



General Assembly

February Session, 2006

Amendment

LCO No. 4904

HB0544604904HDO

Offered by:
REP. ROY, 119th Dist.

To: Subst. House Bill No. 5446 File No. 173 Cal. No. 134

"AN ACT PREVENTING PAVING OF ABANDONED ROADS IN PRESERVED LANDS."

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

3 "Sec. 501. Section 22a-196 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) No asphalt batching or continuous mix facility shall be located in
6 an area which is less than one-third of a mile in linear distance from
7 any hospital, nursing home, school, area of critical environmental
8 concern, watercourse, or area occupied by residential housing. Such
9 distance shall be measured from the outermost perimeter of such
10 facility to the outermost point of such zones provided that any such
11 facility in operation as of December 31, 1997, shall not be subject to the
12 provisions of this section.

13 (b) Notwithstanding the provisions of subsection (a) of this section,
14 this section shall not apply to any portable asphalt batching plant that

15 does not require a permit from the Department of Environmental
16 Protection pursuant to the provisions of any regulations adopted
17 under section 22a-174.

18 Sec. 502. Subsection (a) of section 22a-617 of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective July*
20 *1, 2006*):

21 (a) Except as provided in section 22a-618, except for products that
22 contain a mercury-containing lamp used for backlighting that cannot
23 feasibly be removed by the purchaser and except for specialized
24 lighting used in the entertainment industry such as metal halide lights,
25 no person shall offer for sale or distribute for promotional purposes
26 any mercury-added product if: (1) After July 1, 2004, the mercury
27 content of the product exceeds one gram in the case of fabricated
28 mercury-added products or two hundred fifty parts per million in the
29 case of formulated mercury-added products; [and] (2) on and after July
30 1, 2006, the mercury content of the product exceeds one hundred
31 milligrams in the case of fabricated mercury-added products or fifty
32 parts per million in the case of formulated mercury-added products,
33 except for high intensity discharge lamps containing more than one
34 hundred milligrams of mercury, but less than one gram of mercury,
35 including, but not limited to, metal halide lamps, mercury vapor
36 lamps, mercury capillary lamps, mercury-xenon short-arc lamps and
37 mercury short-arc lamps; and (3) on and after July 1, 2013, high
38 intensity discharge lamps containing more than one hundred
39 milligrams of mercury, but less than one gram of mercury, including,
40 but not limited to, metal halide lamps, mercury vapor lamps, mercury
41 capillary lamps, mercury-xenon short-arc lamps and mercury short-arc
42 lamps.

43 Sec. 503. Subsection (g) of section 22a-619 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective July*
45 *1, 2006*):

46 (g) (1) Manufacturers shall meet all the requirements of this section

47 for large appliances, including, but not limited to, washers, dryers,
48 ovens, including microwave ovens, refrigerators, air conditioners,
49 dehumidifiers or portable heaters sold in a store where such appliance
50 is on display, except that no package labeling shall be required; (2)
51 manufacturers shall meet all the requirements of this section for
52 mercury fever thermometers, except that no product labeling shall be
53 required; (3) in the case of vehicles, (A) manufacturers shall meet the
54 product labeling requirements of this section for vehicles by placing a
55 label on the doorpost of the vehicles that lists the mercury-added
56 components that may be present in the vehicle, and (B) manufacturers
57 shall not be required to label the mercury-added components of the
58 vehicle; (4) manufacturers of products that contain a mercury-
59 containing lamp used for backlighting that cannot feasibly be removed
60 by the purchaser shall meet the product labeling requirements of this
61 section by placing the label on the product or its care and use manual;
62 (5) manufacturers shall meet all the requirements of this section for
63 button cell batteries containing mercury, except that no labeling shall
64 be required; (6) in the case of products that contain button cell batteries
65 containing mercury as the only mercury components, manufacturers
66 shall meet the packaging requirements of this section by including a
67 label in the product instructions, if any, and on the packaging, and no
68 further product labeling shall be required; (7) manufacturers of
69 fluorescent lights and high-intensity discharge lamps shall meet the
70 labeling requirements of this section by labeling the product packaging
71 and placing the symbol "Hg" on each lamp; [and] (8) manufacturers of
72 medical equipment not intended for use by nonmedical personnel are
73 exempt from this section; and (9) manufacturers shall meet this
74 requirement for luminaires not sold through retail sales channels by
75 providing information on their web sites and catalogs.

76 Sec. 504. Section 22a-616 of the general statutes is amended by
77 adding subsection (e) as follows (*Effective July 1, 2006*):

78 (NEW) (e) Notwithstanding the provisions of section 22a-617, as
79 amended by this act, on and after July 1, 2011, no person shall offer for
80 sale or distribute for promotional purposes button cell batteries

81 containing mercury or any product containing such batteries. A
82 manufacturer that produces or sells button cell batteries containing
83 mercury or any product containing such batteries shall notify retailers
84 about the provisions of this subsection and how to dispose of the
85 remaining inventory property in accordance with this title.

86 Sec. 505. Subsection (f) of section 22a-620 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2006*):

89 (f) The following are exempt from the provisions of this section: (1)
90 Formulated mercury-added products intended to be consumed in use,
91 including, but not limited to, reagents, cosmetics, pharmaceuticals and
92 other laboratory chemicals; (2) fabricated mercury-containing products
93 where the only mercury is contained in a component that cannot
94 feasibly be removed by the purchaser including, but not limited to,
95 electronic products whose only mercury-added component is a
96 mercury-containing lamp used for backlighting provided such
97 manufacturer or trade association maintains a web-based service to
98 provide information on recycling and safe disposal of such products;
99 (3) photographic film and paper; (4) a manufacturer or trade
100 association of mercury-containing lamps that maintains a toll-free
101 telephone number and an Internet-based service to provide
102 information on recycling and safe disposal of such lamps and directs
103 consumers to such telephone number and service on any statutorily-
104 required package label; (5) button cell batteries containing mercury;
105 and [(5)] (6) any other product for which the commissioner determines
106 a collection plan is not feasible.

107 Sec. 506. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of
108 Environmental Protection may issue, modify or revoke orders to
109 correct or abate violations of chapter 446m of the general statutes,
110 including, but not limited to, any regulation adopted pursuant to
111 chapter 446m of the general statutes. Any such order may include
112 remedial measures necessary to correct or abate such violations. Such
113 orders may be issued to any person who violates any provision of

114 chapter 446d of the general statutes or any regulation adopted
115 pursuant to chapter 446m of the general statutes.

116 (b) Each order issued under chapter 446m of the general statutes
117 shall be served by certified mail, return receipt requested, or by a state
118 marshal or indifferent person. If a state marshal or indifferent person
119 serves the order, a true copy of the order shall be served, and the
120 original, with a return of such service endorsed thereon, shall be filed
121 with the commissioner. The order shall be deemed to be issued upon
122 service or upon deposit in the mail. Any order issued pursuant to
123 chapter 446d of the general statutes shall state the basis on which it is
124 issued.

125 (c) Unless a person aggrieved by an order files a written request for
126 a hearing before the commissioner not later than thirty days after the
127 date of issuance, such order shall become final. If requested, the
128 commissioner shall hold a hearing as soon thereafter as practicable. A
129 request for a hearing shall be a condition precedent to any appeal. The
130 commissioner may, after the hearing or at any time after the issuance
131 of the order, modify such order by agreement or extend the time
132 schedule therefor if the commissioner deems such modification or
133 extension advisable or necessary, and any such modification or
134 extension shall be deemed to be a revision of an existing order and
135 shall not constitute a new order. There shall be no hearing subsequent
136 to or any appeal from any such modification or extension.

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

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

145 Sec. 507. (NEW) (*Effective October 1, 2006*) (a) Whenever, in the

146 judgment of the Commissioner of Environmental Protection, any
147 person has engaged in or is about to engage in any acts, practices or
148 omission which constitute, or will constitute, a violation of any
149 provision of chapter 446m of the general statutes, or any regulation
150 adopted or order issued pursuant to chapter 446m of the general
151 statutes, at the request of the Commissioner of Environmental
152 Protection, the Attorney General may bring an action in the superior
153 court for the judicial district of New Britain for an order enjoining such
154 acts or practices, to order remedial measures, or for an order directing
155 compliance and, upon a showing by the commissioner that such
156 person has engaged in any such acts, practices or omissions, a
157 permanent or temporary injunction, restraining order or other order
158 may be granted.

159 (b) Any person who violates any provision of chapter 446m of the
160 general statutes, including, but not limited to, any regulation adopted
161 or order issued pursuant to chapter 446m of the general statutes, shall
162 be assessed a civil penalty not to exceed twenty-five thousand dollars
163 per day, to be fixed by the court, for each offense. Each violation shall
164 be a separate and distinct offense and, in the case of a continuing
165 violation, each day's continuance thereof shall be deemed to be a
166 separate and distinct offense. The Attorney General, upon request of
167 the commissioner, shall institute a civil action in the superior court for
168 the judicial district of New Britain to recover such penalty.

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

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

177 Sec. 508. (NEW) (*Effective October 1, 2006*) (a) Any person who, with

178 criminal negligence, violates any provision of chapter 446m of the
179 general statutes, including, but not limited to, any regulation adopted
180 or order issued pursuant to chapter 446m of the general statutes, or
181 who makes any false statement, representation, certification in any
182 application, notification, request for exemption, record, plan, report or
183 other document filed or required to be maintained under chapter 446m
184 of the general statutes, shall be fined not more than twenty-five
185 thousand dollars per day for each day of violation or be imprisoned
186 not more than one year, or both. A subsequent conviction for any such
187 violation shall carry a fine of not more than fifty thousand dollars per
188 day for each day of violation or imprisonment for not more than two
189 years, or both.

190 (b) Any person who knowingly violates any provision of chapter
191 446m of the general statutes, including, but not limited to, any
192 regulation adopted or order issued pursuant to chapter 446m of the
193 general statutes, or who makes any false statement, representation, or
194 certification in any application, notification, request for exemption,
195 record, plan, report or other document filed or required to be
196 maintained under chapter 446m of the general statutes, shall be fined
197 not more than fifty thousand dollars per day for each day of violation
198 or be imprisoned not more than three years, or both. A subsequent
199 conviction for any such violation shall carry a fine of not more than
200 fifty thousand dollars per day for each day of violation or
201 imprisonment for not more than ten years, or both."