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## **OLR Bill Analysis**

### **sSB 343**

#### ***AN ACT CONCERNING INTERVENTION IN PERMIT PROCEEDINGS PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT OF 1971.***

#### **SUMMARY:**

This bill sets more stringent conditions for verified pleadings concerning proceedings on or judicial review of conduct that could negatively affect the state's natural resources.

Under current law, any individual, the attorney general, a state agency or municipality, corporation, organization, association, or any other legal entity may intervene as a party in any administrative, licensing, or other proceeding or any judicial review of the proceeding by filing a verified pleading asserting that the proceeding or review involves conduct that has or is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the state's natural resources.

The bill instead requires anyone intervening as a party in a proceeding or judicial review to allege in a verified pleading that the conduct in question will, or is reasonably likely to, unreasonably pollute, impair, or destroy the public trust in the state's natural resources and include with it (1) a sworn statement of the material facts that the pleader is relying on to make the allegation and (2) specific information.

EFFECTIVE DATE: October 1, 2012

#### **VERIFIED PLEADING**

Under the bill, the verified pleading must:

1. specify the nature of the alleged pollution, impairment, or destruction;

2. include the names of anyone filing the verified pleading, including in the case of a partnership, corporation, association, organization or other legal entity, the names of all individuals filing the verified pleading on behalf of these entities; and
3. disclose the names of the primary individuals and all legal entities funding the intervention if it is filed by or on behalf of a partnership, corporation, association, organization, or other legal entity whose business, commercial, or industrial interests are at issue in the proceeding or judicial review.

### **BACKGROUND**

The state's 1971 Environmental Protection Act states that (1) there is a public trust in the state's air, water, and other natural resources; (2) each person is entitled to the protection of these resources; and (3) it is in the public interest to provide everyone with an adequate remedy to protect these resources from unreasonable pollution, impairment, or destruction (CGS § 22a-15).

### **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 5 (03/23/2012)