



General Assembly

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Raised Bill No. 585

LCO No. 2625

02625_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING UNDERGROUND STORAGE TANKS,
DEMONSTRATION PROJECTS, BENEFICIAL USE OF SOLID WASTE,
AQUACULTURE STRUCTURES, SAND REMOVAL, TIPPING FEES,
THE SOLID WASTE ACCOUNT AND THE COASTAL MANAGEMENT
ACT.**

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

1 Section 1. Section 22a-449o of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) As used in this section:

4 (1) "Double-walled underground storage tank" means an
5 underground storage tank that is listed by Underwriters Laboratories,
6 Incorporated and that is constructed using two complete shells to
7 provide both primary and secondary containment, and having a
8 continuous three-hundred-sixty degree interstitial space between the
9 two shells which interstitial space shall be continuously monitored
10 using inert gas or liquid, vacuum monitoring, electronic monitoring,
11 mechanical monitoring or any other monitoring method approved in
12 writing by the commissioner before being installed or used;

13 (2) "Double-walled underground storage tank system" means one or
14 more double-walled underground storage tanks connected by double-
15 walled piping and utilizing double-walled piping to connect the
16 underground storage tank to any associated equipment;

17 (3) "Hazardous substance" means a substance defined in Section
18 101(14) of the Comprehensive Environmental Response,
19 Compensation and Liability Act of 1980, but does not include any
20 substance regulated as a hazardous waste under subsection (c) of
21 section 22a-449 of the 2008 supplement to the general statutes or any
22 mixture of such substances and petroleum;

23 (4) "Petroleum" means crude oil, crude oil fractions and refined
24 petroleum fractions, including gasoline, kerosene, heating oils, any
25 biofuel blend and diesel fuels;

26 (5) "Underground storage tank" means a tank or combination of
27 tanks, including underground pipes connected thereto, used to contain
28 an accumulation of petroleum or hazardous substances, whose volume
29 is ten per cent or more beneath the surface of the ground, including the
30 volume of underground pipes connected thereto; [and]

31 (6) "Underground storage tank system" means an underground
32 storage tank and any associated ancillary equipment and containment
33 system, including, but not limited to, satellite piping, connected piping
34 and all containment sumps, [dispensers and dispenser pans or other
35 comparable underdispenser spill containment] including, but not
36 limited to, new under-dispenser containment sumps and new piping
37 containment sumps;

38 (7) "Under-dispenser containment sump" means a containment
39 sump located underneath a dispenser to prevent liquids that leak from
40 the dispenser from reaching soil, groundwater or surface waters;

41 (8) "New under-dispenser containment sump" means an under-
42 dispenser containment sump that (A) allows for immediate visual

43 inspection and access to the components of such sump and any
44 components contained therein, (B) contains leak detection equipment,
45 such as a sensor, that at all times is capable of detecting any liquid that
46 may accumulate in such containment sump, including, but not limited
47 to, leaks from the dispenser, and (C) contains an alarm or other device
48 that notifies the owner or operator immediately whenever a liquid
49 accumulates in the containment sump;

50 (9) "New piping containment sump" means a sump housing a
51 turbine pump or piping that distributes petroleum or regulated
52 substances and that (A) prevents liquids leak from the piping or pump
53 from leaving the containment sump and reaching soil, groundwater or
54 surface waters, (B) allows for immediate visual inspection and access
55 to the components of such sump and the components contained
56 therein, (C) contains leak detection equipment, such as a sensor, that at
57 all times is capable of detecting any liquid that may accumulate in such
58 containment sump, including, but not limited to, leaks from the
59 turbine pump or piping, and (D) contains an alarm or other device that
60 notifies the owner or operator immediately whenever a liquid
61 accumulates in the containment sump;

62 (10) "Operator" means any person or municipality in control of, or
63 having responsibility for, the daily operation of an underground
64 storage tank system; and

65 (11) "Owner" means the person or municipality in possession of or
66 having legal ownership of an underground storage tank system.

67 (b) No person or municipality shall install, on or after October 1,
68 2003, an underground storage tank system and no person or
69 municipality shall operate or use, an underground storage tank system
70 installed after October 1, 2003, unless such underground storage tank
71 system is a double-walled underground storage tank system. [This
72 section shall not apply to a residential underground storage tank
73 system, as defined in section 22a-449a. On or after January 1, 2008, no
74 person or municipality shall install an underground storage tank

75 system, or operate or use an underground storage tank system
76 installed after January 1, 2008, unless such underground storage tank
77 system is equipped with liquid-tight and vapor-tight sumps with
78 electronic leak detectors and dispenser pans or other comparable
79 underdispenser spill containment with electronic leak detectors. No
80 person or municipality shall have an underground storage tank
81 system's containment sump, dispenser or underdispenser spill
82 containment repaired on or after January 1, 2008, to restore said
83 components to operating condition without equipping said
84 underground storage tank system with liquid-tight and vapor-tight
85 sumps with electronic leak detectors and dispenser pans or other
86 comparable underdispenser spill containment with electronic leak
87 detectors.]

88 (c) On and after January 1, 2009, no person or municipality shall
89 install, operate or use an underground storage tank system installed
90 after January 1, 2009, unless such underground storage tank system is
91 equipped with a new under-dispenser containment sump.

92 (d) On and after January 1, 2009, no person or municipality shall
93 replace a piping containment sump or operate or use an underground
94 storage tank system with a replaced piping containment sump, unless
95 the replaced piping containment sump meets the requirements of a
96 new piping containment sump. On and after January 1, 2009, any
97 person or municipality that replaces twenty-five per cent or more of
98 the piping associated with an underground storage tank system or
99 twenty-five per cent or more of the dispensers at a facility, shall ensure
100 that a new under-dispenser containment sump is installed for each
101 dispenser associated with such underground storage tank system, or in
102 the case of a facility, for all dispensers at such facility. On or after
103 January 1, 2009, any person or municipality that replaces an under-
104 dispenser containment sump shall replace such sump with a new
105 under-dispenser containment sump. On or after January 1, 2009, any
106 person or municipality that replaces a dispenser and more than fifty
107 per cent of the transitional component, such as a flex-joint or flexible

108 piping, that is physically located directly beneath the dispenser, shall
109 install a new under-dispenser containment sump for the replaced
110 dispenser, except such requirement shall not apply for a dispenser that
111 is replaced due to damage resulting from an accident or vandalism.

112 (e) (1) Prior to using or operating an underground storage tank
113 system installed after January 1, 2009, the owner or operator of any
114 such underground storage tank system shall conduct tests that
115 demonstrate that there is no release or loss of any liquids from any
116 part of the double-walled underground storage tank system, including
117 a demonstration that any liquid that accumulates in a new piping
118 containment sump and a new under-dispenser containment sump will
119 not leave such sump or be released into the environment. The owner
120 or operator shall perform such test upon installation, six months after
121 installation, and every five years thereafter. On or before January 1,
122 2012, the Commissioner of Environmental Protection may review the
123 results of all of the tests performed six months after installation, and
124 such tests' effectiveness in detecting leaks.

125 (2) The owner or operator of any underground storage tank system
126 repairing a piping containment sump or under-dispenser containment
127 sump installed after January 1, 2009, prior to using or operating such
128 system, shall conduct a test that demonstrates that after such repairs,
129 the repaired piping containment sump or under-dispenser
130 containment sump meets the requirements of a new piping
131 containment sump or new under-dispenser containment sump before
132 using or operating such underground storage tank system.

133 (3) The tests required by subdivisions (1) and (2) of this subsection
134 shall be conducted in accordance with the manufacturer's guidelines or
135 standards or another test method approved by the Commissioner of
136 Environmental Protection. The test shall be performed by a person that
137 has the expertise to perform and document the results of such testing.
138 The owner or operator of an underground storage tank system shall
139 maintain the results of all testing to demonstrate compliance with the

140 requirements of this subsection in a manner prescribed by the
141 commissioner. The owner or operator shall provide such results to the
142 Commissioner of Environmental Protection upon request.

143 (f) If an alarm, sensor or similar device in a new under-dispenser
144 containment sump or new piping containment sump indicates that
145 liquid is present in such sump, the owner or operator of such sump
146 shall: (1) Immediately investigate the cause for the presence of liquids
147 in such sump and take corrective measures as appropriate; (2) remove
148 all petroleum from such sump not later than twenty-four hours after
149 any alarm or similar device indicates that liquids are present in such
150 sump; and (3) remove all other liquids, including, but not limited to,
151 water, from such sump not later than seventy-two hours after any
152 alarm or similar device indicates that liquids are present in such sump.
153 Any liquids removed from an under-dispenser containment sump or
154 new piping containment sump shall be managed in accordance with
155 any regulations adopted pursuant to this section.

156 (g) No person, including, but not limited to, an owner or operator,
157 shall remove, disable or otherwise render inoperable any sensor in a
158 new under-dispenser containment sump or new piping containment
159 sump or any alarm or other device used to indicate whether liquids are
160 present in any such sump. No owner or operator shall dispense
161 petroleum or a hazardous substance from an underground storage
162 tank system equipped with a new under-dispenser containment sump
163 or a new piping containment sump if any sensor in such sump, or any
164 alarm or other device used to indicate whether liquids are present in
165 any such sump, is removed, disabled or otherwise inoperable.

166 (h) The Commissioner of Environmental Protection may adopt
167 regulations, in accordance with the provisions of chapter 54, to carry
168 out the provisions of this section, including, but not limited to,
169 requirements for: Testing procedures, the storage of records regarding
170 testing, and which underground tank systems are subject to the
171 requirements of this section.

172 (i) This section shall not apply to a residential underground storage
173 tank system, as defined in section 22a-449a or an underground storage
174 tank system that does not have a dispenser.

175 Sec. 2. Section 22a-208a of the general statutes is amended by adding
176 subsection (j) as follows (*Effective October 1, 2008*):

177 (NEW) (j) The Commissioner of Environmental Protection may
178 issue a license for a demonstration project for any activity regulated by
179 the commissioner under this chapter provided the commissioner
180 determines that such demonstration project (1) is necessary to research,
181 develop or promote methods and technologies of solid waste
182 management which are consistent with the goals of the state solid
183 waste management plan; (2) does not pose a significant risk to human
184 health or the environment; and (3) is not inconsistent with the federal
185 Water Pollution Control Act, the federal Rivers and Harbors Act, the
186 federal Clean Air Act or the federal Resource Conservation and
187 Recovery Act. An application for such license shall be on a form
188 prescribed by the commissioner, accompanied by a fee of one
189 thousand dollars and shall provide such information as the
190 commissioner deems necessary. Any person applying for such license
191 shall not commence the project prior to the commissioner's written
192 approval. The commissioner may impose conditions upon such license
193 as deemed necessary to adequately protect human health and the
194 environment or to ensure project success and shall be valid for a
195 period of not more than two years. The commissioner may renew such
196 license provided the total period of licensure does not exceed five
197 years. The commissioner may order summary suspension of any such
198 license in accordance with subsection (c) of section 4-182.
199 Notwithstanding the renewal process, any person may seek, or the
200 commissioner may require, that the project be sanctioned under a
201 permit pursuant to this chapter.

202 Sec. 3. Subsection (d) of section 22a-361 of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective*

204 *October 1, 2008*):

205 (d) (1) The Commissioner of Environmental Protection may issue a
206 general permit for any minor activity regulated under sections 22a-28
207 to 22a-35, inclusive, or sections 22a-359 to 22a-363f, inclusive, if the
208 commissioner determines that such activity would (A) cause minimal
209 environmental effects when conducted separately, (B) cause only
210 minimal cumulative environmental effects, (C) not be inconsistent with
211 the considerations and the public policy set forth in sections 22a-28 to
212 22a-35, inclusive, and section 22a-359, as applicable, (D) be consistent
213 with the policies of the Coastal Management Act, and (E) constitute an
214 acceptable encroachment into public lands and waters. Such activities
215 may include routine minor maintenance and routine minor repair of
216 existing structures, fill, obstructions, encroachments or excavations;
217 substantial maintenance consisting of rebuilding, reconstructing or
218 reestablishing to a preexisting condition and dimension any structure,
219 fill, obstruction, encroachment or excavation; maintenance dredging of
220 areas which have been dredged and continuously maintained as
221 serviceable; activities allowed pursuant to a perimeter permit; the
222 removal of structures, derelict vessels, debris, rubbish or similar
223 discarded material or unauthorized fill material; minor alterations or
224 amendments to authorized activities consistent with the authorization
225 for such activities; activities which have been required or allowed by
226 an order of the commissioner; open water marsh management by or
227 under the supervision of the Department of Public Health or
228 Department of Environmental Protection; conservation activities of or
229 under the supervision or direction of the Department of
230 Environmental Protection; construction of individual residential docks
231 which do not create littoral or riparian conflicts, navigational
232 interference, or adverse impacts to coastal resources as defined by
233 section 22a-93, which are not located in tidal wetlands as defined by
234 section 22a-29 and which extend no further than forty feet waterward
235 of mean high water or to a depth of minus four feet mean low water,
236 whichever point is more landward; installation of scientific measuring
237 or monitoring devices; survey activities including excavation of test

238 pits and core sampling and driving of test pilings; construction of
239 utility lines; aquacultural activities; and installation and removal of
240 small seasonal structures including floats and moorings. Any person
241 conducting an activity for which a general permit has been issued shall
242 not be required to obtain an individual permit or certificate under any
243 other provision of sections 22a-28 to 22a-35, inclusive, or sections 22a-
244 359 to 22a-363f, inclusive, for that activity except as provided in
245 subdivision (3) of this subsection. A general permit shall clearly define
246 the activity covered thereby and may include such conditions and
247 requirements as the commissioner deems appropriate, including, but
248 not limited to, construction timing, methodologies and durations,
249 resource protection practices, management practices, and verification
250 and reporting requirements. The general permit may require any
251 person proposing to conduct any activity under the general permit to
252 register such activity, including obtaining approval from the
253 commissioner, before the general permit becomes effective as to such
254 activity. Registrations and applications for approval under the general
255 permit shall be submitted on forms prescribed by the commissioner.
256 Any approval by the commissioner under a general permit may
257 include conditions specific to the proposed activity to ensure
258 consistency with the requirements for issuance of the general permit.
259 The commissioner shall prepare, and annually amend, a list of holders
260 of general permits under this section, which list shall be made
261 available to the public.

262 (2) Notwithstanding any other procedures specified in sections 22a-
263 28 to 22a-35, inclusive, and sections 22a-359 to 22a-363f, inclusive, any
264 regulations adopted thereunder, and chapter 54, the commissioner
265 may issue a general permit in accordance with the following
266 procedures: (A) The commissioner shall publish in a newspaper
267 having a substantial circulation in the affected area or areas notice of
268 intent to issue a general permit; (B) the commissioner shall allow a
269 comment period of thirty days following publication of such notice
270 during which interested persons may submit written comments
271 concerning the permit to the commissioner and the commissioner shall

272 hold a public hearing if, within said comment period, he receives a
273 petition signed by at least twenty-five persons; (C) the commissioner
274 may not issue the general permit until after the comment period; (D)
275 the commissioner shall publish notice of any permit issued in a
276 newspaper having substantial circulation in the affected area or areas;
277 and (E) summary suspension may be ordered in accordance with
278 subsection (c) of section 4-182. Any person may request that the
279 commissioner issue, modify or revoke a general permit in accordance
280 with this subsection.

281 (3) Subsequent to the issuance of a general permit, the commissioner
282 may require any person whose activity is or may be covered by the
283 general permit to apply for and obtain an individual permit or
284 certificate under the provisions of sections 22a-28 to 22a-35, inclusive,
285 or sections 22a-359 to 22a-363f, inclusive, for all or any portion of the
286 activities covered by the general permit, if the commissioner
287 determines that an individual permit is necessary to assure consistency
288 with purposes and policies of such sections, and the Coastal
289 Management Act. The commissioner may require an individual permit
290 under this subdivision in cases including, but not limited to, the
291 following: (A) The permittee is not in compliance with the conditions
292 of the general permit; (B) an individual permit or certificate is
293 appropriate because of circumstances specific to the site; (C)
294 circumstances have changed since the time the general permit was
295 issued so that the permitted activity is no longer acceptable under the
296 general permit; or (D) a change has occurred in relevant law. The
297 commissioner may require an individual permit or certificate under
298 this section only if the affected person has been notified in writing that
299 an individual permit or certificate is required. The notice shall include
300 a brief statement of the reasons for the decision.

301 (4) The commissioner may adopt regulations, in accordance with the
302 provisions of chapter 54, to carry out the purposes of this section.

303 [(5) Notwithstanding any provision of sections 22a-359 to 22a-363f,

304 inclusive, pending issuance of a general permit for aquaculture
305 activities by the commissioner in accordance with this section, no
306 permit or certificate shall be required for the placement, maintenance
307 or removal of (A) individual structures used for aquaculture, as
308 defined in section 22-416, including, but not limited to, cages or bags,
309 which are located on designated state or municipal shellfish beds
310 which structures create no adverse impacts on coastal resources or
311 navigation over their location or (B) any buoys used to mark such
312 structures. Upon issuance of a general permit for aquaculture activities
313 in accordance with this section, any aquaculture activities shall comply
314 with the terms of such general permit or other applicable provisions of
315 sections 22a-359 to 22a-363f, inclusive.]

316 Sec. 4. Subsection (e) of section 22a-361 of the general statutes is
317 repealed and the following is substituted in lieu thereof (*Effective*
318 *October 1, 2008*):

319 (e) No person, firm or corporation, public, municipal or private,
320 who removes sand, gravel or other material lying waterward of the
321 mean high water mark of the tidal, coastal or navigable waters of the
322 state pursuant to a permit issued under this section on or after October
323 1, 1996, shall make any beneficial or commercial use of such sand,
324 gravel or other material except upon payment to the state of a fee of
325 four dollars per cubic yard of such sand, gravel and other materials,
326 except that the commissioner may waive such fee if the sand, gravel or
327 other materials have been decontaminated or processed to meet
328 applicable environmental standards for reuse. Such payment shall be
329 made at times and under conditions specified by the commissioner in
330 such permit. No fee shall be assessed for (1) the performance of such
331 activities on land which is not owned by the state, (2) the use of sand,
332 gravel or other materials for beach restoration projects, or (3) ultimate
333 disposal of such sand, gravel or other materials which does not result
334 in an economic benefit to any person. For the purposes of this section,
335 "beneficial or commercial use" includes, but is not limited to, sale or
336 use of sand, gravel or other materials for construction, aggregate, fill or

337 landscaping.

338 Sec. 5. Section 22a-232 of the 2008 supplement to the general statutes
339 is repealed and the following is substituted in lieu thereof (*Effective*
340 *October 1, 2008*):

341 (a) There shall be paid to the Commissioner of Revenue Services by
342 the owner of any resources recovery facility one dollar per ton of solid
343 waste processed at the facility beginning on the date of
344 commencement of commercial operation of the facility for calendar
345 quarters commencing on or after October 1, 1987, until September 30,
346 2003. For calendar quarters commencing on and after October 1, 2003,
347 the owner of any resources recovery facility shall pay to the
348 Commissioner of Revenue Services one dollar and fifty cents per ton of
349 solid waste processed at such facility.

350 (b) On and after October 1, 2008, each owner of a solid waste
351 facility, as defined in section 22a-207, shall pay to the Commissioner of
352 Revenue Services one dollar and fifty cents per ton of all solid waste
353 processed or disposed of at such facility or transferred by such owner
354 to any out-of- state facility. Any person who transports or transfers
355 solid waste to any out-of-state facility for processing or disposal shall
356 pay to the Commissioner of Revenue Services one dollar and fifty cents
357 per ton of all solid waste transferred, processed or disposed of at such
358 facility. No fee shall be due for any solid waste processed at a resource
359 recovery facility provided such facility is in compliance with
360 subsection (a) of this section. For the purposes of this subsection, "solid
361 waste" means solid waste from residential, commercial and industrial
362 sources, including hazardous waste, as defined in section 22a-115,
363 land-clearing debris, demolition debris, and biomedical waste, but
364 does not include any materials recycled in accordance with section
365 22a-241b.

366 ~~[(b)]~~ (c) Each owner of a resources recovery facility or solid waste
367 facility subject to the assessment as provided by this section shall
368 submit a return quarterly to the Commissioner of Revenue Services,

369 applicable with respect to the calendar quarter beginning October 1,
370 1987, and each calendar quarter thereafter, on or before the last day of
371 the month immediately following the end of each such calendar
372 quarter, on a form prescribed by the commissioner, together with
373 payment of the quarterly assessment determined and payable in
374 accordance with the provisions of [subsection] subsections (a) and (b)
375 of this section.

376 [(c)] (d) Whenever such assessment is not paid when due, a penalty
377 of ten per cent of the amount due or fifty dollars, whichever is greater,
378 shall be imposed, and such assessment shall bear interest at the rate of
379 one per cent per month or fraction thereof until the same is paid. The
380 Commissioner of Revenue Services shall cause copies of a form
381 prescribed for submitting returns as required under this section to be
382 distributed throughout the state. Failure to receive such form shall not
383 be construed to relieve anyone subject to assessment under this section
384 from the obligations of submitting a return, together with payment of
385 such assessment within the time required.

386 [(d)] (e) Any person or municipality liable for the service fee for
387 solid waste delivered to a facility whose owner is subject to the
388 assessment imposed by subsection (a) or (b) of this section shall
389 reimburse the owner for any assessment paid for the solid waste
390 delivered by such person or municipality. The assessment shall be a
391 debt from the person or municipality responsible for paying such
392 service fee to the owner.

393 [(e)] (f) The provisions of sections 12-548 to 12-554, inclusive, and
394 section 12-555a shall apply to the provisions of this section in the same
395 manner and with the same force and effect as if the language of said
396 sections 12-548 to 12-554, inclusive, and section 12-555a had been
397 incorporated in full in this section, except that to the extent that any
398 such provision is inconsistent with a provision in this section and
399 except that the term "tax" shall be read as "solid waste assessment".

400 Sec. 6. Section 22a-233 of the general statutes is repealed and the

401 following is substituted in lieu thereof (*Effective October 1, 2008*):

402 (a) There is established and created an account to be known as the
403 "solid waste account". The solid waste account shall be an account of
404 the Environmental Quality Fund. Notwithstanding any provision of
405 the general statutes to the contrary, any revenue collected in
406 accordance with section 22a-232 of the 2008 supplement to the general
407 statutes, as amended by this act, shall be deposited in the
408 Environmental Quality Fund and credited to the solid waste account.
409 Any balance remaining in said account at the end of any fiscal year
410 shall be carried forward in said account for the fiscal year next
411 succeeding.

412 (b) The account shall be used by the Commissioner of
413 Environmental Protection to carry out the provisions of this section,
414 [and sections] section 22a-193 [, 22a-208, 22a-237 and 22a-240a] and
415 chapter 446d, including, but not limited to, the following: (1) Pollution
416 prevention, (2) stack testing for dioxin and furan emissions, (3)
417 preoperational and postoperational testing for dioxin and furans in the
418 ambient air, soil, surface waters and biota in the area of existing or
419 proposed resources recovery facilities, (4) residue testing, (5) leachate
420 testing for dioxins and furans at resources recovery residue disposal
421 sites, (6) inspection and enforcement, (7) operator and inspector
422 training, [and] (8) promotion of state and municipal recycling, and (9)
423 staffing necessary to carry out such activities. Payments from the
424 account shall be made by the Treasurer upon authorization of the
425 commissioner.

426 (c) On or before the second Wednesday after the convening of each
427 regular session of the General Assembly, the Commissioner of
428 Environmental Protection shall submit a report to the joint standing
429 committee of the General Assembly having cognizance of matters
430 relating to the environment which sets forth, for the year ending the
431 preceding June thirtieth, the amount of income to and the expenditures
432 from the account and such other information as may be available to the

433 commissioner concerning the status of the account for the year covered
434 by the report and for future fiscal years.

435 Sec. 7. Section 22a-209f of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective October 1, 2008*):

437 (a) The Commissioner of Environmental Protection may issue a
438 general permit for a category of processing or beneficial use of solid
439 waste when used in a manufacturing process to make a product or as
440 an effective substitute for a commercial product, provided: (1) Such
441 permit does not allow an activity for which an individual permit has
442 been issued; (2) the issuance of the general permit is not inconsistent
443 with the requirements of the federal Resource Conservation and
444 Recovery Act; (3) the solid wastes included in the category are
445 proposed for the same or substantially similar operations and have the
446 same or similar physical character and chemical composition; (4) the
447 solid wastes included in the category are proposed for the same or
448 substantially similar beneficial use or processing activities; and (5) the
449 commissioner finds that the activities in the category can be
450 adequately regulated using standardized conditions without harming
451 or presenting a threat of harm to public health and safety or the
452 environment. The commissioner's authority to issue a general permit
453 shall not apply to the reuse of hazardous waste as defined in section
454 22a-115. The issuance of the general permit shall be governed by
455 procedures established in subsection (q) of section 22a-208a, as
456 amended by this act. The general permit may require any person or
457 municipality proposing to conduct any activity under a general permit
458 to register such activity on a form prescribed by the commissioner.

459 (b) (1) The commissioner may authorize the beneficial use of solid
460 waste in a manufacturing process to make a product or as an effective
461 substitute for a commercial product provided (A) such authorization
462 does not allow an activity for which an individual or general permit
463 has been issued, (B) such authorization is not inconsistent with the
464 requirements of the federal Resource Conservation and Recovery Act

465 (42 USC 6901 et seq.) and (C) the commissioner finds that such solid
466 waste can be reused without harming or presenting a threat of harm to
467 public health, safety or the environment.

468 (2) The commissioner shall establish guidelines for authorizations
469 made in accordance with this subsection and shall give public notice of
470 such guidelines or any subsequent revision of the guidelines with an
471 opportunity for submission of written comments by interested persons
472 for a period of thirty days following the publication of the notice. The
473 commissioner shall post a response to any comments received on the
474 Department of Environmental Protection's Internet web site.

475 (3) An applicant for such authorization shall submit information on
476 forms prescribed by the commissioner and any additional information
477 required by the commissioner, accompanied by a fee of five thousand
478 dollars, except that no such fee shall be charged to a municipality.

479 (4) Notwithstanding section 22a-208 or any regulations adopted
480 pursuant to section 22a-209, the issuance, renewal or a modification of
481 an authorization under this subsection shall conform to the following
482 procedures: The commissioner shall publish a notice of intent to issue
483 an authorization on the Department of Environmental Protection's
484 Internet web site. Such notice shall include: (A) The name and mailing
485 address of the applicant and the address of the location of the
486 proposed activity; (B) the application number; (C) the tentative
487 decision regarding the application; (D) the type of authorization
488 sought, including a reference to the applicable statute or regulation; (E)
489 a description of the location of the proposed activity and any natural
490 resources affected thereby; (F) the name, address and telephone
491 number of any agent of the applicant from whom interested persons
492 may obtain copies of the application; (G) a brief description of all
493 opportunities for public participation provided by statute or
494 regulation, including the length of time available for submission of
495 public comments to the commissioner on the application; and (H) such
496 additional information as the commissioner deems necessary to

497 comply with any provision of this title or regulations adopted
498 pursuant to this title, or with the federal Clean Air Act, federal Clean
499 Water Act or federal Resource Conservation and Recovery Act. There
500 shall be a comment period of thirty days following the publication of
501 such notice during which interested persons may submit written
502 comments to the commissioner. The commissioner shall post a
503 response to any comments received on the Department of
504 Environmental Protection's Internet web site. The commissioner may
505 approve or deny such authorization based upon a review of the
506 submitted information. Any authorization issued pursuant to this
507 section shall define clearly the activity covered by such authorization
508 and may include such conditions or requirements as the commissioner
509 deems appropriate, including, but not limited to, operation and
510 maintenance requirements, management practices, reporting
511 requirements and a specified term. The commissioner may suspend or
512 revoke an authorization and may modify an authorization if such
513 modification is not sought by the holder of an authorization, in
514 accordance with the provisions of section 4-182 and the applicable
515 rules of practice adopted by the department.

516 Sec. 8. Section 22a-97 of the general statutes is repealed and the
517 following is substituted in lieu thereof (*Effective October 1, 2008*):

518 (a) The commissioner shall provide, within available
519 appropriations, technical, coordinating and research services to
520 promote the effective administration of this chapter at the federal, state
521 and local levels.

522 (b) The commissioner shall have the overall responsibility for
523 general supervision of the implementation of this chapter and shall
524 monitor and evaluate the activities of federal and state agencies and
525 the activities of municipalities to assure continuing, effective,
526 coordinated and consistent administration of the requirements and
527 purposes of this chapter.

528 [(c) The commissioner shall prepare and submit to the General

529 Assembly and the Governor, on or before December first of each year,
530 a written report summarizing the activities of the department
531 concerning the development and implementation of this chapter
532 during the previous year. Such report shall include, but not be limited
533 to: (1) The department's accomplishments and actions in achieving the
534 goals and policies of this chapter including, but not limited to,
535 coordination with other state, regional, federal and municipal
536 programs established to achieve the purposes of this chapter and
537 research programs established pursuant to subsection (a) of section
538 22a-112; (2) recommendations for any statutory or regulatory
539 amendments necessary to achieve such purposes; (3) a summary of
540 municipal and federal programs and actions which affect the coast; (4)
541 recommendations for any programs or plans to achieve such purposes;
542 (5) any aspects of the program or the chapter which are proving
543 difficult to accomplish, suggested reasons for such difficulties and
544 proposed solutions to such difficulties; (6) a summary of the
545 expenditure of federal and state funds under this chapter; and (7) a
546 request for an appropriation of funds necessary to match federal funds
547 and provide continuing financial support for the program. Such report
548 shall comply with the provisions of section 46a-78. On and after
549 October 1, 1996, the report shall be submitted to the joint standing
550 committee of the General Assembly having cognizance of matters
551 relating to the environment and, upon request, to any member of the
552 General Assembly. A summary of the report shall be submitted to each
553 member of the General Assembly if the summary is two pages or less
554 and a notification of the report shall be submitted to each member if
555 the summary is more than two pages. Submission shall be by mailing
556 the report, summary or notification to the legislative address of each
557 member of the committee or the General Assembly, as applicable.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	22a-449o
Sec. 2	<i>October 1, 2008</i>	22a-208a

Sec. 3	<i>October 1, 2008</i>	22a-361(d)
Sec. 4	<i>October 1, 2008</i>	22a-361(e)
Sec. 5	<i>October 1, 2008</i>	22a-232
Sec. 6	<i>October 1, 2008</i>	22a-233
Sec. 7	<i>October 1, 2008</i>	22a-209f
Sec. 8	<i>October 1, 2008</i>	22a-97

Statement of Purpose:

To require newly installed or modified underground storage tank systems to have upgraded containment systems with electronic detection monitors, to create a demonstration project license for new methods for managing solid waste in lieu of a permit, to repeal the exemption for certain aquaculture structures from the coastal structures, dredging and fill permit program, to allow the commissioner to waive the required royalty payment for removal of state-owned sand and gravel, to expand the solid waste tipping fee to include all solid wastes, to allow the solid waste account funds to be used for the promotion of state and municipal recycling, and to repeal the annual reporting requirement under the Coastal Management Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]