



General Assembly

January Session, 2009

Raised Bill No. 871

LCO No. 3061

03061_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT INCREASING THE ENFORCEMENT AUTHORITY OF THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

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

1 Section 1. Section 22a-6b of the general statutes, as amended by
2 section 14 of public act 08-1 of the November 24 special session, is
3 repealed and the following is substituted in lieu thereof (*Effective*
4 *October 1, 2009*)

5 (a) The Commissioner of Environmental Protection shall adopt
6 regulations, in accordance with the provisions of chapter 54, to
7 establish a schedule setting forth the amounts, or the ranges of
8 amounts, or a method for calculating the amount of the civil penalties
9 which may become due under this section. Such schedule or method
10 may be amended from time to time in the same manner as for
11 adoption provided any such regulations which become effective after
12 July 1, 1993, shall only apply to violations which occur after said date.
13 The civil penalties established for each violation shall be of such
14 amount as to insure immediate and continued compliance with
15 applicable laws, regulations, orders and permits. Such civil penalties
16 shall not exceed the following amounts:

17 (1) For failure to file any registration, other than a registration for a
18 general permit, for failure to file any plan, report or record, or any
19 application for a permit, for failure to obtain any certification, for
20 failure to display any registration, permit or order, or file any other
21 information required pursuant to any provision of section 14-100b or
22 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-
23 171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-
24 45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b)
25 of section 22a-134p, section 22a-171, 22a-174, 22a-175, as amended by
26 this act, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a,
27 22a-209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345,
28 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, as
29 amended by this act, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,
30 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-
31 449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or
32 any regulation, order or permit adopted or issued thereunder by the
33 commissioner, and for other violations of similar character as set forth
34 in such schedule or schedules, no more than one thousand dollars for
35 said violation and in addition no more than one hundred dollars for
36 each day during which such violation continues;

37 (2) For deposit, placement, removal, disposal, discharge or emission
38 of any material or substance or electromagnetic radiation or the
39 causing of, engaging in or maintaining of any condition or activity in
40 violation of any provision of section 14-100b or 14-164c, subdivision (3)
41 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
42 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections
43 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b)
44 of section 22a-134p, section 22a-162, 22a-171, 22a-174, 22a-175, as
45 amended by this act, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-
46 190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-
47 345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, as
48 amended by this act, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,
49 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-
50 449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or

51 any regulation, order or permit adopted thereunder by the
52 commissioner, and for other violations of similar character as set forth
53 in such schedule or schedules, no more than twenty-five thousand
54 dollars for said violation for each day during which such violation
55 continues;

56 (3) For violation of the terms of any final order of the commissioner,
57 except final orders under subsection [(d)] (e) of this section and
58 emergency orders and cease and desist orders as set forth in
59 subdivision (4) of this subsection, for violation of the terms of any
60 permit issued by the commissioner, and for other violations of similar
61 character as set forth in such schedule or schedules, no more than
62 twenty-five thousand dollars for said violation for each day during
63 which such violation continues;

64 (4) For violation of any emergency order or cease and desist order of
65 the commissioner, and for other violations of similar character as set
66 forth in such schedule or schedules, no more than twenty-five
67 thousand dollars for said violation for each day during which such
68 violation continues;

69 (5) For failure to make an immediate report required pursuant to
70 subdivision (3) of subsection (a) of section 22a-135, or a report required
71 by the department pursuant to subsection (b) of section 22a-135, no
72 more than twenty-five thousand dollars per violation per day;

73 (6) For violation of any provision of the state's hazardous waste
74 program, no more than twenty-five thousand dollars per violation per
75 day;

76 (7) For wilful violation of any condition imposed pursuant to
77 section 26-313 which leads to the destruction of, or harm to, any rare,
78 threatened or endangered species, no more than ten thousand dollars
79 per violation per day;

80 (8) For violation of any provision of sections 22a-608 to 22a-611,

81 inclusive, no more than the amount established by Section 325 of the
82 Emergency Planning and Community Right-To-Know Act of 1986 (42
83 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313,
84 inclusive, of said act.

85 (b) In adopting regulations regarding any schedule or methods
86 prescribed by this section, the commissioner shall consider:

87 (1) The amount or ranges of amounts of assessment necessary to
88 insure immediate and continued compliance;

89 (2) The character and degree of impact of the violation on the
90 natural resources of the state, especially any rare or unique natural
91 phenomena;

92 (3) The conduct of the person incurring the civil penalty in taking all
93 feasible steps or procedures necessary or appropriate to comply or to
94 correct the violation;

95 (4) Any prior violations by such person of statutes, regulations,
96 orders or permits administered, adopted or issued by the
97 commissioner;

98 (5) The economic and financial conditions of such person;

99 (6) The economic benefit which such person derived as a result of
100 the violation;

101 (7) The character and degree of injury to, or interference with, public
102 health, safety or welfare which is caused or threatened to be caused by
103 such violation;

104 (8) The character and degree of injury or impairment to, or
105 interference with, reasonable use of property which is caused or
106 threatened to be caused by such violation;

107 (9) The character and degree of injury or impairment to, or
108 interference with, the public trust in the air, water, land and other

109 natural resources of the state;

110 (10) To the extent consistent with applicable law, any other factors
111 the commissioner deems appropriate, including voluntary measures
112 taken by such person to prevent pollution or enhance or preserve
113 natural resources;

114 (11) In the case of violation of the provisions of subdivision (3) of
115 subsection (a) of section 22a-135, the apparent seriousness of the
116 release, occurrence, incident or other circumstance at the time it first
117 became known to the licensee or any employee of such licensee, the
118 extent of the delay from the time such licensee or employee had or in
119 the exercise of reasonable care should have had knowledge of such
120 release, occurrence, incident or circumstance until its reporting by the
121 licensee in accordance with this subsection, subsection (a) of this
122 section and sections 16-19g and 22a-135, and the conduct of the
123 licensee in taking all necessary steps to prevent future violations of the
124 provisions of said subdivision.

125 (c) Notwithstanding subsection (a) of this section, the commissioner
126 may issue an order pursuant to chapter 446c, 446d or 446k to impose a
127 civil penalty that exceeds the limits enumerated in said subsection, but
128 in no case shall such penalty exceed one hundred thousand dollars. To
129 determine the amount of such penalty, the commissioner shall
130 consider the factors specified in subsection (b) of this section. Any self-
131 reported information submitted in accordance with a permit or order
132 issued, or regulation adopted pursuant to chapter 446c, 446d or 446k
133 shall be presumed to be factual.

134 ~~[(c)]~~ (d) If the commissioner has reason to believe that a violation
135 has occurred for which a civil penalty is authorized by this section, he
136 may send to the violator, by certified mail, return receipt requested, or
137 personal service, a notice which shall include:

138 (1) A reference to the sections of the statute, regulation, order or
139 permit involved;

140 (2) A short and plain statement of the matters asserted or charged;

141 (3) A statement of the amount of the civil penalty or penalties or the
142 method for calculating the penalty or penalties to be imposed upon
143 finding after hearing that a violation has occurred or upon a default;
144 and

145 (4) A statement of the party's right to a hearing.

146 [(d)] (e) The person to whom the notice is addressed shall have
147 thirty days from the date of receipt of the notice in which to deliver to
148 the commissioner written application for a hearing. If a hearing is
149 requested then, after a hearing and upon a finding that a violation has
150 occurred, the commissioner may issue a final order assessing a civil
151 penalty under this section which is not greater than the penalty stated
152 in the notice. The commissioner may amend a notice of assessment at
153 any time before such notice becomes final, provided the person to
154 whom the notice is addressed shall have thirty days from the date of
155 receipt of such amendment in which to deliver to the commissioner a
156 written application for a hearing on such amendment, and provided
157 further the commissioner may amend a notice of assessment after a
158 hearing has begun only with the permission of the hearing officer. If
159 such a hearing is not so requested, or if such a request is later
160 withdrawn, then the notice shall, on the first day after the expiration of
161 such twenty-day period or on the first day after the withdrawal of such
162 request for hearing, whichever is later, become a final order of the
163 commissioner and the matters asserted or charged in the notice shall
164 be deemed admitted unless modified by consent order, which shall be
165 a final order. Any civil penalty may be mitigated by the commissioner
166 upon such terms and conditions as the commissioner in the
167 commissioner's discretion deems proper or necessary upon
168 consideration of the factors set forth in subsection (b) of this section.

169 [(e)] (f) All hearings under this section shall be conducted pursuant
170 to sections 4-176e to 4-184, inclusive. The final order of the
171 commissioner assessing a civil penalty shall be subject to appeal as set

172 forth in section 4-183, except that any such appeal shall be taken to the
173 superior court for the judicial district of New Britain and shall have
174 precedence in the order of trial as provided in section 52-191. Such
175 final order shall not be subject to appeal under any other provision of
176 the general statutes. No challenge to any notice of assessment or final
177 order of the commissioner assessing a civil penalty shall be allowed as
178 to any issue which could have been raised by an appeal of an earlier
179 order, notice, permit, denial or other final decision by the
180 commissioner. Any civil penalty authorized by this section shall
181 become due and payable (1) at the time of receipt of a final order in the
182 case of a civil penalty assessed in such order after a hearing, (2) on the
183 first day after the expiration of the period in which a hearing may be
184 requested if no hearing is requested, or (3) on the first day after any
185 withdrawal of a request for hearing.

186 [(f)] (g) Any person acting within the terms and conditions of a final
187 order or permit issued to him by the commissioner shall not be subject
188 to a civil penalty, under this section, for such actions.

189 [(g)] (h) A civil penalty assessed in a final order of the commissioner
190 under this section may be enforced in the same manner as a judgment
191 of the Superior Court. Such final order shall be served in person or by
192 certified mail, return receipt requested. Any notice of violation or final
193 order against a private corporation shall be served upon at least one of
194 the individuals enumerated in section 52-57. After entry, a transcript of
195 such final order may be filed by the commissioner, without requiring
196 the payment of costs as a condition precedent to such filing, in the
197 office of the clerk of the superior court in any one or more of the
198 following judicial districts: Any judicial district in which the
199 respondent resides, any judicial district in which the respondent has a
200 place of business, any judicial district in which the respondent owns
201 real property and any judicial district in which any real property
202 which is a subject of the proceedings is located; or, if the respondent is
203 not a resident of the state of Connecticut, in the judicial district of
204 Hartford. Upon such filing, such clerk or clerks shall docket such order

205 in the same manner and with the same effect as a judgment entered in
206 the superior court within the judicial district. Upon such docketing,
207 such order may be enforced as a judgment of such court.

208 [(h)] (i) The provisions of this section, sections 22a-2, 22a-6, 22a-6a,
209 22a-7, sections 22a-428, subsection (d) of section 22a-430, sections 22a-
210 431, 22a-432, 22a-433, 22a-437 and subsections (b) and (c) of section
211 22a-459 are in addition to and in no way derogate from any other
212 enforcement provisions contained in any statute administered by the
213 commissioner. The powers, duties and remedies provided in such
214 other statutes, and the existence of or exercise of any powers, duties or
215 remedies hereunder or thereunder shall not prevent the commissioner
216 from exercising any other powers, duties or remedies provided herein,
217 therein, at law or in equity.

218 [(i)] (j) No penalty shall be assessed pursuant to this section which
219 exceeds two hundred thousand dollars or such other amount as may
220 be provided by federal law.

221 Sec. 2. Subsection (b) of section 22a-6e of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective*
223 *October 1, 2009*):

224 (b) The commissioner, or [his] a designee, shall render a final
225 decision to assess the administrative civil penalties established
226 pursuant to this section, and shall collect such penalties, in accordance
227 with the procedures specified in subsections (c) to [(g)] (h), inclusive,
228 of section 22a-6b, as amended by this act. The commissioner may
229 amend a notice of assessment at any time before such notice becomes
230 final, provided the person to whom the notice is addressed shall have
231 thirty days from the date of receipt of such amendment in which to
232 deliver to the commissioner a written application for a hearing on such
233 amendment, and provided further the commissioner may amend a
234 notice of assessment after a hearing has begun only with the
235 permission of the hearing officer. No challenge to any notice of civil
236 penalty assessment shall be allowed as to any issue which could have

237 been raised by an appeal of an earlier order, notice permit, denial or
238 other final decision by the commissioner.

239 Sec. 3. Section 22a-75 of the general statutes is repealed and the
240 following is substituted in lieu thereof (*Effective October 1, 2009*):

241 The commissioner may set schedules and assess civil penalties for
242 any violation of this chapter pursuant to sections 22a-6a and 22a-6b, as
243 amended by this act. Notice, hearing and appeal procedures shall be
244 made pursuant to subsections [(c) to (h)] (d) to (i), inclusive, of section
245 22a-6b, as amended by this act.

246 Sec. 4. Section 51-344b of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective October 1, 2009*):

248 Whenever the term "judicial district of Hartford" is used or referred
249 to in the following sections of the general statutes, the term "judicial
250 district of New Britain" shall be substituted in lieu thereof: Subsection
251 (b) of section 3-70a, sections 3-71a and 4-164, subsection (c) of section 4-
252 183, subdivision (4) of subsection (g) of section 10-153e, subparagraph
253 (C) of subdivision (4) of subsection (e) of section 10a-109n, sections 12-
254 3a, 12-89, 12-103, 12-208, 12-237, 12-242hh, 12-242ii, 12-242kk, 12-268l,
255 12-307, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-463, 12-489,
256 12-522, 12-554, 12-586g and 12-597, subsection (b) of section 12-638i,
257 sections 12-730, 14-57, 14-66, 14-195, 14-324, 14-331 and 19a-85,
258 subsection (f) of section 19a-332e, subsection (d) of section 19a-653,
259 sections 20-156, 20-247, 20-307, 20-373, 20-583 and 21a-55, subsection
260 (e) of section 22-7, sections 22-320d and 22-386, subsection [(e)] (f) of
261 section 22a-6b, as amended by this act, section 22a-30, subsection (a) of
262 section 22a-34, subsection (b) of section 22a-34, section 22a-182a,
263 subsection (f) of section 22a-225, sections 22a-227, 22a-344, 22a-374,
264 22a-408 and 22a-449g, subsection (f) of section 25-32e, section 29-158,
265 subsection (f) of section 29-161z, sections 36b-30 and 36b-76, subsection
266 (f) of section 38a-41, section 38a-52, subsection (c) of section 38a-150,
267 sections 38a-185, 38a-209 and 38a-225, subdivision (3) of section 38a-
268 226b, sections 38a-241, 38a-337 and 38a-657, subsection (c) of section

269 38a-774, section 38a-776, subsection (c) of section 38a-817 and section
270 38a-994.

271 Sec. 5. Section 22a-175 of the general statutes is repealed and the
272 following is substituted in lieu thereof (*Effective October 1, 2009*):

273 (a) Any person who [knowingly or] with criminal negligence
274 violates any provision of this chapter, section 22a-6 or 22a-7 or any
275 regulation, order or permit adopted or issued [thereunder except for a
276 violation of subsection (b) of this section] under this chapter, shall be
277 fined not more than twenty-five thousand dollars per day for each day
278 of violation or be imprisoned not more than one year, or both. A
279 subsequent conviction for any such violation shall carry a fine of not
280 more than fifty thousand dollars per day for each day of violation or
281 imprisonment for not more than two years, or both.

282 (b) Any person who knowingly violates any provision of this
283 chapter, or section 22a-6 or 22a-7, shall be fined not more than fifty
284 thousand dollars per day for each day of violation or be imprisoned
285 not more than three years, or both. A subsequent conviction for any
286 such violation shall carry a fine of not more than one hundred
287 thousand dollars per day for each day of violation or imprisonment for
288 not more than ten years, or both.

289 [(b)] (c) Any person who (1) knowingly makes any false statement,
290 representation or certification in any application, record, report, plan
291 or other document filed or required to be maintained under this
292 chapter, section 22a-6 or 22a-7, or under any regulation, order or
293 permit adopted or issued [thereunder] under this chapter, [or who] (2)
294 falsifies, tampers with or knowingly renders inaccurate any
295 monitoring device or method required to be maintained under the
296 provisions of this chapter, section 22a-6 or 22a-7, or any regulation,
297 order or permit adopted or issued [thereunder] under this chapter, or
298 (3) wilfully fails to maintain or knowingly destroys, alters or conceals
299 any record required to be maintained under this chapter, section 22a-6
300 or 22a-7, or any regulation adopted, or order or permit issued under

301 this chapter, shall, upon conviction, be fined not more than [ten
302 thousand dollars for each] fifty thousand dollars per day for each day
303 of the violation or imprisoned not more than [six months for each
304 violation] two years, or both. A subsequent conviction for any such
305 violation shall carry a fine of not more than fifty thousand dollars per
306 day for each day of the violation or imprisonment for not more than
307 five years, or both.

308 (d) For the purposes of subsections (b) and (c) of this section,
309 "person" includes any responsible corporate officer or municipal
310 official.

311 Sec. 6. Section 22a-226a of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2009*):

313 (a) Any person who knowingly violates any provision of section
314 22a-252, section 22a-208a, section 22a-208c, any permit issued under
315 said section 22a-208a, subsection (c) or (d) of section 22a-250, any
316 regulation adopted under section 22a-209 or 22a-231, or any order
317 issued pursuant to section 22a-225 shall be fined not more than
318 twenty-five thousand dollars per day for each day of violation or
319 imprisoned not more than two years₂, or both. A subsequent conviction
320 for any such violation shall carry a fine of not more than fifty thousand
321 dollars per day for each day of violation or imprisonment for not more
322 than five years₂, or both.

323 (b) Any person who with criminal negligence violates any provision
324 of section 22a-252, section 22a-208a, section 22a-208c, any permit
325 issued under said section 22a-208a, subsection (c) or (d) of section 22a-
326 250, any regulation adopted under section 22a-209 or 22a-231, or any
327 order issued pursuant to section 22a-225, shall be fined not more than
328 twenty-five thousand dollars per day for each day of violation or
329 imprisoned not more than one year, or both. A subsequent conviction
330 for any such violation shall carry a fine of not more than fifty thousand
331 dollars per day for each day of violation or imprisonment for not more
332 than two years, or both.

333 (c) Any person who, in violation of any provision of section 22a-252,
334 section 22a-208a, section 22a-208c, any permit issued under said
335 section 22a-208a, subsection (c) or (d) of section 22a-250, any regulation
336 adopted under section 22a-209 or 22a-231, or any order issued
337 pursuant to section 22a-225: (1) Knowingly makes any false statement,
338 representation or certification in any application, record, report, plan
339 or other document filed or required to be maintained under this
340 chapter, section 22a-6 or 22a-7, or under any regulation adopted, or
341 order or permit issued under this chapter, (2) falsifies, tampers with or
342 knowingly renders inaccurate any monitoring device or method
343 required to be maintained under the provisions of this chapter, section
344 22a-6 or 22a-7, or any regulation adopted, or order or permit issued
345 under this chapter, or (3) wilfully fails to maintain or knowingly
346 destroys, alters or conceals any record required to be maintained
347 under this chapter, section 22a-6 or 22a-7, or any regulation adopted,
348 or order or permit issued under this chapter, shall, upon conviction, be
349 fined not more than fifty thousand dollars per day for each day of the
350 violation or imprisoned not more than two years, or both. A
351 subsequent conviction for any such violation shall carry a fine of not
352 more than fifty thousand dollars per day for each day of the violation
353 or imprisonment for not more than five years, or both.

354 (d) For the purposes of this section, "person" includes any
355 responsible corporate officer or municipal official.

356 Sec. 7. Subsection (a) of section 22a-361 of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective*
358 *October 1, 2009*):

359 (a) No person, firm or corporation, public, municipal or private,
360 shall dredge, erect any structure, place any fill, obstruction or
361 encroachment or carry out any work incidental thereto or retain or
362 maintain any structure, dredging or fill, in the tidal, coastal or
363 navigable waters of the state waterward of the high tide line until such
364 person, firm or corporation has submitted an application and has

365 secured from said commissioner a certificate or permit for such work
366 and has agreed to carry out any conditions necessary to the
367 implementation of such certificate or permit. (1) Each application for a
368 permit, except for an emergency authorization, for any structure,
369 filling or dredging which uses or occupies less than five thousand five
370 hundred square feet in water surface area based on the perimeters of
371 the project shall be accompanied by a fee equal to eighty cents per
372 square foot provided such fee shall not be less than five hundred
373 twenty-five dollars. (2) Each application for a permit for any structure,
374 filling or dredging which uses or occupies five thousand five hundred
375 square feet or more but less than five acres in water surface area based
376 on the perimeters of the project shall be accompanied by a fee of three
377 thousand three hundred dollars plus ten cents per square foot for each
378 square foot in excess of five thousand five hundred square feet. (3)
379 Each application for a permit for any structure, filling or dredging
380 which uses or occupies five or more acres in water surface area based
381 on the perimeters of the project shall be accompanied by a fee of
382 nineteen thousand two hundred twenty-three dollars plus five
383 hundred twenty-five dollars per acre for each acre or part thereof in
384 excess of five acres. (4) Each application for a mooring area or multiple
385 mooring facility, regardless of the area to be occupied by moorings,
386 shall be accompanied by a fee of five hundred twenty-five dollars
387 provided that such mooring areas or facilities shall not include fixed or
388 floating docks, slips or berths. Application fees for aquaculture
389 activities shall not be based on areal extent. The commissioner may
390 waive or reduce any fee [payable to him] for [(1)] (A) a tidal wetlands
391 or coastal resource restoration or enhancement activity, [(2)] (B)
392 experimental activities or demonstration projects, [(3)] (C) nonprofit
393 academic activities, or [(4)] (D) public access activities in tidal, coastal
394 or navigable waters, provided no fee shall be waived or reduced for
395 activities required by statute, regulation, permit, order or enforcement
396 action. The application fee for the retention of a structure built in
397 violation of this subsection where such structure is ineligible for a
398 certificate of permission under section 22a-363b shall be four times the

399 fee calculated in accordance with subdivisions (1) to (4), inclusive, of
400 this subsection. The commissioner may lower any such fee based upon
401 the commissioner's finding of significant extenuating circumstances.
402 As used in this section, "resource restoration or enhancement activity"
403 means an action taken to return a wetland or coastal resource to a prior
404 natural condition or to improve the natural functions or habitat value
405 of such resource, but shall not include actions required pursuant to an
406 enforcement action of the commissioner, and "public access activities"
407 means activities whose principal purpose is to provide or increase
408 access for the general public to tidal, coastal or navigable waters,
409 including, but not limited to, boardwalks, boat ramps, observation
410 areas and fishing piers.

411 Sec. 8. Subsection (d) of section 22a-438 of the general statutes is
412 repealed and the following is substituted in lieu thereof (*Effective*
413 *October 1, 2009*):

414 (d) Any person who (1) knowingly makes any false statement,
415 representation, or certification in any application, record, report, plan,
416 or other document filed or required to be maintained under this
417 chapter, or section 22a-6 or 22a-7, or [who] under any regulation
418 adopted or order or permit issued under this chapter, (2) falsifies,
419 tampers with, or knowingly renders inaccurate any monitoring device
420 or method required to be maintained under this chapter, or section
421 22a-6 or 22a-7, or under any regulation adopted or order or permit
422 issued under this chapter, or (3) wilfully fails to maintain or knowingly
423 destroys, alters or conceals any record required to be maintained
424 under this chapter, section 22a-6 or 22a-7, or any regulation adopted,
425 or order or permit issued under this chapter, shall upon conviction be
426 fined not more than [twenty-five thousand dollars for each] fifty
427 thousand dollars per day for each day of the violation or imprisoned
428 not more than two years, [for each violation] or both. A subsequent
429 conviction for any such violation shall carry a fine of not more than
430 fifty thousand dollars per day for each day of the violation or
431 imprisonment for not more than five years, or both. For the purposes

432 of this subsection, [person] "person" includes any responsible
433 corporate officer or municipal official.

434 Sec. 9. Section 1-24 of the general statutes is repealed and the
435 following is substituted in lieu thereof (*Effective October 1, 2009*):

436 The following officers may administer oaths: (1) The clerks of the
437 Senate, the clerks of the House of Representatives and the chairpersons
438 of committees of the General Assembly or of either branch thereof,
439 during its session; (2) state officers, as defined in subsection (t) of
440 section 9-1, judges and clerks of any court, family support magistrates,
441 judge trial referees, justices of the peace, commissioners of the Superior
442 Court, notaries public, town clerks and assistant town clerks, in all
443 cases where an oath may be administered, except in a case where the
444 law otherwise requires; (3) commissioners on insolvent estates,
445 auditors, arbitrators and committees, to parties and witnesses, in all
446 cases tried before them; (4) assessors and boards of assessment
447 appeals, in cases coming before them; (5) commissioners appointed by
448 governors of other states to take the acknowledgment of deeds, in the
449 discharge of their official duty; (6) the moderator of a school district
450 meeting, in such meeting, to the clerk of such district, as required by
451 law; (7) the first selectman, in any matter before the board of
452 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
453 and assistant medical examiners of the Office of the Medical Examiner,
454 in any matter before them; (9) registrars of vital statistics, in any matter
455 before them; (10) any chief inspector or inspector appointed pursuant
456 to section 51-286; (11) registrars of voters, deputy registrars, assistant
457 registrars, and moderators, in any matter before them; (12) special
458 assistant registrars, in matters provided for in subsections (b) and (c) of
459 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
460 and any sworn member of any local police department or the Division
461 of State Police within the Department of Public Safety, in all affidavits,
462 statements, depositions, complaints or reports made to or by any
463 member of any local police department or said Division of State Police
464 or any constable who is under the supervision of said commissioner or

465 any of such officers of said Division of State Police and who is certified
466 under the provisions of sections 7-294a to 7-294e, inclusive, and
467 performs criminal law enforcement duties; (14) judge advocates of the
468 United States Army, Navy, Air Force and Marine Corps, law
469 specialists of the United States Coast Guard, adjutants, assistant
470 adjutants, acting adjutants and personnel adjutants, commanding
471 officers, executive officers and officers whose rank is lieutenant
472 commander or major, or above, of the armed forces, as defined in
473 section 27-103, to persons serving with or in the armed forces, as
474 defined in said section, or their spouses; (15) investigators, deputy
475 investigators, investigative aides, secretaries, clerical assistants, social
476 workers, social worker trainees, paralegals and certified legal interns
477 employed by or assigned to the Public Defender Services Commission
478 in the performance of their assigned duties; (16) bail commissioners
479 employed by the Judicial Department in the performance of their
480 assigned duties; (17) juvenile matter investigators employed by the
481 Division of Criminal Justice in the performance of their assigned
482 duties; (18) the chairperson of the Connecticut Siting Council or the
483 chairperson's designee; (19) the presiding officer at an agency hearing
484 under section 4-177b; (20) family relations counselors employed by the
485 Judicial Department and support enforcement officers and
486 investigators employed by the Department of Social Services Bureau of
487 Child Support Enforcement and the Judicial Department, in the
488 performance of their assigned duties; (21) the chairperson, vice-
489 chairperson, members and employees of the Board of Pardons and
490 Paroles, in the performance of their assigned duties; [and] (22) the
491 Commissioner of Correction or the commissioner's designee; and (23)
492 sworn law enforcement officers, appointed under section 26-5, within
493 the Department of Environmental Protection, in all affidavits
494 statements, depositions, complaints or reports made to or by any such
495 sworn law enforcement officer.

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

Section 1	<i>October 1, 2009</i>	22a-6b
Sec. 2	<i>October 1, 2009</i>	22a-6e(b)
Sec. 3	<i>October 1, 2009</i>	22a-75
Sec. 4	<i>October 1, 2009</i>	51-344b
Sec. 5	<i>October 1, 2009</i>	22a-175
Sec. 6	<i>October 1, 2009</i>	22a-226a
Sec. 7	<i>October 1, 2009</i>	22a-361(a)
Sec. 8	<i>October 1, 2009</i>	22a-438(d)
Sec. 9	<i>October 1, 2009</i>	1-24

Statement of Purpose:

To give the Commissioner of Environmental Protection greater discretion when assessing civil penalties, to make the criminal penalties for failing to maintain or destroying information concerning air, water, solid and hazardous waste violations consistent and more severe, to increase the fee for a structure constructed without the required permit to four times the original application fee, and to allow conservation officers to administer oaths.

[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.]