



Senate

General Assembly

File No. 455

January Session, 2011

Substitute Senate Bill No. 1115

Senate, April 7, 2011

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGULATION OF CERTAIN LOW EMISSION VEHICLES, IONIZING RADIATION AND STREAM CHANNEL ENCROACHMENT LINES BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

1 Section 1. Subsection (c) of section 7-147 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (c) The provisions of this section shall not be construed to limit or
5 alter the authority of the Commissioner of Environmental Protection
6 over the tidal, coastal and navigable waters of the state, [and within
7 stream channel encroachment lines established by said commissioner
8 pursuant to section 22a-343.]

9 Sec. 2. Subsection (a) of section 13a-94 of the general statutes is
10 repealed and the following is substituted in lieu thereof (*Effective*
11 *October 1, 2011*):

12 (a) All structures to be built over, or structures or embankments to
13 be built adjacent to, streams in connection with state highway projects
14 shall conform [(1) to the requirements of the Commissioner of
15 Environmental Protection for sizes and location of waterways as
16 determined by his policies for the establishment of river channel
17 encroachment limits in accordance with sections 22a-342 to 22a-348,
18 inclusive, (2)] to any approved river corridor protection plan for a river
19 corridor designated pursuant to section 25-205 [,] and [(3)] any river
20 corridor management plan approved pursuant to section 25-235.

21 Sec. 3. Section 22a-6 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2011*):

23 (a) The commissioner may: (1) Adopt, amend or repeal, in
24 accordance with the provisions of chapter 54, such environmental
25 standards, criteria and regulations, and such procedural regulations as
26 are necessary and proper to carry out his functions, powers and duties;
27 (2) enter into contracts with any person, firm, corporation or
28 association to do all things necessary or convenient to carry out the
29 functions, powers and duties of the department; (3) initiate and receive
30 complaints as to any actual or suspected violation of any statute,
31 regulation, permit or order administered, adopted or issued by him.
32 The commissioner shall have the power to hold hearings, administer
33 oaths, take testimony and subpoena witnesses and evidence, enter
34 orders and institute legal proceedings including, but not limited to,
35 suits for injunctions, for the enforcement of any statute, regulation,
36 order or permit administered, adopted or issued by him; (4) in
37 accordance with regulations adopted by him, require, issue, renew,
38 revoke, modify or deny permits, under such conditions as he may
39 prescribe, governing all sources of pollution in Connecticut within his
40 jurisdiction; (5) in accordance with constitutional limitations, enter at
41 all reasonable times, without liability, upon any public or private
42 property, except a private residence, for the purpose of inspection and
43 investigation to ascertain possible violations of any statute, regulation,
44 order or permit administered, adopted or issued by him and the
45 owner, managing agent or occupant of any such property shall permit

46 such entry, and no action for trespass shall lie against the
47 commissioner for such entry, or he may apply to any court having
48 criminal jurisdiction for a warrant to inspect such premises to
49 determine compliance with any statute, regulation, order or permit
50 administered, adopted or enforced by him, provided any information
51 relating to secret processes or methods of manufacture or production
52 ascertained by the commissioner during, or as a result of, any
53 inspection, investigation, hearing or otherwise shall be kept
54 confidential and shall not be disclosed except that, notwithstanding the
55 provisions of subdivision (5) of subsection (b) of section 1-210, such
56 information may be disclosed by the commissioner to the United States
57 Environmental Protection Agency pursuant to the federal Freedom of
58 Information Act of 1976, (5 USC 552) and regulations adopted
59 thereunder or, if such information is submitted after June 4, 1986, to
60 any person pursuant to the federal Clean Water Act (33 USC 1251 et
61 seq.); (6) undertake any studies, inquiries, surveys or analyses he may
62 deem relevant, through the personnel of the department or in
63 cooperation with any public or private agency, to accomplish the
64 functions, powers and duties of the commissioner; (7) require the
65 posting of sufficient performance bond or other security to assure
66 compliance with any permit or order; (8) provide by notice printed on
67 any form that any false statement made thereon or pursuant thereto is
68 punishable as a criminal offense under section 53a-157b; (9) construct
69 or repair or contract for the construction or repair of any dam or flood
70 and erosion control system under his control and management, make
71 or contract for the making of any alteration, repair or addition to any
72 other real asset under his control and management, including rented
73 or leased premises, involving an expenditure of five hundred thousand
74 dollars or less, and, with prior approval of the Commissioner of Public
75 Works, make or contract for the making of any alteration, repair or
76 addition to such other real asset under his control and management
77 involving an expenditure of more than five hundred thousand dollars
78 but not more than one million dollars; (10) in consultation with
79 affected town and watershed organizations, enter into a lease
80 agreement with a private entity owning a facility to allow the private

81 entity to generate hydroelectricity provided the project meets the
82 certification standards of the Low Impact Hydropower Institute; (11)
83 by regulations adopted in accordance with the provisions of chapter
84 54, require the payment of a fee sufficient to cover the reasonable cost
85 of the search, duplication and review of records requested under the
86 Freedom of Information Act, as defined in section 1-200, and the
87 reasonable cost of reviewing and acting upon an application for and
88 monitoring compliance with the terms and conditions of any state or
89 federal permit, license, registration, order, certificate or approval
90 required pursuant to subsection (i) of section 22a-39, subsections (c)
91 and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424,
92 and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-135, 22a-148, as
93 amended by this act, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, [22a-
94 342, 22a-345,] 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379,
95 22a-403, 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and
96 22a-454 to 22a-454c, inclusive, as amended by this act, and Section 401
97 of the federal Clean Water Act, (33 USC 1341). Such costs may include,
98 but are not limited to, the costs of (A) public notice, (B) reviews,
99 inspections and testing incidental to the issuance of and monitoring of
100 compliance with such permits, licenses, orders, certificates and
101 approvals, and (C) surveying and staking boundary lines. The
102 applicant shall pay the fee established in accordance with the
103 provisions of this section prior to the final decision of the
104 commissioner on the application. The commissioner may postpone
105 review of an application until receipt of the payment. Payment of a fee
106 for monitoring compliance with the terms or conditions of a permit
107 shall be at such time as the commissioner deems necessary and is
108 required for an approval to remain valid; and (12) by regulations
109 adopted in accordance with the provisions of chapter 54, require the
110 payment of a fee sufficient to cover the reasonable cost of responding
111 to requests for information concerning the status of real estate with
112 regard to compliance with environmental statutes, regulations, permits
113 or orders. Such fee shall be paid by the person requesting such
114 information at the time of the request. Funds not exceeding two
115 hundred thousand dollars received by the commissioner pursuant to

116 subsection (g) of section 22a-174, during the fiscal year ending June 30,
117 1985, shall be deposited in the General Fund and credited to the
118 appropriations of the Department of Environmental Protection in
119 accordance with the provisions of section 4-86, and such funds shall
120 not lapse until June 30, 1986. In any action brought against any
121 employee of the department acting within his scope of delegated
122 authority in performing any of the above-listed duties, the employee
123 shall be represented by the Attorney General.

124 (b) Notwithstanding the provisions of subsection (a) of this section
125 no municipality shall be required to pay more than fifty per cent of any
126 fee established by the commissioner pursuant to said subsection.

127 (c) The commissioner shall adopt regulations in accordance with the
128 provisions of chapter 54 establishing a separate fee schedule for the
129 payment of fees by municipalities. The schedule of fees paid by
130 municipalities pursuant to section 22a-430 shall be graduated and
131 reflect the sum of the average daily flows of wastewater in a
132 municipality applying for a permit.

133 (d) The Commissioner of Environmental Protection shall provide
134 notice of any proceeding involving a specific site if any decision by the
135 commissioner concerning such site is contested. The notice shall be
136 sent to the chief executive officer of the municipality in which such site
137 is located and to each member of the legislature in whose district such
138 site is located. A copy of such notice shall be made a part of the record
139 of any other proceeding before the commissioner on such site.

140 (e) Whenever the commissioner issues an order to enforce any
141 statute, regulation, permit or order administered or issued by him, any
142 person or municipality aggrieved by such order may, except as
143 otherwise provided by law, request a hearing before the commissioner
144 within thirty days from the date such order is sent. Such hearing shall
145 be conducted in accordance with the procedures provided by chapter
146 54.

147 (f) The provisions of sections 22a-45a and 22a-174, subsection (r) of

148 section 22a-208a, sections [22a-349a,] 22a-354p, 22a-378a, 22a-411, as
149 amended by this act, and 22a-430b and subsection (d) of section 22a-
150 454 which authorize the issuance of general permits shall not affect the
151 authority of the commissioner, under any statute or regulation, to
152 abate pollution or to enforce the laws under his jurisdiction, including
153 the authority to institute legal proceedings. Such proceedings may
154 include summary suspension in accordance with subsection (c) of
155 section 4-182. The commissioner may reissue, modify, revoke or
156 suspend any general permit in accordance with the procedures set
157 forth for the issuance of such permit.

158 (g) The Commissioner of Environmental Protection may adopt
159 regulations, in accordance with the provisions of chapter 54,
160 establishing a schedule of subscription fees to cover the reasonable cost
161 to the Department of Environmental Protection of responding to
162 requests for notices of applications for permits and other licenses and
163 tentative determinations thereon issued by the commissioner.

164 (h) The commissioner may adopt regulations pertaining to activities
165 for which the federal government has adopted standards or
166 procedures. All provisions of such regulations which differ from
167 federal standards or procedures shall be clearly distinguishable from
168 such standards or procedures either on the face of the proposed
169 regulation or through supplemental documentation accompanying the
170 proposed regulation at the time of the notice concerning such
171 regulation required under section 4-168. An explanation for all such
172 provisions shall be included in the regulation-making record required
173 under chapter 54 and shall be publicly available at the time of the
174 notice concerning the regulation required under section 4-168. This
175 subsection shall apply to any regulation for which a notice of intent to
176 adopt is published on and after July 1, 1999.

177 Sec. 4. Subsections (a) and (b) of section 22a-6a of the general
178 statutes are repealed and the following is substituted in lieu thereof
179 (*Effective October 1, 2011*):

180 (a) Any person who knowingly or negligently violates any

181 provision of section 14-100b or 14-164c, subdivision (3) of subsection
182 (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, as
183 amended by this act, or 22a-7, chapter 440, chapter 441, section 22a-69
184 or 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-
185 158, inclusive, as amended by this act, section 22a-162, 22a-171, 22a-
186 174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-
187 208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, [22a-
188 342, 22a-345, 22a-346, 22a-347, 22a-349a,] 22a-358, 22a-359, 22a-361, 22a-
189 362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, as
190 amended by this act, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive,
191 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, as amended by this act,
192 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit
193 adopted or issued thereunder by the Commissioner of Environmental
194 Protection shall be liable to the state for the reasonable costs and
195 expenses of the state in detecting, investigating, controlling and
196 abating such violation. Such person shall also be liable to the state for
197 the reasonable costs and expenses of the state in restoring the air,
198 waters, lands and other natural resources of the state, including plant,
199 wild animal and aquatic life to their former condition insofar as
200 practicable and reasonable, or, if restoration is not practicable or
201 reasonable, for any damage, temporary or permanent, caused by such
202 violation to the air, waters, lands or other natural resources of the state,
203 including plant, wild animal and aquatic life and to the public trust
204 therein. Institution of a suit to recover for such damage, costs and
205 expenses shall not preclude the application of any other remedies.

206 (b) Whenever two or more persons knowingly or negligently violate
207 any provision of section 14-100b or 14-164c, subdivision (3) of
208 subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
209 22a-6, as amended by this act, or 22a-7, chapter 440, chapter 441,
210 subsection (b) of section 22a-134p, sections 22a-148 to 22a-158,
211 inclusive, as amended by this act, section 22a-162, 22a-171, 22a-174,
212 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208,
213 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, [22a-342,
214 22a-345, 22a-346, 22a-347, 22a-349a,] 22a-358, 22a-359, 22a-361, 22a-362,
215 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, as amended

216 by this act, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-
217 449, 22a-450, 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461,
218 22a-462 or 22a-471, or any regulation, order or permit adopted or
219 issued thereunder by the commissioner and responsibility for the
220 damage caused thereby is not reasonably apportionable, such persons
221 shall, subject to a right of equal contribution, be jointly and severally
222 liable under this section.

223 Sec. 5. Subsection (a) of section 22a-6b of the general statutes is
224 repealed and the following is substituted in lieu thereof (*Effective*
225 *October 1, 2011*):

226 (a) The Commissioner of Environmental Protection shall adopt
227 regulations, in accordance with the provisions of chapter 54, to
228 establish a schedule setting forth the amounts, or the ranges of
229 amounts, or a method for calculating the amount of the civil penalties
230 which may become due under this section. Such schedule or method
231 may be amended from time to time in the same manner as for
232 adoption provided any such regulations which become effective after
233 July 1, 1993, shall only apply to violations which occur after said date.
234 The civil penalties established for each violation shall be of such
235 amount as to insure immediate and continued compliance with
236 applicable laws, regulations, orders and permits. Such civil penalties
237 shall not exceed the following amounts:

238 (1) For failure to file any registration, other than a registration for a
239 general permit, for failure to file any plan, report or record, or any
240 application for a permit, for failure to obtain any certification, for
241 failure to display any registration, permit or order, or file any other
242 information required pursuant to any provision of section 14-100b or
243 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-
244 171, 15-172, 15-175, 22a-5, 22a-6, as amended by this act, 22a-7, 22a-32,
245 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d,
246 inclusive, subsection (b) of section 22a-134p, sections 22a-148 to 22a-
247 158, inclusive, as amended by this act, section 22a-171, 22a-174, 22a-
248 175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-

249 209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, [22a-342, 22a-345, 22a-
250 346, 22a-347, 22a-349a,] 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362,
251 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, as amended by this act,
252 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-
253 450, 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461, 22a-462
254 or 22a-471, or any regulation, order or permit adopted or issued
255 thereunder by the commissioner, and for other violations of similar
256 character as set forth in such schedule or schedules, no more than one
257 thousand dollars for said violation and in addition no more than one
258 hundred dollars for each day during which such violation continues;

259 (2) For deposit, placement, removal, disposal, discharge or emission
260 of any material or substance or electromagnetic radiation or the
261 causing of, engaging in or maintaining of any condition or activity in
262 violation of any provision of section 14-100b or 14-164c, subdivision (3)
263 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
264 22a-6, as amended by this act, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a,
265 chapter 441, sections 22a-134 to 22a-134d, inclusive, section 22a-69 or
266 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-158,
267 inclusive, as amended by this act, section 22a-162, 22a-171, 22a-174,
268 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208,
269 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, [22a-342, 22a-345, 22a-346,
270 22a-347, 22a-349a,] 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-
271 368, 22a-401 to 22a-405, inclusive, 22a-411, as amended by this act, 22a-
272 416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450,
273 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461, 22a-462 or
274 22a-471, or any regulation, order or permit adopted thereunder by the
275 commissioner, and for other violations of similar character as set forth
276 in such schedule or schedules, no more than twenty-five thousand
277 dollars for said violation for each day during which such violation
278 continues;

279 (3) For violation of the terms of any final order of the commissioner,
280 except final orders under subsection (d) of this section and emergency
281 orders and cease and desist orders as set forth in subdivision (4) of this
282 subsection, for violation of the terms of any permit issued by the

283 commissioner, and for other violations of similar character as set forth
284 in such schedule or schedules, no more than twenty-five thousand
285 dollars for said violation for each day during which such violation
286 continues;

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

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

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

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

303 (8) For violation of any provision of sections 22a-608 to 22a-611,
304 inclusive, no more than the amount established by Section 325 of the
305 Emergency Planning and Community Right-To-Know Act of 1986 (42
306 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313,
307 inclusive, of said act.

308 Sec. 6. Subsection (a) of section 22a-6g of the general statutes is
309 repealed and the following is substituted in lieu thereof (*Effective*
310 *October 1, 2011*):

311 (a) Any person who submits an application to the Commissioner of
312 Environmental Protection for any permit or other license pursuant to
313 section 22a-32, 22a-39, 22a-174, 22a-208a, [22a-342,] 22a-361, 22a-368,

314 22a-403 as amended by this act, or 22a-430, subsection (b) or (c) of
315 section 22a-449, section 22a-454, as amended by this act, or Section 401
316 of the federal Water Pollution Control Act (33 USC 466 et seq.), except
317 an application for authorization under a general permit shall: (1)
318 Include with such application a signed statement certifying that the
319 applicant will publish notice of such application on a form supplied by
320 the commissioner in accordance with this section; (2) publish notice of
321 such application in a newspaper of general circulation in the affected
322 area; (3) send the commissioner a certified copy of such notice as it
323 appeared in the newspaper; and (4) notify the chief elected official of
324 the municipality in which the regulated activity is proposed. Such
325 notices shall include: (A) The name and mailing address of the
326 applicant and the address of the location at which the proposed
327 activity will take place; (B) the application number, if available; (C) the
328 type of permit sought, including a reference to the applicable statute or
329 regulation; (D) a description of the activity for which a permit is
330 sought; (E) a description of the location of the proposed activity and
331 any natural resources affected thereby; (F) the name, address and
332 telephone number of any agent of the applicant from whom interested
333 persons may obtain copies of the application; and (G) a statement that
334 the application is available for inspection at the office of the
335 Department of Environmental Protection. The commissioner shall not
336 process an application until the applicant has submitted to the
337 commissioner a copy of the notice required by this section. The
338 provisions of this section shall not apply to discharges exempted from
339 the notice requirement by the commissioner pursuant to subsection (b)
340 of section 22a-430, to hazardous waste transporter permits issued
341 pursuant to section 22a-454, as amended by this act, or to special waste
342 authorizations issued pursuant to section 22a-209 and regulations
343 adopted thereunder.

344 Sec. 7. Subsection (a) of section 22a-6h of the general statutes is
345 repealed and the following is substituted in lieu thereof (*Effective*
346 *October 1, 2011*):

347 (a) The Commissioner of Environmental Protection, at least thirty

348 days before approving or denying an application under section 22a-32,
349 22a-39, 22a-174, 22a-208a, [22a-342,] 22a-361, 22a-368, 22a-403, as
350 amended by this act, or 22a-430, subsection (b) or (c) of section 22a-449,
351 section 22a-454, as amended by this act, or Section 401 of the federal
352 Water Pollution Control Act (33 USC 466 et seq.), shall publish or cause
353 to be published, at the applicant's expense, once in a newspaper
354 having a substantial circulation in the affected area notice of the
355 commissioner's tentative determination regarding such application.
356 Such notice shall include: (1) The name and mailing address of the
357 applicant and the address of the location of the proposed activity; (2)
358 the application number; (3) the tentative decision regarding the
359 application; (4) the type of permit or other authorization sought,
360 including a reference to the applicable statute or regulation; (5) a
361 description of the location of the proposed activity and any natural
362 resources affected thereby; (6) the name, address and telephone
363 number of any agent of the applicant from whom interested persons
364 may obtain copies of the application; (7) a brief description of all
365 opportunities for public participation provided by statute or
366 regulation, including the length of time available for submission of
367 public comments to the commissioner on the application; and (8) such
368 additional information as the commissioner deems necessary to
369 comply with any provision of this title or regulations adopted
370 hereunder, or with the federal Clean Air Act, federal Clean Water Act
371 or federal Resource Conservation and Recovery Act. The commissioner
372 shall further give notice of such determination to the chief elected
373 official of the municipality in which the regulated activity is proposed.
374 Nothing in this section shall preclude the commissioner from giving
375 such additional notice as may be required by any other provision of
376 this title or regulations adopted hereunder, or by the federal Clean Air
377 Act, federal Clean Water Act or federal Resource Conservation and
378 Recovery Act. The provisions of this section shall not apply to
379 discharges exempted from the notice requirement by the commissioner
380 pursuant to subsection (b) of section 22a-430, to hazardous waste
381 transporter permits issued pursuant to section 22a-454, as amended by
382 this act, or to special waste authorizations issued pursuant to section

383 22a-209 and regulations adopted thereunder.

384 Sec. 8. Subsection (a) of section 22a-6k of the general statutes is
385 repealed and the following is substituted in lieu thereof (*Effective*
386 *October 1, 2011*):

387 (a) The Commissioner of Environmental Protection may issue an
388 emergency authorization for any activity regulated by the
389 commissioner under section 22a-32, subsection (h) of section 22a-39,
390 22a-54, 22a-66, 22a-174, 22a-208a, [22a-342,] 22a-368, 22a-403, as
391 amended by this act, 22a-430, 22a-449 or 22a-454, as amended by this
392 act, provided he finds that (1) such authorization is necessary to
393 prevent, abate or mitigate an imminent threat to human health or the
394 environment; and (2) such authorization is not inconsistent with the
395 federal Water Pollution Control Act, the federal Rivers and Harbors
396 Act, the federal Clean Air Act or the federal Resource Conservation
397 and Recovery Act. Such emergency authorization shall be limited by
398 any conditions the commissioner deems necessary to adequately
399 protect human health and the environment. Summary suspension of
400 an emergency authorization may be ordered in accordance with
401 subsection (c) of section 4-182. The commissioner may assess a fee for
402 an emergency authorization issued pursuant to this subsection. Such
403 fee shall be of an amount equal to the equivalent existing permit fee for
404 the activity authorized. The commissioner may reduce or waive the fee
405 required pursuant to this subsection if good cause is shown. The fee
406 required pursuant to this subsection shall be paid no later than ten
407 days after the issuance of the emergency authorization.

408 Sec. 9. Subsection (a) of section 22a-6bb of the general statutes is
409 repealed and the following is substituted in lieu thereof (*Effective*
410 *October 1, 2011*):

411 (a) Whenever the Commissioner of Environmental Protection is
412 required to hold a hearing prior to approving or denying an
413 application upon receipt of a timely filed petition signed by at least
414 twenty-five persons pursuant to sections 22a-32, 22a-39, 22a-42a, 22a-
415 45a, 22a-94, 22a-174, 22a-208a, [22a-349a,] 22a-361, 22a-363b, 22a-371,

416 22a-378a, 22a-403, as amended by this act, 22a-411, as amended by this
417 act, 22a-430 and 25-68d, as amended by this act, or any regulation of
418 the Connecticut state agencies provides that the Commissioner of
419 Environmental Protection shall hold a hearing prior to approving or
420 denying an application upon receipt of a timely filed petition signed
421 by at least twenty-five persons, such petition may designate a person
422 authorized to withdraw such petition. Such authorized person may
423 engage in discussions regarding an application and, if a resolution is
424 reached, may withdraw the petition.

425 Sec. 10. Section 22a-27i of the general statutes is repealed and the
426 following is substituted in lieu thereof (*Effective October 1, 2011*):

427 Notwithstanding the provisions of sections 22a-6, as amended by
428 this act, 22a-6d, 22a-26g, 22a-26h, 22a-134e, 22a-135, 22a-148, as
429 amended by this act, 22a-150, 22a-174, 22a-208a, [22a-342,] 22a-363c,
430 22a-372, 22a-379, 22a-409, 22a-430, 22a-449, 22a-454 to 22a-454c,
431 inclusive, as amended by this act, and 22a-361, for the period
432 beginning July 1, 1990, and ending June 30, 1991, any fee to be charged
433 to a municipality in accordance with said sections shall be the fee in
434 effect on June 30, 1990.

435 Sec. 11. Section 22a-98 of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective October 1, 2011*):

437 The commissioner shall coordinate the activities of all regulatory
438 programs under his jurisdiction with permitting authority in the
439 coastal area to assure that the administration of such programs is
440 consistent with the goals and policies of this chapter. Such programs
441 include, but are not limited to: (1) Regulation of wetlands and
442 watercourses pursuant to chapter 440; (2) [regulation of stream
443 encroachment pursuant to sections 22a-342 to 22a-349, inclusive; (3)]
444 regulation of dredging and the erection of structures or the placement
445 of fill in tidal, coastal or navigable waters pursuant to sections 22a-359
446 to 22a-363f, inclusive; and [(4)] (3) certification of water quality
447 pursuant to the federal Clean Water Act of 1972 (33 USC 1411, Section
448 401). The commissioner shall assure consistency with such goals and

449 policies in granting, denying or modifying permits under such
450 programs. Any person seeking a license, permit or other approval of
451 an activity under the requirements of such regulatory programs shall
452 demonstrate that such activity is consistent with all applicable goals
453 and policies in section 22a-92 and that such activity incorporates all
454 reasonable measures mitigating any adverse impacts of such actions
455 on coastal resources and future water-dependent development
456 activities. The coordination of such programs shall include, where
457 feasible, the use of common or combined application forms, the
458 holding of joint hearings on permit applications and the coordination
459 of the timing or sequencing of permit decisions.

460 Sec. 12. Subsection (c) of section 22a-148 of the general statutes is
461 repealed and the following is substituted in lieu thereof (*Effective*
462 *October 1, 2011*):

463 (c) (1) Except as hereinafter provided, each person, firm,
464 corporation, town, city and borough conducting or planning to
465 conduct any operation within the scope of this section shall register
466 with the Commissioner of Environmental Protection on forms
467 provided for the purpose and shall reregister [~~annually~~] biennially in
468 January of each odd-numbered year. Such registration shall be
469 accompanied by a fee of [~~two~~] four hundred dollars. The commissioner
470 may require registrants to state the type or types of sources of
471 radiation involved, the maximum size or rating of each source, the
472 qualifications of the supervisory personnel, the protective measures
473 contemplated by the registrant and such other information as it
474 determines to be necessary. After initial registration, reregistration
475 shall be required for any radiation installation or mobile source of
476 radiation at any other time when any increase is contemplated in the
477 number of sources, the source strength, the output or the types of
478 radiation energy involved. The act of registration shall not be
479 interpreted to imply approval by the commissioner of the manner in
480 which the activities requiring registration are carried out. (2) The
481 activities described below are exempted from the registration
482 requirements of this section: (A) The production, transportation,

483 storage, use and disposal of naturally occurring radioactive materials
484 of equivalent specific radioactivity not exceeding that of natural
485 potassium; (B) the production, transportation, storage, use and
486 disposal of other radioactive materials in quantities insufficient to
487 involve risk of radiologic damage to a person; (C) the operation of
488 equipment that is primarily not intended to produce radiation and
489 that, by nature of design, does not produce radiation at the point of
490 nearest approach in quantities sufficient to produce radiologic damage
491 to a person; (D) the transportation of any radioactive material in
492 conformity with regulations of the Interstate Commerce Commission
493 or other agency of the federal government having jurisdiction.

494 Sec. 13. Section 22a-155 of the general statutes is repealed and the
495 following is substituted in lieu thereof (*Effective October 1, 2011*):

496 (a) [In any proceeding under sections 22a-151 to 22a-158, inclusive,
497 or any other applicable statute (1) for the issuance or modification of
498 rules and regulations relating to control of sources of ionizing
499 radiation; or (2) for granting, suspending, revoking or amending any
500 license; or (3) for determining compliance with or granting exceptions
501 from rules and regulations of the Commissioner of Environmental
502 Protection, the commissioner or his representative designated in
503 writing shall hold a hearing upon the request of any person whose
504 interest may be affected by the proceeding, and shall admit any such
505 person as a party to such proceeding. Thirty days published notice
506 shall be given of any such hearing.] The Commissioner of
507 Environmental Protection may issue, modify or revoke any order to
508 correct or abate any violation of sections 22a-148 to 22a-158, inclusive,
509 as amended by this act, including any license issued pursuant to said
510 sections and any regulation adopted pursuant to said sections. Any
511 such order may include remedial measures that are necessary to
512 correct or abate such violations.

513 (b) [Any final order entered in any proceeding under subsection (a)
514 of this section shall be subject to judicial review by the Superior Court
515 in the manner prescribed in section 25-36.] Any order issued pursuant

516 to subsection (a) of this section shall be served by certified mail, return
517 receipt requested, or by service by a state marshal or indifferent
518 person. If a state marshal or indifferent person serves such order, a
519 true copy of such order shall be served and the original, with a return
520 of such service endorsed thereon, shall be filed with the commissioner.
521 Such order shall be deemed to be issued on the date of service or on
522 the date such order is deposited in the mail, as applicable. Any order
523 issued pursuant to subsection (a) of this section shall state the basis on
524 which such order is issued and shall specify a reasonable time for
525 compliance.

526 (c) Any order issued pursuant to subsection (a) of this section shall
527 be final unless a person aggrieved by such order files a written request
528 for a hearing before the commissioner not later than thirty days after
529 the date of issuance of such order. Upon the receipt of any such
530 request for a hearing, the commissioner shall hold a hearing as soon
531 thereafter as practicable. After any such hearing, the commissioner
532 shall consider all supporting and rebutting evidence and affirm,
533 modify or revoke such order in the commissioner's discretion and shall
534 so notify the recipient of the order by certified mail, return receipt
535 requested, of the commissioner's determination.

536 (d) The commissioner may, after a hearing held pursuant to
537 subsection (c) of this section, or at any time after the issuance of an
538 order pursuant to subsection (a) of this section, modify such order or
539 extend the time for compliance with such order, provided the
540 commissioner determines such modification or extension is advisable
541 or necessary. Any such modification or extension shall be deemed to
542 be a revision of the existing order and shall not constitute a new order.
543 No person may request a hearing pursuant to subsection (c) of this
544 section or take appeal to the Superior Court pursuant to subsection (e)
545 of this section on such modification or extension.

546 (e) Any person aggrieved by a final order of the commissioner
547 issued pursuant to this section may appeal such order to the superior
548 court for the judicial district of New Britain in accordance with the

549 provisions of section 4-183.

550 Sec. 14. Section 22a-157 of the general statutes is repealed and the
551 following is substituted in lieu thereof (*Effective October 1, 2011*):

552 No person shall use, manufacture, produce, transport, transfer,
553 receive, acquire, own or possess any source of ionizing radiation,
554 unless exempt, licensed or registered in accordance with the provisions
555 of sections [22a-151] 22a-148 to 22a-158, inclusive, as amended by this
556 act.

557 Sec. 15. (NEW) (*Effective October 1, 2011*) The Commissioner of
558 Environmental Protection may issue a cease and desist order in
559 accordance with section 22a-7 of the general statutes for any violation
560 of sections 22a-148 to 22a-158, inclusive, of the general statutes, as
561 amended by this act, and may suspend or revoke any registration
562 issued by the commissioner pursuant to section 22a-148, as amended
563 by this act, or 22a-150 of the general statutes, upon a showing of cause
564 after a hearing held in accordance with chapter 54 of the general
565 statutes.

566 Sec. 16. Subsection (a) of section 22a-174g of the general statutes is
567 repealed and the following is substituted in lieu thereof (*Effective July*
568 *1, 2011*):

569 (a) On or before December 31, 2004, the Commissioner of
570 Environmental Protection shall adopt regulations, in accordance with
571 the provisions of chapter 54, to implement the light duty motor vehicle
572 emission standards of the state of California. [, and shall amend such
573 regulations from time to time, in accordance with changes in said
574 standards.] Notwithstanding subsection (b) of section 4-170, such
575 regulations shall be deemed to incorporate by reference any changes to
576 such standards of the state of California. Such regulations shall be
577 applicable to motor vehicles with a model year 2008 and later. Such
578 regulations may incorporate by reference the California motor vehicle
579 emission standards set forth in final regulations issued by the
580 California Air Resources Board pursuant to Title 13 of the California

581 Code of Regulations and promulgated under the authority of Division
582 26 of the California Health and Safety Code, as may be amended from
583 time to time. Nothing in this section shall limit the commissioner's
584 authority to regulate motor vehicle emissions for any other class of
585 vehicle.

586 Sec. 17. Section 22a-357 of the general statutes is repealed and the
587 following is substituted in lieu thereof (*Effective October 1, 2011*):

588 The Governor may, at any time, require the Commissioner of
589 Environmental Protection to secure the necessary information and
590 submit a special report upon any of the matters contained in [sections]
591 section 22a-337, [and 22a-350,] and if the Governor finds, upon an
592 examination of such report, that the interests of the state require, or
593 that there exists a serious menace to the lives or property of the people
594 of the state, he may order the commissioner to take such action as the
595 Governor determines to be necessary to protect the interests of the
596 state or the lives or property of its citizens. In such case, the Governor
597 may make available, out of the civil list funds of the state not otherwise
598 appropriated, a sufficient sum or sums required to protect such
599 interests.

600 Sec. 18. Subsection (a) of section 22a-402 of the general statutes is
601 repealed and the following is substituted in lieu thereof (*Effective*
602 *October 1, 2011*):

603 (a) The Commissioner of Environmental Protection shall investigate
604 and inspect or cause to be investigated and inspected all dams or other
605 structures which, in his or her judgment, would, by breaking away,
606 cause loss of life or property damage. Said commissioner may require
607 any person owning or having the care and control of any such
608 structure to furnish him or her with such surveys, plans, descriptions,
609 drawings and other data relating thereto and in such form and to such
610 reasonable extent as he or she directs. Any person in possession of
611 such pertinent information shall afford the owner and the
612 commissioner access thereto. The commissioner shall make or cause to
613 be made such periodic inspections of all such structures as may be

614 necessary to reasonably insure that they are maintained in a safe
615 condition. If, after any inspection described herein, the commissioner
616 finds any such structure to be in an unsafe condition, he or she shall
617 order the person owning or having control thereof to place it in a safe
618 condition or to remove it and shall fix the time within which such
619 order shall be carried out. The respondent to such an order shall not be
620 required to obtain a permit under this chapter or chapter 440 or section
621 [22a-342 or] 22a-368 for any action necessary to comply with such
622 order. If such order is not carried out within the time specified, the
623 commissioner may carry out the actions required by the order
624 provided the commissioner has determined that an emergency exists
625 which presents a clear and present danger to the public safety and said
626 commissioner shall assess the costs of such action against the person
627 owning or having care and control of the structure. When the
628 commissioner in his or her investigation finds that a dam or other
629 structure should be inspected periodically in order to reduce a
630 potential hazard to life and property, the owner of such structure shall
631 cause such inspection to be made by a registered engineer at such
632 intervals as are deemed necessary by the commissioner and shall
633 submit a copy of the engineer's finding and report to the commissioner
634 for his or her action. If the commissioner determines as a result of an
635 inspection that maintenance or repairs to a dam are needed to
636 maintain the dam in a safe condition, the commissioner shall notify the
637 owner, in writing, of such maintenance or repairs as are necessary and
638 request the owner to undertake such repairs within the time period
639 specified in the notice. If the owner does not undertake the necessary
640 maintenance or repairs within the time period indicated in the notice,
641 the commissioner may proceed to order the owner to undertake the
642 necessary maintenance or repairs. As used in this chapter, "person"
643 [shall have] has the same meaning as defined in subsection (c) of
644 section 22a-2 and "water company" [shall have] has the same meaning
645 as defined in section 25-32a. The commissioner shall cause a certified
646 copy of a final order issued under this section to be recorded on the
647 land records in the town or towns wherein the dam or such structure is
648 located.

649 Sec. 19. Subsection (b) of section 22a-403 of the general statutes is
650 repealed and the following is substituted in lieu thereof (*Effective*
651 *October 1, 2011*):

652 (b) The commissioner or his representative, engineer or consultant
653 shall determine the impact of the construction work on the
654 environment, on the safety of persons and property and on the inland
655 wetlands and watercourses of the state in accordance with the
656 provisions of sections 22a-36 to 22a-45, inclusive, and shall further
657 determine the need for a fishway in accordance with the provisions of
658 section 26-136, and shall examine the documents and inspect the site,
659 and, upon approval thereof, the commissioner shall issue a permit
660 authorizing the proposed construction work under such conditions as
661 the commissioner may direct. The commissioner shall send a copy of
662 the permit to the town clerk in any municipality in which the structure
663 is located or any municipality which will be affected by the structure.
664 An applicant for a permit issued under this section to alter, rebuild,
665 repair or remove an existing dam shall not be required to obtain a
666 permit under sections 22a-36 to 22a-45a, inclusive, or section [22a-342
667 or] 22a-368. An applicant for a permit issued under this section to
668 construct a new dam shall not be required to obtain a permit under
669 sections 22a-36 to 22a-45a, inclusive, for such construction.

670 Sec. 20. Subsection (a) of section 22a-411 of the general statutes is
671 repealed and the following is substituted in lieu thereof (*Effective*
672 *October 1, 2011*):

673 (a) The commissioner may issue a general permit for any minor
674 activity regulated under sections 22a-401 to 22a-410, inclusive, except
675 for any activity covered by an individual permit, if the commissioner
676 determines that such activity would cause minimal environmental
677 effects when conducted separately and would cause only minimal
678 cumulative environmental effects. Such activities may include routine
679 maintenance and routine repair of any dam, dike, reservoir or other
680 similar structure. Any person conducting an activity for which a
681 general permit has been issued shall not be required to obtain an

682 individual permit under sections 22a-36 to 22a-45a, inclusive, or
683 section [22a-342,] 22a-368 or 22a-403, as amended by this act, except as
684 provided in subsection (c) of this section. A general permit shall clearly
685 define the activity covered thereby and may include such conditions
686 and requirements as the commissioner deems appropriate, including,
687 but not limited to, management practices and verification and
688 reporting requirements. The general permit may require any person
689 conducting any activity under the general permit to report, on a form
690 prescribed by the commissioner, such activity to the commissioner
691 before it shall be covered by the general permit. The commissioner
692 shall prepare, and shall annually amend, a list of holders of general
693 permits under this section, which list shall be made available to the
694 public.

695 Sec. 21. Subsection (a) of section 22a-454 of the general statutes is
696 repealed and the following is substituted in lieu thereof (*Effective*
697 *October 1, 2011*):

698 (a) No person shall engage in the business of collecting, storing or
699 treating waste oil or petroleum or chemical liquids or hazardous
700 wastes or of acting as a contractor to contain or remove or otherwise
701 mitigate the effects of discharge, spillage, uncontrolled loss, seepage or
702 filtration of such substance or material or waste nor shall any person,
703 municipality or regional authority dispose of waste oil or petroleum or
704 chemical liquids or waste solid, liquid or gaseous products or
705 hazardous wastes without a permit from the commissioner. Such
706 permit shall be in writing, shall contain such terms and conditions as
707 the commissioner deems necessary and shall be valid for a fixed term
708 not to exceed five years. No permit shall be granted, renewed or
709 transferred unless the commissioner is satisfied that the activities of
710 the permittee will not result in pollution, contamination, emergency or
711 a violation of any regulation adopted under sections 22a-30, 22a-39,
712 22a-116, [22a-347,] 22a-377, 22a-430, 22a-449, 22a-451 and 22a-462. The
713 commissioner shall require payment of a fee of six hundred twenty-
714 five dollars per year for each year covered by a permit to transport
715 hazardous waste and the payment of a fee of fourteen thousand two

716 hundred fifty dollars for a permit to treat waste oil or petroleum or
717 chemical liquids. The commissioner may adopt regulations, in
718 accordance with the provisions of chapter 54, to prescribe the amount
719 of the fees required pursuant to this section. Upon the adoption of such
720 regulations, the fees required by this section shall be as prescribed in
721 such regulations. The commissioner may suspend or revoke a permit
722 for violation of any term or condition of the permit, for conviction of a
723 violation of section 22a-131a or for assessment of a fine under section
724 22a-131. The commissioner may conduct a program of study and
725 research and demonstration, relating to new and improved methods of
726 waste oil and petroleum or chemical liquids or waste solid, liquid or
727 gaseous products or hazardous wastes disposal. For the purposes of
728 this section, collecting, storing, or treating of waste oil, petroleum or
729 chemical liquids or hazardous waste shall mean such activities when
730 engaged in by a person whose principal business is the management of
731 such wastes.

732 Sec. 22. Subsection (b) of section 25-68d of the general statutes is
733 repealed and the following is substituted in lieu thereof (*Effective*
734 *October 1, 2011*):

735 (b) Any state agency proposing an activity or critical activity within
736 or affecting the floodplain shall submit to the commissioner
737 information certifying that:

738 (1) The proposal will not obstruct flood flows or result in an adverse
739 increase in flood elevations, significantly affect the storage or flood
740 control value of the floodplains, cause an adverse increase in flood
741 velocities, or an adverse flooding impact upon upstream, downstream
742 or abutting properties, or pose a hazard to human life, health or
743 property in the event of a base flood or base flood for a critical activity;

744 (2) The proposal complies with the provisions of the National Flood
745 Insurance Program, 44 CFR 59 et seq., and any floodplain zoning
746 requirements adopted by a municipality in the area of the proposal;
747 [and the requirements for stream channel encroachment lines adopted
748 pursuant to the provisions of section 22a-342;]

749 (3) The agency has acquired, through public or private purchase or
750 conveyance, easements and property in floodplains when the base
751 flood or base flood for a critical activity is elevated above the
752 increment authorized by the National Flood Insurance Program or the
753 flood storage loss would cause adverse increases in such base flood
754 flows;

755 (4) The proposal promotes long-term nonintensive floodplain uses
756 and has utilities located to discourage floodplain development;

757 (5) The agency has considered and will use to the extent feasible
758 flood-proofing techniques to protect new and existing structures and
759 utility lines, will construct dikes, dams, channel alterations, seawalls,
760 breakwaters or other structures only where there are no practical
761 alternatives and will implement stormwater management practices in
762 accordance with regulations adopted pursuant to section 25-68h; and

763 (6) The agency has flood forecasting and warning capabilities
764 consistent with the system maintained by the National Weather
765 Service and has a flood preparedness plan.

766 Sec. 23. Section 51-344a of the general statutes is repealed and the
767 following is substituted in lieu thereof (*Effective October 1, 2011*):

768 (a) Whenever the term "judicial district of Hartford-New Britain" or
769 "judicial district of Hartford-New Britain at Hartford" is used or
770 referred to in the following sections of the general statutes, it shall be
771 deemed to mean or refer to the judicial district of Hartford on and after
772 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-
773 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,
774 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-
775 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-
776 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,
777 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-
778 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-
779 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,
780 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,

781 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,
782 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,
783 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,
784 22-386, 22a-6b, as amended by this act, 22a-7, 22a-16, 22a-30, 22a-34,
785 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-
786 180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c,
787 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-
788 310, [22a-342a, 22a-344,] 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430,
789 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-
790 36, 28-5, 29-143j, 29-158, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340,
791 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-
792 285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,
793 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27,
794 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134,
795 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b,
796 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776,
797 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k,
798 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-
799 194, 52-146j, 53-392d and 54-211a.

800 (b) If the term "judicial district of Hartford-New Britain" or "judicial
801 district of Hartford-New Britain at Hartford" is used or referred to in
802 any public act of 1995, 1996, 1997 or 1998 or in any section of the
803 general statutes which is amended in 1995, 1996, 1997 or 1998 it shall
804 be deemed to mean or refer to the judicial district of Hartford on and
805 after September 1, 1998.

806 (c) If the term "judicial district of Hartford-New Britain at New
807 Britain" is used or referred to in any public act of 1995, 1996, 1997 or
808 1998 or in any section of the general statutes which is amended in 1995,
809 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial
810 district of New Britain on and after September 1, 1998.

811 Sec. 24. Subsection (a) of section 51-344a of the general statutes, as
812 amended by section 22 of public act 09-177 and section 6 of public act
813 10-54, is repealed and the following is substituted in lieu thereof

814 (Effective January 1, 2013):

815 (a) Whenever the term "judicial district of Hartford-New Britain" or
816 "judicial district of Hartford-New Britain at Hartford" is used or
817 referred to in the following sections of the general statutes, it shall be
818 deemed to mean or refer to the judicial district of Hartford on and after
819 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-
820 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,
821 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-
822 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-
823 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,
824 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-
825 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-
826 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,
827 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,
828 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,
829 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,
830 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,
831 22-386, 22a-6b, as amended by this act, 22a-7, 22a-16, 22a-30, 22a-34,
832 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-
833 180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c,
834 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-
835 310, [22a-342a, 22a-344,] 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430,
836 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-
837 36, 28-5, 29-143j, 29-158, 29-161z, 29-323, 30-8, 31-109, 31-249b, 31-266,
838 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c,
839 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-647, 36a-684,
840 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74,
841 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-
842 185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-
843 657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-
844 994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100,
845 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

846 Sec. 25. Section 51-344b of the general statutes is repealed and the
847 following is substituted in lieu thereof (Effective October 1, 2011):

848 Whenever the term "judicial district of Hartford" is used or referred
849 to in the following sections of the general statutes, the term "judicial
850 district of New Britain" shall be substituted in lieu thereof: Subsection
851 (b) of section 3-70a, sections 3-71a and 4-164, subsection (c) of section 4-
852 183, subdivision (4) of subsection (g) of section 10-153e, subparagraph
853 (C) of subdivision (4) of subsection (e) of section 10a-109n, sections 12-
854 3a, 12-89, 12-103, 12-208, 12-237, 12-242hh, 12-242ii, 12-242kk, 12-268l,
855 12-307, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-463, 12-489,
856 12-522, 12-554, 12-586g and 12-597, subsection (b) of section 12-638i,
857 sections 12-730, 14-57, 14-66, 14-195, 14-324, 14-331 and 19a-85,
858 subsection (f) of section 19a-332e, sections 20-156, 20-247, 20-307, 20-
859 373, 20-583 and 21a-55, subsection (e) of section 22-7, sections 22-320d
860 and 22-386, subsection (e) of section 22a-6b, section 22a-30, subsection
861 (a) of section 22a-34, subsection (b) of section 22a-34, section 22a-182a,
862 subsection (f) of section 22a-225, sections 22a-227, [22a-344,] 22a-374,
863 22a-408 and 22a-449g, subsection (f) of section 25-32e, section 29-158,
864 subsection (f) of section 29-161z, sections 36b-30 and 36b-76, subsection
865 (f) of section 38a-41, section 38a-52, subsection (c) of section 38a-150,
866 sections 38a-185, 38a-209 and 38a-225, subdivision (3) of section 38a-
867 226b, sections 38a-241, 38a-337 and 38a-657, subsection (c) of section
868 38a-774, section 38a-776, subsection (c) of section 38a-817 and section
869 38a-994.

870 Sec. 26. (NEW) (*Effective October 1, 2011*) (a) Whenever, in the
871 judgment of the Commissioner of Environmental Protection, any
872 person engaged in or is about to engage in any act, practice or
873 omission that constitutes, or will constitute, a violation of any
874 provision of chapter 446a of the general statutes, or any regulation
875 adopted or order issued pursuant to said chapter, the Attorney
876 General may, at the request of the commissioner, bring an action in the
877 superior court for the judicial district of New Britain for an order
878 enjoining such act, practice or omission. Such order may require
879 remedial measures and direct compliance. Upon a showing by the
880 commissioner that such person has engaged in any such act, practice
881 or omission, the court may issue a permanent or temporary injunction,
882 restraining order or other order, as appropriate.

883 (b) Any action brought by the Attorney General pursuant to this
 884 section shall have precedence in the order of trial as provided in
 885 section 52-191 of the general statutes.

886 Sec. 27. (NEW) (*Effective October 1, 2011*) (a) Any person who, with
 887 criminal negligence, violates any provision of chapter 446a of the
 888 general statutes, including, but not limited to, any regulation, license
 889 or order adopted or issued pursuant to said chapter, or who makes
 890 any false statement, representation or certification in any application,
 891 registration, notification or other document filed or required to be
 892 maintained pursuant to said chapter, shall be fined not more than
 893 twenty-five thousand dollars per day for each day of violation or be
 894 imprisoned not more than one year, or both. A subsequent conviction
 895 for any such violation shall carry a fine of not more than fifty thousand
 896 dollars per day for each day of violation or imprisonment for not more
 897 than two years, or both.

898 (b) Any person who knowingly makes any false statement,
 899 representation or certification in any application, registration,
 900 notification or other document filed or required to be maintained
 901 pursuant to chapter 446a of the general statutes shall be fined not more
 902 than fifty thousand dollars per day for each day of violation or be
 903 imprisoned not more than three years, or both. A subsequent
 904 conviction for any such violation shall carry a fine of not more than
 905 fifty thousand dollars per day for each day of violation or
 906 imprisonment for not more than ten years, or both.

907 Sec. 28. Sections 22a-342 to 22a-350, inclusive, of the general statutes
 908 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	7-147(c)
Sec. 2	<i>October 1, 2011</i>	13a-94(a)
Sec. 3	<i>October 1, 2011</i>	22a-6
Sec. 4	<i>October 1, 2011</i>	22a-6a(a) and (b)
Sec. 5	<i>October 1, 2011</i>	22a-6b(a)

Sec. 6	October 1, 2011	22a-6g(a)
Sec. 7	October 1, 2011	22a-6h(a)
Sec. 8	October 1, 2011	22a-6k(a)
Sec. 9	October 1, 2011	22a-6bb(a)
Sec. 10	October 1, 2011	22a-27i
Sec. 11	October 1, 2011	22a-98
Sec. 12	October 1, 2011	22a-148(c)
Sec. 13	October 1, 2011	22a-155
Sec. 14	October 1, 2011	22a-157
Sec. 15	October 1, 2011	New section
Sec. 16	July 1, 2011	22a-174g(a)
Sec. 17	October 1, 2011	22a-357
Sec. 18	October 1, 2011	22a-402(a)
Sec. 19	October 1, 2011	22a-403(b)
Sec. 20	October 1, 2011	22a-411(a)
Sec. 21	October 1, 2011	22a-454(a)
Sec. 22	October 1, 2011	25-68d(b)
Sec. 23	October 1, 2011	51-344a
Sec. 24	January 1, 2013	51-344a(a)
Sec. 25	October 1, 2011	51-344b
Sec. 26	October 1, 2011	New section
Sec. 27	October 1, 2011	New section
Sec. 28	from passage	Repealer section

Statement of Legislative Commissioners:

Technical changes were made in sections 3, 13, 14, 15, 18 and 26 for adherence to standard drafting conventions.

ENV *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Department of Environmental Protection	GF - Revenue Loss	30,000	30,000
Judicial Dept.	GF - Potential Revenue Gain	100,000	100,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill repeals permitting requirements for stream channel encroachments, which results in a revenue loss to the Department of Environmental Protection (DEP) of approximately \$30,000 annually.

The bill creates a penalty for violating the provisions of the bill through criminal negligence, which will result in a potential revenue gain of less than \$50,000 to the General Fund. The estimate assumes that the establishment of a penalty for this offense will increase the likelihood that an estimated 10 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

The bill creates a penalty for making a false statement, representation or certification in any application, registration, notification or other document filed, which will result in a potential revenue gain of less than \$50,000 to the General Fund. The estimate assumes that the establishment of a penalty for this offense will increase the likelihood that an estimated 10 offenders annually would

¹ In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

be prosecuted and receive harsher penalties than under current law.²

It is anticipated that the number of additional offenders placed on probation would be less than 25, and would not result in additional resources being required by the Judicial Department.

The bill also changes ionizing radiation requirements, from an annual registration with a \$200 fee to a biennial reregistration with a \$400 fee, which has no fiscal impact.

The Out Years

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

² In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

OLR Bill Analysis**sSB 1115*****AN ACT CONCERNING THE REGULATION OF CERTAIN LOW EMISSION VEHICLES, IONIZING RADIATION AND STREAM CHANNEL ENCROACHMENT LINES BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill makes a number of changes to environmental laws.

First, it repeals provisions establishing stream channel encroachment lines and permitting encroachments upon or uses and activities within them.

The bill also makes changes to the radiation and radioactive materials law. It:

1. expands the prohibited acts;
2. changes the reregistration frequency and fee;
3. gives the Department of Environmental Protection (DEP) commissioner expanded authority over licenses and violations and sets notice and hearing procedures in place of current law, which allows a hearing at the request of people affected by certain proceedings on rules, regulations, and licensing of ionizing radiation sources;
4. allows the commissioner to issue a cease and desist order and suspend or revoke a registration upon a showing of cause after a hearing;
5. imposes penalties on people who violate laws and applicable regulations, orders, and permits concerning radiation and radioactive materials; and

6. makes people liable for clean-up and restoration costs.

The bill also deems DEP's light duty motor vehicle emission standards regulations to incorporate changes in California's standards by reference rather than requiring DEP to amend the regulations to reflect California's changes.

It makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2011; except the stream channel encroachment repeal provision is effective upon passage; the light duty motor vehicle emission standards provision is effective July 1, 2011; and a technical change is effective January 1, 2013.

§ 28 — STREAM CHANNEL ENCROACHMENT LINES

The bill repeals DEP's authority to establish stream channel encroachment lines and issue permits for encroachments upon or uses and activities within them. It eliminates the consideration of these provisions when deciding whether to grant other permits, such as certain hazardous waste permits.

Under current law, the DEP commissioner must establish along certain inland waterways or flood-prone areas, lines beyond which no one may place any encroachment, hindrance, or obstruction without authorization. He must evaluate whether to issue or deny a permit for these actions based on its effect upon flood-carrying and water storage capacity of the waterways and flood plains, hazards to life and property, and flood heights, among other things. Current law generally does not restrict agricultural or farming uses within such lines.

By law, municipalities may adopt ordinances establishing lines along any waterway beyond which no permanent obstruction or encroachment can be placed without permission. The lines must be based on historical flood information, among other things. Municipal inland wetland agencies must regulate certain activities affecting inland wetlands and watercourses. Anyone proposing to conduct or

cause to be conducted a regulated activity in an inland wetland or watercourse must apply for a permit. By law, watercourses include streams.

§§ 4-5, 12-15, 26-27 — RADIATION AND RADIOACTIVE MATERIALS

Registration Requirements

Current law requires any person, firm, corporation, town, city, and borough that conducts or plans to conduct any operation involving ionizing radiation and radioactive materials to register with the DEP commissioner. The bill requires a biennial reregistration in January of odd-numbered years with a \$400 fee rather than a \$200 reregistration fee each January (see BACKGROUND).

Prohibited Acts

The bill broadens the scope of existing law prohibiting anyone from using, manufacturing, producing, transporting, transferring, receiving, owning, acquiring, or possessing any ionizing radiation source without a license, registration, or exemption by explicitly prohibiting certain violations by (1) persons, firms, corporations, towns, cities, and boroughs operating any ionizing radiation source or producing, transporting, storing, possessing, or disposing of radioactive material; (2) hospitals using naturally occurring radioactive material or radioactive isotopes; and (3) health professionals using x-ray machines.

Cease and Desist Orders and Registration Revocation or Suspension

The bill authorizes the commissioner upon a showing of cause after a hearing, to (1) issue a cease and desist order for violations of the law and (2) suspend or revoke a registration.

Orders to Abate or Correct Violations, Service, and Hearing Procedure

The bill provides DEP with expanded authority over violations and sets detailed procedures for notice and hearings.

The bill authorizes the commissioner to issue, modify, or revoke any

order to correct or abate violations of the law, any regulation, or any license issued. The order may include necessary remedial measures.

It requires orders to be served by (1) certified mail, return receipt requested; (2) a state marshal; or (3) an indifferent person. If a state marshal or indifferent person serves the order, the original, with an endorsed return of service, must be filed with the commissioner. The order is deemed issued upon service or deposit in the mail. Any order must state why it was issued and specify a reasonable time for compliance.

An order is considered final unless a person aggrieved by it files a written request for a hearing before the commissioner within 30 days of the date it was issued. The commissioner must hold a hearing as soon after the request as practicable. After the hearing, the commissioner must consider all the evidence and may affirm, modify, or revoke his order. He must notify the order recipient of his decision by certified mail, return receipt requested.

The commissioner may, after issuing an order or after a hearing, modify the order or extend the time for compliance if he believes it advisable or necessary. Such a modification or extension is a revision of an existing order and not a new order. There can be no hearing or appeal from the modification or extension.

The bill allows any person aggrieved by the commissioner's final order to appeal it to New Britain Superior Court.

The bill's provisions replace current law requiring the commissioner to hold a hearing, subject to judicial review, at the request of any person whose interests may be affected in proceedings for (1) issuing or modifying rules and regulations pertaining to control of ionizing radiation sources; (2) granting, suspending, revoking, or amending a license; and (3) determining compliance with, or granting exceptions from, DEP rules and regulations.

Attorney General's Authority

By law, when the commissioner believes anyone has engaged in or is about to engage in acts or practices that violate a law, rule, regulation, or order pertaining to radioactive material or radiation sources, he may ask the attorney general to seek an order (1) enjoining the act or practice or (2) directing compliance with the law, rule, regulation, or order.

The bill adds a similar provision that covers this conduct, omissions, and provisions of the law concerning (1) persons, firms, corporations, towns, cities, and boroughs operating any ionizing radiation source or producing, transporting, or disposing of radioactive material; (2) hospitals using naturally occurring radioactive material or radioactive isotopes; and (3) health professionals using x-ray machines.

The bill's provisions, similar to current law, allow the commissioner to ask the attorney general to bring an action for injunctive relief in New Britain Superior Court if he believes that a person has engaged in or is about to engage in any act, practice, or omission that will violate any provision of the radiation or radioactive materials law, regulations, or orders. The bill allows the court to issue a permanent or temporary injunction, restraining order, or other appropriate order if the commissioner shows that the person engaged in (but not is about to engage in) the act, practice, or omission. The order may require direct compliance or remedial measures.

The bill requires that such actions by the attorney general take precedence over other actions in the order of trial.

Liability of Responsible Parties

The bill makes a party who knowingly or negligently violates the law, regulations, orders, or permits issued under the law, liable to the state for (1) costs and expenses incurred in detecting, investigating, controlling, and abating the violation and (2) costs and expenses of restoring the air, water, land, and other natural resources. If restoration is not practicable or reasonable, the person is liable for any damage the violation causes to the air, waters, lands, or other natural resources.

The filing of a lawsuit by the state does not bar the state from applying other remedies.

If more than one person knowingly or negligently violates the law or any applicable regulation, order, or permit, and responsibility is not reasonably apportionable, each person is held jointly and severally liable.

Penalties for Certain Civil Violations

The bill establishes a penalty of up to \$1,000 for failing to (1) file any registration, plan, report, record, application, or other required information; (2) obtain any certification; or (3) display any registration, permit, or order, as required by law, applicable regulation, order, or permit, or other similar violation as established by the commissioner. There is a maximum \$100 penalty for each day the violation continues.

The bill also establishes a penalty of up to \$25,000 and additionally up to \$25,000 for every day a violation continues, for causing, engaging in, maintaining any condition or activity in violation of the law, applicable regulation, order, or permit, or other similar violation as established by the commissioner.

Penalties for Criminally Negligent Violation

The bill subjects anyone who, with criminal negligence, violates these laws, regulations, orders, or licenses to a penalty of up to \$25,000 for each day of violation, up to one year in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to two years in prison, or both.

Penalties for False Statements

The bill subjects anyone who makes a false statement, representation, or certification in any application, registration, notification, or other document filed or required to be maintained, to a penalty of up to \$25,000 for each day of violation, up to one year in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to two years in prison, or both.

It subjects anyone who knowingly makes a false statement, representation, or certification in an application, registration, notification, or other document filed or required to be maintained, to a penalty of up to \$50,000 for each day of violation, up to three years in prison, or both. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to 10 years in prison, or both.

§ 16 — LIGHT DUTY MOTOR VEHICLE EMISSION STANDARDS

The bill requires DEP regulations concerning light duty motor vehicle emission standards to incorporate changes to California's standards by reference.

Current law requires the DEP commissioner to amend these regulations from time to time in accordance with changes to California's standards. Under the bill, these changes would not be subject to the legislative regulations review process.

BACKGROUND

Radioactive Materials and Ionizing Radiation

By law, "radioactive materials" includes any solid, liquid, or gas that spontaneously emits ionizing radiation. "Ionizing radiation" includes gamma rays, x-rays, alpha and beta particles, neutrons, protons, high-speed electrons, and other atomic or nuclear particles, but not sound or radio waves or light waves.

Low Emissions Vehicle Standards

Connecticut adopted California's Low Emission Vehicle II—i.e., LEV II—regulations to reduce emissions of toxic air pollutants on December 3, 2004. Those standards took effect in Connecticut starting with 2008 model year vehicles.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/23/2011)