



General Assembly

***Raised Bill No. 288***

*February Session, 2006*

LCO No. **1910**

\*       SB00288ENV      030906      \*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING LEASE AGREEMENTS FOR THE  
GENERATION OF HYDROELECTRICITY.***

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

1 Section 1. Subsection (a) of section 22a-6 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (a) The commissioner may: (1) Adopt, amend or repeal, in  
5 accordance with the provisions of chapter 54, such environmental  
6 standards, criteria and regulations, and such procedural regulations as  
7 are necessary and proper to carry out his functions, powers and duties;  
8 (2) enter into contracts with any person, firm, corporation or  
9 association to do all things necessary or convenient to carry out the  
10 functions, powers and duties of the department; (3) initiate and receive  
11 complaints as to any actual or suspected violation of any statute,  
12 regulation, permit or order administered, adopted or issued by him.  
13 The commissioner shall have the power to hold hearings, administer  
14 oaths, take testimony and subpoena witnesses and evidence, enter  
15 orders and institute legal proceedings including, but not limited to,  
16 suits for injunctions, for the enforcement of any statute, regulation,

17 order or permit administered, adopted or issued by him; (4) in  
18 accordance with regulations adopted by him, require, issue, renew,  
19 revoke, modify or deny permits, under such conditions as he may  
20 prescribe, governing all sources of pollution in Connecticut within his  
21 jurisdiction; (5) in accordance with constitutional limitations, enter at  
22 all reasonable times, without liability, upon any public or private  
23 property, except a private residence, for the purpose of inspection and  
24 investigation to ascertain possible violations of any statute, regulation,  
25 order or permit administered, adopted or issued by him and the  
26 owner, managing agent or occupant of any such property shall permit  
27 such entry, and no action for trespass shall lie against the  
28 commissioner for such entry, or he may apply to any court having  
29 criminal jurisdiction for a warrant to inspect such premises to  
30 determine compliance with any statute, regulation, order or permit  
31 administered, adopted or enforced by him, provided any information  
32 relating to secret processes or methods of manufacture or production  
33 ascertained by the commissioner during, or as a result of, any  
34 inspection, investigation, hearing or otherwise shall be kept  
35 confidential and shall not be disclosed except that, notwithstanding the  
36 provisions of subdivision (5) of subsection (b) of section 1-210, as  
37 amended, such information may be disclosed by the commissioner to  
38 the United States Environmental Protection Agency pursuant to the  
39 federal Freedom of Information Act of 1976, (5 USC 552) and  
40 regulations adopted thereunder or, if such information is submitted  
41 after June 4, 1986, to any person pursuant to the federal Clean Water  
42 Act (33 USC 1251 et seq.); (6) undertake any studies, inquiries, surveys  
43 or analyses he may deem relevant, through the personnel of the  
44 department or in cooperation with any public or private agency, to  
45 accomplish the functions, powers and duties of the commissioner; (7)  
46 require the posting of sufficient performance bond or other security to  
47 assure compliance with any permit or order; (8) provide by notice  
48 printed on any form that any false statement made thereon or  
49 pursuant thereto is punishable as a criminal offense under section 53a-  
50 157b; (9) construct or repair or contract for the construction or repair of  
51 any dam or flood and erosion control system under his control and

52 management, make or contract for the making of any alteration, repair  
53 or addition to any other real asset under his control and management,  
54 including rented or leased premises, involving an expenditure of five  
55 hundred thousand dollars or less, and, with prior approval of the  
56 Commissioner of Public Works, make or contract for the making of  
57 any alteration, repair or addition to such other real asset under his  
58 control and management involving an expenditure of more than five  
59 hundred thousand dollars but not more than one million dollars; (10)  
60 enter into a lease agreement with a private entity to allow the private  
61 entity to generate hydroelectricity; (11) by regulations adopted in  
62 accordance with the provisions of chapter 54, require the payment of a  
63 fee sufficient to cover the reasonable cost of the search, duplication and  
64 review of records requested under the Freedom of Information Act, as  
65 defined in section 1-200, and the reasonable cost of reviewing and  
66 acting upon an application for and monitoring compliance with the  
67 terms and conditions of any state or federal permit, license,  
68 registration, order, certificate or approval required pursuant to  
69 subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-  
70 96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d,  
71 22a-32, 22a-134a, 22a-134e, as amended, 22a-135, as amended, 22a-148,  
72 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i,  
73 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416,  
74 22a-428 to 22a-432, inclusive, 22a-449, as amended, and 22a-454 to 22a-  
75 454c, inclusive, and Section 401 of the federal Clean Water Act, (33  
76 USC 1341). Such costs may include, but are not limited to the costs of  
77 (A) public notice, (B) reviews, inspections and testing incidental to the  
78 issuance of and monitoring of compliance with such permits, licenses,  
79 orders, certificates and approvals, and (C) surveying and staking  
80 boundary lines. The applicant shall pay the fee established in  
81 accordance with the provisions of this section prior to the final  
82 decision of the commissioner on the application. The commissioner  
83 may postpone review of an application until receipt of the payment.  
84 Payment of a fee for monitoring compliance with the terms or  
85 conditions of a permit shall be at such time as the commissioner deems  
86 necessary and is required for an approval to remain valid; and [(11)]

87 (12) by regulations adopted in accordance with the provisions of  
88 chapter 54, require the payment of a fee sufficient to cover the  
89 reasonable cost of responding to requests for information concerning  
90 the status of real estate with regard to compliance with environmental  
91 statutes, regulations, permits or orders. Such fee shall be paid by the  
92 person requesting such information at the time of the request. Funds  
93 not exceeding two hundred thousand dollars received by the  
94 commissioner pursuant to subsection (g) of section 22a-174, during the  
95 fiscal year ending June 30, 1985, shall be deposited in the General Fund  
96 and credited to the appropriations of the Department of  
97 Environmental Protection in accordance with the provisions of section  
98 4-86, and such funds shall not lapse until June 30, 1986. In any action  
99 brought against any employee of the department acting within his  
100 scope of delegated authority in performing any of the above-listed  
101 duties, the employee shall be represented by the Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	22a-6(a)

**ENV**      *Joint Favorable*