



General Assembly

Substitute Bill No. 5568

February Session, 2006

* HB05568ENVJUD031406 *

AN ACT CONCERNING ENFORCEMENT OF THE ENVIRONMENTAL PROTECTION STATUTES.

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

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
2 section, (1) "solid waste" has the same meaning as provided in section
3 22a-207 of the general statutes, (2) "oil or petroleum" has the same
4 meaning as provided in section 22a-448 of the general statutes, (3)
5 "chemical liquids" has the same meaning as provided in section 22a-
6 448 of the general statutes, (4) "solid, liquid or gaseous products" has
7 the same meaning as provided in section 22a-448 of the general
8 statutes, (5) "hazardous waste" has the same meaning as provided in
9 section 22a-448 of the general statutes, (6) "pollution" has the same
10 meaning as provided in section 22a-428 of the general statutes, (7)
11 "wastes" has the same meaning as provided in section 22a-428 of the
12 general statutes, (8) "air pollution" has the same meaning as provided
13 in section 22a-170 of the general statutes, (9) "wetland" has the same
14 meaning as provided in sections 22a-29 and 22a-38 of the general
15 statutes, (10) "water and water resources" has the same meaning as
16 provided in section 22a-367 of the general statutes, (11) "coastal
17 resources" has the same meaning as provided in section 22a-93 of the
18 general statutes, and (12) "trade secret" has the same meaning as
19 provided in section 1-210 of the general statutes.

20 (b) For the purposes of developing or assisting in the development
21 of specific programs or implementation plans to carry out the
22 provisions of title 22a of the general statutes, or to determine whether
23 any person is in compliance with the provisions of title 22a of the
24 general statutes, the Commissioner of Environmental Protection may
25 require that any person furnish, upon request, information and
26 documentation relating to (1) the use or production of oil or
27 petroleum, chemical liquids, solid, liquid or gaseous products, solid
28 waste, hazardous waste, pollution, wastes or air pollution, including
29 the management, monitoring, handling, generation, treatment, storage,
30 disposal, discharge, release or emission of any of the foregoing, or any
31 equipment or process used for such purpose or resulting in such
32 production, and (2) use and management of wetlands, water and water
33 resources or coastal resources.

34 (c) Any trade secret obtained by the commissioner as a result of an
35 information request pursuant to this section shall, upon a timely
36 written request by the person providing such information, be kept
37 confidential and shall not be disclosed except that, notwithstanding the
38 provisions of subdivision (5) of subsection (b) of section 1-19 of the
39 general statutes, such information may be disclosed by the
40 commissioner to the United States Environmental Protection Agency
41 pursuant to the federal Freedom of Information Act, and regulations
42 adopted thereunder, or pursuant to the federal Clean Water Act,
43 federal Clean Air Act or the federal Solid Waste Disposal Act.

44 (d) Any person who fails to provide information required by a
45 request made pursuant to this section prior to sixty days after the date
46 of the written request by the commissioner, or the date of any
47 extension thereof granted by the commissioner, may be assessed a civil
48 penalty not to exceed ten thousand dollars, to be fixed by the court, for
49 each offense. Each violation shall be a separate and distinct offense
50 and, in the case of a continuing violation, each day's continuance
51 thereof shall be a separate and distinct offense. The Attorney General,
52 upon complaint of the commissioner, shall institute a civil action in the

53 superior court for the judicial district of Hartford to recover such
54 penalty and obtain any other relief, including, but not limited to, an
55 order requiring documentation or information be provided to the
56 commissioner.

57 Sec. 2. Subsection (b) of section 22a-175 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2006*):

60 (b) Any person who (1) knowingly makes any false statement,
61 representation or certification in any application, record, report, plan
62 [or other document filed or required to be maintained under this
63 chapter, or under any regulation, order or permit adopted or issued
64 thereunder, [or who] (2) falsifies, tampers with or knowingly renders
65 inaccurate any monitoring device or method required to be maintained
66 under the provisions of this chapter, or any regulation, order or permit
67 adopted or issued thereunder, or (3) wilfully fails to maintain or
68 knowingly destroys, alters or conceals any record required to be
69 maintained in accordance with the provisions of this chapter, or any
70 regulation, order or permit adopted thereunder, shall, upon
71 conviction, be fined not more than [ten] fifty thousand dollars for each
72 violation or imprisoned not more than [six months for each violation]
73 two years, or not more than five years for a subsequent conviction, or
74 both. Each violation shall be a separate and distinct offense, and, in the
75 case of a continuing violation, each day's continuance thereof shall be
76 deemed to be a separate and distinct offense.

77 Sec. 3. Subsection (d) of section 22a-438 of the general statutes is
78 repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2006*):

80 (d) Any person who (1) knowingly makes any false statement,
81 representation, or certification in any application, record, report, plan,
82 or other document filed or required to be maintained under this
83 chapter, or section 22a-6 or 22a-7, [or who] (2) falsifies, tampers with,
84 or knowingly renders inaccurate any monitoring device or method

85 required to be maintained under this chapter, or section 22a-6 or 22a-7,
86 or (3) wilfully fails to maintain or knowingly destroys, alters or
87 conceals any record required to be maintained under this chapter, or
88 section 22a-6 or 22a-7, shall upon conviction be fined not more than
89 [twenty-five] fifty thousand dollars for each violation or imprisoned
90 not more than two years for each violation, or five years for a
91 subsequent violation, or both. Each violation shall be a separate and
92 distinct offense, and, in the case of a continuing violation, each day's
93 continuance thereof shall be deemed to be a separate and distinct
94 offense. For the purposes of this subsection, person includes any
95 responsible corporate officer or municipal official.

96 Sec. 4. Section 22a-226a of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2006*):

98 (a) Any person who knowingly violates any provision of section
99 22a-252, section 22a-208a, section 22a-208c, any permit issued under
100 said section 22a-208a, subsection (c) or (d) of section 22a-250, as
101 amended, any regulation adopted under section 22a-209 or 22a-231, or
102 any order issued pursuant to section 22a-225 shall be fined not more
103 than twenty-five thousand dollars per day for each day of violation or
104 imprisoned not more than two years or both. A subsequent conviction
105 for any such violation shall carry a fine of not more than fifty thousand
106 dollars per day for each day of violation or imprisonment for not more
107 than five years, or both.

108 (b) Any person who (1) knowingly makes any false statement,
109 representation or certification in any application, record, report, plan
110 or other document filed or required to be maintained under any
111 provision of sections 22a-252, 22a-208a and 22a-208c, any permit issued
112 under section 22a-208a, subsection (c) or (d) of section 22a-250 of the
113 2006 supplement to the general statutes, any regulation adopted under
114 section 22a-209 or 22a-231, or any order issued pursuant to section 22a-
115 225, (2) falsifies, tampers with or knowingly renders inaccurate any
116 monitoring device or method required to be maintained under the
117 provisions of sections 22a-252, 22a-208a and 22a-208c, any permit

118 issued under section 22a-208a, subsection (c) or (d) of said section 22a-
119 250, any regulation adopted under section 22a-209 or 22a-231, or any
120 order issued pursuant to section 22a-225, or (3) wilfully fails to
121 maintain or knowingly destroys, alters or conceals any record required
122 to be maintained in accordance with any provisions of sections 22a-
123 252, 22a-208a and 22a-208c, any permit issued under section 22a-208a,
124 subsection (c) or (d) of said section 22a-250, any regulation adopted
125 under section 22a-209 or 22a-231, or any order issued pursuant to
126 section 22a-225, shall, upon conviction, be fined not more than fifty
127 thousand dollars or imprisoned not more than two years, or both. Each
128 violation shall be a separate and distinct offense, and, in the case of a
129 continuing violation, each day's continuance thereof shall be deemed
130 to be a separate and distinct offense. A subsequent conviction for any
131 such violation shall carry a fine of not more than fifty thousand dollars
132 per day or imprisonment for not more than five years, or both.

133 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) For purposes of this
134 section, "mobile source" means a source of air pollution designed or
135 constructed to move from one location to another during normal
136 operation, including, but not limited to, an automobile, bus, truck,
137 tractor, earth moving equipment, hoist, crane, aircraft, locomotive
138 operating on rails, vessels for transportation on water, lawnmowers
139 and other small home appliances. "Mobile source" does not mean
140 portable equipment or a school bus, as defined in section 14-275 of the
141 general statutes, a farm implement, as defined in section 14-1 of the
142 2006 supplement to the general statutes, as amended.

143 (b) No person shall operate a mobile source for more than three
144 consecutive minutes when such mobile source is not in motion, except
145 (1) when a mobile source is forced to remain motionless because of
146 traffic conditions or mechanical difficulties over which the operator
147 has no control, (2) when it is necessary to operate defrosting, heating
148 or cooling equipment to ensure the safety or health of the driver or
149 passengers, (3) when it is necessary to operate auxiliary equipment
150 that is located in or on the mobile source to accomplish the intended

151 use of the mobile source, (4) to bring the mobile source to the operating
152 temperature recommended by the manufacturer, (5) when the mobile
153 source is below twenty degrees Fahrenheit, (6) when the mobile source
154 is undergoing maintenance that requires such mobile source to be
155 operated for more than three consecutive minutes, or (7) when a
156 mobile source is in queue to be inspected by United States military
157 personnel prior to gaining access to a United States military
158 installation.

159 (c) Any person who violates any provision of this section shall be
160 deemed to have committed an infraction and shall be fined not more
161 than ninety dollars, except that where such person is not the owner of
162 the subject mobile source, the owner of the subject mobile source shall
163 be deemed to have committed an infraction and shall be fined not
164 more than ninety dollars.

165 Sec. 6. Subsection (b) of section 51-164n of the 2006 supplement to
166 the general statutes is repealed and the following is substituted in lieu
167 thereof (*Effective October 1, 2006*):

168 (b) Notwithstanding any provision of the general statutes, any
169 person who is alleged to have committed (1) a violation under the
170 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
171 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
172 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,
173 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision
174 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
175 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as
176 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,
177 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-
178 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),
179 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
180 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section
181 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as
182 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,
183 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,

184 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,
185 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a
186 first violation as specified in subsection (f) of section 14-164i, section
187 14-219 as specified in subsection (e) of [said] section 14-164i, section 5
188 of this act, subdivision (1) of section 14-223a, as amended, section 14-
189 240, 14-249, as amended, or 14-250, as amended, subsection (a), (b) or
190 (c) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, as
191 amended, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, as
192 amended, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-
193 326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a,
194 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,
195 16a-15, as amended, or 16a-22, subsection (a) or (b) of section 16a-22h,
196 section 17a-24, 17a-145, as amended, 17a-149, 17a-152, 17a-465, 17a-642,
197 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736,
198 section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-
199 87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
200 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
201 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-
202 231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section
203 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48,
204 21-63, as amended, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection
205 (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77,
206 subsection (b) of section 21a-79, as amended, section 21a-85, 21a-154,
207 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35,
208 22-36, 22-38, 22-39, as amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e,
209 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279,
210 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or
211 (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-
212 415, 22a-66a or 22a-246, subsection (a) of section 22a-250, as amended,
213 subsection (e) of section 22a-256h, subsection (a) of section 22a-381d,
214 section 22a-449, as amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b,
215 subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21,
216 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97,
217 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-
218 224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-

219 198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-
 220 86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-
 221 18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44,
 222 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c)
 223 of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
 224 134, subsection (i) of section 31-273, as amended, section 31-288, 36a-
 225 787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
 226 section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-
 227 38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
 228 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
 229 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
 230 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
 231 (3) a violation of any regulation adopted in accordance with the
 232 provisions of section 12-484, 12-487 or 13b-410, shall follow the
 233 procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	22a-175(b)
Sec. 3	<i>October 1, 2006</i>	22a-438(d)
Sec. 4	<i>October 1, 2006</i>	22a-226a
Sec. 5	<i>October 1, 2006</i>	New section
Sec. 6	<i>October 1, 2006</i>	51-164n(b)

ENV

Joint Favorable Subst. C/R

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