



General Assembly

Amendment

February Session, 2006

LCO No. 4174

SB0028504174SD0

Offered by:

SEN. FINCH, 22nd Dist.

REP. ROY, 119th Dist.

To: Subst. Senate Bill No. 285

File No. 265

Cal. No. 207

"AN ACT CONCERNING PERSONAL WATERCRAFT AND CHILDREN."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (g) of section 22a-178 of the 2006 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2006*):

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

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

29 Sec. 502. Section 22a-403 of the general statutes is amended by
30 adding subsection (c) as follows (*Effective October 1, 2006*):

31 (NEW) (c) Notwithstanding the provisions of this section, the
32 commissioner may construct, alter, rebuild, substantially repair, add
33 to, replace or remove any dam, dike, reservoir or other similar
34 structure, with their appurtenances, that are owned by the state and
35 that are under the commissioner's control without issuance of a permit
36 pursuant to this chapter, and without a permit, certification or
37 approval pursuant to part I of chapter 439, or chapters 440, 444, 446i
38 and 476a, provided such action is consistent with the policies
39 contained in part I of chapter 439 and chapters 440, 444, 446i and 476a.
40 Nothing in this subsection shall preclude an action under section 22a-
41 16.

42 Sec. 503. Subsection (l) of section 1-79 of the 2006 supplement to the
43 general statutes is repealed and the following is substituted in lieu
44 thereof (*Effective October 1, 2006*):

45 (l) "Quasi-public agency" means the Connecticut Development
46 Authority, Connecticut Innovations, Incorporated, Connecticut Health

47 and Education Facilities Authority, Connecticut Higher Education
48 Supplemental Loan Authority, Connecticut Housing Finance
49 Authority, Connecticut Housing Authority, Connecticut Resources
50 Recovery Authority, [Connecticut Hazardous Waste Management
51 Service,] Lower Fairfield County Convention Center Authority, Capital
52 City Economic Development Authority and Connecticut Lottery
53 Corporation.

54 Sec. 504. Subdivision (1) of section 1-120 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective*
56 *October 1, 2006*):

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

65 Sec. 505. Subsections (b) and (c) of section 16-50j of the general
66 statutes are repealed and the following is substituted in lieu thereof
67 (*Effective October 1, 2006*):

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

79 controlling, or presently contracting with respect to a facility, a
80 hazardous waste facility as defined in section 22a-115 [, a regional low-
81 level radioactive waste facility as defined in section 22a-163a] or ash
82 residue disposal area.

83 (c) For proceedings under chapter 445, subsection (b) of this section
84 [.] and this subsection, [and sections 22a-134cc, 22a-134ff and 22a-163
85 to 22a-163u, inclusive,] the council shall consist of (1) the
86 Commissioners of Public Health and Public Safety or their designated
87 representatives; (2) the designees of the speaker of the House of
88 Representatives and the president pro tempore of the Senate as
89 provided in subsection (b) of this section; (3) the five members of the
90 public as provided in subsection (b) of this section; and (4) four ad hoc
91 members, three of whom shall be electors from the municipality in
92 which the proposed facility is to be located and one of whom shall be
93 an elector from a neighboring municipality likely to be most affected
94 by the proposed facility. The municipality most affected by the
95 proposed facility shall be determined by the permanent members of
96 the council. If any one of the five members of the public or of the
97 designees of the speaker of the House of Representatives or the
98 president pro tempore of the Senate resides [(1)] (A) in the
99 municipality in which a hazardous waste facility is proposed to be
100 located for a proceeding concerning a hazardous waste facility or in
101 which a low-level radioactive waste facility is proposed to be located
102 for a proceeding concerning a low-level radioactive waste facility, or
103 [(2)] (B) in the neighboring municipality likely to be most affected by
104 the proposed facility, the appointing authority shall appoint a
105 substitute member for the proceedings on such proposal. If any
106 appointee is unable to perform his duties on the council due to illness,
107 or has a substantial financial or employment interest which is in
108 conflict with the proper discharge of his duties under this chapter, the
109 appointing authority shall appoint a substitute member for
110 proceedings on such proposal. An appointee shall report any
111 substantial financial or employment interest which might conflict with
112 the proper discharge of his duties under this chapter to the appointing

113 authority who shall determine if such conflict exists. If any state
114 agency is the applicant, an appointee shall not be deemed to have a
115 substantial employment conflict of interest because of employment
116 with the state unless such appointee is directly employed by the state
117 agency making the application. Ad hoc members shall be appointed by
118 the chief elected official of the municipality they represent and shall
119 continue their membership until the council issues a letter of
120 completion of the development and management plan to the applicant.

121 Sec. 506. Subdivision (10) of section 25-201 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective*
123 *October 1, 2006*):

124 (10) "Major state plan" means the master transportation plan
125 adopted pursuant to section 13b-15, the plan for development of
126 outdoor recreation adopted pursuant to section 22a-21, the solid waste
127 management plan adopted pursuant to section 22a-211, the state-wide
128 plan for the management of water resources adopted pursuant to
129 section 22a-352, the state-wide environmental plan adopted pursuant
130 to section 22a-8, the plan for the disposal of dredged material for Long
131 Island Sound, the historic preservation plan adopted under the
132 National Historic Preservation Act, as amended, the state-wide facility
133 and capital plan adopted pursuant to section 4b-23, as amended, the
134 water quality management plan adopted under the federal Clean
135 Water Act, the marine resources management plan, [the Connecticut
136 hazardous waste management plan adopted pursuant to section 22a-
137 134cc,] the plan for managing forest resources, the wildlife
138 management plans and the salmon restoration plan.

139 Sec. 507. Subdivision (4) of section 25-231 of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective*
141 *October 1, 2006*):

142 (4) "Major state plan" means any of the following: The master
143 transportation plan adopted pursuant to section 13b-15, the plan for
144 development of outdoor recreation adopted pursuant to section 22a-21,

145 the solid waste management plan adopted pursuant to section 22a-211,
146 the state-wide plan for the management of water resources adopted
147 pursuant to section 22a-352, the state-wide environmental plan
148 adopted pursuant to section 22a-8, the historic preservation plan
149 adopted under the National Historic Preservation Act, 16 USC 470 et
150 seq., the state-wide facility and capital plan adopted pursuant to
151 section 4b-23, as amended, the long-range state housing plan adopted
152 pursuant to section 8-37t, the comprehensive energy plan adopted
153 pursuant to section 16a-7a, the water quality management plan
154 adopted under the federal Clean Water Act, 33 USC 1251 et seq., [the
155 Connecticut hazardous waste management plan adopted pursuant to
156 section 22a-134cc,] any plans for managing forest resources adopted
157 pursuant to section 23-20 and the Connecticut River Atlantic Salmon
158 Compact adopted pursuant to section 26-302.

159 Sec. 508. Section 22a-161d of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2006*):

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

169 Sec. 509. Subsection (a) of section 51-344a of the 2006 supplement to
170 the general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective October 1, 2006*):

172 (a) Whenever the term "judicial district of Hartford-New Britain" or
173 "judicial district of Hartford-New Britain at Hartford" is used or
174 referred to in the following sections of the general statutes, it shall be
175 deemed to mean or refer to the judicial district of Hartford on and after
176 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-

177 71a, 4-61, 4-160, as amended, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-
178 276a, as amended, 8-30g, as amended, 9-7a, 9-7b, as amended, 9-369b,
179 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-
180 448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-
181 586f, 12-597, 12-730, 13b-34, as amended, 13b-235, 13b-315, 13b-375, 14-
182 57, 14-66, as amended, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324,
183 14-331, 15-125, 15-126, 16-41, as amended, 16a-5, 17b-60, 17b-100, 17b-
184 238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-
185 526, 19a-633, 20-12f, 20-13e, as amended, 20-29, 20-40, 20-45, 20-59, 20-
186 73a, 20-86f, 20-99, 20-114, as amended, 20-133, 20-154, 20-156, 20-162p,
187 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271,
188 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 21a-196,
189 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386,
190 22a-6b, as amended, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-
191 62, 22a-63, 22a-66h, 22a-106a, 22a-119, [22a-163m,] 22a-167, 22a-180,
192 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-
193 227, 22a-250, as amended, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-
194 285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408,
195 22a-430, as amended, 22a-432, 22a-438, 22a-449f, as amended, 22a-449g,
196 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, as amended, 29-158, as
197 amended, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8,
198 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, as amended, 31-284,
199 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,
200 36a-494, as amended, 36a-517, as amended, 36a-587, as amended, 36a-
201 647, 36a-684, 36a-718, 36a-807, 36b-26, as amended, 36b-27, as
202 amended, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52,
203 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225,
204 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774,
205 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, as
206 amended, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100,
207 47a-21, as amended, 49-73, 51-44a, as amended, 51-81b, 51-194, 52-146j,
208 53-392d and 54-211a.

209 Sec. 510. Subsection (f) of section 22a-137 of the general statutes is
210 repealed and the following is substituted in lieu thereof (*Effective*

211 *October 1, 2006*):

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

215 Sec. 511. Subdivision (1) of section 22a-134 of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective*
217 *October 1, 2006*):

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

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

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

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

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

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

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

240 []

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

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

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

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

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

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

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

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

268 (O) [any] Any conveyance of an establishment which, prior to July

269 1, 1997, had been developed solely for residential use and such use has
270 not changed; [.]

271 (P) [any] Any conveyance of an establishment to any entity created
272 or operating under chapter 130 or 132, or to an urban rehabilitation
273 agency, as defined in section 8-292, or to a municipality under section
274 32-224, or to the Connecticut Development Authority or any
275 subsidiary of the authority; [.]

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

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

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

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

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

293 (V) Conveyance of any real property or business operation that
294 would qualify as an establishment solely as a result of (i) the
295 generation of more than one hundred kilograms of universal waste in
296 a calendar month, (ii) the storage, handling or transportation of
297 universal waste generated at a different location, or (iii) activities
298 undertaken at a universal waste transfer facility, provided any such

299 real property or business operation does not otherwise qualify as an
300 establishment, that there has been no discharge, spillage, uncontrolled
301 loss, seepage or filtration of a universal waste or a constituent of
302 universal waste that is a hazardous substance at or from such real
303 property or business operation and that universal waste is not also
304 recycled, treated, except for treatment of a universal waste pursuant to
305 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or
306 disposed of at such real property or business operation; or

307 (W) Conveyance of a unit in a residential common interest
308 community in accordance with section 512 of this act.

309 Sec. 512. (NEW) (*Effective October 1, 2006*) (a) Notwithstanding the
310 provisions of chapter 445 of the general statutes, a conveyance of a unit
311 in a residential common interest community shall not be subject to the
312 requirements of sections 22a-134 to 22a-133e, inclusive, of the general
313 statutes, as amended by this act, provided the declarant for the
314 residential common interest community of which the unit is a part is a
315 certifying party, as defined in section 22a-134 of the general statutes, as
316 amended by this act, for purposes of remediation of any establishment,
317 as defined in section 22a-134 of the general statutes, as amended by
318 this act, within such community and provides to the Commissioner of
319 Environmental Protection a surety bond or other form of financial
320 assurance acceptable to the commissioner.

321 (b) The surety bond or other form of financial assurance required
322 pursuant to subsection (a) of this section shall (1) identify both the
323 Department of Environmental Protection and the unit owners
324 association for the common interest community as beneficiaries, and
325 (2) be in an amount and in a form approved by the commissioner that
326 is, at all times when the real property comprising the common interest
327 community is an establishment, equal to the cost of remediation of the
328 contaminants on the subject property. In calculating such remediation
329 costs, the amount of the bond or other form of financial assurance may
330 be reduced from time to time as work covered by the bond is
331 completed, may exclude the costs of any improvements to the real

332 estate not required to remediate the contamination, and may exclude
333 the costs of remediation work already completed or on parcels of real
334 estate that may be added to the common interest community by the
335 exercise of development rights pursuant to section 47-229 of the
336 general statutes.

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

348 Sec. 513. Subdivisions (10) and (11) of section 22a-134 of the general
349 statutes are repealed and the following is substituted in lieu thereof
350 (*Effective October 1, 2006*):

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

365 verification, including any approval or verification for a portion of an
366 establishment, no discharge, spillage, uncontrolled loss, seepage or
367 filtration of hazardous waste or hazardous substances has occurred at
368 any portion of the establishment;

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

396 Sec. 514. Section 22a-134 of the general statutes is amended by
397 adding subdivisions (26) and (27) as follows (*Effective October 1, 2006*):

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

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

410 Sec. 515. Subsections (g) and (h) of section 22a-134a of the general
411 statutes are repealed and the following is substituted in lieu thereof
412 (*Effective October 1, 2006*):

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

431 certifying party shall submit to the commissioner an independent
432 verification by a licensed environmental professional that the
433 establishment has been remediated in accordance with the remediation
434 standards, and as applicable, a Form IV verification.] When
435 remediation of the entire establishment is complete, the certifying
436 party shall submit to the commissioner a final verification by a licensed
437 environmental professional. Any such final verification may include
438 and rely upon a verification for a portion of the establishment
439 submitted pursuant to subdivision (2) of this subsection.

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

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

465 initiation of such remediation in accordance with subsection (i) of this
466 section. Upon the commissioner's approval of such schedule, such
467 certifying party shall, in accordance with the approved schedule,
468 submit scopes of work, technical plans, technical reports and progress
469 reports to the commissioner for the commissioner's review and written
470 approval. Such certifying party shall perform all actions identified in
471 the approved scopes of work, technical plans, technical reports and
472 progress reports in accordance with the approved schedule. The
473 commissioner may approve in writing any modification proposed in
474 writing by such certifying party to such schedule or investigation and
475 remediation. The commissioner may, at any time, notify such
476 certifying party in writing that the commissioner's review and written
477 approval is not required and that a licensed environmental
478 professional may verify that the remediation has been performed in
479 accordance with the remediation standards.

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

499 Sec. 516. Subsections (e) and (f) of section 22a-133v of the general
500 statutes are repealed and the following is substituted in lieu thereof
501 (*Effective October 1, 2006*):

502 (e) The board shall authorize the commissioner to issue a license
503 under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e,
504 inclusive, this section and section 22a-133w to any person who
505 demonstrates to the satisfaction of the board that such person: (1) (A)
506 Has for a minimum of eight years engaged in the investigation and
507 remediation of releases of hazardous waste or petroleum products into
508 soil or groundwater, including a minimum of four years in responsible
509 charge of investigation and remediation of the release of hazardous
510 waste or petroleum products into soil or groundwater, and holds a
511 bachelor's or advanced degree from an accredited college or university
512 in a related science or related engineering field or is a professional
513 engineer licensed in accordance with chapter 391, or (B) has for a
514 minimum of fourteen years engaged in the investigation and
515 remediation of releases of hazardous waste or petroleum products into
516 soil or groundwater, including a minimum of seven years in
517 responsible charge of investigation and remediation of hazardous
518 waste or petroleum products into soil or groundwater; (2) has
519 successfully passed a written examination, or a written and oral
520 examination, prescribed by the board and approved by the
521 commissioner, which shall test the applicant's knowledge of the
522 physical and environmental sciences applicable to an investigation of a
523 polluted site and remediation conducted in accordance with
524 regulations adopted by the commissioner under section 22a-133k and
525 any other applicable guidelines or regulations as may be adopted by
526 the commissioner; and (3) has paid an examination fee of one hundred
527 eighty-eight dollars to the commissioner. In considering whether a
528 degree held by an applicant for such license qualifies for the
529 educational requirements under this section, the board may consider
530 all undergraduate, graduate, postgraduate and other courses
531 completed by the applicant.

532 (f) The board shall authorize the commissioner to issue a license to

533 any applicant who, in the opinion of the board, has satisfactorily met
534 the requirements of this section. The issuance of a license by the
535 commissioner shall be evidence that the person named therein is
536 entitled to all the rights and privileges of a licensed environmental
537 professional while such license remains unrevoked or unexpired. A
538 licensed environmental professional shall pay to the commissioner an
539 annual fee of three hundred thirty-eight dollars, due and payable on
540 July first of every year beginning with July first of the calendar year
541 immediately following the year of license issuance. The commissioner,
542 with the advice and assistance of the board, may adopt regulations in
543 accordance with the provisions of chapter 54, pertaining to the design
544 and use of seals by licensees under this section and governing the
545 license issuance and renewal process, including, but not limited to,
546 procedures for allowing the renewal of licenses when an application is
547 submitted not later than six months after the expiration of the license
548 without the applicant having to take the examination required under
549 subsection (e) of this section.

550 Sec. 517. Subdivisions (1) to (4), inclusive, of section 22a-255h of the
551 general statutes are repealed and the following is substituted in lieu
552 thereof (*Effective October 1, 2006*):

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

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

563 (2) "Distributor" means any person who takes title or delivery from
564 the manufacturer of a package, packaging component or product,

565 produced either domestically or in a foreign country, to use for
566 promotional purposes or to sell.

567 (3) "Packaging component" means any part of a package, produced
568 either domestically or in a foreign country, including, but not limited
569 to, any interior or exterior blocking, bracing, cushioning,
570 weatherproofing, exterior strapping, coating, closure, ink, label, dye,
571 pigment, adhesive, stabilizer or other additive. Tin-plated steel that
572 meets specification A623 of the American Society of Testing and
573 Materials shall be considered as a single packaging component.
574 [Electrolytic galvanized steel that meets specification A879 of the
575 American Society of Testing and Materials and hot-dipped coated
576 galvanized steel that meets specification A525 of the American Society
577 of Testing and Materials shall be treated in the same manner as tin-
578 plated steel] Electro-galvanized coated steel and hot dipped coated
579 galvanized steel that meets the American Society of Testing and
580 Materials specifications A653, A924, A879 and A591 shall be treated in
581 the same manner as tin-plated steel.

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

584 Sec. 518. Subdivisions (12) to (14), inclusive, of section 22a-255h of
585 the general statutes are repealed and the following is substituted in
586 lieu thereof (*Effective October 1, 2006*):

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

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

593 (14) "Supplier" means any person, firm, association, partnership or
594 corporation which sells, offers for sale or offers for promotional
595 purposes packages or packaging components which will be used by

596 any other person [, firm, association, partnership or corporation] to
597 package a product.

598 Sec. 519. Subsection (a) of section 22a-255i of the general statutes is
599 repealed and the following is substituted in lieu thereof (*Effective*
600 *October 1, 2006*):

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

608 Sec. 520. Section 22a-255j of the general statutes is repealed and the
609 following is substituted in lieu thereof (*Effective October 1, 2006*):

610 All packages and packaging components shall be subject to sections
611 22a-255g to 22a-255m, inclusive, as amended by this act, except the
612 following:

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

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

622 (3) A package or packaging component to which lead, cadmium,
623 mercury or hexavalent chromium have been added in the
624 manufacturing or distribution process in order to comply with health
625 or safety requirements of federal law, provided the manufacturer of

626 such a package or packaging component has demonstrated to the
627 commissioner that such package or packaging component is entitled to
628 an exemption under this subdivision and the commissioner grants
629 such exemption. The exemption shall be effective for up to two years
630 and may be extended if circumstances warrant an extension. An
631 extension may be granted for up to two years;

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

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

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

659 manufacturer of such package or packaging component has
660 demonstrated to the commissioner that such package or packaging
661 component is entitled to an exemption under this subdivision and the
662 commissioner grants such exemption. Any exemption granted under
663 this subdivision shall expire on January 1, [2000] 2010;

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

693 exemption granted under this subdivision shall expire on January 1,
694 [2000] 2010;

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

704 Sec. 521. Subsection (a) of section 22a-255m of the general statutes is
705 repealed and the following is substituted in lieu thereof (*Effective*
706 *October 1, 2006*):

707 (a) The [department] commissioner may, in consultation with the
708 [Source Reduction Council of the Council of Northeastern Governors]
709 other member states of the Toxics in Packaging Clearing House,
710 review the effectiveness of sections 22a-255g to 22a-255m, inclusive, as
711 amended by this act, and provide a report based on such review to the
712 Governor and the General Assembly. The report may describe
713 substitutes which manufacturers and distributors of packages and
714 packaging components have used in place of lead, mercury, cadmium
715 and hexavalent chromium, and may contain recommendations
716 concerning (1) other toxic substances contained in packaging that
717 should be added to those regulated under the provisions of sections
718 22a-255g to 22a-255m, inclusive, as amended by this act, in order to
719 further reduce the toxicity of packaging waste, and (2) the advisability
720 of retaining the exemption provided in subdivision (2) of section 22a-
721 255j, as amended by this act.

722 Sec. 522. Subsection (b) of section 22a-449 of the 2006 supplement to
723 the general statutes is repealed and the following is substituted in lieu
724 thereof (*Effective October 1, 2006*):

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

755 Sec. 523. Section 22a-611 of the general statutes is repealed and the
756 following is substituted in lieu thereof (*Effective October 1, 2006*):

757 The owner or operator of a facility required to complete a toxic
758 release form under Section 313 of the Emergency Planning and

759 Community Right-to-Know Act of 1986 shall annually submit such
760 form to the commission on or before the first of July [1, 1990, and
761 annually thereafter] or a date established by the United States
762 Environmental Protection Agency, whichever comes later.

763 Sec. 524. Subsections (a) to (d), inclusive, of section 22a-208a of the
764 general statutes are repealed and the following is substituted in lieu
765 thereof (*Effective October 1, 2006*):

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

793 commissioner shall not authorize under a general permit or issue an
794 individual permit under this section to establish or construct a new
795 volume reduction plant or transfer station located, or proposed to be
796 located, within one-quarter mile of a child day care center, as defined
797 in subdivision (1) of subsection (a) of section 19a-77, in a municipality
798 with a population greater than one hundred thousand persons
799 provided such center is operating as of July 8, 1997. The commissioner
800 may modify or renew a permit for an existing volume reduction plant
801 or transfer station, in accordance with the provisions of this chapter,
802 without regard to its location.] In making a decision to grant or deny a
803 permit to construct an ash residue disposal area, the commissioner
804 shall consider any provision which the applicant shall make for a
805 double liner, a leachate collection or detection system and the cost of
806 transportation and disposal of ash residue at the site under
807 consideration.

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

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

827 such permit [to construct] to the chief elected official of each
828 municipality in which the proposed facility is to be located, within five
829 business days of the date on which any such application is filed.

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

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

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

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

895 limited to, changes in the volume or composition of solid waste
896 disposed, stored, processed, reduced or recycled at the facility.] The
897 commissioner may approve, in writing, a modification of a closure
898 plan for a closed permitted solid waste disposal area without
899 modifying the permit for such area. The commissioner may require a
900 person who, or a municipality that, requests such modification to
901 provide public notice of a proposed modification of a closure plan if
902 the modification involves any activity that would disrupt the solid
903 waste or change the use of the solid waste disposal area. A fee of five
904 hundred dollars shall accompany any request for such modification of
905 a closure plan. The commissioner may reduce or waive such fee in
906 cases of financial hardship and may modify such fee in accordance
907 with regulations adopted in accordance with chapter 54.

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

928 Sec. 525. Section 22a-207 of the general statutes is amended by

929 adding subdivisions (25) and (26) as follows (*Effective October 1, 2006*):

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

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

941 Sec. 526. Subsection (a) of section 22a-430b of the general statutes is
942 repealed and the following is substituted in lieu thereof (*Effective*
943 *October 1, 2006*):

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

961 which: Involve the same or substantially similar types of operations,
962 involve the same type of wastes, require the same effluent limitations,
963 operating conditions or standards, and require the same or similar
964 monitoring and which in the opinion of the commissioner are more
965 appropriately controlled under a general permit; (2) stormwater
966 discharges; or (3) a category of discharges not requiring a permit under
967 the federal Water Pollution Control Act. Any person or municipality
968 conducting an activity covered by a general permit shall not be
969 required to apply for or obtain an individual permit pursuant to
970 section 22a-430, as amended, except as provided in subsection (c) of
971 this section. The general permit may require that any person or
972 municipality initiating, creating, originating or maintaining any
973 discharge into the waters of the state under the general permit shall
974 register such discharge with the commissioner before the general
975 permit becomes effective as to such discharge. Registration shall be on
976 a form prescribed by the commissioner.

977 Sec. 527. (NEW) (*Effective October 1, 2007*) (a) The Commissioner of
978 Environmental Protection may issue, modify or revoke orders to
979 correct or abate violations of chapter 446m of the general statutes,
980 including, but not limited to, any regulation adopted pursuant to
981 chapter 446m of the general statutes. Any such order may include
982 remedial measures necessary to correct or abate such violations. Such
983 orders may be issued to any person who violates any provision of
984 chapter 446d of the general statutes or any regulation adopted
985 pursuant to chapter 446m of the general statutes.

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

995 (c) Unless a person aggrieved by an order files a written request for
996 a hearing before the commissioner not later than thirty days after the
997 date of issuance, such order shall become final. If requested, the
998 commissioner shall hold a hearing as soon thereafter as practicable. A
999 request for a hearing shall be a condition precedent to any appeal. The
1000 commissioner may, after the hearing or at any time after the issuance
1001 of the order, modify such order by agreement or extend the time
1002 schedule therefor if the commissioner deems such modification or
1003 extension advisable or necessary, and any such modification or
1004 extension shall be deemed to be a revision of an existing order and
1005 shall not constitute a new order. There shall be no hearing subsequent
1006 to or any appeal from any such modification or extension.

1007 (d) After hearing, the commissioner shall consider all supporting
1008 and rebutting evidence and affirm, modify or revoke such order in the
1009 commissioner's discretion and shall so notify the recipient of the order
1010 by certified mail, return receipt requested.

1011 (e) The final order of the commissioner shall be subject to appeal as
1012 set forth in sections 4-183 and 4-184 of the general statutes, except that
1013 any such appeal shall be taken to the superior court for the judicial
1014 district of New Britain.

1015 Sec. 528. (NEW) (*Effective October 1, 2007*) (a) Whenever, in the
1016 judgment of the Commissioner of Environmental Protection, any
1017 person has engaged in or is about to engage in any acts, practices or
1018 omission which constitute, or will constitute, a violation of any
1019 provision of chapter 446m of the general statutes, or any regulation
1020 adopted or order issued pursuant to chapter 446m of the general
1021 statutes, at the request of the Commissioner of Environmental
1022 Protection, the Attorney General may bring an action in the superior
1023 court for the judicial district of New Britain for an order enjoining such
1024 acts or practices, to order remedial measures, or for an order directing
1025 compliance and, upon a showing by the commissioner that such
1026 person has engaged in any such acts, practices or omissions, a
1027 permanent or temporary injunction, restraining order or other order

1028 may be granted.

1029 (b) Any person who violates any provision of chapter 446m of the
1030 general statutes, including, but not limited to, any regulation adopted
1031 or order issued pursuant to chapter 446m of the general statutes, shall
1032 be assessed a civil penalty not to exceed twenty-five thousand dollars
1033 per day, to be fixed by the court, for each offense. Each violation shall
1034 be a separate and distinct offense and, in the case of a continuing
1035 violation, each day's continuance thereof shall be deemed to be a
1036 separate and distinct offense. The Attorney General, upon request of
1037 the commissioner, shall institute a civil action in the superior court for
1038 the judicial district of New Britain to recover such penalty.

1039 (c) If two or more persons are responsible for a violation of any
1040 provision of chapter 446m of the general statutes, including, but not
1041 limited to, any regulation adopted or order issued pursuant to said
1042 chapter 446m, such persons shall be jointly and severally liable under
1043 this section.

1044 (d) Any action brought by the Attorney General pursuant to this
1045 section shall have precedence in the order of trial as provided in
1046 section 52-191 of the general statutes.

1047 Sec. 529. (NEW) (*Effective October 1, 2007*) (a) Any person who, with
1048 criminal negligence, violates any provision of chapter 446m of the
1049 general statutes, including, but not limited to, any regulation adopted
1050 or order issued pursuant to chapter 446m of the general statutes, or
1051 who makes any false statement, representation, certification in any
1052 application, notification, request for exemption, record, plan, report or
1053 other document filed or required to be maintained under chapter 446m
1054 of the general statutes, shall be fined not more than twenty-five
1055 thousand dollars per day for each day of violation or be imprisoned
1056 not more than one year, or both. A subsequent conviction for any such
1057 violation shall carry a fine of not more than fifty thousand dollars per
1058 day for each day of violation or imprisonment for not more than two
1059 years, or both.

1060 (b) Any person who knowingly violates any provision of chapter
1061 446m of the general statutes, including, but not limited to, any
1062 regulation adopted or order issued pursuant to chapter 446m of the
1063 general statutes, or who makes any false statement, representation, or
1064 certification in any application, notification, request for exemption,
1065 record, plan, report or other document filed or required to be
1066 maintained under chapter 446m of the general statutes, shall be fined
1067 not more than fifty thousand dollars per day for each day of violation
1068 or be imprisoned not more than three years, or both. A subsequent
1069 conviction for any such violation shall carry a fine of not more than
1070 fifty thousand dollars per day for each day of violation or
1071 imprisonment for not more than ten years, or both.

1072 Sec. 530. Sections 22a-134aa to 22a-134oo, inclusive, 22a-163 to 22a-
1073 163aa, inclusive, 22a-164 and 22a-165 to 22a-165h, inclusive, and
1074 section 22a-207b of the general statutes are repealed. (*Effective October*
1075 *1, 2006*)"