



# House of Representatives

General Assembly

**File No. 29**

February Session, 2008

House Bill No. 5606

*House of Representatives, March 13, 2008*

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 PROHIBITING THE DISPOSAL OR STORAGE OF TOXIC WASTE NEAR RESIDENTIAL PROPERTY.***

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

- 1 Section 1. (NEW) (*Effective October 1, 2008*) Notwithstanding any  
2 provision of chapter 445 of the general statutes, no person shall  
3 dispose of or store toxic waste, including, but not limited to, asbestos-  
4 containing material, at a site that abuts or adjoins residential property.  
5 For the purpose of this section "asbestos-containing material" shall  
6 have the same meaning as in section 19a-332 of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	New section
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**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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Department of Environmental Protection	GF - Cost	Significant	Significant
Department of Environmental Protection	GF - Revenue Gain	Potential Minimal	Potential Minimal
Attorney General	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill results in a significant cost to the Department of Environmental Protection (DEP). It prohibits persons from disposing of or storing toxic waste at any site that abuts or adjoins residential property. Significant additional staff persons would be needed for DEP to enforce and regulate this prohibition. There could also be significant costs to the agency for expert witnesses, and costs for legal resources if cases are brought to action for violations.

The bill could also result in minimal revenue as a result of civil penalties. The amount of penalty is not specified under the bill, if any, but most DEP civil penalties are between \$10,000-\$25,000 per violation. In FY 07, DEP collected \$1.6 million in civil penalties.

There are currently 50-60 DEP staff persons in the Division of Remediation reviewing, approving, or rescinding remedial action plans which are required when there is an environmental land-use restriction, as with this bill. The review of a significant number of additional remedial action plans is anticipated upon passage of the bill.

DEP staff would also have to research property lines at the local

level, determine which properties disposing of or storing toxic waste abut or adjoin residential properties, and make determinations if toxic waste has been disposed of improperly or if toxic waste is being stored on-site.

DEP and the Office of the Attorney General (AG) could also experience significant costs due to litigation, however the amount of litigation and corresponding costs are unknown at this time.

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

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount of litigation, and subject to the number of civil penalties as a result of the bill.

**OLR Bill Analysis****HB 5606*****AN ACT PROHIBITING THE DISPOSAL OR STORAGE OF TOXIC WASTE NEAR RESIDENTIAL PROPERTY.*****SUMMARY:**

This bill prohibits, despite any statutes to the contrary, the disposal or storage of toxic waste, including asbestos-containing material, at a site that adjoins residential property.

EFFECTIVE DATE: October 1, 2008

**BACKGROUND*****Asbestos-containing material***

Asbestos-containing material is material composed of any type of asbestos in quantities greater than one per cent by weight, either alone or mixed with other fibrous or non-fibrous material (CGS § 19-332).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28 Nay 0 (02/29/2008)