



# House of Representatives

General Assembly

**File No. 406**

*January Session, 2007*

Substitute House Bill No. 5073

*House of Representatives, April 10, 2007*

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DISPOSAL OF DEBRIS FROM STATE PROJECTS AND NOTICE TO MUNICIPALITIES OF STATE PROJECTS.***

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

1 Section 1. (NEW) (*Effective October 1, 2007*) Each state agency,  
2 department or institution or constituent unit of higher education in  
3 locating a site for the disposal of construction and demolition debris  
4 from state projects shall comply with the provisions of applicable  
5 building, zoning and environmental regulations, including inland  
6 wetlands regulations, in the municipality in which the site is located.

7 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) As used in this section,  
8 "land use board" means any zoning commission, planning  
9 commission, planning and zoning commission or zoning board of  
10 appeals created pursuant to chapter 124 or 126 of the general statutes  
11 or any special act, any inland wetland agency created pursuant to  
12 section 22a-42 of the general statutes, any conservation commission

13 created pursuant to section 7-131a of the general statutes and any  
14 conservation and recreation commission created pursuant to section 7-  
15 131m of the general statutes.

16 (b) Before commencing work on a state project, each state agency,  
17 department, institution or constituent unit of higher education shall  
18 notify each land use board in the municipality in which such state  
19 project is located of the state project. Such notice shall include  
20 sufficient information for the municipal land use board to evaluate the  
21 state project. The notice shall be made by certified mail, return receipt  
22 requested, not later than one hundred twenty days before  
23 commencement of construction of the state project. In reviewing the  
24 state project each municipal land use board may conduct a public  
25 hearing. Each municipal land use board may submit comments to the  
26 agency, department, institution or constituent unit about the state  
27 project not more than thirty days after receipt of the notice provided  
28 for in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Pub. Works, Dept.; Department of Environmental Protection; UConn	GF - Cost	Potential	Potential
Treasurer, Debt Serv.	GF - Cost	Potential Significant	Potential Significant
Treasurer, Debt Serv.	TF - Cost	Potential Significant	Potential Significant
Department of Transportation	TF - Cost	Potential	Potential

Note: GF=General Fund; TF=Transportation Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	Cost	Potential	Potential

#### **Explanation**

Under current law, state agencies are required to comply with state and federal environmental laws and regulations when disposing of debris on state property. When disposal sites are located off state property, local ordinances as well as state and federal laws must be complied with.

Section 1 requires state agencies to comply with local building, zoning and environmental regulations in locating sites to dispose of debris from state projects. This could result in significant costs to agencies operating construction programs, including the Department of Public Works (DPW), the Department of Environmental Protection (DEP), the University of Connecticut (UConn) and the Department of Transportation (DOT), if there are difficulties in obtaining permits and authorizations from local communities. This could lead to project delays which might interfere with construction start dates and require: (1) renegotiation of contracts or (2) contract amendments and change

orders. Since building construction is financed with bond funds, any increase in construction costs would result in an increase in General Fund (DPW, DEP and UConn) or Transportation Fund (DOT) debt service costs.

Section 2 requires state agencies to notify certain municipal entities about state projects located within the municipality before work on the project begins. Some of these notification procedures are already in place under the provisions of the Connecticut Environmental Policy Act (CEPA)<sup>1</sup>. There will be operating budget costs to DPW, DEP, UConn and DOT if complying with the notification provision increases the staff workload above what is already required for CEPA.

The bill will result in a cost to municipalities that choose to hold public hearings and submit comments about state projects located within their boundaries.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup> CEPA identifies and evaluates the impacts of proposed state actions which may significantly affect the environment and provides an opportunity for public review and comment while these projects are in the planning stages. Municipalities receive notification about state projects that go through the CEPA process and information on these projects is available on a state environmental website ([www.ct.gov/ceq](http://www.ct.gov/ceq)).

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**OLR Bill Analysis**

**sHB 5073**

***AN ACT CONCERNING THE DISPOSAL OF DEBRIS FROM STATE PROJECTS AND NOTICE TO MUNICIPALITIES OF STATE PROJECTS.***

**SUMMARY:**

This bill permits town land use boards (and borough and special district boards where applicable) to evaluate and comment on state projects. It requires state agencies and higher education constituent units, at least 120 days before they begin work on a state project, to notify all the land use boards in the municipality where the project is located about it. These boards include zoning, planning, planning and zoning, conservation, and conservation and recreation commissions; zoning boards of appeal; and inland wetlands agencies.

The notice, by certified mail, return receipt requested, must include enough information for the boards to evaluate the project. Each board can conduct a public hearing as part of its review. They may submit comments to the agency; if they choose to, they must submit them within 30 days of receiving the notice.

The bill also requires all state agencies and institutions, including the constituent units of higher education, to comply with the building, zoning, environmental, and inland wetlands regulations of the town in which they dispose of their building projects' construction and demolition debris.

EFFECTIVE DATE: October 1, 2007

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/23/2007)