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

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

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

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

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

608 All packages and packaging components shall be subject to sections  
609 22a-255g to 22a-255m, inclusive, as amended by this act, except the  
610 following:

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

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

620 (3) A package or packaging component to which lead, cadmium,  
621 mercury or hexavalent chromium have been added in the  
622 manufacturing or distribution process in order to comply with health  
623 or safety requirements of federal law, provided the manufacturer of  
624 such a package or packaging component has demonstrated to the  
625 commissioner that such package or packaging component is entitled to  
626 an exemption under this subdivision and the commissioner grants  
627 such exemption. The exemption shall be effective for up to two years  
628 and may be extended if circumstances warrant an extension. An  
629 extension may be granted for up to two years;

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

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

648 (6) A package or packaging component that is reused but exceeds  
649 contaminant levels set forth in subsection (c) of section 22a-255i, as  
650 amended by this act, provided (A) the product being conveyed by such  
651 package or packaging component is regulated under federal or state  
652 health or safety requirements; (B) the transportation of such package or  
653 packaging component is regulated under federal or state  
654 transportation requirements; (C) the disposal of the package or  
655 packaging component is performed according to federal or state  
656 radioactive or hazardous waste disposal requirements; and (D) the  
657 manufacturer of such package or packaging component has  
658 demonstrated to the commissioner that such package or packaging  
659 component is entitled to an exemption under this subdivision and the  
660 commissioner grants such exemption. Any exemption granted under  
661 this subdivision shall expire on January 1, [2000] 2010;

662 (7) A package or packaging component which is reusable and has a

663 controlled distribution and reuse but which exceeds the contaminant  
664 levels set forth in subsection (c) of section 22a-255i, as amended by this  
665 act, provided the manufacturer or distributor of such package or  
666 packaging component petitions the commissioner for an exemption  
667 and the commissioner grants such exemption. A manufacturer or  
668 distributor petitioning the commissioner for such an exemption shall  
669 (A) satisfactorily demonstrate that the environmental benefit of the  
670 reusable packaging or packaging component is significantly greater as  
671 compared to the same package or packaging component manufactured  
672 in compliance with the contaminant levels set forth in subsection (c) of  
673 section 22a-255i, as amended by this act, and (B) submit a written plan  
674 including, at a minimum, the following elements: (i) A means of  
675 identifying in a permanent and visible manner those reusable packages  
676 or packaging components containing regulated metals for which the  
677 exemption is sought; (ii) a method of regulatory and financial  
678 accountability such that a specified percentage of such reusable  
679 packaging or packaging components manufactured and distributed to  
680 other persons are not discarded by those persons after use, but are  
681 returned to the manufacturer or his designee; (iii) a system of  
682 inventory and record maintenance to account for the reusable  
683 packaging or packaging components placed in and removed from  
684 service; (iv) a means of transforming returned packaging or packaging  
685 components that are no longer reusable into recycled materials for  
686 manufacturing or into manufacturing wastes which are subject to  
687 existing federal or state laws or regulations to ensure that these wastes  
688 do not enter the commercial or municipal waste stream; and (v) a  
689 system for annually reporting to the commissioner any changes to the  
690 system or changes regarding the manufacturer's designee. Any  
691 exemption granted under this subdivision shall expire on January 1,  
692 [2000] 2010;

693 (8) A glass or ceramic package or packaging component that has a  
694 vitrified label which, when prepared according to the American  
695 Society for Testing and Materials specification C1606-04 and when  
696 tested in accordance with the Toxicity Characteristic Leaching

697 Procedures of the United States Environmental Protection Agency Test  
698 Method and Publication SW 846, third edition, "Test Methods for  
699 Evaluating Solid Waste", does not exceed one part per million for  
700 cadmium, five parts per million for hexavalent chromium and five  
701 parts per million for lead.

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

705 (a) The [department] commissioner may, in consultation with the  
706 [Source Reduction Council of the Council of Northeastern Governors]  
707 other member states of the Toxics in Packaging Clearing House,  
708 review the effectiveness of sections 22a-255g to 22a-255m, inclusive, as  
709 amended by this act, and provide a report based on such review to the  
710 Governor and the General Assembly. The report may describe  
711 substitutes which manufacturers and distributors of packages and  
712 packaging components have used in place of lead, mercury, cadmium  
713 and hexavalent chromium, and may contain recommendations  
714 concerning (1) other toxic substances contained in packaging that  
715 should be added to those regulated under the provisions of sections  
716 22a-255g to 22a-255m, inclusive, as amended by this act, in order to  
717 further reduce the toxicity of packaging waste, and (2) the advisability  
718 of retaining the exemption provided in subdivision (2) of section 22a-  
719 255j, as amended by this act.

720 Sec. 22. Subsection (b) of section 22a-449 of the 2006 supplement to  
721 the general statutes is repealed and the following is substituted in lieu  
722 thereof (*Effective October 1, 2006*):

723 (b) The commissioner may: (1) License terminals in the state for the  
724 loading or unloading of oil or petroleum or chemical liquids or solid,  
725 liquid or gaseous products or hazardous wastes and shall adopt, in  
726 accordance with chapter 54, reasonable regulations in connection  
727 therewith for the purposes of identifying terminals subject to licensure  
728 and protecting the public health and safety and for preventing the

729 discharge, spillage, uncontrolled loss, seepage or filtration of oil or  
730 petroleum or chemical liquids or solid, liquid or gaseous products or  
731 hazardous wastes. Each license issued under this section shall be valid  
732 for a period of not more than [three years commencing July first] ten  
733 years from the date of issuance, unless sooner revoked by the  
734 commissioner, and there shall be charged for each such license or  
735 renewal thereof fees established by regulation sufficient to cover the  
736 reasonable cost to the state of inspecting and licensing such terminals;  
737 (2) provide by regulations for the establishment and maintenance in  
738 operating condition and position of suitable equipment to contain as  
739 far as possible the discharge, spillage, uncontrolled loss, seepage or  
740 filtration of any oil or petroleum or chemical liquids or solid, liquid or  
741 gaseous products or hazardous wastes; (3) inspect periodically all  
742 hoses, gaskets, tanks, pipelines and other equipment used in  
743 connection with the transfer, transportation or storage of oil or  
744 petroleum or chemical liquids or solid, liquid or gaseous products or  
745 hazardous wastes to make certain that they are in good operating  
746 condition, and order the renewal of any such equipment found unfit  
747 for further use. No person shall commence operation of any such  
748 terminal in this state on or after July 1, 1993, without a license issued  
749 by the commissioner. Any person who operates any such terminal  
750 without a license issued by the commissioner shall be fined not more  
751 than five thousand dollars per day during any period of unlicensed  
752 operation.

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

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

761 Sec. 24. Subsections (a) to (d), inclusive, of section 22a-208a of the

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

764 (a) The Commissioner of Environmental Protection may issue, deny,  
765 modify, renew, suspend, revoke or transfer a permit, under such  
766 conditions as he may prescribe and upon submission of such  
767 information as he may require, for the construction, alteration and  
768 operation of solid waste facilities, in accordance with the provisions of  
769 this chapter and regulations adopted pursuant to this chapter.  
770 Notwithstanding the provisions of this section, the commissioner shall  
771 not issue (1) a permit for a solid waste land disposal facility on former  
772 railroad property until July 1, 1989, unless the commissioner makes a  
773 written determination that such facility is necessary to meet the solid  
774 waste disposal needs of the state and will not result in a substantial  
775 excess capacity of solid waste land disposal areas or disrupt the  
776 orderly transportation of or disposal of solid waste in the area affected  
777 by the facility, or (2) an operational permit for a resources recovery  
778 facility unless the applicant has submitted a plan pursuant to section  
779 22a-208g for the disposal or recycling of ash residue expected to be  
780 generated at the facility in the first five years of operation. In making a  
781 decision to grant or deny a permit to construct a solid waste land  
782 disposal facility, including a vertical or horizontal landfill expansion,  
783 the commissioner shall consider the character of the neighborhood in  
784 which such facility is located and may impose requirements for hours  
785 and routes of truck traffic, security and fencing and for measures to  
786 prevent the blowing of dust and debris and to minimize insects,  
787 rodents and odors. In making a decision to grant or deny a permit to  
788 construct or operate a new transfer station, the commissioner shall  
789 consider whether such transfer station will result in disproportionately  
790 high adverse human health or environmental effects. [The  
791 commissioner shall not authorize under a general permit or issue an  
792 individual permit under this section to establish or construct a new  
793 volume reduction plant or transfer station located, or proposed to be  
794 located, within one-quarter mile of a child day care center, as defined  
795 in subdivision (1) of subsection (a) of section 19a-77, in a municipality

796 with a population greater than one hundred thousand persons  
797 provided such center is operating as of July 8, 1997. The commissioner  
798 may modify or renew a permit for an existing volume reduction plant  
799 or transfer station, in accordance with the provisions of this chapter,  
800 without regard to its location.] In making a decision to grant or deny a  
801 permit to construct an ash residue disposal area, the commissioner  
802 shall consider any provision which the applicant shall make for a  
803 double liner, a leachate collection or detection system and the cost of  
804 transportation and disposal of ash residue at the site under  
805 consideration.

806 [(b) No solid waste facility shall be built or established and no solid  
807 waste facility without a permit to construct shall be altered after July 1,  
808 1971, until the plan, design and method of operation of such facility  
809 have been filed with the department and approved by the  
810 commissioner by the issuance of a permit to construct, provided,  
811 nothing in this chapter or chapter 446e shall be construed to limit the  
812 right of any local governing body to regulate, through zoning, land  
813 usage for solid waste disposal.]

814 (b) No person or municipality shall establish, construct or operate a  
815 solid waste facility without a permit issued by the commissioner under  
816 this section. An application for such permit shall be submitted on a  
817 form prescribed by the commissioner, include such information as the  
818 commissioner may require, including, but not limited to, a closure plan  
819 for such facility, and be accompanied by a fee prescribed in regulations  
820 adopted in accordance with chapter 54. Notwithstanding any  
821 provision, references to a permit to construct or a permit to operate in  
822 a regulation adopted pursuant to section 22a-209 shall be deemed to  
823 mean a permit as required by this subsection. The [commissioner]  
824 applicant shall send a written notification of any application for [a]  
825 such permit [to construct] to the chief elected official of each  
826 municipality in which the proposed facility is to be located, within five  
827 business days of the date on which any such application is filed.

828 [(c) No solid waste facility for which a permit to construct is

829 required shall be operated on and after June 16, 1985, except for  
830 performance testing approved by the commissioner, unless such  
831 facility has been issued a permit to operate. The commissioner may  
832 issue such permit upon determination that the facility (1) will be  
833 operated in accordance with applicable laws or regulations, (2) has  
834 been constructed in accordance with a permit issued pursuant to  
835 subsection (b) of this section, and (3) has satisfactorily completed any  
836 performance tests required by the commissioner. All operating  
837 facilities holding a valid permit to construct on or before June 16, 1985,  
838 shall be issued a permit to operate and shall be allowed to continue  
839 operations prior to the issuance of such permit to operate. The  
840 commissioner shall allow any person who is lawfully disposing of ash  
841 residue within a solid waste disposal area on April 1, 1994, to continue  
842 disposing of such residue within such area until March 1, 1997, or until  
843 the issuance of a final permit to operate a new lined ash landfill in  
844 Hartford.]

845 (c) Upon written notice from the commissioner and in accordance  
846 with a schedule specified by the commissioner in such written notice,  
847 any person or municipality who owns an unpermitted solid waste  
848 disposal area shall (1) submit a closure plan for the commissioner's  
849 review and written approval, provide public notice of such proposed  
850 plan in a manner prescribed by regulations adopted pursuant to  
851 section 22a-133k and close and maintain such area after closure in  
852 accordance with the approved closure plan, or (2) remediate such  
853 disposal area in accordance with a remediation plan approved by the  
854 commissioner or verified by a licensed environmental professional  
855 pursuant to section 22a-134a, as amended by this act, 22a-134x or 22a-  
856 133y or pursuant to an order of the commissioner. A fee of three  
857 thousand dollars shall accompany any closure plan submitted  
858 pursuant to this subsection. The commissioner may require the owner  
859 of a solid waste disposal area to post sufficient performance bond or  
860 other security to ensure compliance with the approved closure plan.  
861 The commissioner may approve a modification to a closure plan for a  
862 solid waste disposal area. A fee of five hundred dollars shall

863 accompany the request for such modification. The commissioner may  
864 reduce or waive the fees required by this subsection in cases of  
865 financial hardship and may modify such fees in regulations adopted in  
866 accordance with chapter 54. The commissioner may require a person  
867 or municipality to provide public notice of a proposed modification of  
868 a closure plan if the modification involves any activity that would  
869 disrupt the solid waste or change the use of the solid waste disposal  
870 area. Notwithstanding the provisions of this subsection, the  
871 commissioner may order a person or municipality who establishes or  
872 constructs a solid waste disposal area without first obtaining a permit  
873 as required by subsection (b) of this section to remove any solid waste  
874 disposed at such area, to remediate any pollution caused by such  
875 waste, and to properly dispose of such waste at a lawfully operated  
876 solid waste facility.

877 (d) (1) [Except as provided in subdivision (2) of this subsection, no  
878 solid waste facility which] No person or municipality who holds a  
879 permit [to construct shall be altered on and after June 16, 1985, until  
880 the proposed plan, design and] issued under this section shall alter the  
881 design or method of operation of the [altered facility have been filed  
882 with the commissioner and approved by him by issuance of a modified  
883 permit] permitted facility without first obtaining a modified permit.  
884 For the purposes of this section and sections 22a-208, 22a-208b, 22a-  
885 220a, 22a-225 and 22a-226, "alter" means [(A)] to change to any  
886 substantive degree the [approved] design, capacity, volume process or  
887 operation of a solid waste facility [holding a permit to construct,] and  
888 includes, but is not limited to, changes in the approved capacity or  
889 composition of solid waste disposed of, processed, reduced, stored or  
890 recycled at the facility. [, or (B) to change to any substantive degree the  
891 existing design, capacity, volume, process or operation of a solid waste  
892 facility not holding a permit to construct and includes, but is not  
893 limited to, changes in the volume or composition of solid waste  
894 disposed, stored, processed, reduced or recycled at the facility.] The  
895 commissioner may approve, in writing, a modification of a closure  
896 plan for a closed permitted solid waste disposal area without

897 modifying the permit for such area. The commissioner may require a  
898 person who, or a municipality that, requests such modification to  
899 provide public notice of a proposed modification of a closure plan if  
900 the modification involves any activity that would disrupt the solid  
901 waste or change the use of the solid waste disposal area. A fee of five  
902 hundred dollars shall accompany any request for such modification of  
903 a closure plan. The commissioner may reduce or waive such fee in  
904 cases of financial hardship and may modify such fee in accordance  
905 with regulations adopted in accordance with chapter 54.

906 (2) Changes in design, processes or operations, including the  
907 addition of thermal oxidizers or other air pollution control equipment,  
908 made to mitigate, correct or abate odors from a solid waste facility that  
909 is owned or operated by the Connecticut Resources Recovery  
910 Authority and that contracts with more than fifty municipalities, shall  
911 not be considered an alteration requiring a modified permit or minor  
912 permit amendment under this chapter. In addition, notwithstanding  
913 any provision of the general statutes or regulation adopted pursuant to  
914 said statutes, any such change shall not be considered a modification  
915 or new stationary source requiring a permit to construct or operate  
916 under chapter 446c or under any regulation adopted pursuant to  
917 chapter 446c, unless such change is a major modification or a major  
918 stationary source requiring a permit under the federal Clean Air Act  
919 Amendments of 1990. Any person making any such change to an odor  
920 control system at such a facility shall, not more than thirty days after  
921 making such change, submit a written report to the commissioner fully  
922 describing the changes made and the reason for such changes for the  
923 commissioner's review and comment. Nothing in this subdivision shall  
924 affect the commissioner's authority to take any other action to enforce  
925 the requirements of this title.

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

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

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

939 Sec. 26. Subsection (a) of section 22a-430b of the general statutes is  
940 repealed and the following is substituted in lieu thereof (*Effective*  
941 *October 1, 2006*):

942 (a) The Commissioner of Environmental Protection may issue a  
943 general permit for a category or categories of discharges regulated  
944 pursuant to section 22a-430, as amended, [except for process  
945 wastewater discharges from the following industrial categories as  
946 defined pursuant to the federal Water Pollution Control Act: Timber  
947 products processing; electroplating; iron and steel manufacturing;  
948 inorganic chemicals manufacturing (I and II); textile mills; petroleum  
949 refining; pulp, paper and paperboard; steam electric power plants;  
950 leather tanning and finishing; porcelain enameling; coil coating I; coil  
951 coating (can making); electrical and electronic components (I and II);  
952 metal finishing; copper forming; aluminum forming; pharmaceuticals  
953 and manufacturing; nonferrous metals manufacturing (I and II);  
954 battery manufacturing; plastics molding and forming; nonferrous  
955 metals forming; pesticides; metal molding and casting; organic  
956 chemicals, plastics and synthetic fibers manufacturing; and] except for  
957 a discharge covered by an individual permit. The general permit may  
958 regulate, within a geographical area, (1) A category of discharges  
959 which: Involve the same or substantially similar types of operations,  
960 involve the same type of wastes, require the same effluent limitations,  
961 operating conditions or standards, and require the same or similar  
962 monitoring and which in the opinion of the commissioner are more

963 appropriately controlled under a general permit; (2) stormwater  
964 discharges; or (3) a category of discharges not requiring a permit under  
965 the federal Water Pollution Control Act. Any person or municipality  
966 conducting an activity covered by a general permit shall not be  
967 required to apply for or obtain an individual permit pursuant to  
968 section 22a-430, as amended, except as provided in subsection (c) of  
969 this section. The general permit may require that any person or  
970 municipality initiating, creating, originating or maintaining any  
971 discharge into the waters of the state under the general permit shall  
972 register such discharge with the commissioner before the general  
973 permit becomes effective as to such discharge. Registration shall be on  
974 a form prescribed by the commissioner.

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

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

993       (c) Unless a person aggrieved by an order files a written request for  
994 a hearing before the commissioner not later than thirty days after the  
995 date of issuance, such order shall become final. If requested, the

996 commissioner shall hold a hearing as soon thereafter as practicable. A  
997 request for a hearing shall be a condition precedent to any appeal. The  
998 commissioner may, after the hearing or at any time after the issuance  
999 of the order, modify such order by agreement or extend the time  
1000 schedule therefor if the commissioner deems such modification or  
1001 extension advisable or necessary, and any such modification or  
1002 extension shall be deemed to be a revision of an existing order and  
1003 shall not constitute a new order. There shall be no hearing subsequent  
1004 to or any appeal from any such modification or extension.

1005 (d) After hearing, the commissioner shall consider all supporting  
1006 and rebutting evidence and affirm, modify or revoke such order in the  
1007 commissioner's discretion and shall so notify the recipient of the order  
1008 by certified mail, return receipt requested.

1009 (e) The final order of the commissioner shall be subject to appeal as  
1010 set forth in sections 4-183 and 4-184 of the general statutes, except that  
1011 any such appeal shall be taken to the superior court for the judicial  
1012 district of New Britain.

1013 Sec. 28. (NEW) (*Effective October 1, 2007*) (a) Whenever, in the  
1014 judgment of the Commissioner of Environmental Protection, any  
1015 person has engaged in or is about to engage in any acts, practices or  
1016 omission which constitute, or will constitute, a violation of any  
1017 provision of chapter 446m of the general statutes, or any regulation  
1018 adopted or order issued pursuant to chapter 446m of the general  
1019 statutes, at the request of the Commissioner of Environmental  
1020 Protection, the Attorney General may bring an action in the superior  
1021 court for the judicial district of New Britain for an order enjoining such  
1022 acts or practices, to order remedial measures, or for an order directing  
1023 compliance and, upon a showing by the commissioner that such  
1024 person has engaged in any such acts, practices or omissions, a  
1025 permanent or temporary injunction, restraining order or other order  
1026 may be granted.

1027 (b) Any person who violates any provision of chapter 446m of the

1028 general statutes, including, but not limited to, any regulation adopted  
1029 or order issued pursuant to chapter 446m of the general statutes, shall  
1030 be assessed a civil penalty not to exceed twenty-five thousand dollars  
1031 per day, to be fixed by the court, for each offense. Each violation shall  
1032 be a separate and distinct offense and, in the case of a continuing  
1033 violation, each day's continuance thereof shall be deemed to be a  
1034 separate and distinct offense. The Attorney General, upon request of  
1035 the commissioner, shall institute a civil action in the superior court for  
1036 the judicial district of New Britain to recover such penalty.

1037 (c) If two or more persons are responsible for a violation of any  
1038 provision of chapter 446m of the general statutes, including, but not  
1039 limited to, any regulation adopted or order issued pursuant to said  
1040 chapter 446m, such persons shall be jointly and severally liable under  
1041 this section.

1042 (d) Any action brought by the Attorney General pursuant to this  
1043 section shall have precedence in the order of trial as provided in  
1044 section 52-191 of the general statutes.

1045 Sec. 29. (NEW) (*Effective October 1, 2007*) (a) Any person who, with  
1046 criminal negligence, violates any provision of chapter 446m of the  
1047 general statutes, including, but not limited to, any regulation adopted  
1048 or order issued pursuant to chapter 446m of the general statutes, or  
1049 who makes any false statement, representation, certification in any  
1050 application, notification, request for exemption, record, plan, report or  
1051 other document filed or required to be maintained under chapter 446m  
1052 of the general statutes, shall be fined not more than twenty-five  
1053 thousand dollars per day for each day of violation or be imprisoned  
1054 not more than one year, or both. A subsequent conviction for any such  
1055 violation shall carry a fine of not more than fifty thousand dollars per  
1056 day for each day of violation or imprisonment for not more than two  
1057 years, or both.

1058 (b) Any person who knowingly violates any provision of chapter  
1059 446m of the general statutes, including, but not limited to, any

1060 regulation adopted or order issued pursuant to chapter 446m of the  
 1061 general statutes, or who makes any false statement, representation, or  
 1062 certification in any application, notification, request for exemption,  
 1063 record, plan, report or other document filed or required to be  
 1064 maintained under chapter 446m of the general statutes, shall be fined  
 1065 not more than fifty thousand dollars per day for each day of violation  
 1066 or be imprisoned not more than three years, or both. A subsequent  
 1067 conviction for any such violation shall carry a fine of not more than  
 1068 fifty thousand dollars per day for each day of violation or  
 1069 imprisonment for not more than ten years, or both.

1070 Sec. 30. Sections 22a-134aa to 22a-134oo, inclusive, 22a-163 to 22a-  
 1071 163aa, inclusive, 22a-164 and 22a-165 to 22a-165h, inclusive, and  
 1072 section 22a-207b of the general statutes are repealed. (*Effective October*  
 1073 *1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	22a-178(g)
Sec. 2	<i>October 1, 2006</i>	22a-403
Sec. 3	<i>October 1, 2006</i>	1-79(l)
Sec. 4	<i>October 1, 2006</i>	1-120(1)
Sec. 5	<i>October 1, 2006</i>	16-50j(b) and (c)
Sec. 6	<i>October 1, 2006</i>	25-201(10)
Sec. 7	<i>October 1, 2006</i>	25-231(4)
Sec. 8	<i>October 1, 2006</i>	22a-161d
Sec. 9	<i>October 1, 2006</i>	51-344a(a)
Sec. 10	<i>October 1, 2006</i>	22a-137(f)
Sec. 11	<i>October 1, 2006</i>	22a-134(1)
Sec. 12	<i>October 1, 2006</i>	New section
Sec. 13	<i>October 1, 2006</i>	22a-134(10) and (11)
Sec. 14	<i>October 1, 2006</i>	22a-134
Sec. 15	<i>October 1, 2006</i>	22a-134a(g) and (h)
Sec. 16	<i>October 1, 2006</i>	22a-133v(e) and (f)
Sec. 17	<i>October 1, 2006</i>	22a-255h(1) to (4)
Sec. 18	<i>October 1, 2006</i>	22a-255h(12) to (14)
Sec. 19	<i>October 1, 2006</i>	22a-255i(a)

Sec. 20	<i>October 1, 2006</i>	22a-255j
Sec. 21	<i>October 1, 2006</i>	22a-255m(a)
Sec. 22	<i>October 1, 2006</i>	22a-449(b)
Sec. 23	<i>October 1, 2006</i>	22a-611
Sec. 24	<i>October 1, 2006</i>	22a-208a(a) to (d)
Sec. 25	<i>October 1, 2006</i>	22a-207
Sec. 26	<i>October 1, 2006</i>	22a-430b(a)
Sec. 27	<i>October 1, 2007</i>	New section
Sec. 28	<i>October 1, 2007</i>	New section
Sec. 29	<i>October 1, 2007</i>	New section
Sec. 30	<i>October 1, 2006</i>	Repealer section

**ENV**      *Joint Favorable Subst.*