



# House of Representatives

General Assembly

**File No. 210**

February Session, 2012

Substitute House Bill No. 5129

*House of Representatives, April 2, 2012*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE REGULATION OF IONIZING RADIATION AND STREAM CHANNEL ENCROACHMENT LINES BY THE DEPARTMENT OF ENERGY AND 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2 repealed and the following is substituted in lieu thereof (*Effective*  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, 2012*):

4 (c) The provisions of this section shall not be construed to limit or  
5 alter the authority of the Commissioner of Energy and Environmental  
6 Protection over the tidal, coastal and navigable waters of the state,  
7 [and within stream channel encroachment lines established by said  
8 commissioner 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10 repealed and the following is substituted in lieu thereof (*Effective*  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, 2012*):

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 Energy  
15 and 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 2012 supplement to the general statutes is  
22 repealed and the following is substituted in lieu thereof (*Effective*  
23 *October 1, 2012*):

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

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

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

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

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

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

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

142 (e) Whenever the commissioner issues an order to enforce any  
143 statute, regulation, permit or order administered or issued by him, any  
144 person or municipality aggrieved by such order may, except as  
145 otherwise provided by law, request a hearing before the commissioner  
146 within thirty days from the date such order is sent. Such hearing shall  
147 be conducted in accordance with the procedures provided by chapter  
148 54.

149 (f) The provisions of sections 22a-45a and 22a-174, subsection (r) of  
150 section 22a-208a, sections [22a-349a,] 22a-354p, 22a-378a, 22a-411, as  
151 amended by this act, and 22a-430b and subsection (d) of section 22a-  
152 454 which authorize the issuance of general permits shall not affect the  
153 authority of the commissioner, under any statute or regulation, to  
154 abate pollution or to enforce the laws under his jurisdiction, including  
155 the authority to institute legal proceedings. Such proceedings may  
156 include summary suspension in accordance with subsection (c) of  
157 section 4-182. The commissioner may reissue, modify, revoke or  
158 suspend any general permit in accordance with the procedures set  
159 forth for the issuance of such permit.

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

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

180 (i) Notwithstanding the provisions of subsection (a) of this section,  
181 no person shall be required to pay any fee established by the

182 commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a or 22a-  
183 134e for any new or pending application, provided such person has  
184 received financial assistance from any department, institution, agency  
185 or authority of the state for the purpose of investigation or  
186 remediation, or both, of a brownfield site, as defined in section 32-9kk,  
187 and such activity would otherwise require a fee to be paid to the  
188 commissioner for the activity conducted with such financial assistance.

189 (j) Notwithstanding the provisions of subsection (a) of this section,  
190 no department, institution, agency or authority of the state or the state  
191 system of higher education shall be required to pay any fee established  
192 by the commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a  
193 or 22a-134e for any new or pending application, provided such  
194 division of the state is conducting an investigation or remediation, or  
195 both, of a brownfield site, as defined in section 32-9kk, and siting a  
196 state facility on such brownfield site.

197 (k) Notwithstanding the provisions of subsection (a) of this section,  
198 no person shall be required to pay any fee associated with a  
199 brownfield, as defined in section 32-9kk, due to the commissioner  
200 resulting from the actions of another party prior to their acquisition of  
201 such brownfield, provided such person intends to investigate and  
202 remediate such brownfield.

203 Sec. 4. Subsections (a) and (b) of section 22a-6a of the general  
204 statutes are repealed and the following is substituted in lieu thereof  
205 (*Effective October 1, 2012*):

206 (a) Any person who knowingly or negligently violates any  
207 provision of section 14-100b or 14-164c, subdivision (3) of subsection  
208 (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, as  
209 amended by this act, or 22a-7, chapter 440, chapter 441, section 22a-69  
210 or 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-  
211 158, inclusive, as amended by this act, section 22a-162, 22a-171, 22a-  
212 174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-  
213 208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, [22a-  
214 342, 22a-345, 22a-346, 22a-347, 22a-349a,] 22a-358, 22a-359, 22a-361, 22a-

215 362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, as  
216 amended by this act, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive,  
217 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, as amended by this act,  
218 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit  
219 adopted or issued thereunder by the Commissioner of Energy and  
220 Environmental Protection shall be liable to the state for the reasonable  
221 costs and expenses of the state in detecting, investigating, controlling  
222 and abating such violation. Such person shall also be liable to the state  
223 for the reasonable costs and expenses of the state in restoring the air,  
224 waters, lands and other natural resources of the state, including plant,  
225 wild animal and aquatic life to their former condition insofar as  
226 practicable and reasonable, or, if restoration is not practicable or  
227 reasonable, for any damage, temporary or permanent, caused by such  
228 violation to the air, waters, lands or other natural resources of the state,  
229 including plant, wild animal and aquatic life and to the public trust  
230 therein. Institution of a suit to recover for such damage, costs and  
231 expenses shall not preclude the application of any other remedies.

232 (b) Whenever two or more persons knowingly or negligently violate  
233 any provision of section 14-100b or 14-164c, subdivision (3) of  
234 subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
235 22a-6, as amended by this act, or 22a-7, chapter 440, chapter 441,  
236 subsection (b) of section 22a-134p, sections 22a-148 to 22a-158,  
237 inclusive, as amended by this act, section 22a-162, 22a-171, 22a-174,  
238 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208,  
239 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, [22a-342,  
240 22a-345, 22a-346, 22a-347, 22a-349a,] 22a-358, 22a-359, 22a-361, 22a-362,  
241 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, as amended  
242 by this act, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-  
243 449, 22a-450, 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461,  
244 22a-462 or 22a-471, or any regulation, order or permit adopted or  
245 issued thereunder by the commissioner and responsibility for the  
246 damage caused thereby is not reasonably apportionable, such persons  
247 shall, subject to a right of equal contribution, be jointly and severally  
248 liable under this section.

249 Sec. 5. Subsection (a) of section 22a-6b of the general statutes is  
250 repealed and the following is substituted in lieu thereof (*Effective*  
251 *October 1, 2012*):

252 (a) The Commissioner of Energy and Environmental Protection  
253 shall adopt regulations, in accordance with the provisions of chapter  
254 54, to establish a schedule setting forth the amounts, or the ranges of  
255 amounts, or a method for calculating the amount of the civil penalties  
256 which may become due under this section. Such schedule or method  
257 may be amended from time to time in the same manner as for  
258 adoption provided any such regulations which become effective after  
259 July 1, 1993, shall only apply to violations which occur after said date.  
260 The civil penalties established for each violation shall be of such  
261 amount as to insure immediate and continued compliance with  
262 applicable laws, regulations, orders and permits. Such civil penalties  
263 shall not exceed the following amounts:

264 (1) For failure to file any registration, other than a registration for a  
265 general permit, for failure to file any plan, report or record, or any  
266 application for a permit, for failure to obtain any certification, for  
267 failure to display any registration, permit or order, or file any other  
268 information required pursuant to any provision of section 14-100b or  
269 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-  
270 171, 15-172, 15-175, 22a-5, 22a-6, as amended by this act, 22a-7, 22a-32,  
271 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d,  
272 inclusive, subsection (b) of section 22a-134p, sections 22a-148 to 22a-  
273 158, inclusive, as amended by this act, section 22a-171, 22a-174, 22a-  
274 175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-  
275 209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, [22a-342, 22a-345, 22a-  
276 346, 22a-347, 22a-349a,] 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362,  
277 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, as amended by this act,  
278 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-  
279 450, 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461, 22a-462  
280 or 22a-471, or any regulation, order or permit adopted or issued  
281 thereunder by the commissioner, and for other violations of similar  
282 character as set forth in such schedule or schedules, no more than one

283 thousand dollars for said violation and in addition no more than one  
284 hundred dollars for each day during which such violation continues;

285 (2) For deposit, placement, removal, disposal, discharge or emission  
286 of any material or substance or electromagnetic radiation or the  
287 causing of, engaging in or maintaining of any condition or activity in  
288 violation of any provision of section 14-100b or 14-164c, subdivision (3)  
289 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
290 22a-6, as amended by this act, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a,  
291 chapter 441, sections 22a-134 to 22a-134d, inclusive, section 22a-69 or  
292 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-158,  
293 inclusive, as amended by this act, section 22a-162, 22a-171, 22a-174,  
294 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208,  
295 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, [22a-342, 22a-345, 22a-346,  
296 22a-347, 22a-349a,] 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-  
297 368, 22a-401 to 22a-405, inclusive, 22a-411, as amended by this act, 22a-  
298 416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450,  
299 22a-451, 22a-454, as amended by this act, 22a-458, 22a-461, 22a-462 or  
300 22a-471, or any regulation, order or permit adopted thereunder by the  
301 commissioner, and for other violations of similar character as set forth  
302 in such schedule or schedules, no more than twenty-five thousand  
303 dollars for said violation for each day during which such violation  
304 continues;

305 (3) For violation of the terms of any final order of the commissioner,  
306 except final orders under subsection (d) of this section and emergency  
307 orders and cease and desist orders as set forth in subdivision (4) of this  
308 subsection, for violation of the terms of any permit issued by the  
309 commissioner, and for other violations of similar character as set forth  
310 in such schedule or schedules, no more than twenty-five thousand  
311 dollars for said violation for each day during which such violation  
312 continues;

313 (4) For violation of any emergency order or cease and desist order of  
314 the commissioner, and for other violations of similar character as set  
315 forth in such schedule or schedules, no more than twenty-five

316 thousand dollars for said violation for each day during which such  
317 violation continues;

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

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

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

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

334 Sec. 6. Subsection (a) of section 22a-6g of the general statutes is  
335 repealed and the following is substituted in lieu thereof (*Effective*  
336 *October 1, 2012*):

337 (a) Any person who submits an application to the Commissioner of  
338 Energy and Environmental Protection for any permit or other license  
339 pursuant to section 22a-32, 22a-39, 22a-174, 22a-208a, [22a-342,] 22a-  
340 361, 22a-368, 22a-403, as amended by this act, or 22a-430, subsection (b)  
341 or (c) of section 22a-449, section 22a-454, as amended by this act, or  
342 Section 401 of the federal Water Pollution Control Act (33 USC 466 et  
343 seq.), except an application for authorization under a general permit  
344 shall: (1) Include with such application a signed statement certifying  
345 that the applicant will publish notice of such application on a form  
346 supplied by the commissioner in accordance with this section; (2)

347 publish notice of such application in a newspaper of general  
348 circulation in the affected area; (3) send the commissioner a certified  
349 copy of such notice as it appeared in the newspaper; and (4) notify the  
350 chief elected official of the municipality in which the regulated activity  
351 is proposed. Such notices shall include: (A) The name and mailing  
352 address of the applicant and the address of the location at which the  
353 proposed activity will take place; (B) the application number, if  
354 available; (C) the type of permit sought, including a reference to the  
355 applicable statute or regulation; (D) a description of the activity for  
356 which a permit is sought; (E) a description of the location of the  
357 proposed activity and any natural resources affected thereby; (F) the  
358 name, address and telephone number of any agent of the applicant  
359 from whom interested persons may obtain copies of the application;  
360 and (G) a statement that the application is available for inspection at  
361 the office of the Department of Energy and Environmental Protection.  
362 The commissioner shall not process an application until the applicant  
363 has submitted to the commissioner a copy of the notice required by  
364 this section. The provisions of this section shall not apply to discharges  
365 exempted from the notice requirement by the commissioner pursuant  
366 to subsection (b) of section 22a-430, to hazardous waste transporter  
367 permits issued pursuant to section 22a-454, as amended by this act, or  
368 to special waste authorizations issued pursuant to section 22a-209 and  
369 regulations adopted thereunder.

370 Sec. 7. Subsection (a) of section 22a-6h of the general statutes is  
371 repealed and the following is substituted in lieu thereof (*Effective*  
372 *October 1, 2012*):

373 (a) The Commissioner of Energy and Environmental Protection, at  
374 least thirty days before approving or denying an application under  
375 section 22a-32, 22a-39, 22a-174, 22a-208a, [22a-342,] 22a-361, 22a-368,  
376 22a-403, as amended by this act, or 22a-430, subsection (b) or (c) of  
377 section 22a-449, section 22a-454, as amended by this act, or Section 401  
378 of the federal Water Pollution Control Act (33 USC 466 et seq.), shall  
379 publish or cause to be published, at the applicant's expense, once in a  
380 newspaper having a substantial circulation in the affected area notice

381 of the commissioner's tentative determination regarding such  
382 application. Such notice shall include: (1) The name and mailing  
383 address of the applicant and the address of the location of the  
384 proposed activity; (2) the application number; (3) the tentative decision  
385 regarding the application; (4) the type of permit or other authorization  
386 sought, including a reference to the applicable statute or regulation; (5)  
387 a description of the location of the proposed activity and any natural  
388 resources affected thereby; (6) the name, address and telephone  
389 number of any agent of the applicant from whom interested persons  
390 may obtain copies of the application; (7) a brief description of all  
391 opportunities for public participation provided by statute or  
392 regulation, including the length of time available for submission of  
393 public comments to the commissioner on the application; and (8) such  
394 additional information as the commissioner deems necessary to  
395 comply with any provision of this title or regulations adopted  
396 hereunder, or with the federal Clean Air Act, federal Clean Water Act  
397 or federal Resource Conservation and Recovery Act. The commissioner  
398 shall further give notice of such determination to the chief elected  
399 official of the municipality in which the regulated activity is proposed.  
400 Nothing in this section shall preclude the commissioner from giving  
401 such additional notice as may be required by any other provision of  
402 this title or regulations adopted hereunder, or by the federal Clean Air  
403 Act, federal Clean Water Act or federal Resource Conservation and  
404 Recovery Act. The provisions of this section shall not apply to  
405 discharges exempted from the notice requirement by the commissioner  
406 pursuant to subsection (b) of section 22a-430, to hazardous waste  
407 transporter permits issued pursuant to section 22a-454, as amended by  
408 this act, or to special waste authorizations issued pursuant to section  
409 22a-209 and regulations adopted thereunder.

410 Sec. 8. Subsection (a) of section 22a-6k of the general statutes is  
411 repealed and the following is substituted in lieu thereof (*Effective*  
412 *October 1, 2012*):

413 (a) The Commissioner of Energy and Environmental Protection may  
414 issue an emergency authorization for any activity regulated by the

415 commissioner under section 22a-32, subsection (h) of section 22a-39,  
416 22a-54, 22a-66, 22a-174, 22a-208a, [22a-342,] 22a-368, 22a-403, as  
417 amended by this act, 22a-430, 22a-449 or 22a-454, as amended by this  
418 act, provided he finds that (1) such authorization is necessary to  
419 prevent, abate or mitigate an imminent threat to human health or the  
420 environment; and (2) such authorization is not inconsistent with the  
421 federal Water Pollution Control Act, the federal Rivers and Harbors  
422 Act, the federal Clean Air Act or the federal Resource Conservation  
423 and Recovery Act. Such emergency authorization shall be limited by  
424 any conditions the commissioner deems necessary to adequately  
425 protect human health and the environment. Summary suspension of  
426 an emergency authorization may be ordered in accordance with  
427 subsection (c) of section 4-182. The commissioner may assess a fee for  
428 an emergency authorization issued pursuant to this subsection. Such  
429 fee shall be of an amount equal to the equivalent existing permit fee for  
430 the activity authorized. The commissioner may reduce or waive the fee  
431 required pursuant to this subsection if good cause is shown. The fee  
432 required pursuant to this subsection shall be paid no later than ten  
433 days after the issuance of the emergency authorization.

434 Sec. 9. Subsection (a) of section 22a-6bb of the general statutes is  
435 repealed and the following is substituted in lieu thereof (*Effective*  
436 *October 1, 2012*):

437 (a) Whenever the Commissioner of Energy and Environmental  
438 Protection is required to hold a hearing prior to approving or denying  
439 an application upon receipt of a timely filed petition signed by at least  
440 twenty-five persons pursuant to sections 22a-32, 22a-39, 22a-42a, 22a-  
441 45a, 22a-94, 22a-174, 22a-208a, [22a-349a,] 22a-361, 22a-363b, 22a-371,  
442 22a-378a, 22a-403, as amended by this act, 22a-411, as amended by this  
443 act, 22a-430 and 25-68d, as amended by this act, or any regulation of  
444 the Connecticut state agencies provides that the Commissioner of  
445 Energy and Environmental Protection shall hold a hearing prior to  
446 approving or denying an application upon receipt of a timely filed  
447 petition signed by at least twenty-five persons, such petition may  
448 designate a person authorized to withdraw such petition. Such

449 authorized person may engage in discussions regarding an application  
450 and, if a resolution is reached, may withdraw the petition.

451 Sec. 10. Section 22a-27i of the general statutes is repealed and the  
452 following is substituted in lieu thereof (*Effective October 1, 2012*):

453 Notwithstanding the provisions of sections 22a-6, as amended by  
454 this act, 22a-6d, 22a-26g, 22a-26h, 22a-134e, 22a-135, 22a-148, as  
455 amended by this act, 22a-150, 22a-174, 22a-208a, [22a-342,] 22a-363c,  
456 22a-372, 22a-379, 22a-409, 22a-430, 22a-449, 22a-454 to 22a-454c,  
457 inclusive, as amended by this act, and 22a-361, for the period  
458 beginning July 1, 1990, and ending June 30, 1991, any fee to be charged  
459 to a municipality in accordance with said sections shall be the fee in  
460 effect on June 30, 1990.

461 Sec. 11. Section 22a-98 of the general statutes is repealed and the  
462 following is substituted in lieu thereof (*Effective October 1, 2012*):

463 The commissioner shall coordinate the activities of all regulatory  
464 programs under his jurisdiction with permitting authority in the  
465 coastal area to assure that the administration of such programs is  
466 consistent with the goals and policies of this chapter. Such programs  
467 include, but are not limited to: (1) Regulation of wetlands and  
468 watercourses pursuant to chapter 440; (2) [regulation of stream  
469 encroachment pursuant to sections 22a-342 to 22a-349, inclusive; (3)]  
470 regulation of dredging and the erection of structures or the placement  
471 of fill in tidal, coastal or navigable waters pursuant to sections 22a-359  
472 to 22a-363f, inclusive; and [(4)] (3) certification of water quality  
473 pursuant to the federal Clean Water Act of 1972 (33 USC 1411, Section  
474 401). The commissioner shall assure consistency with such goals and  
475 policies in granting, denying or modifying permits under such  
476 programs. Any person seeking a license, permit or other approval of  
477 an activity under the requirements of such regulatory programs shall  
478 demonstrate that such activity is consistent with all applicable goals  
479 and policies in section 22a-92 and that such activity incorporates all  
480 reasonable measures mitigating any adverse impacts of such actions  
481 on coastal resources and future water-dependent development

482 activities. The coordination of such programs shall include, where  
483 feasible, the use of common or combined application forms, the  
484 holding of joint hearings on permit applications and the coordination  
485 of the timing or sequencing of permit decisions.

486 Sec. 12. Subsection (c) of section 22a-148 of the general statutes is  
487 repealed and the following is substituted in lieu thereof (*Effective*  
488 *October 1, 2012*):

489 (c) (1) Except as hereinafter provided, each person, firm,  
490 corporation, town, city and borough conducting or planning to  
491 conduct any operation within the scope of this section shall register  
492 with the Commissioner of Energy and Environmental Protection on  
493 forms provided for the purpose and shall reregister [annually]  
494 biennially in January of each odd-numbered year. Such registration  
495 shall be accompanied by a fee of [two] four hundred dollars. The  
496 commissioner may require registrants to state the type or types of  
497 sources of radiation involved, the maximum size or rating of each  
498 source, the qualifications of the supervisory personnel, the protective  
499 measures contemplated by the registrant and such other information  
500 as it determines to be necessary. After initial registration, reregistration  
501 shall be required for any radiation installation or mobile source of  
502 radiation at any other time when any increase is contemplated in the  
503 number of sources, the source strength, the output or the types of  
504 radiation energy involved. The act of registration shall not be  
505 interpreted to imply approval by the commissioner of the manner in  
506 which the activities requiring registration are carried out. (2) The  
507 activities described below are exempted from the registration  
508 requirements of this section: (A) The production, transportation,  
509 storage, use and disposal of naturally occurring radioactive materials  
510 of equivalent specific radioactivity not exceeding that of natural  
511 potassium; (B) the production, transportation, storage, use and  
512 disposal of other radioactive materials in quantities insufficient to  
513 involve risk of radiologic damage to a person; (C) the operation of  
514 equipment that is primarily not intended to produce radiation and  
515 that, by nature of design, does not produce radiation at the point of

516 nearest approach in quantities sufficient to produce radiologic damage  
517 to a person; (D) the transportation of any radioactive material in  
518 conformity with regulations of the Interstate Commerce Commission  
519 or other agency of the federal government having jurisdiction.

520 Sec. 13. Section 22a-155 of the general statutes is repealed and the  
521 following is substituted in lieu thereof (*Effective October 1, 2012*):

522 (a) [In any proceeding under sections 22a-151 to 22a-158, inclusive,  
523 or any other applicable statute (1) for the issuance or modification of  
524 rules and regulations relating to control of sources of ionizing  
525 radiation; or (2) for granting, suspending, revoking or amending any  
526 license; or (3) for determining compliance with or granting exceptions  
527 from rules and regulations of the Commissioner of Energy and  
528 Environmental Protection, the commissioner or his representative  
529 designated in writing shall hold a hearing upon the request of any  
530 person whose interest may be affected by the proceeding, and shall  
531 admit any such person as a party to such proceeding. Thirty days  
532 published notice shall be given of any such hearing.] The  
533 Commissioner of Energy and Environmental Protection may issue,  
534 modify or revoke any order to correct or abate any violation of sections  
535 22a-148 to 22a-158, inclusive, as amended by this act, including any  
536 license issued pursuant to said sections and any regulation adopted  
537 pursuant to said sections. Any such order may include remedial  
538 measures that are necessary to correct or abate such violations.

539 (b) [Any final order entered in any proceeding under subsection (a)  
540 of this section shall be subject to judicial review by the Superior Court  
541 in the manner prescribed in section 25-36.] Any order issued pursuant  
542 to subsection (a) of this section shall be served by certified mail, return  
543 receipt requested, or by service by a state marshal or indifferent  
544 person. If a state marshal or indifferent person serves such order, a  
545 true copy of such order shall be served and the original, with a return  
546 of such service endorsed thereon, shall be filed with the commissioner.  
547 Such order shall be deemed to be issued on the date of service or on  
548 the date such order is deposited in the mail, as applicable. Any order

549 issued pursuant to subsection (a) of this section shall state the basis on  
550 which such order is issued and shall specify a reasonable time for  
551 compliance.

552 (c) Any order issued pursuant to subsection (a) of this section shall  
553 be final unless a person aggrieved by such order files a written request  
554 for a hearing before the commissioner not later than thirty days after  
555 the date of issuance of such order. Upon the receipt of any such  
556 request for a hearing, the commissioner shall hold a hearing as soon  
557 thereafter as practicable. After any such hearing, the commissioner  
558 shall consider all supporting and rebutting evidence and affirm,  
559 modify or revoke such order in the commissioner's discretion and shall  
560 so notify the recipient of the order by certified mail, return receipt  
561 requested, of the commissioner's determination.

562 (d) The commissioner may, after a hearing held pursuant to  
563 subsection (c) of this section, or at any time after the issuance of an  
564 order pursuant to subsection (a) of this section, modify such order or  
565 extend the time for compliance with such order, provided the  
566 commissioner determines such modification or extension is advisable  
567 or necessary. Any such modification or extension shall be deemed to  
568 be a revision of the existing order and shall not constitute a new order.  
569 No person may request a hearing pursuant to subsection (c) of this  
570 section or take appeal to the Superior Court pursuant to subsection (e)  
571 of this section on such modification or extension.

572 (e) Any person aggrieved by a final order of the commissioner  
573 issued pursuant to this section may appeal such order to the superior  
574 court for the judicial district of New Britain in accordance with the  
575 provisions of section 4-183.

576 Sec. 14. Section 22a-157 of the general statutes is repealed and the  
577 following is substituted in lieu thereof (*Effective October 1, 2012*):

578 No person shall use, manufacture, produce, transport, transfer,  
579 receive, acquire, own or possess any source of ionizing radiation,  
580 unless exempt, licensed or registered in accordance with the provisions

581 of sections [22a-151] 22a-148 to 22a-158, inclusive, as amended by this  
582 act.

583 Sec. 15. (NEW) (*Effective October 1, 2012*) The Commissioner of  
584 Energy and Environmental Protection may issue a cease and desist  
585 order in accordance with section 22a-7 of the general statutes for any  
586 violation of sections 22a-148 to 22a-158, inclusive, of the general  
587 statutes, as amended by this act, and may suspend or revoke any  
588 registration issued by the commissioner pursuant to section 22a-148 of  
589 the general statutes, as amended by this act, or 22a-150 of the general  
590 statutes, upon a showing of cause after a hearing held in accordance  
591 with chapter 54 of the general statutes.

592 Sec. 16. Section 22a-357 of the general statutes is repealed and the  
593 following is substituted in lieu thereof (*Effective October 1, 2012*):

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

606 Sec. 17. Subsection (a) of section 22a-402 of the general statutes is  
607 repealed and the following is substituted in lieu thereof (*Effective*  
608 *October 1, 2012*):

609 (a) The Commissioner of Energy and Environmental Protection  
610 shall investigate and inspect or cause to be investigated and inspected  
611 all dams or other structures which, in his or her judgment, would, by  
612 breaking away, cause loss of life or property damage. Said

613 commissioner may require any person owning or having the care and  
614 control of any such structure to furnish him or her with such surveys,  
615 plans, descriptions, drawings and other data relating thereto and in  
616 such form and to such reasonable extent as he or she directs. Any  
617 person in possession of such pertinent information shall afford the  
618 owner and the commissioner access thereto. The commissioner shall  
619 make or cause to be made such periodic inspections of all such  
620 structures as may be necessary to reasonably insure that they are  
621 maintained in a safe condition. If, after any inspection described  
622 herein, the commissioner finds any such structure to be in an unsafe  
623 condition, he or she shall order the person owning or having control  
624 thereof to place it in a safe condition or to remove it and shall fix the  
625 time within which such order shall be carried out. The respondent to  
626 such an order shall not be required to obtain a permit under this  
627 chapter or chapter 440 or section [22a-342 or] 22a-368 for any action  
628 necessary to comply with such order. If such order is not carried out  
629 within the time specified, the commissioner may carry out the actions  
630 required by the order provided the commissioner has determined that  
631 an emergency exists which presents a clear and present danger to the  
632 public safety and said commissioner shall assess the costs of such  
633 action against the person owning or having care and control of the  
634 structure. When the commissioner in his or her investigation finds that  
635 a dam or other structure should be inspected periodically in order to  
636 reduce a potential hazard to life and property, the owner of such  
637 structure shall cause such inspection to be made by a registered  
638 engineer at such intervals as are deemed necessary by the  
639 commissioner and shall submit a copy of the engineer's finding and  
640 report to the commissioner for his or her action. If the commissioner  
641 determines as a result of an inspection that maintenance or repairs to a  
642 dam are needed to maintain the dam in a safe condition, the  
643 commissioner shall notify the owner, in writing, of such maintenance  
644 or repairs as are necessary and request the owner to undertake such  
645 repairs within the time period specified in the notice. If the owner does  
646 not undertake the necessary maintenance or repairs within the time  
647 period indicated in the notice, the commissioner may proceed to order

648 the owner to undertake the necessary maintenance or repairs. As used  
649 in this chapter, "person" [shall have] has the same meaning as defined  
650 in subsection (b) of section 22a-2 and "water company" [shall have] has  
651 the same meaning as defined in section 25-32a. The commissioner shall  
652 cause a certified copy of a final order issued under this section to be  
653 recorded on the land records in the town or towns wherein the dam or  
654 such structure is located.

655 Sec. 18. Subsection (b) of section 22a-403 of the general statutes is  
656 repealed and the following is substituted in lieu thereof (*Effective*  
657 *October 1, 2012*):

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

676 Sec. 19. Subsection (a) of section 22a-411 of the general statutes is  
677 repealed and the following is substituted in lieu thereof (*Effective*  
678 *October 1, 2012*):

679 (a) The commissioner may issue a general permit for any minor  
680 activity regulated under sections 22a-401 to 22a-410, inclusive, except

681 for any activity covered by an individual permit, if the commissioner  
682 determines that such activity would cause minimal environmental  
683 effects when conducted separately and would cause only minimal  
684 cumulative environmental effects. Such activities may include routine  
685 maintenance and routine repair of any dam, dike, reservoir or other  
686 similar structure. Any person conducting an activity for which a  
687 general permit has been issued shall not be required to obtain an  
688 individual permit under sections 22a-36 to 22a-45a, inclusive, or  
689 section [22a-342,] 22a-368 or 22a-403, as amended by this act, except as  
690 provided in subsection (c) of this section. A general permit shall clearly  
691 define the activity covered thereby and may include such conditions  
692 and requirements as the commissioner deems appropriate, including,  
693 but not limited to, management practices and verification and  
694 reporting requirements. The general permit may require any person  
695 conducting any activity under the general permit to report, on a form  
696 prescribed by the commissioner, such activity to the commissioner  
697 before it shall be covered by the general permit. The commissioner  
698 shall prepare, and shall annually amend, a list of holders of general  
699 permits under this section, which list shall be made available to the  
700 public.

701 Sec. 20. Subsection (a) of section 22a-454 of the general statutes is  
702 repealed and the following is substituted in lieu thereof (*Effective*  
703 *October 1, 2012*):

704 (a) No person shall engage in the business of collecting, storing or  
705 treating waste oil or petroleum or chemical liquids or hazardous  
706 wastes or of acting as a contractor to contain or remove or otherwise  
707 mitigate the effects of discharge, spillage, uncontrolled loss, seepage or  
708 filtration of such substance or material or waste nor shall any person,  
709 municipality or regional authority dispose of waste oil or petroleum or  
710 chemical liquids or waste solid, liquid or gaseous products or  
711 hazardous wastes without a permit from the commissioner. Such  
712 permit shall be in writing, shall contain such terms and conditions as  
713 the commissioner deems necessary and shall be valid for a fixed term  
714 not to exceed five years. No permit shall be granted, renewed or

715 transferred unless the commissioner is satisfied that the activities of  
716 the permittee will not result in pollution, contamination, emergency or  
717 a violation of any regulation adopted under sections 22a-30, 22a-39,  
718 22a-116, [22a-347,] 22a-377, 22a-430, 22a-449, 22a-451 and 22a-462. The  
719 commissioner shall require payment of a fee of six hundred twenty-  
720 five dollars per year for each year covered by a permit to transport  
721 hazardous waste and the payment of a fee of fourteen thousand two  
722 hundred fifty dollars for a permit to treat waste oil or petroleum or  
723 chemical liquids. The commissioner may adopt regulations, in  
724 accordance with the provisions of chapter 54, to prescribe the amount  
725 of the fees required pursuant to this section. Upon the adoption of such  
726 regulations, the fees required by this section shall be as prescribed in  
727 such regulations. The commissioner may suspend or revoke a permit  
728 for violation of any term or condition of the permit, for conviction of a  
729 violation of section 22a-131a or for assessment of a fine under section  
730 22a-131. The commissioner may conduct a program of study and  
731 research and demonstration, relating to new and improved methods of  
732 waste oil and petroleum or chemical liquids or waste solid, liquid or  
733 gaseous products or hazardous wastes disposal. For the purposes of  
734 this section, collecting, storing, or treating of waste oil, petroleum or  
735 chemical liquids or hazardous waste shall mean such activities when  
736 engaged in by a person whose principal business is the management of  
737 such wastes.

738 Sec. 21. Subsection (b) of section 25-68d of the general statutes is  
739 repealed and the following is substituted in lieu thereof (*Effective*  
740 *October 1, 2012*):

741 (b) Any state agency proposing an activity or critical activity within  
742 or affecting the floodplain shall submit to the commissioner  
743 information certifying that:

744 (1) The proposal will not obstruct flood flows or result in an adverse  
745 increase in flood elevations, significantly affect the storage or flood  
746 control value of the floodplains, cause an adverse increase in flood  
747 velocities, or an adverse flooding impact upon upstream, downstream

748 or abutting properties, or pose a hazard to human life, health or  
749 property in the event of a base flood or base flood for a critical activity;

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

755 (3) The agency has acquired, through public or private purchase or  
756 conveyance, easements and property in floodplains when the base  
757 flood or base flood for a critical activity is elevated above the  
758 increment authorized by the National Flood Insurance Program or the  
759 flood storage loss would cause adverse increases in such base flood  
760 flows;

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

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

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

772 Sec. 22. Section 51-344a of the general statutes is repealed and the  
773 following is substituted in lieu thereof (*Effective October 1, 2012*):

774 (a) Whenever the term "judicial district of Hartford-New Britain" or  
775 "judicial district of Hartford-New Britain at Hartford" is used or  
776 referred to in the following sections of the general statutes, it shall be  
777 deemed to mean or refer to the judicial district of Hartford on and after  
778 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-

779 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
780 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
781 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
782 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
783 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
784 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
785 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
786 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
787 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
788 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
789 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
790 22-386, 22a-6b, as amended by this act, 22a-7, 22a-16, 22a-30, 22a-34,  
791 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-  
792 180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c,  
793 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-  
794 310, [22a-342a, 22a-344,] 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430,  
795 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-  
796 36, 28-5, 29-143j, 29-158, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340,  
797 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-  
798 285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,  
799 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27,  
800 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134,  
801 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b,  
802 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776,  
803 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k,  
804 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-  
805 194, 52-146j, 53-392d and 54-211a.

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

812 (c) If the term "judicial district of Hartford-New Britain at New

813 Britain" is used or referred to in any public act of 1995, 1996, 1997 or  
814 1998 or in any section of the general statutes which is amended in 1995,  
815 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial  
816 district of New Britain on and after September 1, 1998.

817 Sec. 23. Subsection (a) of section 51-344a of the general statutes, as  
818 amended by section 22 of public act 09-177 and section 6 of public act  
819 10-54, is repealed and the following is substituted in lieu thereof  
820 (*Effective January 1, 2014*):

821 (a) Whenever the term "judicial district of Hartford-New Britain" or  
822 "judicial district of Hartford-New Britain at Hartford" is used or  
823 referred to in the following sections of the general statutes, it shall be  
824 deemed to mean or refer to the judicial district of Hartford on and after  
825 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
826 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
827 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
828 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
829 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
830 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
831 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
832 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
833 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
834 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
835 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
836 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
837 22-386, 22a-6b, as amended by this act, 22a-7, 22a-16, 22a-30, 22a-34,  
838 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-  
839 180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c,  
840 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-  
841 310, [22a-342a, 22a-344,] 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430,  
842 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-  
843 36, 28-5, 29-143j, 29-158, 29-161z, 29-323, 30-8, 31-109, 31-249b, 31-266,  
844 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c,  
845 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-647, 36a-684,  
846 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74,

847 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-  
848 185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-  
849 657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-  
850 994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100,  
851 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

852 Sec. 24. Section 51-344b of the general statutes is repealed and the  
853 following is substituted in lieu thereof (*Effective October 1, 2012*):

854 Whenever the term "judicial district of Hartford" is used or referred  
855 to in the following sections of the general statutes, the term "judicial  
856 district of New Britain" shall be substituted in lieu thereof: Subsection  
857 (b) of section 3-70a, sections 3-71a and 4-164, subsection (c) of section 4-  
858 183, subdivision (4) of subsection (g) of section 10-153e, subparagraph  
859 (C) of subdivision (4) of subsection (e) of section 10a-109n, sections 12-  
860 3a, 12-89, 12-103, 12-208, 12-237, 12-242hh, 12-242ii, 12-242kk, 12-268l,  
861 12-307, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-463, 12-489,  
862 12-522, 12-554, 12-586g and 12-597, subsection (b) of section 12-638i,  
863 sections 12-730, 14-57, 14-66, 14-195, 14-324, 14-331 and 19a-85,  
864 subsection (f) of section 19a-332e, sections 20-156, 20-247, 20-307, 20-  
865 373, 20-583 and 21a-55, subsection (e) of section 22-7, sections 22-320d  
866 and 22-386, subsection (e) of section 22a-6b, section 22a-30, subsection  
867 (a) of section 22a-34, subsection (b) of section 22a-34, section 22a-182a,  
868 subsection (f) of section 22a-225, sections 22a-227, [22a-344,] 22a-374,  
869 22a-408 and 22a-449g, subsection (f) of section 25-32e, section 29-158,  
870 subsection (f) of section 29-161z, sections 36b-30 and 36b-76, subsection  
871 (f) of section 38a-41, section 38a-52, subsection (c) of section 38a-150,  
872 sections 38a-185, 38a-209 and 38a-225, subdivision (3) of section 38a-  
873 226b, sections 38a-241, 38a-337 and 38a-657, subsection (c) of section  
874 38a-774, section 38a-776, subsection (c) of section 38a-817 and section  
875 38a-994.

876 Sec. 25. (NEW) (*Effective October 1, 2012*) (a) Whenever, in the  
877 judgment of the Commissioner of Energy and Environmental  
878 Protection, any person has engaged in or is about to engage in any act,  
879 practice or omission that constitutes, or will constitute, a violation of

880 any provision of chapter 446a of the general statutes, or any regulation  
881 adopted or order issued pursuant to said chapter, the Attorney  
882 General may, at the request of the commissioner, bring an action in the  
883 superior court for the judicial district of New Britain for an order  
884 enjoining such act, practice or omission. Such order may require  
885 remedial measures and direct compliance. Upon a showing by the  
886 commissioner that such person has engaged in or is about to engage in  
887 any such act, practice or omission, the court may issue a permanent or  
888 temporary injunction, restraining order or other order, as appropriate.

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

892 Sec. 26. (NEW) (*Effective October 1, 2012*) (a) Any person who, with  
893 criminal negligence, violates any provision of chapter 446a of the  
894 general statutes, including, but not limited to, any regulation, license  
895 or order adopted or issued pursuant to said chapter, or who makes  
896 any false statement, representation or certification in any application,  
897 registration, notification or other document filed or required to be  
898 maintained pursuant to said chapter, shall be fined not more than  
899 twenty-five thousand dollars per day for each day of violation or be  
900 imprisoned not more than one year, or both. A subsequent conviction  
901 for any such violation shall carry a fine of not more than fifty thousand  
902 dollars per day for each day of violation or imprisonment for not more  
903 than two years, or both.

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

913 Sec. 27. Sections 22a-342 to 22a-349a, inclusive, and section 22a-350  
 914 of the general statutes are repealed. (*Effective from passage*)

915 Sec. 28. Section 22a-156 of the general statutes is repealed. (*Effective*  
 916 *October 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-147(c)
Sec. 2	October 1, 2012	13a-94(a)
Sec. 3	October 1, 2012	22a-6
Sec. 4	October 1, 2012	22a-6a(a) and (b)
Sec. 5	October 1, 2012	22a-6b(a)
Sec. 6	October 1, 2012	22a-6g(a)
Sec. 7	October 1, 2012	22a-6h(a)
Sec. 8	October 1, 2012	22a-6k(a)
Sec. 9	October 1, 2012	22a-6bb(a)
Sec. 10	October 1, 2012	22a-27i
Sec. 11	October 1, 2012	22a-98
Sec. 12	October 1, 2012	22a-148(c)
Sec. 13	October 1, 2012	22a-155
Sec. 14	October 1, 2012	22a-157
Sec. 15	October 1, 2012	New section
Sec. 16	October 1, 2012	22a-357
Sec. 17	October 1, 2012	22a-402(a)
Sec. 18	October 1, 2012	22a-403(b)
Sec. 19	October 1, 2012	22a-411(a)
Sec. 20	October 1, 2012	22a-454(a)
Sec. 21	October 1, 2012	25-68d(b)
Sec. 22	October 1, 2012	51-344a
Sec. 23	January 1, 2014	51-344a(a)
Sec. 24	October 1, 2012	51-344b
Sec. 25	October 1, 2012	New section
Sec. 26	October 1, 2012	New section
Sec. 27	<i>from passage</i>	Repealer section
Sec. 28	October 1, 2012	Repealer section

**ENV** Joint Favorable Subst.

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 13 \$	FY 14 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Department of Energy and Environmental Protection	GF - Revenue Loss	30,000	30,000
Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

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

The bill could also result in a potential minimal revenue gain to the Judicial Department as it allows for a penalty of \$25,000 - \$50,000 for each day of violation. However, it is unclear at this time how many, if any, violations will occur each year.

To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

**The Out Years**

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation and the number of offenders.

**OLR Bill Analysis**

**sHB 5129**

**AN ACT CONCERNING THE REGULATION OF IONIZING RADIATION AND STREAM CHANNEL ENCROACHMENT LINES BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.**

**SUMMARY:**

This bill repeals provisions establishing stream channel encroachment lines and permitting encroachments upon or uses and activities within them.

The bill also makes changes in the radiation and radioactive material law. It:

1. expands the list of prohibited acts;
2. requires that registration renewal occur biennially rather than annually and changes the fee accordingly;
3. provides the Department of Energy and Environmental Protection (DEEP) 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 material; and

6. makes people who violate these laws liable for clean-up and restoration costs.

The bill also makes many technical and conforming changes.

EFFECTIVE DATE: October 1, 2012; except the stream channel encroachment line repeal provision is effective upon passage; and a technical change is effective January 1, 2014.

### **§ 27 – STREAM CHANNEL ENCROACHMENT LINES**

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

Under current law, the 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 their 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 (see BACKGROUND).

### **§§ 4-5, 12-15, 25-26, 28 -- RADIATION AND RADIOACTIVE MATERIALS**

#### ***Registration Requirements***

Current law generally requires any person, firm, corporation, town, city, or borough that conducts or plans to conduct any operation involving ionizing radiation and radioactive material to register with the 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 that generally prohibits

anyone from using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing any ionizing radiation source 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.

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

The bill removes a requirement that the commissioner 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, DEEP rules and regulations.

The bill authorizes the commissioner to issue, modify, or revoke any order to correct or abate violations of certain provisions of the radiation and radioactive materials law and any regulation or license issued under them. The order may include necessary remedial measures.

It requires any such order 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 issued order is final unless a person aggrieved by it files a written request for a hearing before the commissioner within 30 days of issuance. The commissioner must then hold a hearing as soon 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 also extend the time for complying with an order if he believes it advisable or necessary. A modification or extension is a revision of an existing order and not a new order. There can be no hearing on it or appeal from it.

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

### ***Cease and Desist Orders and Registration Revocation or Suspension***

The bill also allows the commissioner to (1) issue a cease and desist order for certain violations of the radiation and radioactive materials law and (2) upon a showing of cause and after a hearing, suspend or revoke certain registrations.

By law, the commissioner can issue a cease and desist order when he finds that a person is causing, engaging in, maintaining, or about to cause, engage in, or maintain a condition or activity that is likely to or will result in imminent and substantial damage to the environment or public health. The law requires a person receiving such an order to immediately comply with it. A hearing must be held within 10 days of the order's receipt.

### ***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 specified 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 repeals this provision and replaces it with a broader provision covering any act, practice, or omission that constitutes or will constitute a violation of any radiation and radioactive material law, regulation, or order.

The bill allows 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 the provisions of the radiation or radioactive material law, regulations, or orders. It allows the court to issue a permanent or temporary injunction, restraining order, or other appropriate order if the commissioner shows that the person has engaged in or 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 Persons***

The bill makes a party who knowingly or negligently violates the radiation or radioactive materials law, regulations, orders, or permits 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, waters, lands, 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 it from applying other remedies.

If more than one person knowingly or negligently violates the radiation or radioactive materials 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 other than a general registration, plan, report, record, permit application, or other required information; (2) obtain any certification; or (3) display any registration, permit, or order, as required by the radiation or radioactive materials 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, or maintaining any condition or activity violating the radiation or radioactive materials 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 for a first offense. 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 for a first offense. 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 any 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 for a first offense. A subsequent conviction is punishable by a fine of up to \$ 50,000, up to 10 years in prison, or both.

## **BACKGROUND**

### ***National Flood Insurance Program***

All Connecticut municipalities participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). The program enables property owners in participating

communities to purchase insurance as a protection against flood losses in exchange for community floodplain management regulations that reduce future flood damages. NFIP participation is based on an agreement between communities and the federal government (44 CFR § 59 et seq.). As part of the program, FEMA prepares flood maps that identify high risk areas for flooding. Construction in these areas requires compliance with the local flood management regulation or ordinances. The local regulation or ordinance must meet minimum federal requirements.

### ***Radioactive Material 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, radio, or light waves.

### ***Federal Nuclear Regulation***

Under federal law, the United States Nuclear Regulatory Commission is responsible for regulating nuclear power plants; uses of nuclear materials, such as in nuclear medicine; and nuclear waste.

### ***Related Bill***

sHB 5465, favorably reported by the Commerce Committee, repeals DEEP’s authority to establish stream channel encroachment lines and issue permits for encroachments upon or uses and activities within them.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 1 (03/14/2012)