



Substitute Senate Bill No. 1012

Public Act No. 13-179

AN ACT CONCERNING THE PERMITTING OF CERTAIN COASTAL STRUCTURES BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

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

Section 1. (*Effective from passage*) Not later than October 1, 2013, the Department of Energy and Environmental Protection shall consult with environmental protection and planning and development agencies in other coastal states, commercial entities professionally engaged in activities requiring permitting and the federal government to acquire information relevant to the development of a best practices guide for coastal structures permitting. Not later than ninety days following the completion of such consultation, the Commissioner of Energy and Environmental Protection shall submit, in accordance with the provisions of section 11-4a of the general statutes, a summary of the results of such consultation to the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the environment and planning and development.

Sec. 2. Subdivision (19) of section 22a-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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(19) "Rise in sea level" means the arithmetic mean of the most recent equivalent per decade rise in the surface level of the tidal and coastal waters of the state, as documented [for an annual, decadal or centenary period, at any sites specified in the state] in National Oceanic and Atmospheric Administration online or printed publications for said agency's Bridgeport and New London tide gauges.

Sec. 3. Subsection (h) of section 16a-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(h) Any revision made after October 1, [2012] 2013, shall (1) take into consideration risks associated with increased coastal erosion, depending on site topography, [caused by a rise in sea level, as defined in section 22a-93] as anticipated in sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1, (2) identify the impacts of such increased erosion on infrastructure and natural resources, and (3) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to such erosion.

Sec. 4. Subsection (d) of section 8-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(d) In preparing such plan, the commission or any special committee shall consider the following: (1) The community development action plan of the municipality, if any, (2) the need for affordable housing, (3) the need for protection of existing and potential public surface and ground drinking water supplies, (4) the use of cluster development and other development patterns to the extent consistent with soil types, terrain and infrastructure capacity within the municipality, (5) the state plan of conservation and development

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adopted pursuant to chapter 297, (6) the regional plan of conservation and development adopted pursuant to section 8-35a, (7) physical, social, economic and governmental conditions and trends, (8) the needs of the municipality including, but not limited to, human resources, education, health, housing, recreation, social services, public utilities, public protection, transportation and circulation and cultural and interpersonal communications, (9) the objectives of energy-efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation, [and] (10) protection and preservation of agriculture, and (11) sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1.

Sec. 5. Section 28-5 of the general statutes is amended by adding subsection (g) as follows (*Effective October 1, 2013*):

(NEW) (g) On and after the effective date of this section, the state civil preparedness plan and program established pursuant to subsection (b) of this section shall consider sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1.

Sec. 6. (NEW) (*Effective October 1, 2013*) (a) On and after the effective date of this section, in the preparation of any municipal evacuation plan or hazard mitigation plan, such municipality shall consider sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1.

(b) Within available resources and not less than once every ten years, the Marine Sciences Division of The University of Connecticut shall update the sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1. Within available resources and not less than ninety days prior to any update of such sea level change scenarios by said Marine

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Sciences Division, the division shall conduct not less than one public hearing concerning such update.

Sec. 7. Subsection (b) of section 22a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) The zoning commission may by regulation exempt any or all of the following uses from the coastal site plan review requirements of this chapter: (1) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds; (2) construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, elevated decks, driveways, swimming pools, tennis courts, docks and detached accessory buildings; (3) construction of new or modification of existing on-premise structures including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach; (4) construction of an individual single-family residential structure except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within one hundred feet of the following coastal resource areas: Tidal wetlands, coastal bluffs and escarpments and beaches and dunes; (5) activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources; (6) interior modifications to buildings; and (7) minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters. Gardening, grazing and the harvesting of crops shall be exempt from the requirements of this chapter.

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Notwithstanding the provisions of this subsection, shoreline flood and erosion control structures as defined in subsection (c) of this section shall not be exempt from the requirements of this chapter.

Sec. 8. Subsection (e) of section 22a-361 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(e) (1) No person, firm or corporation, public, municipal or private, who removes sand, gravel or other material lying waterward of the mean high water mark of the tidal, coastal or navigable waters of the state pursuant to a permit issued under this section on or after October 1, 1996, shall make any beneficial or commercial use of such sand, gravel or other material except upon payment to the state of a fee of four dollars per cubic yard of such sand, gravel and other materials. Such payment shall be made at times and under conditions specified by the commissioner in such permit. No fee shall be assessed for ~~[(1)]~~ (A) the performance of such activities on land which is not owned by the state, ~~[(2)]~~ (B) the use of sand, gravel or other materials for beach restoration projects, or ~~[(3)]~~ (C) ultimate disposal of such sand, gravel or other materials which does not result in an economic benefit to any person. For the purposes of this [section] subdivision, "beneficial or commercial use" includes, but is not limited to, sale or use of sand, gravel or other materials for construction, aggregate, fill or landscaping.

(2) The commissioner may require that any person, firm or corporation, public, municipal or private, who removes sand, gravel or other material lying waterward of the mean high water mark of the tidal, coastal or navigable waters shall make available such sand, gravel or other material of appropriate grain size and composition to any coastal municipality or to any district established pursuant to chapter 105 or by special act to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion

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control system. Such sand, gravel or other material shall be offered for the purposes of an appropriately authorized beach nourishment or habitat restoration project and shall be available (A) to municipalities for the cost of transporting such sand, gravel or other material, and (B) to districts for a reasonable fee.

Sec. 9. Section 22a-363a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

For the purposes of this section and sections 22a-361, 22a-361a, 22a-362, 22a-363b, as amended by this act, and 22a-363d to 22a-363f, inclusive: "Substantial maintenance" means rebuilding, reconstructing, or reestablishing to a preexisting condition and dimension any structure, fill, obstruction or encroachment; "routine maintenance" means replacement and repair of out-of-water structures including the surfaces of docks, piers, wharves and bridges, replacement or repair in any year of up to [twenty-five] fifty per cent of all pilings approved in accordance with section 22a-361 and seasonal installation, reinstallation or repair of floating docks, provided that all locations, dimensions, elevations and materials shall remain the same as or equivalent to that approved in accordance with said section; "perimeter permit" means a permit issued in accordance with said section, establishing boundaries waterward of the coastal jurisdiction line within which recreational marinas layout of in-water slips, docks and moorings may be reconfigured; "work" means any activity, construction, or site preparation, erection of structures or placement of fill, including but not limited to grading, excavating, dredging or disposing of dredged material, depositing of soil, stones, sand, gravel, mud, aggregate or construction materials, filling, removing vegetation or other material, or other modification of a site within the tidal, coastal or navigable waters of the state waterward of the coastal jurisdiction line.

Sec. 10. Section 22a-363b of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Routine maintenance of permitted structures, fill, obstructions or encroachments or routine maintenance of structures, fill, obstructions or encroachments in place prior to June 24, 1939, and continuously maintained and serviceable since that date shall be exempt from the requirements of obtaining certificates of permission or permits pursuant to section 22a-363a, as amended by this act, this section or section 22a-361. The following activities may be eligible for a certificate of permission, in accordance with the provisions of subsections (c) and (d) of this section: (1) Substantial maintenance or repair of existing structures, fill, obstructions or encroachments authorized pursuant to section 22a-33 or 22a-361; (2) substantial maintenance of any structures, fill, obstructions or encroachments in place prior to [June 24, 1939] January 1, 1995, and continuously maintained and serviceable since such time; (3) maintenance dredging of areas which have been dredged and continuously maintained and serviceable as authorized pursuant to section 22a-33 or 22a-361; (4) activities allowed pursuant to a perimeter permit and requiring authorization by the commissioner; (5) the removal of derelict structures or vessels; (6) minor alterations or amendments to permitted activities consistent with the original permit; (7) minor alterations or amendments to activities completed prior to [June 24, 1939] January 1, 1995; (8) placement of temporary structures for water-dependent uses, as defined in section 22a-93; (9) open water marsh management, tidal wetland restoration, resource restoration or enhancement activity, as defined in subsection (a) of section 22a-361, including beach nourishment, and conservation activities undertaken by or under the supervision of the Department of Energy and Environmental Protection; (10) the placement or reconfiguration of piers, floats, docks or moorings within existing waterward boundaries of recreational marinas or yacht clubs which have been authorized pursuant to section 22a-33 or 22a-361; and (11) substantial maintenance or repair of structures, fill, obstructions or encroachments placed

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landward of the mean high waterline and waterward of the coastal jurisdiction line completed prior to October 1, 1987, and continuously maintained and serviceable since said date. Notwithstanding the provisions of sections 22a-29 to 22a-35, inclusive, the commissioner may issue a certificate of permission for activities enumerated in this subsection which are to be conducted in tidal wetlands. Upon issuance, such certificate shall be in lieu of the permit required pursuant to section 22a-32.

(b) (1) The commissioner [may] shall issue a certificate of permission for activities [which] that were completed prior to January 1, 1995, for which permits, certificates or emergency authorizations were required pursuant to section 22a-32, this section, section 22a-361 or section 22a-363d, which were conducted without such permit, certificate or emergency authorization, provided the applicant demonstrates that such activity substantially complies with all applicable standards and criteria. [In determining the eligibility of activities conducted without prior authorization, the commissioner may consider whether the applicant acquired such real estate interest in the work site after the date of conduct of the unauthorized activity, is not otherwise liable for the unauthorized activity as a result of actions taken prior to the acquisition and did not know and had no reason to know of the unauthorized activity.] The commissioner [may] shall authorize the maintenance of or minor alterations to unauthorized activities consistent with this subsection, including, but not limited to, the use of alternative deck surfacing materials and the use of alternative materials for seawalls designed using generally accepted engineering practices. Unauthorized activities which are ineligible for certificates of permission may be subject to applicable enforcement actions by the commissioner.

(2) In the event of an initial denial of a certificate of permission, the applicant, not later than thirty days after the issuance of such initial

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denial, shall be entitled to request a meeting with a mediator in the department's Office of Adjudication for the purpose of attempting to resolve any disagreement concerning such initial denial.

(c) A request for a certificate of permission shall be made to the Commissioner of Energy and Environmental Protection. If a proposed activity is within a category listed in subsection (a) or (b) of this section, the commissioner [may] shall, in whole or in part, approve, modify and approve or deny a certificate. The commissioner shall issue such a certificate if the eligible proposed activity is consistent with a permit issued pursuant to section 22a-33 or 22a-361 or was in place prior to June 24, 1939, and continuously maintained and serviceable since such time. If the eligible proposed activity does not have a permit or has not received any prior permits, the commissioner shall determine if the information provided is sufficient to determine if the proposed activity complies with the applicable standards and criteria and may (1) issue a certificate of permission if the commissioner finds that the information indicates compliance with all applicable standards and criteria, or (2) require the submittal of a complete application for a permit pursuant to section 22a-32 or 22a-361, if the commissioner finds that the information is not sufficient to indicate compliance with the standards and criteria. [If the commissioner finds that changes in conditions or circumstances associated with a permitted structure, fill, obstruction or encroachment are likely to result in significant impacts to the environment or coastal resources, the commissioner may require an application for a permit pursuant to section 22a-32 or 22a-361.] If the commissioner finds that the structure, fill, obstruction or encroachment is not in substantial compliance with the permit or authorization under which a certificate of permission is requested, and is not consistent with applicable standards and criteria, the commissioner shall not issue a certificate of permission. For the purposes of this section, standards and criteria are those specified in sections 22a-33 and 22a-359 and regulations adopted pursuant to

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section 22a-30, in any regulations adopted pursuant to subsection (c) of said section 22a-361, in the water quality standards of the Department of Energy and Environmental Protection, and in sections 22a-92, as amended by this act, and 22a-98 for activities within the coastal boundary, as defined in section 22a-93.

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

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

(f) The existence of any waterfront access easement created after January 1, 1995, shall not entitle an owner of the dominant or servient

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estate to additional structures for riparian or littoral access.

Sec. 11. (NEW) (*Effective October 1, 2013*) In the event of an issuance of a hurricane or tropical storm warning by the National Hurricane Center of the National Weather Service in any part of the state, or as authorized by the Commissioner of Energy and Environmental Protection, any property owner or municipality may, in the twenty-four hours prior to the predicted commencement of the hurricane or tropical storm, fortify property above the coastal jurisdiction line with temporary structures, including sand bags, blocks and other suitable materials. Any such structures shall be removed not later than forty-eight hours after a hurricane or tropical storm warning is lifted unless such deadline is extended by said commissioner.

Sec. 12. Subsection (b) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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

(1) Policies concerning development, facilities and uses within the coastal boundary are: (A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas; (B) to locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited

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excess capacity may be used; (C) to promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities; (D) to require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners; (E) to disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills; (F) to make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area; (G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land; (H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned

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facilities to the state-wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas; (I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry; [and] (J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer; and (K) to encourage the cooperative use of confined aquatic disposal cells for dredged material in appropriate circumstances.

(2) Policies concerning coastal land and water resources within the coastal boundary are: (A) To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system; (B) to manage rocky shorefronts so as to ensure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies; (C) to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to ensure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems; (D) to manage intertidal flats so

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as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats; (E) to preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal; (F) to manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect [inhabited structures constructed] commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses; (G) to promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses; (H) to manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components; (I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal

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systems and resources; and (J) to maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, cemetery or burial grounds, water-dependent uses, or [inhabited structures constructed cemetery or burial grounds,] commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.

Sec. 13. Subsection (f) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(f) (1) In the event the commissioner makes a tentative decision pursuant to section 22a-6h to deny an application prepared by a licensed professional engineer for a shoreline flood and erosion control structure, as defined in subsection (c) of section 22a-109, the applicant may, not later than thirty days after the date on which the commissioner publishes or causes to be published notice of such tentative determination, submit a written request to the commissioner to conduct a hearing on such application in accordance with the provisions of chapter 54 together with a request that the Connecticut Academy of Science and Engineering issue an advisory engineering evaluation on the engineering aspects of such application. Any such request for an advisory engineering evaluation shall be accompanied by a fee required pursuant to a fee schedule established by said academy in consultation with the commissioner. Said academy shall review submissions from all parties to the application and shall meet

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with such parties as necessary for the purpose of resolving differences between the parties. Said academy shall issue a written advisory engineering evaluation not later than one hundred twenty days after receipt of the fee and submissions, provided the academy may, in its sole discretion, extend such deadline for an additional sixty days. The written advisory engineering opinion shall be nonbinding and shall be considered by the commissioner in rendering a final decision on the application. The commissioner shall schedule a hearing on such application not later than thirty days after the date on which said academy issues the written advisory engineering evaluation, provided the applicant may, at any time prior to such hearing, withdraw the request to the commissioner to conduct such hearing.

(2) In the case of any application for a shoreline flood and erosion control structure that is denied on the basis of a finding that there may be feasible, less environmentally damaging alternatives to such structure or that reasonable mitigation measures and techniques have not been provided, the commissioner or the municipal commission, as applicable, shall propose on the record, in writing, the types of feasible alternatives or mitigation measures and techniques that the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that such applicant is entitled to approval of the proposed shoreline flood and erosion control structure or to present alternatives to such structure.

Sec. 14. Section 22a-5c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) When an order issued by the Commissioner of Energy and Environmental Protection to any person pursuant to section 22a-6, 22a-6b, as amended by this act, 22a-7, 22a-108 or 22a-363f to correct, abate or penalize any violation of section 22a-32, 22a-92, as amended by this act, or 22a-361 or any certificate or permit issued under section 22a-6, 22a-6b, as amended by this act, 22a-7, 22a-32, 22a-92, as amended by

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this act, 22a-108, 22a-361 or 22a-363f becomes final, the commissioner shall cause a certified copy or notice of the final order to be filed on the land records in the town in which the land is located. Such certified copy or notice shall constitute a notice to the owner's heirs, successors and assigns. When the order is complied with or revoked, the commissioner shall issue a certificate showing such compliance or revocation, which certificate the commissioner shall cause to be recorded on the land records in the town in which the order was previously recorded. A certified copy of the certificate showing such compliance or revocation shall be sent to the owner at the owner's last-known post office address.

(b) No order issued by the Commissioner of Energy and Environmental Protection pursuant to section 22a-6b shall continue in force for a longer period than fifteen years after the order has been issued unless the commissioner has taken judicial action to enforce such order. Any order for which the commissioner has not taken judicial action shall be invalid and discharged as a matter of law after the expiration of the fifteen-year period.

Sec. 15. (NEW) (*Effective October 1, 2013*) For the period commencing on October 1, 2013, and ending September 30, 2015, the Commissioner of Energy and Environmental Protection shall establish a pilot program for any residential property owner who receives a notice of noncompliance from the Department of Energy and Environmental Protection for a violation of chapter 444 or 446i of the general statutes. Such program shall be designed to assist owners of residential property to better understand such owners' rights and responsibilities under chapters 444 and 446i of the general statutes. Not later than January 1, 2016, the commissioner shall submit a summary of such pilot program, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to municipalities and

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the environment.

Approved June 21, 2013