



General Assembly

**Substitute Bill No. 460**

January Session, 2013



**AN ACT CONCERNING COASTAL PROTECTION MEASURES,  
ROUTINE MAINTENANCE AND REPAIR OF SHORELINE  
STRUCTURES, STATE-WIDE POLICY CONCERNING WATER  
RESOURCES AND PROCEDURES OF THE DEPARTMENT OF  
ENERGY AND ENVIRONMENTAL PROTECTION.**

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

1 Section 1. Section 22a-363a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2013*):

3 For the purposes of this section and sections 22a-361, 22a-361a, 22a-  
4 362, 22a-363b, as amended by this act, and 22a-363d to 22a-363f,  
5 inclusive: "Substantial maintenance" means rebuilding, reconstructing,  
6 or reestablishing to a preexisting condition and dimension any  
7 structure, fill, obstruction or encroachment; "routine maintenance"  
8 means replacement and repair of out-of-water structures including the  
9 surfaces of docks, piers, wharves and bridges, replacement or repair in  
10 any year of up to [twenty-five] fifty per cent of all pilings approved in  
11 accordance with section 22a-361 and seasonal installation,  
12 reinstallation or repair of floating docks, provided that all locations,  
13 dimensions, elevations and materials shall remain the same as or  
14 equivalent to that approved in accordance with said section;  
15 "perimeter permit" means a permit issued in accordance with said  
16 section, establishing boundaries waterward of the coastal jurisdiction  
17 line within which recreational marinas layout of in-water slips, docks

18 and moorings may be reconfigured; "work" means any activity,  
19 construction, or site preparation, erection of structures or placement of  
20 fill, including but not limited to grading, excavating, dredging or  
21 disposing of dredged material, depositing of soil, stones, sand, gravel,  
22 mud, aggregate or construction materials, filling, removing vegetation  
23 or other material, or other modification of a site within the tidal,  
24 coastal or navigable waters of the state waterward of the coastal  
25 jurisdiction line.

26 Sec. 2. Section 22a-363b of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective October 1, 2013*):

28 (a) Routine maintenance of permitted structures, fill, obstructions or  
29 encroachments or routine maintenance of structures, fill, obstructions  
30 or encroachments in place prior to ~~[June 24, 1939]~~ January 1, 1995, and  
31 continuously maintained and serviceable since that date shall be  
32 exempt from the requirements of obtaining certificates of permission  
33 or permits pursuant to section 22a-363a, as amended by this act, this  
34 section or section 22a-361, provided such structures, fill, obstructions  
35 or encroachments have not been the subject of a violation issued by a  
36 municipality or the Department of Energy and Environmental  
37 Protection prior to October 1, 2013. The following activities may be  
38 eligible for a certificate of permission, in accordance with the  
39 provisions of subsections (c) and (d) of this section: (1) Substantial  
40 maintenance or repair of existing structures, fill, obstructions or  
41 encroachments authorized pursuant to section 22a-33 or 22a-361; (2)  
42 substantial maintenance of any structures, fill, obstructions or  
43 encroachments in place prior to ~~[June 24, 1939]~~ January 1, 1995, and  
44 continuously maintained and serviceable since such time; (3)  
45 maintenance dredging of areas which have been dredged and  
46 continuously maintained and serviceable as authorized pursuant to  
47 section 22a-33 or 22a-361; (4) activities allowed pursuant to a perimeter  
48 permit and requiring authorization by the commissioner; (5) the  
49 removal of derelict structures or vessels; (6) minor alterations or  
50 amendments to permitted activities consistent with the original permit;

51 (7) minor alterations or amendments to activities completed prior to  
52 [June 24, 1939] January 1, 1995; (8) placement of temporary structures  
53 for water-dependent uses, as defined in section 22a-93; (9) open water  
54 marsh management, tidal wetland restoration, resource restoration or  
55 enhancement activity, as defined in subsection (a) of section 22a-361,  
56 and conservation activities undertaken by or under the supervision of  
57 the Department of Energy and Environmental Protection; (10) the  
58 placement or reconfiguration of piers, floats, docks or moorings within  
59 existing waterward boundaries of recreational marinas or yacht clubs  
60 which have been authorized pursuant to section 22a-33 or 22a-361; and  
61 (11) substantial maintenance or repair of structures, fill, obstructions or  
62 encroachments placed landward of the mean high waterline and  
63 waterward of the coastal jurisdiction line completed prior to [October  
64 1, 1987] January 1, 1995, and continuously maintained and serviceable  
65 since said date. Notwithstanding the provisions of sections 22a-29 to  
66 22a-35, inclusive, the commissioner may issue a certificate of  
67 permission for activities enumerated in this subsection which are to be  
68 conducted in tidal wetlands. Upon issuance, such certificate shall be in  
69 lieu of the permit required pursuant to section 22a-32.

70 (b) The commissioner [may] shall issue a certificate of permission  
71 for activities [which] that were completed prior to January 1, 1995, for  
72 which permits, certificates or emergency authorizations were required  
73 pursuant to section 22a-32, this section, section 22a-361 or section 22a-  
74 363d, which were conducted without such permit, certificate or  
75 emergency authorization, [provided the applicant demonstrates that  
76 such activity complies with all applicable standards and criteria. In  
77 determining the eligibility of activities conducted without prior  
78 authorization, the commissioner may consider whether the applicant  
79 acquired such real estate interest in the work site after the date of  
80 conduct of the unauthorized activity, is not otherwise liable for the  
81 unauthorized activity as a result of actions taken prior to the  
82 acquisition and did not know and had no reason to know of the  
83 unauthorized activity] provided such activities were not the subject of  
84 a violation issued by a municipality or the Department of Energy and

85 Environmental Protection prior to October 1, 2012. The commissioner  
86 [may] shall authorize the maintenance of or minor alterations to  
87 unauthorized activities consistent with this subsection, including the  
88 use of alternative deck surfacing materials and the use of standard and  
89 accepted materials to repair or replace existing seawalls. Unauthorized  
90 activities which are ineligible for certificates of permission may be  
91 subject to applicable enforcement actions by the commissioner.

92 (c) A request for a certificate of permission shall be made to the  
93 Commissioner of Energy and Environmental Protection. If a proposed  
94 activity is within a category listed in subsection (a) or (b) of this  
95 section, the commissioner [may] shall, in whole or in part, approve,  
96 modify and approve or deny a certificate. The commissioner shall issue  
97 such a certificate if the eligible proposed activity is consistent with a  
98 permit issued pursuant to section 22a-33 or 22a-361 or was in place  
99 prior to [June 24, 1939] January 1, 1995, and continuously maintained  
100 and serviceable since such time. If the eligible proposed activity does  
101 not have a permit or has not received any prior permits, the  
102 commissioner shall determine if the information provided is sufficient  
103 to determine if the proposed activity complies with the applicable  
104 standards and criteria and may (1) issue a certificate of permission if  
105 the commissioner finds that the information indicates compliance with  
106 all applicable standards and criteria, or (2) require the submittal of a  
107 complete application for a permit pursuant to section 22a-32 or 22a-  
108 361, if the commissioner finds that the information is not sufficient to  
109 indicate compliance with the standards and criteria. [If the  
110 commissioner finds that changes in conditions or circumstances  
111 associated with a permitted structure, fill, obstruction or encroachment  
112 are likely to result in significant impacts to the environment or coastal  
113 resources, the commissioner may require an application for a permit  
114 pursuant to section 22a-32 or 22a-361.] If the commissioner finds that  
115 the structure, fill, obstruction or encroachment is not in substantial  
116 compliance with the permit or authorization under which a certificate  
117 of permission is requested, and is not consistent with applicable  
118 standards and criteria, the commissioner shall not issue a certificate of

119 permission. For the purposes of this section, standards and criteria are  
120 those specified in sections 22a-33 and 22a-359 and regulations adopted  
121 pursuant to section 22a-30, in any regulations adopted pursuant to  
122 subsection (c) of said section 22a-361, in the water quality standards of  
123 the Department of Energy and Environmental Protection, and in  
124 sections 22a-92, as amended by this act, and 22a-98 for activities within  
125 the coastal boundary, as defined in section 22a-93.

126 (d) The commissioner shall, within [forty-five] thirty days of receipt  
127 of a request for a certificate of permission, issue such certificate or  
128 notify the person making such request that (1) additional information  
129 or an application for a permit pursuant to section 22a-32 or 22a-361 is  
130 required, or (2) the structure, fill, obstruction or encroachment is not  
131 eligible for a certificate of permission. If the commissioner requests  
132 additional information from an applicant, the commissioner shall  
133 make a determination on the application no later than ninety days  
134 from the date of receipt of the request for a certificate of permission. If  
135 the commissioner fails to respond within [forty-five] thirty days of  
136 receipt of a request, the certificate of permission shall be deemed  
137 approved, except that no certificate of permission for dredging [,] or  
138 activities located within tidal wetlands, as defined in section 22a-29 [,]  
139 or activities conducted without prior authorization] shall be deemed  
140 approved by virtue of the commissioner's failure to respond.

141 (e) Notwithstanding the provisions of the general statutes, the  
142 commissioner shall not issue a certificate of permission for a pound  
143 net, weir or similar fish harvesting structure that was not utilized prior  
144 to June 6, 2001. The commissioner may issue a permit for such fish  
145 harvesting structure, in accordance with section 22a-361, provided, if  
146 the commissioner receives a petition signed by twenty-five or more  
147 persons during the public comment period provided in subsection (b)  
148 of section 22a-361 for the application for any such permit, the  
149 commissioner shall hold a public hearing on such permit application.

150 (f) The commissioner shall consider an easement in perpetuity to be  
151 the same as an interest in fee simple for purposes of evaluating any

152 application filed pursuant to this section.

153       Sec. 3. (NEW) (*Effective October 1, 2013*) In the event of an issuance of  
154 a hurricane warning by the National Hurricane Center of the National  
155 Weather Service in any part of the state, any property owner or  
156 municipality may, in the twenty-four hours prior to the predicted  
157 commencement of the hurricane, fortify property above the coastal  
158 jurisdiction line with temporary structures, including sand bags,  
159 blocks and other suitable materials. Any such structures must be  
160 removed not later than forty-eight hours after a hurricane warning is  
161 lifted.

162       Sec. 4. Subsection (b) of section 22a-92 of the general statutes is  
163 repealed and the following is substituted in lieu thereof (*Effective*  
164 *October 1, 2013*):

165       (b) In addition to the policies stated in subsection (a) of this section,  
166 the following policies are established for federal, state and municipal  
167 agencies in carrying out their responsibilities under this chapter:

168       (1) Policies concerning development, facilities and uses within the  
169 coastal boundary are: (A) To manage uses in the coastal boundary  
170 through existing municipal planning, zoning and other local  
171 regulatory authorities and through existing state structures, dredging,  
172 wetlands, and other state siting and regulatory authorities, giving  
173 highest priority and preference to water-dependent uses and facilities  
174 in shorefront areas; (B) to locate and phase sewer and water lines so as  
175 to encourage concentrated development in areas which are suitable for  
176 development; and to disapprove extension of sewer and water services  
177 into developed and undeveloped beaches, barrier beaches and tidal  
178 wetlands except that, when necessary to abate existing sources of  
179 pollution, sewers that will accommodate existing uses with limited  
180 excess capacity may be used; (C) to promote, through existing state  
181 and local planning, development, promotional and regulatory  
182 authorities, the development, reuse or redevelopment of existing  
183 urban and commercial fishing ports giving highest priority and

184 preference to water dependent uses, including but not limited to  
185 commercial and recreational fishing and boating uses; to disallow uses  
186 which unreasonably congest navigation channels, or unreasonably  
187 preclude boating support facilities elsewhere in a port or harbor; and  
188 to minimize the risk of oil and chemical spills at port facilities; (D) to  
189 require that structures in tidal wetlands and coastal waters be  
190 designed, constructed and maintained to minimize adverse impacts on  
191 coastal resources, circulation and sedimentation patterns, water  
192 quality, and flooding and erosion, to reduce to the maximum extent  
193 practicable the use of fill, and to reduce conflicts with the riparian  
194 rights of adjacent landowners; (E) to disallow the siting within the  
195 coastal boundary of new tank farms and other new fuel and chemical  
196 storage facilities which can reasonably be located inland and to require  
197 any new storage tanks which must be located within the coastal  
198 boundary to abut existing storage tanks or to be located in urban  
199 industrial areas and to be adequately protected against floods and  
200 spills; (F) to make use of rehabilitation, upgrading and improvement of  
201 existing transportation facilities as the primary means of meeting  
202 transportation needs in the coastal area; (G) to encourage increased  
203 recreational boating use of coastal waters, where feasible, by (i)  
204 providing additional berthing space in existing harbors, (ii) limiting  
205 non-water-dependent land uses that preclude boating support  
206 facilities, (iii) increasing state-owned launching facilities, and (iv)  
207 providing for new boating facilities in natural harbors, new protected  
208 water areas and in areas dredged from dry land; (H) to protect coastal  
209 resources by requiring, where feasible, that such boating uses and  
210 facilities (i) minimize disruption or degradation of natural coastal  
211 resources, (ii) utilize existing altered, developed or redevelopment  
212 areas, (iii) are located to assure optimal distribution of state-owned  
213 facilities to the state-wide boating public, and (iv) utilize ramps and  
214 dry storage rather than slips in environmentally sensitive areas; (I) to  
215 protect and where feasible, upgrade facilities serving the commercial  
216 fishing and recreational boating industries; to maintain existing  
217 authorized commercial fishing and recreational boating harbor space  
218 unless the demand for these facilities no longer exists or adequate

219 space has been provided; to design and locate, where feasible,  
220 proposed recreational boating facilities in a manner which does not  
221 interfere with the needs of the commercial fishing industry; [and] (J) to  
222 require reasonable mitigation measures where development would  
223 adversely impact historical, archaeological, or paleontological  
224 resources that have been designated by the state historic preservation  
225 officer; and (K) to encourage the cooperative use of confined aquatic  
226 disposal cells.

227 (2) Policies concerning coastal land and water resources within the  
228 coastal boundary are: (A) To manage coastal bluffs and escarpments so  
229 as to preserve their slope and toe; to discourage uses which do not  
230 permit continued natural rates of erosion and to disapprove uses that  
231 accelerate slope erosion and alter essential patterns and supply of  
232 sediments to the littoral transport system; (B) to manage rocky  
233 shorefronts so as to ensure that development proceeds in a manner  
234 which does not irreparably reduce the capability of the system to  
235 support a healthy intertidal biological community; to provide feeding  
236 grounds and refuge for shorebirds and finfish, and to dissipate and  
237 absorb storm and wave energies; (C) to preserve the dynamic form and  
238 integrity of natural beach systems in order to provide critical wildlife  
239 habitats, a reservoir for sand supply, a buffer for coastal flooding and  
240 erosion, and valuable recreational opportunities; to ensure that coastal  
241 uses are compatible with the capabilities of the system and do not  
242 unreasonably interfere with natural processes of erosion and  
243 sedimentation, and to encourage the restoration and enhancement of  
244 disturbed or modified beach systems; (D) to manage intertidal flats so  
245 as to preserve their value as a nutrient source and reservoir, a healthy  
246 shellfish habitat and a valuable feeding area for invertebrates, fish and  
247 shorebirds; to encourage the restoration and enhancement of degraded  
248 intertidal flats; to allow coastal uses that minimize change in the  
249 natural current flows, depth, slope, sedimentation, and nutrient  
250 storage functions and to disallow uses that substantially accelerate  
251 erosion or lead to significant despoliation of tidal flats; (E) to preserve  
252 tidal wetlands and to prevent the despoliation and destruction thereof

253 in order to maintain their vital natural functions; to encourage the  
254 rehabilitation and restoration of degraded tidal wetlands and where  
255 feasible and environmentally acceptable, to encourage the creation of  
256 wetlands for the purposes of shellfish and finfish management, habitat  
257 creation and dredge spoil disposal; (F) to manage coastal hazard areas  
258 so as to ensure that development proceeds in such a manner that  
259 hazards to life and property are minimized and to promote  
260 nonstructural solutions to flood and erosion problems except in those  
261 instances where structural alternatives prove unavoidable and  
262 necessary to protect [inhabited structures constructed] any property  
263 developed as of January 1, 1995, infrastructural facilities or water  
264 dependent uses; (G) to promote, through existing state and local  
265 planning, development, promotional and regulatory programs, the use  
266 of existing developed shorefront areas for marine-related uses,  
267 including but not limited to, commercial and recreational fishing,  
268 boating and other water-dependent commercial, industrial and  
269 recreational uses; (H) to manage undeveloped islands in order to  
270 promote their use as critical habitats for those bird, plant and animal  
271 species which are indigenous to such islands or which are increasingly  
272 rare on the mainland; to maintain the value of undeveloped islands as  
273 a major source of recreational open space; and to disallow uses which  
274 will have significant adverse impacts on islands or their resource  
275 components; (I) to regulate shoreland use and development in a  
276 manner which minimizes adverse impacts upon adjacent coastal  
277 systems and resources; and (J) to maintain the natural relationship  
278 between eroding and depositional coastal landforms and to minimize  
279 the adverse impacts of erosion and sedimentation on coastal land uses  
280 through the promotion of nonstructural mitigation measures.  
281 Structural solutions are permissible when necessary and unavoidable  
282 for the protection of infrastructural facilities, cemetery or burial  
283 grounds, water-dependent uses, or [inhabited structures constructed]  
284 properties developed as of January 1, 1995, cemetery or burial  
285 grounds, and where there is no feasible, less environmentally  
286 damaging alternative and where all reasonable mitigation measures  
287 and techniques have been provided to minimize adverse

288 environmental impacts.

289 Sec. 5. (NEW) (*Effective October 1, 2013*) For any order or decision of  
290 the Commissioner of Energy and Environmental Protection for which  
291 a hearing is not provided under the general statutes, any person who  
292 or municipality which is aggrieved by such order or decision may,  
293 within thirty days from the date such order or decision is sent, request  
294 a hearing before the commissioner pursuant to this section. The  
295 commissioner shall not grant any request for a hearing at any time  
296 thereafter. After such hearing, the commissioner shall consider the  
297 facts presented to him or her by the person or municipality, including  
298 any additional evidence, the rebuttal or other evidence, and shall then  
299 revise and resubmit the order or decision to the person or municipality  
300 or inform the person or municipality that the previous order or  
301 decision has been affirmed and remains in effect.

302 Sec. 6. Subsection (a) of section 22a-6b of the general statutes is  
303 repealed and the following is substituted in lieu thereof (*Effective*  
304 *October 1, 2013*):

305 (a) The Commissioner of Energy and Environmental Protection  
306 shall adopt regulations, in accordance with the provisions of chapter  
307 54, to establish a schedule setting forth the amounts, or the ranges of  
308 amounts, or a method for calculating the amount of the civil penalties  
309 which may become due under this section. Such schedule or method  
310 may be amended from time to time in the same manner as for  
311 adoption provided any such regulations which become effective after  
312 July 1, 1993, shall only apply to violations which occur after said date.  
313 The civil penalties established for each violation shall be of such  
314 amount as to insure immediate and continued compliance with  
315 applicable laws, regulations, orders and permits, provided no such  
316 civil penalties shall be assessed until the date on which such civil  
317 penalties become due and payable pursuant to subdivisions (1) to (3),  
318 inclusive, of subsection (e) of this section. Such civil penalties shall not  
319 exceed the following amounts:

320 (1) For failure to file any registration, other than a registration for a  
321 general permit, for failure to file any plan, report or record, or any  
322 application for a permit, for failure to obtain any certification, for  
323 failure to display any registration, permit or order, or file any other  
324 information required pursuant to any provision of section 14-100b or  
325 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-  
326 171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-  
327 45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b)  
328 of section 22a-134p, section 22a-171, 22a-174, 22a-175, 22a-177, 22a-178,  
329 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220,  
330 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a,  
331 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-  
332 405, inclusive, 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive,  
333 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or  
334 22a-471, or any regulation, order or permit adopted or issued  
335 thereunder by the commissioner, and for other violations of similar  
336 character as set forth in such schedule or schedules, no more than one  
337 thousand dollars for said violation and in addition no more than one  
338 hundred dollars for each day during which such violation continues;

339 (2) For deposit, placement, removal, disposal, discharge or emission  
340 of any material or substance or electromagnetic radiation or the  
341 causing of, engaging in or maintaining of any condition or activity in  
342 violation of any provision of section 14-100b or 14-164c, subdivision (3)  
343 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
344 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections  
345 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b)  
346 of section 22a-134p, section 22a-162, 22a-171, 22a-174, 22a-175, 22a-177,  
347 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209,  
348 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a,  
349 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-  
350 405, inclusive, 22a-411, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive,  
351 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or  
352 22a-471, or any regulation, order or permit adopted thereunder by the  
353 commissioner, and for other violations of similar character as set forth

354 in such schedule or schedules, no more than twenty-five thousand  
355 dollars for said violation for each day during which such violation  
356 continues;

357 (3) For violation of the terms of any final order of the commissioner,  
358 except final orders under subsection (d) of this section and emergency  
359 orders and cease and desist orders as set forth in subdivision (4) of this  
360 subsection, for violation of the terms of any permit issued by the  
361 commissioner, and for other violations of similar character as set forth  
362 in such schedule or schedules, no more than twenty-five thousand  
363 dollars for said violation for each day during which such violation  
364 continues;

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

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

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

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

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

385 inclusive, of said act.

386 Sec. 7. Section 22a-5c of the general statutes is repealed and the  
387 following is substituted in lieu thereof (*Effective October 1, 2013*):

388 (a) When an order issued by the Commissioner of Energy and  
389 Environmental Protection to any person pursuant to section 22a-6, 22a-  
390 6b, as amended by this act, 22a-7, 22a-108 or 22a-363f to correct, abate  
391 or penalize any violation of section 22a-32, 22a-92, as amended by this  
392 act, or 22a-361 or any certificate or permit issued under section 22a-6,  
393 22a-6b, as amended by this act, 22a-7, 22a-32, 22a-92, as amended by  
394 this act, 22a-108, 22a-361 or 22a-363f becomes final, the commissioner  
395 shall cause a certified copy or notice of the final order to be filed on the  
396 land records in the town in which the land is located. Such certified  
397 copy or notice shall constitute a notice to the owner's heirs, successors  
398 and assigns. When the order is complied with or revoked, the  
399 commissioner shall issue a certificate showing such compliance or  
400 revocation, which certificate the commissioner shall cause to be  
401 recorded on the land records in the town in which the order was  
402 previously recorded. A certified copy of the certificate showing such  
403 compliance or revocation shall be sent to the owner at the owner's last-  
404 known post office address.

405 (b) No order issued by the Commissioner of Energy and  
406 Environmental Protection shall continue in force for a longer period  
407 than fifteen years after the order has been issued unless the  
408 commissioner causes to be filed on the land records a notice that such  
409 order has not been complied with. Each such order, after the expiration  
410 of the fifteen-year period, shall be invalid and discharged as a matter  
411 of law. With respect to any notice that an order has not been complied  
412 with, such notice shall continue the validity of the order for a period of  
413 three years from the date on which such notice was recorded, after  
414 which time such order shall be invalid and discharged as a matter of  
415 law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	22a-363a
Sec. 2	October 1, 2013	22a-363b
Sec. 3	October 1, 2013	New section
Sec. 4	October 1, 2013	22a-92(b)
Sec. 5	October 1, 2013	New section
Sec. 6	October 1, 2013	22a-6b(a)
Sec. 7	October 1, 2013	22a-5c

**Statement of Legislative Commissioners:**

In section 5, after "the Commissioner of", "the Department of" was deleted for accuracy.

**PD**      *Joint Favorable Subst. -LCO*