



General Assembly

Amendment

January Session, 2009

LCO No. 9325

SB0056909325HRO

Offered by:

REP. CHAPIN, 67th Dist.

REP. MINER, 66th Dist.

REP. CANDELORA, 86th Dist.

To: Subst. Senate Bill No. 569

File No. 997

Cal. No. 709

(As Amended)

"AN ACT CONCERNING ENHANCEMENTS TO THE INLAND WETLANDS AND WATERCOURSES ACT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22a-38 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 As used in sections 22a-36 to 22a-45a, inclusive, as amended by this
6 act and section 502 of this act:

7 (1) "Commissioner" means the Commissioner of Environmental
8 Protection;

9 (2) "Person" means any person, firm, partnership, association,
10 corporation, limited liability company, company, organization or legal

11 entity of any kind, including municipal corporations, governmental
12 agencies or subdivisions thereof;

13 (3) "Municipality" means any town, consolidated town and city,
14 consolidated town and borough, city and borough;

15 (4) "Inland wetlands agency" means a municipal board or
16 commission established pursuant to and acting under section 22a-42;

17 (5) "Soil scientist" means an individual duly qualified in accordance
18 with standards set by the federal Office of Personnel Management;

19 (6) "Material" means any substance, solid or liquid, organic or
20 inorganic, including, but not limited to soil, sediment, aggregate, land,
21 gravel, clay, bog, mud, debris, sand, refuse or waste;

22 (7) "Waste" means sewage or any substance, liquid, gaseous, solid or
23 radioactive, which may pollute or tend to pollute any of the waters of
24 the state;

25 (8) "Pollution" means harmful thermal effect or the contamination or
26 rendering unclean or impure of any waters of the state by reason of
27 any waste or other materials discharged or deposited therein by any
28 public or private sewer or otherwise so as directly or indirectly to
29 come in contact with any waters;

30 (9) "Rendering unclean or impure" means any alteration of the
31 physical, chemical or biological properties of any of the waters of the
32 state, including, but not limited to change in odor, color, turbidity or
33 taste;

34 (10) "Discharge" means the emission of any water, substance or
35 material into waters of the state whether or not such substance causes
36 pollution;

37 (11) "Remove" includes, but shall not be limited to drain, excavate,
38 mine, dig, dredge, suck, bulldoze, dragline or blast;

39 (12) "Deposit" includes, but shall not be limited to, fill, grade, dump,
40 place, discharge or emit;

41 (13) "Regulated activity" means any operation within or use of a
42 wetland or watercourse involving removal or deposition of material,
43 or any obstruction, construction, alteration or pollution, of such
44 wetlands or watercourses, but shall not include the specified activities
45 in section 22a-40, as amended by this act;

46 (14) "License" means the whole or any part of any permit, certificate
47 of approval or similar form of permission which may be required of
48 any person by the provisions of sections 22a-36 to 22a-45a, inclusive, as
49 amended by this act;

50 (15) "Wetlands" means land, including submerged land, not
51 regulated pursuant to sections 22a-28 to 22a-35, inclusive, which
52 consists of any of the soil types designated as poorly drained, very
53 poorly drained, alluvial, and floodplain by the National Cooperative
54 Soils Survey, as may be amended from time to time, of the Natural
55 Resources Conservation Service of the United States Department of
56 Agriculture;

57 (16) "Watercourses" means rivers, streams, brooks, waterways,
58 lakes, ponds, marshes, swamps, bogs and all other bodies of water,
59 natural or artificial, vernal or intermittent, public or private, which are
60 contained within, flow through or border upon this state or any
61 portion thereof, not regulated pursuant to sections 22a-28 to 22a-35,
62 inclusive. Intermittent watercourses shall be delineated by a defined
63 permanent channel and bank and the occurrence of two or more of the
64 following characteristics: (A) Evidence of scour or deposits of recent
65 alluvium or detritus, (B) the presence of standing or flowing water for
66 a duration longer than a particular storm incident, and (C) the
67 presence of hydrophytic vegetation;

68 (17) "Natural vegetation" means naturally occurring shrubs, trees or
69 other plants growing around wetlands or watercourses, but does not
70 include lawns or manicured grass areas;

71 (18) "Cultivated vegetation" means plants growing around wetlands
72 or watercourses or on the grounds of the State Capitol that are grown
73 for the purpose of human consumption, including, but not limited to,
74 plants in community gardens;

75 [(17)] (19) "Feasible" means able to be constructed or implemented
76 consistent with sound engineering principles; and

77 [(18)] (20) "Prudent" means economically and otherwise reasonable
78 in light of the social benefits to be derived from the proposed regulated
79 activity provided cost may be considered in deciding what is prudent
80 and further provided a mere showing of expense will not necessarily
81 mean an alternative is imprudent.

82 Sec. 502. (NEW) (*Effective from passage*) (a) There is established a
83 community garden program to be known as the Capitol Grounds
84 Community Garden Program. Any parcel of land on the grounds of
85 the State Capitol that, as of the effective date of this section, contains
86 plants belonging to the family Liliaceae or any bulbs of such plants
87 shall be converted to use as a parcel for cultivated vegetation as part of
88 the program.

89 (b) Any Hartford resident who has an income level equal to or less
90 than one hundred eighty-five per cent of the federal poverty level shall
91 be eligible to apply to use an area not to exceed one hundred fifty
92 square feet to grow cultivated vegetation. If the number of applicants
93 exceeds the number of parcels available for such use, the Executive
94 Director of the Office of Legislative Management shall establish a
95 lottery system to allocate such parcels.

96 (c) Permitted bird and wildlife repellents on any such parcel shall
97 include scare eye and holographic balloons, rotating head and motion
98 sensor owls and scarecrows. Bird and wildlife repellents that make
99 noise, including, but not limited to, bird bangers, screamers, rockets,
100 and pyrotechnics shall be prohibited. No person using any such parcel
101 for the purpose of cultivated vegetation may use any pesticide,
102 herbicide or chemical fertilizer on the grounds of the State Capitol.

103 Nothing in this section shall be construed to prohibit the use of
104 manure fertilizers, including, but not limited to, manure produced by
105 cattle, sheep, horses, pigs or chickens.

106 (d) The Executive Director of the Office of Legislative Management
107 shall, within available appropriations, administer the Capitol Grounds
108 Community Garden Program. The executive director's responsibilities
109 under said program shall include, but not be limited to, (1) the
110 development and processing of applications; (2) the creation of a
111 lottery system, if necessary; (3) the resolution of any disputes between
112 participants; (4) soil testing; (5) monitoring of fertilizer use; and (6)
113 monitoring of bird and wildlife repellents.

114 (e) On or before December 31, 2009, and annually thereafter, the
115 executive director shall report to the General Assembly, in accordance
116 with the provisions of section 11-4a of the general statutes, concerning
117 the Capitol Grounds Community Garden Program, including, but not
118 limited to, the number of applicants, participants and parcels used,
119 fertilizer types used and recommendations for additional areas to be
120 converted from grass to areas of cultivated vegetation."