



Substitute Senate Bill No. 127

Public Act No. 08-124

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES AND THE OPEN SPACE AND WATERSHED GRANT PROGRAM.

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

Section 1. Subsection (a) of section 7-131g of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Subject to the provisions of sections 7-131d to 7-131k, inclusive, the Commissioner of Environmental Protection may (1) where a federal grant is also made, approve grants to municipalities in an amount not to exceed one-half of the nonfederal share of open space land acquisition or development costs, (2) where a federal rehabilitation or innovation grant is made to a municipality under the Urban Park and Recreation Recovery Act of 1978 (P.L. 95-625, 92 Stat. 3538), approve a grant to such municipality not to exceed fifteen per cent of the total project cost of such development or rehabilitation and (3) where a federal grant is not made, [may] approve grants to municipalities in accordance with the provisions of this section.

Sec. 2. Subsection (b) of section 12-263m of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu

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thereof (*Effective from passage*):

(b) There shall be paid to the Commissioner of Revenue Services by each dry cleaning establishment [, as defined in this subsection,] a surcharge of one per cent of its gross receipts at retail for any dry cleaning service performed on or after January 1, 1995. Each such establishment shall register with the Commissioner of Revenue Services on forms prescribed by him. Each such establishment shall submit a return quarterly to the Commissioner of Revenue Services, applicable with respect to the calendar quarter beginning January 1, 1995, and each calendar quarter thereafter, on or before the last day of the month immediately following the end of each such calendar quarter, on a form prescribed by the commissioner, together with payment of the quarterly surcharge determined and payable in accordance with the provisions of this section. Whenever such surcharge is not paid when due, a penalty of ten per cent of the amount due or fifty dollars, whichever is greater, shall be imposed, and such surcharge shall bear interest at the rate of one per cent per month or fraction thereof until the same is paid. The Commissioner of Revenue Services shall cause copies of a form prescribed for submitting returns as required under this section to be distributed to persons subject to the surcharge. Failure to receive such form shall not be construed to relieve anyone subject to the surcharge under this section from the obligations of submitting a return, together with payment of such surcharge within the time required. The provisions of sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of said sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b had been incorporated in full into this section and had expressly referred to the surcharge imposed under this section, except to the extent that any such provision is inconsistent with a provision of this section and except that the term "tax" shall be read as "dry cleaning establishment

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surcharge". Any moneys received by the state pursuant to this section shall be deposited into the account established pursuant to subsection (c) of this section.

Sec. 3. Subsection (h) of section 12-263m of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The Commissioner of Economic and Community Development shall establish procedures for distribution of the grants and shall adopt criteria to carry out the provisions of this section. Such criteria shall specify (1) who may apply for grants; (2) how establishments, whether owned or leased, will be determined to be eligible for grants; and (3) the costs for which [a grant] grants may be made.

Sec. 4. Section 12-504e of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any land which has been classified by the owner as farm land pursuant to section 12-107c, [as] forest land pursuant to section 12-107d, open space land pursuant to section 12-107e or maritime heritage land pursuant to section 12-107g of the 2008 supplement to the general statutes, if changed by him, within a period of ten years of his acquisition of title, to use other than farm land, forest land, open space land or maritime heritage land, shall be subject to said conveyance tax as if there had been an actual conveyance by him, as provided in sections 12-504a of the 2008 supplement to the general statutes and 12-504b, at the time he makes such change in use. For the purposes of this section: (1) The value of any such property shall be the fair market value thereof as determined by the assessor in conjunction with the most recent revaluation, and (2) the date used for purposes of determining such tax shall be the date on which the use of such property is changed, or the date on which the assessor becomes aware

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of a change in use of such property, whichever occurs first.

Sec. 5. Subsection (b) of section 16-50j of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Except for proceedings under chapter 445, this subsection and subsection (c) of this section, the council shall consist of: (1) The Commissioner of Environmental Protection, or his designee; (2) the chairman, or his designee, of the Public Utilities Control Authority; (3) one designee of the speaker of the House and one designee of the president pro tempore of the Senate; and (4) five members of the public, to be appointed by the Governor, at least two of whom shall be experienced in the field of ecology, and not more than one of whom shall have affiliation, past or present, with any utility or governmental utility regulatory agency, or with any person owning, operating, controlling, or presently contracting with respect to a facility, a hazardous waste facility, as defined in section 22a-115, or an ash residue disposal area.

Sec. 6. Section 16a-21a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The amount of sulfur content of the following fuels sold, offered for sale, distributed or used in this state shall not exceed the following percentages by weight: (1) For number two heating oil, three-tenths of one per cent, and (2) for number two off-road diesel fuel, three-tenths of one per cent.

(b) As of the date on which the last of the states of New York, Massachusetts and Rhode Island [~~limit~~] limits the sulfur content of number two heating oil to one thousand five hundred parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand five

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hundred parts per million.

(c) As of the date on which the last of the states of New York, Massachusetts and Rhode Island [limit] limits the sulfur content of number two heating oil to one thousand two hundred fifty parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed one thousand two hundred fifty parts per million.

(d) As of the date on which the last of the states of New York, Massachusetts and Rhode Island [limit] limits the sulfur content of number two heating oil to five hundred parts per million, the sulfur content of number two heating oil sold, offered for sale, distributed or used in this state shall not exceed five hundred parts per million.

(e) As of the date on which the last of the states of New York, Massachusetts and Rhode Island [limit] limits the sulfur content of number two off-road diesel fuel to five hundred parts per million, the sulfur content of number two off-road diesel fuel offered for sale, distributed or used in this state shall not exceed five hundred parts per million.

(f) The Commissioner of Environmental Protection may suspend the requirements of subsections (a) to (e), inclusive, of this section if the commissioner finds that the physical availability of fuel which complies with such requirements is inadequate to meet the needs of residential, commercial or industrial users in this state and that such inadequate physical availability constitutes an emergency provided the commissioner shall specify in writing the period of time such suspension shall be in effect.

Sec. 7. Subsection (a) of section 19a-35a of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) Notwithstanding the provisions of chapter 439 and sections 22a-430 and 22a-430b, the Commissioner of Public Health shall, not later than December 31, 2008, and within available appropriations, pursuant to section 19a-36 of the 2008 supplement to the general statutes, establish and define categories of discharge that constitute alternative on-site sewage treatment systems with capacities of five thousand gallons or less per day. After the establishment of such categories, said commissioner shall have jurisdiction, within available appropriations, to issue or deny permits and approvals for such systems and for all discharges of domestic sewage to the groundwaters of the state from such systems. Said commissioner shall, pursuant to section 19a-36 of the 2008 supplement to the general statutes, and within available [appropriatons] appropriations, establish minimum requirements for alternative on-site sewage treatment systems under said commissioner's jurisdiction, including, but not limited to: (1) Requirements related to activities that may occur on the property; (2) changes that may occur to the property or to buildings on the property that may affect the installation or operation of such systems; and (3) procedures for the issuance of permits or approvals by said commissioner, a local director of health, or a sanitarian licensed pursuant to chapter 395. A permit or approval granted by said commissioner, such local director of health or such sanitarian for an alternative on-site sewage treatment system pursuant to this section shall: (A) Not be inconsistent with the requirements of the federal Water Pollution Control Act, 33 [USC. section] USC 1251 et seq., the federal Safe Drinking Water Act, 42 [USC. section] USC 300f et seq., and the standards of water quality adopted pursuant to section 22a-426, as such laws and standards may be amended from time to time, (B) not be construed or deemed to be an approval for any other purpose, including, but not limited to, any planning and zoning or municipal inland wetlands and watercourses requirement, and (C) be in lieu of a permit issued under sections 22a-430 or 22a-430b. For purposes of this section, "alternative on-site sewage treatment system"

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means a sewage treatment system serving one or more buildings on a single parcel of property that utilizes a method of treatment other than a subsurface sewage disposal system and that involves a discharge of domestic sewage to the groundwaters of the state.

Sec. 8. Subsection (d) of section 22-358 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any dog, while actually worrying or pursuing deer, may be killed by the Chief Animal Control Officer or an animal control officer or by a conservation officer or special conservation officer appointed by the Commissioner of Environmental Protection, or by any police officer or state policeman. The owner or keeper of any dog found worrying or pursuing a deer shall be fined not less than twenty-five dollars [nor] or more than two hundred dollars or be imprisoned not more than sixty days, or both.

Sec. 9. Subdivision (2) of subsection (d) of section 22a-6u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) The owner of the subject parcel [,] shall notify the commissioner in writing not later than ninety days after the time such owner becomes aware that the contamination exists except that notification will not be required if [not later than] by the end of said ninety days: (A) The contaminated soil is remediated in accordance with regulations adopted pursuant to section 22a-133k; (B) the contaminated soil is inaccessible soil as that term is defined in regulations adopted pursuant to section 22a-133k; or (C) the contaminated soil which exceeds thirty times such criterion is treated or disposed of in accordance with all applicable laws and regulations.

Sec. 10. Subsections (j) and (k) of section 22a-6u of the general

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statutes are repealed and the following is substituted in lieu thereof
(*Effective from passage*):

(j) All notices, oral or written, provided under this section shall include the nature of the contamination or condition, the address of the property where the contamination or condition is located, the location of such contamination or condition, any property known to be affected by such contamination or condition, any steps being taken to abate, remediate or monitor such contamination or condition, and the name and address of the person making such notification. Written notification shall be clearly marked as notification required by this section and shall be either personally delivered to the Water Management Bureau of the Department of Environmental Protection or sent by certified mail, return receipt requested, to the Water Management Bureau of the Department of Environmental Protection.

(k) The commissioner shall provide written acknowledgment of receipt of a written notice pursuant to this section not later than ten days [of] after receipt of such notice. Such acknowledgment shall be accompanied by (1) a statement that the owner of the parcel has up to ninety days within which to submit to the commissioner a plan to remediate or abate the contamination or condition. If such plan is not submitted or is not approved by the commissioner, the commissioner shall prescribe the action to be taken, or (2) a directive as to action required to remediate or abate the contamination or condition. If a plan is submitted which details actions to be taken, or a report is submitted which details actions taken, to mitigate the contamination or conditions such that notice under this section would not be required, and such plan or report is acceptable to the commissioner, the commissioner shall approve such plan or report in writing. When actions implementing an approved plan are completed, the commissioner shall issue a certificate of compliance.

Sec. 11. Subsection (a) of section 22a-59 of the 2008 supplement to

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the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of enforcing the provisions of this chapter, sections 10-231b of the 2008 supplement to the general statutes, 10-231c [.] and 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the commissioner may designate, within available appropriations, officers or employees who may enter at reasonable times, any establishment or other place where pesticides or devices are being or have been used, or where pesticides or devices are held for use, distribution or sale in order to: (1) Observe the application of pesticides; (2) determine if the applicator is or should be certified; (3) determine if the applicator has obtained a proper permit to apply restricted use pesticides; (4) inspect equipment or devices used to apply pesticides; (5) inspect or investigate the validity of damage claims; (6) inspect or obtain samples in any place where pesticides or devices have been used or are held for use, storage, distribution or sale; (7) obtain samples of any pesticides or devices packaged, labeled and released for shipment and samples of any containers or labeling for such pesticides or devices; [.] and (8) obtain samples of any pesticides or devices that have been used; and obtain samples of any containers or labeling for such pesticides or devices. Before undertaking such inspection, the officers or employees shall present to the owner, operator [.] or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator [.] or agent in charge a receipt describing the samples obtained and, if requested, a portion of each

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such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, the laboratories of the Connecticut Agricultural Experiment Station may be used and a copy of the results of such analysis shall be furnished promptly to the owner, operator [,] or [agents] agent in charge and the commissioner.

Sec. 12. Subdivision (16) of subsection (b) of section 22a-61 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(16) To use any pesticide in tests on human beings unless such human beings [(i)] (A) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable, therefrom, and [(ii)] (B) freely volunteer to participate in the test.

Sec. 13. Section 22a-63 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any registrant, commercial applicator, uncertified person who performs or advertises or solicits to perform commercial application, wholesaler, dealer, retailer or other distributor who knowingly violates any provision of this chapter, section 10-231b of the 2008 supplement to the general statutes, 10-231c [,] or 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than five thousand dollars, or imprisoned for not more than one year, or both.

(b) Any private applicator or other person, not included in subsection (a) of this section, who knowingly violates any provision of this chapter, section 10-231b of the 2008 supplement to the general statutes, 10-231c [,] or 10-231d, subsection (a) of section 23-61a or section 23-61b, shall be fined not more than one thousand dollars, or imprisoned for not more than thirty days, or both.

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(c) Any person who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of this chapter, shall be fined not more than ten thousand dollars, or imprisoned for not more than one year, or both.

(d) When construing and enforcing the provisions of this chapter, sections 10-231b of the 2008 supplement to the general statutes, 10-231c [.] and 10-231d, subsection (a) of section 23-61a and sections 23-61b and 23-61f, the action, omission or failure to act of any officer, agent or other person acting for or employed by any person shall in every case be also deemed to be the action, omission or failure to act of such person as well as that of the person employed.

(e) Any person who violates any provision of this chapter, section 10-231b of the 2008 supplement to the general statutes, 10-231c or 10-231d, may be assessed a civil penalty of not more than two thousand five hundred dollars per day for each day such violation continues. The Attorney General, upon complaint of the commissioner, shall institute a civil action to recover such penalty in the superior court for the judicial district of Hartford. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

(f) Any person who is not certified as a commercial applicator who performs or advertises or solicits to perform commercial application of a pesticide, or any person possessing an operational certificate for commercial application under section 22a-54 who performs or advertises or solicits to perform any activity requiring a supervisory certificate for commercial application shall be assessed a civil penalty in an amount not less than one thousand dollars or more than two thousand dollars for each day such violation continues. For any subsequent violation, such penalty shall be not more than five thousand dollars. The Attorney General, upon complaint of the commissioner, may institute a civil action to recover such penalty in

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the superior court for the judicial district of Hartford. Any penalties collected under this subsection shall be deposited in the Environmental Quality Fund established under section 22a-27g of the 2008 supplement to the general statutes and shall be used by the commissioner to carry out the purposes of this section.

Sec. 14. Subsections (a) and (b) of section 22a-133u of the 2008 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Environmental Protection may use any funds in the Special Contaminated Property Remediation and Insurance Fund established in section 22a-133t other than any funds which are necessary to carry out any other responsibility of said commissioner under this section, for (1) removal or mitigation of a spill, as defined in section 22a-452c, upon or into land or waters of the state if the owner of the property associated with such spill is found to be an innocent landowner, as defined in section 22a-452d, and for administrative costs related to such removal or mitigation, or (2) administrative costs related to the remediation of a property for which a loan was made under subsection (b) of this section provided not more than five thousand dollars shall be disbursed from the fund for such purpose. Said commissioner may use any funds received in connection with the issuance of a covenant not to sue or a settlement by said commissioner of a claim related to contaminated real property, or any funds received pursuant to section 22a-16a, for removal or mitigation of a spill, as defined in section 22a-452c, for which the owner of the property associated with such spill would be liable except for a covenant not to sue entered into pursuant to sections 22a-133aa or 22a-133bb and for administrative costs related to such removal or mitigation. Said commissioner may use any funds received pursuant to section 22a-134e and subsection (c) of section 22a-133aa, for expenses related to the administration of sections 22a-134 to 22a-134e, inclusive,

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as amended by this act, and for expenses related to administration of sections 22a-133x, 22a-133y, 22a-133aa and 22a-133bb.

(b) The Commissioner of Economic and Community Development [L] may use any funds deposited into the Special Contaminated Property Remediation and Insurance Fund pursuant to section 3 of public act 96-250* for (1) loans to municipalities, individuals or firms for Phase II environmental site assessments, Phase III investigations of real property or for any costs of demolition, including related lead and asbestos removal or abatement costs or costs related to the remediation of environmental pollution, undertaken to prepare contaminated real property for development subsequent to any Phase III investigation, and (2) expenses related to administration of this subsection provided such expenses may not exceed one hundred twenty-five thousand dollars per year.

Sec. 15. Subparagraph (L) of subdivision (1) of section 22a-134 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(L) Conveyance of an interest in an establishment to a trustee of an inter vivos trust created by the transferor solely for the benefit of one or more [~~sibling, spouse, child, parent, grandchild, child~~] siblings, spouses, children, parents, grandchildren, children of a sibling or [~~sibling~~] siblings of a parent of the transferor.

Sec. 16. Subparagraph (V) of subdivision (1) of section 22a-134 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(V) Conveyance of any real property or business operation that would qualify as an establishment solely as a result of (i) the generation of more than one hundred kilograms of universal waste in a calendar month, (ii) the storage, handling or transportation of

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universal waste generated at a different location, or (iii) activities undertaken at a universal waste transfer facility, provided any such real property or business operation does not otherwise qualify as an establishment; [, that] there has been no discharge, spillage, uncontrolled loss, seepage or filtration of a universal waste or a constituent of universal waste that is a hazardous substance at or from such real property or business operation; and [that] universal waste is not also recycled, treated, except for treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at such real property or business operation.

Sec. 17. Subsections (g) and (h) of section 22a-134a of the 2008 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) Except as provided in subsection (h) of this section, the certifying party to a Form III or Form IV shall, [on or before] not later than seventy-five days after the receipt of the notice that such form is complete or such later date as may be approved in writing by the commissioner, submit a schedule for the investigation of the parcel and remediation of the establishment. Such schedule shall, unless a later date is specified in writing by the commissioner, provide that the investigation shall be completed within two years of the date of receipt of such notice and that remediation shall be initiated [within] not later than three years [of] after the date of receipt of such notice. The schedule shall also include a schedule for providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. Not later than two years after the date of the receipt of the notice that the Form III or Form IV is complete, unless the commissioner has specified a later day, in writing, the certifying party shall submit to the commissioner documentation, approved in writing by a licensed environmental professional and in a form prescribed by the commissioner, that the investigation has been

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completed in accordance with prevailing standards and guidelines. Not later than three years after the date of the receipt of the notice that the Form III or Form IV is complete, unless the commissioner has specified a later day in writing, the certifying party shall notify the commissioner in a form prescribed by the commissioner that the remediation has been initiated, and shall submit to the commissioner a remedial action plan approved in writing by a licensed environmental professional in a form prescribed by the commissioner. Notwithstanding any other provision of this section, the commissioner may determine at any time that the commissioner's review and written approval is necessary and in such case shall notify the certifying party that the commissioner's review and written approval is necessary. Such certifying party shall investigate the parcel and remediate the establishment in accordance with the proposed schedule or the schedule specified by the commissioner. When remediation of the entire establishment is complete, the certifying party shall submit to the commissioner a final verification by a licensed environmental professional. Any such final verification may include and rely upon a verification for a portion of the establishment submitted pursuant to subdivision (2) of this subsection. Verifications shall be submitted on a form prescribed by the commissioner.

(2) If a certifying party completes the remediation for a portion of an establishment, such party may submit a verification by a licensed environmental professional for any such portion of an establishment. The certifying party shall be deemed to have satisfied the requirements of this subsection for that portion of the establishment covered by any such verification. If any portion of an establishment for which a verification is submitted pursuant to this subdivision is transferred [,] or conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e, inclusive, [then] as amended by this act, the certifying party shall provide notice

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to the commissioner of such transfer, conveyance or change in ownership not later than thirty days [of] after any such transfer, conveyance or change in ownership.

(3) (A) The commissioner may conduct an audit of any verification submitted pursuant to this section, but shall not conduct an audit of a final verification of an entire establishment submitted pursuant to subdivision (1) of this subsection after three years have passed since the date of the commissioner's receipt of such final verification unless an exception listed in subparagraph (C) of subdivision (3) of this subsection applies. Upon completion of an audit, the commissioner shall send written audit findings to the certifying party and the licensed environmental professional who verified. The three-year time frame for an audit of a final verification of an entire establishment shall apply to such final verifications received by the commissioner after October 1, 2007.

(B) The commissioner may request additional information during an audit. If such information has not been provided to the commissioner within ninety days of the commissioner's request for such information or any longer time as the commissioner may determine in writing, the commissioner may either (i) suspend the audit, which for a final verification shall suspend the running of the three-year audit time frame until such time as the commissioner receives all the information requested, or (ii) complete the audit based upon the information provided in the verification before the request for additional information.

(C) The commissioner shall not conduct an audit of a final verification of an entire establishment after three years from receipt of such verification pursuant to this subdivision unless (i) the commissioner has reason to believe that a verification was obtained through the submittal of materially inaccurate or erroneous information, or otherwise misleading information material to the

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verification or that misrepresentations were made in connection with the submittal of the verification, (ii) a verification is submitted pursuant to an order of the commissioner pursuant to subdivision (j) of section 22a-134a, (iii) any post-verification monitoring, or operations and maintenance, is required as part of a verification and which has not been done, (iv) a verification that relies upon an environmental land use restriction was not recorded on the land records of the municipality in which such land is located in accordance with section 22a-133o and applicable regulations, (v) the commissioner determines that there has been a violation of sections 22a-134 to 22a-134e, as amended by this act, or (vi) the commissioner determines that information exists indicating that the remediation may have failed to prevent a substantial threat to public health or the environment.

(h) (1) If the commissioner notifies the certifying party to a Form III or Form IV that the commissioner's review and written approval of the investigation of the parcel and remediation of the establishment is required, such certifying party shall, [on or before] not later than thirty days [of] after the receipt of such notice or such later date as may be approved in writing by the commissioner, submit for the commissioner's review and written approval a proposed schedule for: (A) Investigating the parcel and remediating the establishment; (B) submitting to the commissioner scopes of work, technical plans, technical reports and progress reports related to such investigation and remediation; and (C) providing public notice of the remediation prior to the initiation of such remediation in accordance with subsection (i) of this section. Upon the commissioner's approval of such schedule, such certifying party shall, in accordance with the approved schedule, submit scopes of work, technical plans, technical reports and progress reports to the commissioner for the commissioner's review and written approval. Such certifying party shall perform all actions identified in the approved scopes of work, technical plans, technical reports and progress reports in accordance with the approved schedule. The

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commissioner may approve in writing any modification proposed in writing by such certifying party to such schedule or investigation and remediation. The commissioner may, at any time, notify such certifying party in writing that the commissioner's review and written approval is not required and that a licensed environmental professional may verify that the remediation has been performed in accordance with the remediation standards.

(2) A certifying party may complete the remediation of a portion of an establishment and request that the commissioner determine that the requirements of this subsection have been satisfied for any such portion of the establishment. If the commissioner determines that any such remediation is complete, the certifying party shall be deemed to have satisfied the requirements of this subsection for any such portion of an establishment. Any determination by the commissioner that remediation at the entire establishment has been completed may include and rely upon any determination made pursuant to this subdivision that remediation is complete at a portion of an establishment. If any portion of an establishment for which the commissioner determines that remediation is complete pursuant to this subdivision is transferred [,] or conveyed or undergoes a change in ownership before remediation of the entire establishment is complete that would not otherwise be subject to the provisions of sections 22a-134 to 22a-134e, inclusive, [then] as amended by this act, the certifying party shall provide notice to the commissioner of such transfer, conveyance or change in ownership not later than thirty days [of] after any such transfer, conveyance or change in ownership.

Sec. 18. Subsections (b) and (c) of section 22a-199 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) On and after July 1, 2008, the owner or operator of an affected unit or units shall: [(1)] (A) Meet an emissions rate of equal to or less

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than 0.6 pounds of mercury per TBtu, or [(2)] (B) meet a mercury emissions rate equal to a ninety per cent reduction of mercury from the measured inlet conditions for the affected unit, whichever emissions rate is more readily achievable by such affected unit, as determined by the owner or operator of such affected unit. Compliance with the requirements of this subdivision shall be demonstrated in accordance with the provisions of subdivision (3) of this subsection.

(2) (A) If the owner or operator of any affected unit properly installs and operates control technology designed to achieve the mercury emissions rate requirement of subdivision (1) of this subsection and such technology fails to achieve said emission rate, such owner or operator shall notify the Commissioner of Environmental Protection of such failure no later than February 1, 2009. Such owner or operator shall submit each quarterly stack test from such affected unit to the Commissioner of Environmental Protection for evaluation and establishment of an alternative emissions limit for such affected unit based upon the optimized performance of such properly installed and operated control technology. The Commissioner of Environmental Protection shall establish an alternative emissions limit for any such affected unit no later than April 1, 2010.

(B) Upon the establishment of an alternative emissions limit for an affected unit, pursuant to subparagraph (A) of this subdivision, the Commissioner of Environmental Protection shall incorporate such alternative emissions limit into the Title V permit for such affected unit. Thereafter, upon any application for renewal of such Title V permit, the Commissioner of Environmental Protection shall conduct a review of such affected unit's alternative emissions limit and may impose a more stringent alternative emissions limit based upon any new data regarding the demonstrated control capabilities of the type of control technology installed and operated at such affected unit.

(C) If the owner or operator of any affected unit properly installs

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and operates control technology designed to achieve the mercury emissions rate requirement established in subdivision (1) of this subsection, but such technology fails to achieve such emissions requirement, and such owner or operator notifies the Commissioner of Environmental Protection of such failure no later than February 1, 2009, the owner or operator of such affected unit shall demonstrate compliance with the requirements of subdivision (1) of this subsection for the period beginning July 1, 2008, and ending on the date of the issuance of an alternative emissions limit, pursuant to subparagraph (A) of this subdivision, by operating and maintaining such affected unit, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for the minimization of mercury emissions, as determined by the Commissioner of Environmental Protection. In determining whether the owner or operator of such affected unit is operating and maintaining such affected unit in a manner consistent with good air pollution control practices for the minimization of mercury emissions, the Commissioner of Environmental Protection may review the emissions monitoring results and operating and maintenance procedures of such unit and may inspect such affected unit.

(3) (A) Any stack test used to demonstrate compliance with the mercury emissions rate requirements of subdivision (1) of this subsection or used in the establishment or compliance with an alternative emissions limit pursuant to subdivision (2) of this subsection, shall be based on the average of the stack tests conducted during the two most recent calendar quarters for an affected unit and shall be conducted on a calendar quarter basis in accordance with the Environmental Protection Agency's Method 29 for the determination of metal emissions from stationary sources, as set forth in 40 CFR 60, Appendix A, as amended from time to time, or any other alternative method approved by the Environmental Protection Agency or the Commissioner of Environmental Protection. Such stack tests shall be

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conducted while combusting coal or coal blends that are representative of the coal or coal blends combusted at such affected unit during the calendar quarter represented by such stack test.

(B) If the Commissioner of Environmental Protection determines that continuous emission monitors for mercury in flue gases are commercially available and can perform in accordance with National Institute of Technology Standards, or other methodology approved by the Environmental Protection Agency, the owner or operator of any affected unit shall properly install and operate such continuous emission monitors and shall not be required to conduct stack testing on a calendar quarter basis. When reporting compliance with the mercury emissions rate requirement of subdivision (1) or (2) of this subsection, as applicable, the owner or operator of an affected unit shall use an average of the continuous emission monitor data recorded at such affected unit during the most recent calendar quarter.

(4) The owner or operator of any affected unit shall, for each calendar quarter, report to the Commissioner of Environmental Protection the results of any stack test or average of the continuous emission monitor data, as applicable, used to demonstrate compliance with the provisions of this subsection. Such reports shall be submitted on such forms as may be prescribed by the Commissioner of Environmental Protection.

(5) The provisions of this subsection, when implemented by the Commissioner of Environmental Protection, shall not suspend any underlying procedures or requirements as set forth in the regulations of Connecticut state agencies.

(c) On or before July 1, 2012, the Commissioner of Environmental Protection shall conduct a review of the mercury emission limits applicable to all affected units in the state. On or after July 1, 2012, the Commissioner of Environmental Protection may adopt regulations, in

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accordance with the provisions of chapter 54, imposing mercury emission limits that are more stringent than such emissions requirements provided for in [subdivision (1) or (2)] subparagraph (A) or (B) of subdivision (1) of subsection (b) of this section.

Sec. 19. Section 22a-201 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 22a-201a to 22a-201c, inclusive:

(1) "Motor vehicle" means motor vehicle, as defined in section 14-1 of the 2008 supplement to the general statutes, except that for purposes of this section, [motor vehicle] "motor vehicle" is limited to vehicles with gross vehicle weight rating, as defined in section 14-1 of the 2008 supplement to the general statutes, of ten thousand pounds or less, and does not include any motorcycle; and

(2) "Greenhouse gas" means greenhouse gas, as defined in section 22a-200.

Sec. 20. Subsection (a) of section 22a-201c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On and after January 1, 2007, the Commissioner of Motor Vehicles shall charge a fee of five dollars, in addition to any other fees required for [such] registration, for each new motor vehicle. Said fee may be identified as the "greenhouse gas reduction fee" on any registration form, or combined with the fee specified by subdivision (3) of subsection (k) of section 14-164c. All receipts from the payment of such fee shall be deposited into the federal Clean Air Act account established pursuant to section 14-49b.

Sec. 21. Subsections (b) to (d), inclusive, of section 22a-208a of the

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general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) No person or municipality shall establish, construct or operate a solid waste facility without a permit issued by the commissioner under this section. An application for such permit shall be submitted on a form prescribed by the commissioner, include such information as the commissioner may require, including, but not limited to, a closure plan for such facility, and be accompanied by a fee prescribed in regulations adopted in accordance with chapter 54. Notwithstanding any provision of the general statutes or any regulation adopted pursuant to said statutes, references to a permit to construct or a permit to operate in a regulation adopted pursuant to section 22a-209 shall be deemed to mean a permit as required by this subsection. The applicant shall send a written notification of any application for such permit to the chief elected official of each municipality in which the proposed facility is to be located, within five business days of the date on which any such application is filed.

(c) Upon written notice from the commissioner and in accordance with a schedule specified by the commissioner in such written notice, any person or municipality [who] that owns an unpermitted solid waste disposal area shall (1) submit a closure plan for the commissioner's review and written approval, provide public notice of such proposed plan in a manner prescribed by regulations adopted pursuant to section 22a-133k and close and maintain such area after closure in accordance with the approved closure plan, or (2) remediate such disposal area in accordance with a remediation plan approved by the commissioner or verified by a licensed environmental professional pursuant to section 22a-134a [, 22a-134x] of the 2008 supplement to the general statutes, 22a-133x of the 2008 supplement to the general statutes or 22a-133y or pursuant to an order of the commissioner. A fee of three thousand dollars shall accompany any closure plan submitted

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pursuant to this subsection. The commissioner may require the owner of a solid waste disposal area to post sufficient performance bond or other security to ensure compliance with the approved closure plan. The commissioner may approve a modification to a closure plan for a solid waste disposal area. A fee of five hundred dollars shall accompany the request for such modification. The commissioner may reduce or waive the fees required by this subsection in cases of financial hardship and may modify such fees in regulations adopted in accordance with chapter 54. The commissioner may require a person or municipality to provide public notice of a proposed modification of a closure plan if the modification involves any activity that would disrupt the solid waste or change the use of the solid waste disposal area. Notwithstanding the provisions of this subsection, the commissioner may order a person or municipality [who] that establishes or constructs a solid waste disposal area without first obtaining a permit as required by subsection (b) of this section to remove any solid waste disposed at such area, to remediate any pollution caused by such waste, and to properly dispose of such waste at a lawfully operated solid waste facility.

(d) (1) No person or municipality [who] that holds a permit issued under this section shall alter the design or method of operation of the permitted facility without first obtaining a modified permit. For the purposes of this section and sections 22a-208, 22a-208b, 22a-220a, 22a-225 and 22a-226, "alter" means to change to any substantive degree the design, capacity, volume process or operation of a solid waste facility and includes, but is not limited to, changes in the approved capacity or composition of solid waste disposed of, processed, reduced, stored or recycled at the facility. The commissioner may approve, in writing, a modification of a closure plan for a closed permitted solid waste disposal area without modifying the permit for such area. The commissioner may require a person who, or a municipality that, requests such modification to provide public notice of a proposed

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modification of a closure plan if the modification involves any activity that would disrupt the solid waste or change the use of the solid waste disposal area. A fee of five hundred dollars shall accompany any request for such modification of a closure plan. The commissioner may reduce or waive such fee in cases of financial hardship and may modify such fee in accordance with regulations adopted in accordance with chapter 54.

(2) Changes in design, processes or operations, including the addition of thermal oxidizers or other air pollution control equipment, made to mitigate, correct or abate odors from a solid waste facility that is owned or operated by the Connecticut Resources Recovery Authority and that contracts with more than fifty municipalities, shall not be considered an alteration requiring a modified permit or minor permit amendment under this chapter. In addition, notwithstanding any provision of the general statutes or regulation adopted pursuant to said statutes, any such change shall not be considered a modification or new stationary source requiring a permit to construct or operate under chapter 446c or under any regulation adopted pursuant to chapter 446c, unless such change is a major modification or a major stationary source requiring a permit under the federal Clean Air Act Amendments of 1990. Any person making any such change to an odor control system at such a facility shall, not more than thirty days after making such change, submit a written report to the commissioner fully describing the changes made and the reason for such changes for the commissioner's review and comment. Nothing in this subdivision shall affect the commissioner's authority to take any other action to enforce the requirements of this title.

Sec. 22. Subdivisions (3) to (5), inclusive, of section 22a-255j of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) A package or packaging component to which lead, cadmium,

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mercury or hexavalent chromium [have] has been added in the manufacturing or distribution process in order to comply with health or safety requirements of federal law, provided the manufacturer of such a package or packaging component has demonstrated to the commissioner that such package or packaging component is entitled to an exemption under this subdivision and the commissioner grants such exemption. The exemption shall be effective for up to two years and may be extended if circumstances warrant an extension. An extension may be granted for up to two years;

(4) Any alcoholic liquor bottled prior to October 1, 1992;

(5) A package or packaging component to which lead, cadmium, mercury or hexavalent chromium [have] has been added in the manufacturing, forming, printing or distribution process for which there is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium provided the manufacturer of such a package or packaging component has demonstrated to the commissioner that such package or packaging component is entitled to an exemption under this subdivision and the commissioner grants such exemption. The exemption shall be effective for two years and may be extended if circumstances warrant an extension. An extension may be granted for up to two years. For purposes of this subdivision, a use for which there is no feasible alternative is one which is essential to the protection, safe handling or function of the package's contents and for which technical constraints preclude the substitution of other materials. For purposes of this subdivision, a use for which there is no feasible alternative shall not include the use of any lead, cadmium, mercury or hexavalent chromium for the purpose of marketing.

Sec. 23. Subsection (b) of section 22a-354p of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) No regulations of an aquifer protection agency shall become effective or be established until after a public hearing in relation thereto is held by the agency at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing at least twice in a newspaper having a substantial circulation in the municipality at intervals of not less than two days, the first not more than twenty-five days [nor] or less than fifteen days, and the last not less than two days, before such hearing, and a copy of such proposed regulation shall be filed in the office of the town, city or borough clerk, as the case may be, in such municipality, for public inspection at least ten days before such hearing, and may be published in full in such paper. A copy of the notice and the proposed regulations or amendments thereto shall be provided to the Commissioner of Environmental Protection, the town clerk and any affected water company at least thirty-five days before such hearing. Such regulations may be from time to time amended, changed or repealed after a public hearing in relation thereto is held by the agency at which parties in interest and citizens shall have an opportunity to be heard and for which notice shall be published in the manner specified in this subsection. Regulations or changes therein shall become effective at such time as is fixed by the agency, provided a copy of such regulation or change shall be filed in the office of the town, city or borough clerk, as the case may be. Whenever an agency makes a change in regulations, it shall state upon its records the reason why the change was made. All petitions submitted in writing and in a form prescribed by the agency requesting a change in the regulations shall be considered at a public hearing in the manner provided for establishment of such regulations within ninety days after receipt of such petition. The agency shall act upon the changes requested in the petition within sixty days after the hearing. The petitioner may consent to extension of the periods provided for a hearing and for adoption or denial or may withdraw such petition.

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Sec. 24. Subsection (d) of section 22a-354p of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) In granting, denying or limiting any permit for a regulated activity the aquifer protection agency shall state upon the record the reason for its decision. In granting a permit the agency may grant the application as filed or grant it upon such terms, conditions, limitations or modifications of the activity as are intended to carry out the policies of section 22a-354g. No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapters 124 to 126, inclusive, or any special act. The agency may suspend or revoke a permit if it finds, after giving notice to the permittee of the facts or conduct which warrants the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The agency shall send to any affected water company a copy of the notice at least ten days before the hearing by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing. The applicant or permittee shall be notified of the agency's decision by certified mail, return receipt requested, within fifteen days of the date of the decision and the agency shall cause notice of its order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.

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Sec. 25. Subsection (a) of section 22a-411 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may issue a general permit for any minor activity regulated under sections 22a-401 to 22a-410, inclusive, except for any activity covered by an individual permit, if the commissioner determines that such activity would cause minimal environmental effects when conducted separately and would cause only minimal cumulative environmental effects. Such activities may include routine maintenance and routine repair of any dam, dike, reservoir or other similar structure. Any person conducting an activity for which a general permit has been issued shall not be required to obtain an individual permit under sections 22a-36 to 22a-45a, inclusive, or section 22a-342, 22a-368 or 22a-403, except as provided in subsection (c) of this section. A general permit shall clearly define the activity covered thereby and may include such conditions and requirements as the commissioner deems appropriate, including, but not limited to, management practices and verification and reporting requirements. The general permit may require any person conducting any activity under the general permit to report, on a form prescribed by the commissioner, such activity to the commissioner before it shall be covered by the general permit. The commissioner shall prepare, and shall annually amend, a list of holders of general permits under this section, which list shall be made available to the public.

Sec. 26. Subsection (f) of section 22a-449 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to establish (1) requirements for the inspection of nonresidential underground storage tank systems for compliance with the

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requirements of this chapter, including, but not limited to, the minimum frequency, method and content of inspections, and maintenance and disclosure of results, (2) a program to authorize persons to (A) perform inspections, including, but not limited to, education and training requirements for such persons, and whether or not such persons may be employed by the owner or operator of the subject nonresidential underground storage tank system, and (B) determine whether the violations for which a nonresidential underground storage tank system has been taken out of service pursuant to subsection (g) of this section have been corrected, which regulations may include, but not be limited to, a prohibition [for] against an owner or operator of any such system [from] placing such system back into service pursuant to subsection (g) of this section after the regulations take effect or additional requirements for an owner or operator of any such system, and (3) requirements, in addition to the requirements contained in subsection (g) of this section, relating to the prohibition of deliveries to and the use of nonresidential underground storage tank systems that are not in compliance with section 22a-449o or with the requirements of this section and any regulations adopted under this section.

Sec. 27. Subdivision (3) of section 22a-449a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) "Responsible party" means (A) for an application or request for payment or reimbursement received by the board before July 1, 2005, or for a determination made by the board before July 1, 2005, regarding a person's status as a responsible party or a third party with respect to a specific release or suspected release, [made by the board before July 1, 2005,] any person who owns or operates an underground storage tank or underground storage tank system from which a release or suspected release emanates, (B) for an application or request for

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payment or reimbursement received by the board on or after July 1, 2005, any person who (i) at any time owns, leases, uses or has an interest in the real property on which an underground storage tank system is or was located from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred, or whether such person owned, leased, used or had an interest in the real property at the time the release or suspected release occurred, or whether such person owned, operated, leased or used the underground storage tank system from which the release or suspected release occurred, (ii) at any time owns, leases, operates, uses, or has an interest in an underground storage tank system from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred or whether such person owned, leased, operated, used or had an interest in the underground storage tank system at the time the release or suspected release occurred, or (iii) is affiliated with a person described in [subclause] clause (i) or (ii) of this subparagraph through a direct or indirect familial relationship or any contractual, corporate or financial relationship.

Sec. 28. Subsections (a) and (b) of section 22a-449e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Environmental Protection, after consultation with the members of the board established by section 22a-449d, shall adopt regulations in accordance with the provisions of chapter 54 setting forth procedures for reimbursement and payment from the account established under section 22a-449c. Such regulations shall include such provisions as the commissioner deems necessary to carry out the purposes of sections 22a-449a to 22a-449h, inclusive, as amended by this act, including, but not limited to, provisions for (1) notification of eligible parties of the existence of the account; (2) records required for submission of claims and reimbursement and

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payment; (3) periodic and partial reimbursement and payment to enable responsible parties to meet interim costs, expenses and obligations; and (4) reimbursement and payment for costs, expenses and obligations incurred in connection with releases or suspected releases [, and incurred after July 5, 1989, for releases] discovered before or after [said date] July 5, 1989, provided reimbursement and payment shall not be made for costs, expenses and obligations incurred by a responsible party on or before said date.

(b) (1) The commissioner, in accordance with the procedures set forth in subdivision (2) of this subsection, may prescribe a schedule for the maximum or range of amounts to be paid from the account for labor, equipment, materials, services or other costs, expenses or obligations paid or incurred as a result of a release or suspected release. Such schedule shall not be a regulation, as defined in section 4-166 and the adoption, modification, repeal or use of such schedule shall not be subject to the provisions of chapter 54 concerning a regulation. The amounts in any such schedule may be less than and shall be not more than the usual, customary and reasonable amounts charged, as determined by the commissioner. Notwithstanding the provisions of sections 22a-449a to 22a-449j, inclusive, as amended by this act, or any regulation adopted by the commissioner pursuant to this section, upon adoption of any such schedule, the amount to be paid from the account for any labor, equipment, materials, services or other costs, expenses or other obligations, shall not exceed the amount established in any such schedule and such schedule may serve as guidance with respect to any costs, expenses or other obligations paid or incurred before the adoption of such schedule.

(2) The commissioner shall adopt, revise or revoke [said] the schedule in accordance with the provisions of this subsection. After consultation with the board, the commissioner shall publish notice of intent to adopt, revise or revoke the schedule, or any portion thereof,

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in a newspaper having substantial circulation in the affected area. There shall be a comment period of thirty days following publication of such notice during which interested persons may submit written comments to the commissioner. The commissioner shall publish notice of the adoption, revision or revocation of the schedule, or part thereof, in a newspaper having substantial circulation in the affected area. The commissioner shall, upon request, review the schedule and shall make any revisions the commissioner deems necessary to such schedule [not more than] once every two years or may do so more frequently as the commissioner deems necessary. The commissioner, after consultation with the board, may revise or revoke the schedule, in whole or in part, using the procedures specified in this subsection. Any person may request that the commissioner adopt, revise or revoke the schedule in accordance with this subsection.

Sec. 29. Subsection (b) of section 22a-449f of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) In addition to all other applicable requirements, a person seeking payment or reimbursement from the account shall demonstrate that when the total costs, expenses or other obligations in response to a release or suspected release (A) are two hundred fifty thousand dollars or less, [that] all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, are approved, in writing, either by the commissioner or by a licensed environmental professional with a currently valid and effective license issued pursuant to section 22a-133v of the 2008 supplement to the general statutes; and (B) exceed two hundred fifty thousand dollars, [that] all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, are approved, in writing, by the commissioner, provided the commissioner may authorize, in writing, a

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licensed environmental professional with a currently valid and effective license issued pursuant to section 22a-133v of the 2008 supplement to the general statutes to approve, in writing, such labor, equipment, materials, services and activities, in lieu of the commissioner. The provisions of this subsection shall apply to all costs, expenses or other obligations for which a person is seeking payment or reimbursement from the account and the board shall not order and the commissioner shall not make payment or reimbursement from the account for any cost, expense or other obligation, unless the person seeking such payment or reimbursement provides the written approval required by this subdivision. Any written approval provided by a licensed environmental professional pursuant to this subdivision shall be submitted with the application for payment or reimbursement. Any written approval provided by the commissioner pursuant to this subdivision shall not constitute an approval pursuant to any other provision of the general statutes or any regulation and shall be presented to the board prior to the board making a decision regarding the application that such approval concerns.

(2) The fees charged by a licensed environmental professional regarding labor or services rendered in response to a release or suspected release may be included in any application or request for payment or reimbursement submitted to the board. The amount to be paid or reimbursed from the account for such fees may also be established in the schedule adopted by the commissioner pursuant to subsection (b) of section 22a-449e, as amended by this act.

(3) Providing it is true and accurate, a licensed environmental professional shall submit the following certification regarding any approval provided under subdivision (1) of this subsection and section 22a-449p: "I hereby agree that all of the labor, equipment, materials, services, and activities described in or covered by this certification were appropriate under the circumstances to abate an emergency or

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were performed as part of a plan specifically designed to ensure that the release or suspected release is or has been investigated in accordance with prevailing standards and guidelines and remediated consistent with and to achieve compliance with the remediation standards adopted under section 22a-133k of the general statutes."

Sec. 30. Subsection (c) of section 22a-449f of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The board shall order reimbursement or payment from the account for any cost paid or incurred, as the case may be, if, (1) such cost is or was incurred after July 5, 1989, (2) a responsible party was or would have been required to demonstrate financial responsibility under 40 CFR Part 280.90 et seq. as said regulation was published in the Federal Register of October 26, 1988, for the underground storage tank or underground storage tank system from which the release emanated, whether or not such party is required to comply with said requirements on the date any such cost is incurred, provided if the state is the responsible party, the board may order payment from the account without regard to whether the state was or would have been required to demonstrate financial responsibility under said sections 40 CFR Part 280.90 et seq., (3) after the release, if any, the responsible party incurred a cost, expense or obligation for investigation, cleanup or for claims of a person other than a responsible party resulting from the release, provided any such claim shall be required to be finally adjudicated or settled with the prior written approval of the board before an application for reimbursement or payment is made, (4) the board determines that the cost, expense or other obligation is reasonable and that there are not grounds for recovery specified in subdivision (1) or (3) of subsection (g) of this section, (5) the responsible party notified the board, as soon as practicable, of the release and of any other claim by a person other than a responsible

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party, resulting from the release, in accordance with the regulations adopted pursuant to section 22a-449e as amended by this act, (6) the responsible party, or, if a person other than a responsible party applies for payment or reimbursement from the account, then such person demonstrates the remediation, including any monitoring to determine the effectiveness of the remediation, for which payment or reimbursement is sought is not more stringent than that required by the remediation standards established pursuant to section 22a-133k, except to the extent the responsible party or such person demonstrates that it has been directed otherwise, in writing, by the commissioner, (7) the responsible party, or, if a person other than a responsible party applies for payment or reimbursement from the account, then such person demonstrates that it does not have insurance, or a contract or other agreement to provide payment or reimbursement for any cost, expense or other obligation incurred in response to a release or suspected release, or if there is any such insurance, contract or other agreement, that any insurance coverage has been denied or is insufficient to cover the costs, expenses or other obligations, paid or incurred or that any contract or other agreement is not able to or is insufficient to cover the costs, expenses or other obligations, paid or incurred, for which payment or reimbursement is sought from the account, (8) the responsible party demonstrates and the board determines that one of the milestones noted in section 22a-449p has been completed, (9) the board determines what, if any, reductions to the amounts sought from the account should be made based upon the compliance evaluations performed pursuant to subsection (d) of this section, and (10) at the time any application or request for payment or reimbursement, including any supplemental application or request, is submitted to the board, (A) for applications filed with the underground storage tank petroleum clean-up account on or after October 1, 2007, there is no underground storage tank system subject to the financial responsibility demonstration required in subdivision (2) of this subsection dispensing petroleum on the property where the

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release or suspected release emanated or occurred, and if the application is submitted by the person who owns or operates or who owned or operated the underground storage tank system at the time of the release, such person demonstrates, in addition to all other applicable requirements, that lack of compliance with provisions of the general statutes and regulations governing underground storage tank systems was not a proximate cause of the release or suspected release and that there are not grounds for recovery specified in subdivision (2) of subsection (g) of this section, or (B) for applications filed with the underground storage tank petroleum clean-up account prior to October 1, 2007, there is no underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, and if the application is submitted by the person who owns or operates or who owned or operated the underground storage tank system at the time of the release, such person demonstrates, in addition to all other applicable requirements, that lack of compliance with provisions of the general statutes and regulations governing underground storage tank systems was not a proximate cause of the release or suspected release and that there are not grounds for recovery specified in subdivision (2) of subsection (g) of this section. Subdivision (10) of this [section] subsection shall not apply to any application filed with the underground storage tank petroleum clean-up account concerning a release of an underground storage tank system that was reported to the Commissioner of Environmental Protection in September, 2003 where such system was owned or operated by a municipality or other political subdivision of the state at the time of the release and such system was removed on or before April 1, 2005. In acting on an application or a request for payment or reimbursement, the board, using funds from the account, may contract with experts, including, but not limited to, attorneys and medical professionals, to better evaluate and defend against claims and negotiate claims by persons other than responsible parties. The costs of the board for experts shall not be charged to the amount allocated to

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the Department of Environmental Protection pursuant to section 22a-449c of the 2008 supplement to the general statutes. If a person other than a responsible party applies to the board claiming to have suffered bodily injury, property damage or damage to natural resources, the board shall order reimbursement or payment from the account if such person demonstrates that subdivisions (1), (2), (6) and (7) of this subsection are satisfied, the board determines that as a result of a release or suspected release such person has suffered bodily injury, property damage or damage to natural resources, that the costs, expenses or other obligations incurred are reasonable and the person submitting such claim demonstrates that it has attempted to or has provided written notice of its claim to the responsible party as required in subsection (a) of this section and that the responsible party has not applied to the board for payment or reimbursement of this claim. On or before June 30, 2005, if the board denied reimbursement or provided for only partial payment or reimbursement from the account regarding a release, pursuant to subdivision (4) of this [section] subsection, such denial or partial payment or reimbursement shall remain in effect and shall apply to all subsequent applications or requests for payment or reimbursement regarding such release.

Sec. 31. Subsection (g) of section 22a-619 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) Manufacturers shall meet all the requirements of this section for large appliances, including, but not limited to, washers, dryers, ovens, including microwave ovens, refrigerators, air conditioners, dehumidifiers or portable heaters sold in a store where such [appliance is] appliances are on display, except that no package labeling shall be required; (2) manufacturers shall meet all the requirements of this section for mercury fever thermometers, except that no product labeling shall be required; (3) in the case of vehicles, (A) manufacturers

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shall meet the product labeling requirements of this section for vehicles by placing a label on the doorpost of the vehicles that lists the mercury-added components that may be present in the vehicle, and (B) manufacturers shall not be required to label the mercury-added components of the vehicle; (4) manufacturers of products that contain a mercury-containing lamp used for backlighting that cannot feasibly be removed by the purchaser shall meet the product labeling requirements of this section by placing the label on the product or its care and use manual; (5) manufacturers shall meet all the requirements of this section for button cell batteries containing mercury, except that no labeling shall be required; (6) in the case of products that contain button cell batteries containing mercury as the only mercury components, manufacturers shall meet the packaging requirements of this section by including a label in the product instructions, if any, and on the packaging, and no further product labeling shall be required; (7) manufacturers of fluorescent lights and high-intensity discharge lamps shall meet the labeling requirements of this section by labeling the product packaging and placing the symbol "Hg" on each lamp; (8) manufacturers of medical equipment not intended for use by nonmedical personnel are exempt from this section; and (9) manufacturers shall meet this requirement for luminaires not sold through retail sales channels by providing information on their web sites and in catalogs.

Sec. 32. Subsection (a) of section 22a-628 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who, with criminal negligence, violates any provision of this chapter, including, but not limited to, any regulation adopted or order issued pursuant to this chapter, or who makes any false statement, representation [] or certification in any application, notification, request for exemption, record, plan, report or other

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document filed or required to be maintained under this chapter, shall be fined not more than twenty-five thousand dollars per day for each day of violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both.

Sec. 33. Section 22a-637 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On and after January 1, 2009, the Commissioner of Environmental Protection may issue cease and desist orders in accordance with section 22a-7 for any violation of sections 22a-629 to 22a-640, inclusive, as amended by this act, and [to] suspend or revoke any registration issued by the commissioner under section 22a-630 of the 2008 supplement to the general statutes, as amended by this act upon a showing of cause and after a hearing. The courts may grant such restraining orders and such temporary and permanent injunctive relief as may be necessary to secure compliance with sections 22a-629 to 22a-640, inclusive, as amended by this act. Civil proceedings to enforce sections 22a-629 to 22a-640, inclusive, as amended by this act, may be brought by the Attorney General in the superior court for any judicial district affected by the violation.

Sec. 34. Subsection (a) of section 32-324b of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A qualified biodiesel producer shall be eligible for not more than sixty monthly grants from the Connecticut qualified biodiesel producer incentive account, established pursuant to section 32-324b of the 2008 supplement to the general statutes, as amended by this act. The Department of Economic and Community Development, in

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consultation with the person, firm, corporation or entity selected to implement the grant pursuant to subsection (b) of section 32-324a of the 2008 supplement to the general statutes, if applicable, shall determine monthly grant amounts by calculating the estimated gallons of biodiesel produced during the preceding month, as certified by the Commissioner of Economic and Community Development, or a designee, and applying such figure to the per gallon incentive credit established in subsection (b) of this section.

Sec. 35. Subdivision (4) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Computer" means an electronic, magnetic, optical, electrochemical, or other [highspeed] high-speed data processing device performing a logical, arithmetic or storage function, and may include, but not be limited to, both a computer central processing unit and a monitor, but does not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant or other similar device.

Sec. 36. Subdivision (7) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(7) "Manufacturer" means any person who: (A) Manufactures or manufactured covered electronic devices under a brand that it licenses, owns or owned, for sale in this state; (B) manufactures or manufactured covered electronic devices without affixing a brand, for sale in this state; (C) resells or has resold in this state under its own brand or label a covered electronic device produced by other suppliers, including retail establishments that sell covered electronic [products] devices under their own brand names; (D) imports or imported into the United States or exports from the United States covered electronic

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devices for sale in this state; (E) sells at retail a covered electronic device acquired from an importer that is the manufacturer as described in subparagraph (D) of this subdivision, and elects to register in lieu of the importer as the manufacturer for those products; or (F) manufactures or manufactured covered electronic devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this state, and benefits from the sale in this state of those covered electronic devices through such distribution network.

Sec. 37. Subdivision (18) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(18) "Television" means a stand-alone display system containing a CRT or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches when measured diagonally, able to adhere to standard consumer video formats such as PAL, SECAM, NTSC, ATSC and HDTV and having the capability of selecting different broadcast channels and [support] supporting sound capability.

Sec. 38. Subsection (c) of section 7-131g of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) For purposes of this subsection, the fair market value of land or interest in land shall be determined by one or more appraisals satisfactory to the commissioner and shall not include incidental costs, including, but not limited to, surveying, development or closing costs. The commissioner may consider a portion of the fair market value of a donation of land by an entity receiving a grant as a portion of the matching funds required under this subsection. [No other funds made available by the state may be used by a potential grantee as matching

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funds under the program] A potential grantee may use funds made available by the state and federal government to fund not more than seventy per cent of the total cost of any project funded under the program.

Approved June 2, 2008