



House of Representatives

General Assembly

File No. 155

January Session, 2007

House Bill No. 5214

House of Representatives, March 27, 2007

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT AUTHORIZING THE COMMISSIONER OF ENVIRONMENTAL PROTECTION TO ENTER INTO LEASE AGREEMENTS FOR THE GENERATION OF HYDROELECTRICITY.

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

1 Section 1. Subsection (a) of section 22a-6 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) The commissioner may: (1) Adopt, amend or repeal, in
5 accordance with the provisions of chapter 54, such environmental
6 standards, criteria and regulations, and such procedural regulations as
7 are necessary and proper to carry out his functions, powers and duties;
8 (2) enter into contracts with any person, firm, corporation or
9 association to do all things necessary or convenient to carry out the
10 functions, powers and duties of the department; (3) initiate and receive
11 complaints as to any actual or suspected violation of any statute,
12 regulation, permit or order administered, adopted or issued by him.
13 The commissioner shall have the power to hold hearings, administer

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

49 punishable as a criminal offense under section 53a-157b; (9) construct
50 or repair or contract for the construction or repair of any dam or flood
51 and erosion control system under his control and management, make
52 or contract for the making of any alteration, repair or addition to any
53 other real asset under his control and management, including rented
54 or leased premises, involving an expenditure of five hundred thousand
55 dollars or less, and, with prior approval of the Commissioner of Public
56 Works, make or contract for the making of any alteration, repair or
57 addition to such other real asset under his control and management
58 involving an expenditure of more than five hundred thousand dollars
59 but not more than one million dollars; (10) enter into a lease agreement
60 with a private entity to allow the private entity to generate
61 hydroelectricity; (11) by regulations adopted in accordance with the
62 provisions of chapter 54, require the payment of a fee sufficient to
63 cover the reasonable cost of the search, duplication and review of
64 records requested under the Freedom of Information Act, as defined in
65 section 1-200, and the reasonable cost of reviewing and acting upon an
66 application for and monitoring compliance with the terms and
67 conditions of any state or federal permit, license, registration, order,
68 certificate or approval required pursuant to subsection (i) of section
69 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and
70 (k) of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e,
71 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342,
72 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403,
73 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to
74 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33
75 USC 1341). Such costs may include, but are not limited to the costs of
76 (A) public notice, (B) reviews, inspections and testing incidental to the
77 issuance of and monitoring of compliance with such permits, licenses,
78 orders, certificates and approvals, and (C) surveying and staking
79 boundary lines. The applicant shall pay the fee established in
80 accordance with the provisions of this section prior to the final
81 decision of the commissioner on the application. The commissioner
82 may postpone review of an application until receipt of the payment.
83 Payment of a fee for monitoring compliance with the terms or

84 conditions of a permit shall be at such time as the commissioner deems
 85 necessary and is required for an approval to remain valid; and [(11)]
 86 (12) by regulations adopted, in accordance with the provisions of
 87 chapter 54, require the payment of a fee sufficient to cover the
 88 reasonable cost of responding to requests for information concerning
 89 the status of real estate with regard to compliance with environmental
 90 statutes, regulations, permits or orders. Such fee shall be paid by the
 91 person requesting such information at the time of the request. Funds
 92 not exceeding two hundred thousand dollars received by the
 93 commissioner pursuant to subsection (g) of section 22a-174, during the
 94 fiscal year ending June 30, 1985, shall be deposited in the General Fund
 95 and credited to the appropriations of the Department of
 96 Environmental Protection in accordance with the provisions of section
 97 4-86, and such funds shall not lapse until June 30, 1986. In any action
 98 brought against any employee of the department acting within his
 99 scope of delegated authority in performing any of the above-listed
 100 duties, the employee shall be represented by the Attorney General.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	22a-6(a)

ENV *Joint Favorable*

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: See Below

Municipal Impact: None

Explanation

Any potential increase in the administrative workload of the Department of Environmental Protection (DEP) incurred from entering into a lease agreement with a private entity for hydroelectricity is anticipated to be minimal and handled within existing agency resources. Any potential revenue gain to the state would depend upon the parameters of the lease agreement and is anticipated to be minimal.

The Out Years

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

OLR Bill Analysis

HB 5214

AN ACT AUTHORIZING THE COMMISSIONER OF ENVIRONMENTAL PROTECTION TO ENTER INTO LEASE AGREEMENTS FOR THE GENERATION OF HYDROELECTRICITY.

SUMMARY:

This bill expands the environmental protection commissioner's authority by allowing her to enter into a lease agreement with a private entity to allow it to generate hydroelectricity.

EFFECTIVE DATE: October 1, 2007

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 31 Nay 0 (03/14/2007)