



# Senate

General Assembly

**File No. 444**

January Session, 2013

Substitute Senate Bill No. 1019

*Senate, April 11, 2013*

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

***AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT 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 Section 22a-342 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 The commissioner [shall] may establish, along any tidal or inland  
4 waterway or flood-prone area considered for stream clearance, channel  
5 improvement or any form of flood control or flood alleviation  
6 measure, lines beyond which, in the direction of the waterway or  
7 flood-prone area, no obstruction, encroachment or hindrance shall be  
8 placed by any person, and no such obstruction, encroachment or  
9 hindrance shall be maintained by any person unless authorized by said  
10 commissioner. The commissioner shall issue or deny permits upon  
11 applications for establishing such encroachments based upon his  
12 findings of the effect of such proposed encroachments upon the flood-  
13 carrying and water storage capacity of the waterways and flood plains,  
14 flood heights, hazards to life and property, and the protection and

15 preservation of the natural resources and ecosystems of the state,  
16 including but not limited to ground and surface water, animal, plant  
17 and aquatic life, nutrient exchange, and energy flow, with due  
18 consideration given to the results of similar encroachments constructed  
19 along the reach of waterway. Each application for a permit shall be  
20 accompanied by a fee as follows: (1) No change in grades and no  
21 construction of above-ground structures, four hundred seventy  
22 dollars; (2) a change in grade and no construction of above-ground  
23 structures, nine hundred forty dollars; and (3) a change in grade and  
24 above-ground structures or buildings, four thousand dollars.

25 Sec. 2. Section 22a-6 of the general statutes is amended by adding  
26 subsection (l) as follows (*Effective October 1, 2013*):

27 (NEW) (l) Notwithstanding any provision of this title, for any  
28 required newspaper publication of public notice concerning a tentative  
29 determination on a permit, the Commissioner of Energy and  
30 Environmental Protection may provide such public notice on the  
31 Internet web site of the Department of Energy and Environmental  
32 Protection provided: (1) Such public notice shall remain posted on  
33 such Internet web site for the duration of the entire applicable public  
34 notice period, and (2) the applicable date and time and nature of the  
35 opportunity for public participation shall concomitantly be published  
36 with a minimum one-sixteenth page advertisement in a newspaper  
37 having a general circulation in the area affected. Such advertisement  
38 shall include the Internet web site address where the details of the  
39 public notification can be ascertained.

40 Sec. 3. Section 22a-155 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective October 1, 2013*):

42 (a) [In any proceeding under sections 22a-151 to 22a-158, inclusive,  
43 or any other applicable statute (1) for the issuance or modification of  
44 rules and regulations relating to control of sources of ionizing  
45 radiation; or (2) for granting, suspending, revoking or amending any  
46 license; or (3) for determining compliance with or granting exceptions  
47 from rules and regulations of the Commissioner of Energy and

48 Environmental Protection, the commissioner or his representative  
49 designated in writing shall hold a hearing upon the request of any  
50 person whose interest may be affected by the proceeding, and shall  
51 admit any such person as a party to such proceeding. Thirty days  
52 published notice shall be given of any such hearing.] The  
53 Commissioner of Energy and Environmental Protection may issue,  
54 modify or revoke any order to correct or abate any violation of sections  
55 22a-148 to 22a-158, inclusive, as amended by this act, including any  
56 license issued pursuant to said sections and any regulation adopted  
57 pursuant to said sections. Any such order may include remedial  
58 measures that are necessary to correct or abate such violations.

59 (b) [Any final order entered in any proceeding under subsection (a)  
60 of this section shall be subject to judicial review by the Superior Court  
61 in the manner prescribed in section 25-36.] Any order issued pursuant  
62 to subsection (a) of this section shall be served by certified mail, return  
63 receipt requested, or by service by a state marshal or indifferent  
64 person. If a state marshal or indifferent person serves such order, a  
65 true copy of such order shall be served, and the original, with a return  
66 of such service endorsed thereon, shall be filed with the commissioner.  
67 Such order shall be deemed to be issued on the date of service or on  
68 the date such order is deposited in the mail, as applicable. Any order  
69 issued pursuant to subsection (a) of this section shall state the basis on  
70 which such order is issued and shall specify a reasonable time for  
71 compliance.

72 (c) Any order issued pursuant to subsection (a) of this section shall  
73 be final unless a person aggrieved by such order files a written request  
74 for a hearing before the commissioner not later than thirty days after  
75 the date of issuance of such order. Upon the receipt of any such  
76 request for a hearing, the commissioner shall hold a hearing as soon as  
77 practicable thereafter. After any such hearing, the commissioner shall  
78 consider all supporting and rebutting evidence and affirm, modify or  
79 revoke such order in the commissioner's discretion and shall so notify  
80 the recipient of the order by certified mail, return receipt requested, of  
81 the commissioner's determination.

82     (d) The commissioner may, after a hearing held pursuant to  
83 subsection (c) of this section, or at any time after the issuance of an  
84 order pursuant to subsection (a) of this section, modify such order or  
85 extend the time for compliance with such order, provided the  
86 commissioner determines such modification or extension is advisable  
87 or necessary. Any such modification or extension shall be deemed to  
88 be a revision of the existing order and shall not constitute a new order.  
89 No person may request a hearing pursuant to subsection (c) of this  
90 section or take appeal to the Superior Court pursuant to subsection (e)  
91 of this section on such modification or extension.

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

96     Sec. 4. Section 22a-157 of the general statutes is repealed and the  
97 following is substituted in lieu thereof (*Effective October 1, 2013*):

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

103     Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of  
104 Energy and Environmental Protection may issue a cease and desist  
105 order in accordance with section 22a-7 of the general statutes for any  
106 violation of sections 22a-148 to 22a-158, inclusive, of the general  
107 statutes, as amended by this act, and may suspend or revoke any  
108 registration issued by the commissioner pursuant to section 22a-148 or  
109 22a-150 of the general statutes, upon a showing of cause after a hearing  
110 held in accordance with chapter 54 of the general statutes.

111     Sec. 6. (NEW) (*Effective October 1, 2013*) (a) Whenever, in the  
112 judgment of the Commissioner of Energy and Environmental  
113 Protection, any person has engaged in or is about to engage in any act,

114 practice or omission that constitutes, or will constitute, a violation of  
115 any provision of chapter 446a of the general statutes, or any regulation  
116 adopted or order issued pursuant to chapter 446a of the general  
117 statutes, the Attorney General may, at the request of the commissioner,  
118 bring an action in the superior court for the judicial district of New  
119 Britain for an order enjoining such act, practice or omission. Such order  
120 may require remedial measures and direct compliance. Upon a  
121 showing by the commissioner that such person has engaged in or is  
122 about to engage in any such act, practice or omission, the court may  
123 issue a permanent or temporary injunction, restraining order or other  
124 order, as appropriate.

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

128 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) Any person who, with  
129 criminal negligence, violates any provision of chapter 446a of the  
130 general statutes, including, but not limited to, any regulation, license  
131 or order adopted or issued pursuant to chapter 446a of the general  
132 statutes, or who, with criminal negligence, makes any false statement,  
133 representation or certification in any application, registration,  
134 notification or other document filed or required to be maintained  
135 pursuant to said chapter, shall be fined not more than twenty-five  
136 thousand dollars per day for each day of violation or be imprisoned  
137 not more than one year, or both. A subsequent conviction for any such  
138 violation shall carry a fine of not more than fifty thousand dollars per  
139 day for each day of violation or imprisonment for not more than two  
140 years, or both.

141 (b) Any person who knowingly makes any false statement,  
142 representation or certification in any application, registration,  
143 notification or other document filed or required to be maintained  
144 pursuant to chapter 446a of the general statutes shall be fined not more  
145 than fifty thousand dollars per day for each day of violation or be  
146 imprisoned not more than three years, or both. A subsequent

147 conviction for any such violation shall carry a fine of not more than  
148 fifty thousand dollars per day for each day of violation or  
149 imprisonment for not more than ten years, or both.

150 Sec. 8. Section 14-164h of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective July 1, 2013*):

152 [(a)] The Commissioner of Motor Vehicles shall report to the joint  
153 standing committee of the General Assembly having cognizance of  
154 matters relating to the Department of Motor Vehicles, concerning the  
155 operation of the motor vehicle emissions inspection program, not later  
156 than the fifteenth business day of each month. The report shall include,  
157 but not be limited to, the following information: Compliance records,  
158 the number of vehicles passing and failing emissions inspections, the  
159 number of vehicles receiving waivers from compliance with emission  
160 standards, the number of vehicles inspected at each station, any  
161 information provided by the independent contractor to the  
162 Department of Motor Vehicles, enforcement proceedings employed  
163 against those who fail to comply with exhaust emission standards, and  
164 any problems concerning the operation of the program.

165 [(b)] The Commissioner of Energy and Environmental Protection  
166 shall report to said committee concerning (1) emissions reductions  
167 resulting from the operation of the inspection program, not later than  
168 the fifteenth business day of January, April, July and October,  
169 annually, and (2) air quality in the state, not later than the first day of  
170 September, annually.]

171 Sec. 9. Subsection (a) of section 22a-45a of the general statutes is  
172 repealed and the following is substituted in lieu thereof (*Effective*  
173 *October 1, 2013*):

174 (a) The Commissioner of Energy and Environmental Protection may  
175 issue a general permit for any [minor] activity regulated under sections  
176 22a-36 to 22a-45, inclusive, except for any activity covered by an  
177 individual permit, when such activity is conducted by any department,  
178 agency or instrumentality of the state, other than a regional or local

179 board of education, if the commissioner determines that such activity  
180 would cause minimal environmental effects when conducted  
181 separately and would cause only minimal cumulative environmental  
182 effects. Such activities may include routine minor maintenance and  
183 routine minor repair of existing structures; replacement of existing  
184 culverts; installation of water monitoring equipment, including but not  
185 limited to staff gauges, water recording and water quality testing  
186 devices; survey activities, including excavation of test pits and core  
187 sampling; maintenance of existing roadway sight lines; removal of  
188 sedimentation and unauthorized solid waste by hand or suction  
189 equipment; placement of erosion and sedimentation controls;  
190 extension of existing culverts and stormwater outfall pipes; and safety  
191 improvements with minimal environmental impacts within existing  
192 rights-of-way of existing roadways. Any state department, agency or  
193 instrumentality of the state, other than a regional or local board of  
194 education conducting an activity for which a general permit has been  
195 issued shall not be required to obtain an individual permit under any  
196 other provision of [said] sections 22a-36 to 22a-45, inclusive, except as  
197 provided in subsection (c) of this section. A general permit shall clearly  
198 define the activity covered thereby and may include such conditions  
199 and requirements as the commissioner deems appropriate, including  
200 but not limited to, management practices and verification and  
201 reporting requirements. The general permit may require any state  
202 department, agency or instrumentality of the state, other than a  
203 regional or local board of education, conducting any activity under the  
204 general permit to report, on a form prescribed by the commissioner,  
205 such activity to the commissioner before it shall be covered by the  
206 general permit. [The commissioner shall prepare, and shall annually  
207 amend, a list of holders of general permits under this section, which  
208 list shall be made available to the public.]

209 Sec. 10. Section 22a-134q of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective October 1, 2013*):

211 The Commissioner of Energy and Environmental Protection shall  
212 compile an inventory of contaminated wells and leaking underground

213 storage tanks known to him, [and shall submit such inventory to the  
214 joint standing committee of the General Assembly having cognizance  
215 of matters relating to the environment not later than February 1, 1990,  
216 and annually thereafter.] As used in this section, "contaminated well"  
217 means any well that exceeds maximum levels for substances  
218 established in the Public Health Code or action levels determined  
219 jointly by the Commissioners of Public Health and Energy and  
220 Environmental Protection.

221 Sec. 11. Subsection (a) of section 51-344a of the general statutes is  
222 repealed and the following is substituted in lieu thereof (*Effective*  
223 *October 1, 2013*):

224 (a) Whenever the term "judicial district of Hartford-New Britain" or  
225 "judicial district of Hartford-New Britain at Hartford" is used or  
226 referred to in the following sections of the general statutes, it shall be  
227 deemed to mean or refer to the judicial district of Hartford on and after  
228 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
229 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
230 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
231 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
232 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
233 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
234 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
235 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
236 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
237 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
238 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
239 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
240 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-  
241 63, 22a-66h, 22a-106a, 22a-119, [22a-167,] 22a-180, 22a-182a, 22a-184,  
242 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-  
243 255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344,  
244 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f,  
245 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-  
246 161z, 29-323, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-

247 284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-  
248 471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-  
249 27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-  
250 134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-  
251 226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-  
252 776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-  
253 110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-  
254 81b, 51-194, 52-146j, 53-392d and 54-211a.

255 Sec. 12. Section 22a-9 of the general statutes is repealed and the  
256 following is substituted in lieu thereof (*Effective October 1, 2013*):

257 The commissioner shall act as the official agent of the state in all  
258 matters affecting the purposes of this title and sections 2-20a, 5-238a,  
259 subsection (c) of section 7-131a, sections 7-131e, 7-131f, subsection (a)  
260 of section 7-131g, sections 7-131i, 7-131l, subsection (a) of section 10-  
261 409, subdivisions (51) and (52) of section 12-81, subdivisions (21) and  
262 (22) of section 12-412, subsections (a) and (b) of section 13a-94, sections  
263 13a-142a, 13b-56, 13b-57, 14-100b, 14-164c, chapter 268, sections 16a-  
264 103, 22-91c, 22-91e, subsections (b) and (c) of section 22a-148, section  
265 22a-150, subdivisions (2) and (3) of section 22a-151, sections 22a-153,  
266 22a-154, 22a-155, as amended by this act, [22a-156,] 22a-158, chapter  
267 446c, sections 22a-295, 22a-300, 22a-308, 22a-416, chapters 446h to 446k,  
268 inclusive, chapters 447 and 448, sections 23-35, 23-37a, 23-41, chapter  
269 462, section 25-34, chapter 477, subsection (b) of section 25-128,  
270 subsection (a) of section 25-131, chapters 490 and 491 and sections 26-  
271 257, 26-297, 26-303 and 47-46a, under any federal laws now or  
272 hereafter to be enacted and as the official agent of any municipality,  
273 district, region or authority or other recognized legal entity in  
274 connection with the grant or advance of any federal or other funds or  
275 credits to the state or through the state, to its political subdivisions.

276 Sec. 13. Subsection (c) of section 22a-2d of the general statutes is  
277 repealed and the following is substituted in lieu thereof (*Effective*  
278 *October 1, 2013*):

279 (c) Wherever the words "Commissioner of Environmental

280 Protection" are used or referred to in the following sections of the  
281 general statutes, the words "Commissioner of Energy and  
282 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-  
283 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-  
284 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-  
285 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-  
286 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,  
287 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-217mm, 12-263m, 12-  
288 407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-  
289 11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-  
290 65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h, as amended by this act,  
291 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-  
292 133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-  
293 140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144, 15-145, 15-149a,  
294 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-155d, 15-156, 15-  
295 174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j, 16-261a, 16a-3,  
296 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-35a, 19a-47,  
297 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc, 22-81a, 22-  
298 91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as amended  
299 by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-6i, 22a-6j,  
300 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v, 22a-6w,  
301 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-8a, 22a-10,  
302 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h, 22a-21j, 22a-  
303 22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-27r, 22a-27s,  
304 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-38, 22a-42a,  
305 22a-44, 22a-45a, as amended by this act, 22a-45b, 22a-45c, 22a-45d, 22a-  
306 47, 22a-54, 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l,  
307 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t,  
308 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-  
309 133l, 22a-133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-  
310 133z, 22a-133aa, 22a-133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-  
311 134g, 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-  
312 134p, 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150,  
313 22a-151, 22a-153, 22a-154, 22a-155, as amended by this act, [22a-156,]  
314 22a-158, 22a-160, 22a-162, 22a-170, 22a-171, 22a-173, 22a-174c, 22a-174d,

315 22a-174e, 22a-174f, 22a-174g, 22a-174h, 22a-174i, 22a-174j, 22a-174k,  
316 22a-174l, 22a-174m, 22a-180, 22a-182a, 22a-183, 22a-186, 22a-188, 22a-  
317 188a, 22a-191, 22a-191a, 22a-192, 22a-193, 22a-194a, 22a-194c, 22a-194f,  
318 22a-198, 22a-199, 22a-200, 22a-200a, 22a-200b, 22a-200c, 22a-201a, 22a-  
319 201b, 22a-207, 22a-208a, 22a-208b, 22a-208d, 22a-208e, 22a-208f, 22a-  
320 208g, 22a-208h, 22a-208j, 22a-208o, 22a-208p, 22a-208q, 22a-208v, 22a-  
321 208w, 22a-208x, 22a-208y, 22a-208aa, 22a-208bb, 22a-209a, 22a-209b,  
322 22a-209d, 22a-209f, 22a-209g, 22a-209h, 22a-209i, 22a-213a, 22a-214,  
323 22a-219b, 22a-219c, 22a-219e, 22a-220, 22a-220a, 22a-220d, 22a-222, 22a-  
324 223, 22a-225, 22a-227, 22a-228, 22a-230, 22a-231, 22a-233a, 22a-235, 22a-  
325 235a, 22a-237, 22a-238, 22a-239, 22a-240, 22a-240a, 22a-241, 22a-241a,  
326 22a-241b, 22a-241g, 22a-241h, 22a-241j, 22a-245, 22a-245a, 22a-245b,  
327 22a-245d, 22a-248, 22a-250, 22a-250a, 22a-250b, 22a-250c, 22a-252, 22a-  
328 255b, 22a-255c, 22a-255d, 22a-255f, 22a-255h, 22a-256b, 22a-256c, 22a-  
329 256i, 22a-256m, 22a-256o, 22a-256q, 22a-256r, 22a-256v, 22a-256y, 22a-  
330 256aa, 22a-260, 22a-264, 22a-283, 22a-285a, 22a-285d, 22a-285e, 22a-  
331 285g, 22a-285h, 22a-285j, 22a-295, 22a-300, 22a-308, 22a-309, 22a-314,  
332 22a-315, 22a-316, 22a-317, 22a-318, 22a-319, 22a-320, 22a-321, 22a-322,  
333 22a-324, 22a-326, 22a-328, 22a-336, 22a-337, 22a-339a, 22a-339b, 22a-  
334 339c, 22a-339d, 22a-339f, 22a-339g, 22a-339h, 22a-342a, 22a-349, 22a-  
335 349a, 22a-351, 22a-352, 22a-354b, 22a-354c, 22a-354d, 22a-354e, 22a-  
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339 361a, 22a-363b, 22a-364, 22a-367, 22a-368a, 22a-378a, 22a-381, 22a-401,  
340 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-426, 22a-430b, 22a-430c,  
341 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445, 22a-449, 22a-449e, 22a-  
342 449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-449k, 22a-449l, 22a-  
343 449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-452e, 22a-453a, 22a-  
344 454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461, 22a-462, 22a-463,  
345 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485, 22a-497, 22a-500,  
346 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524, 22a-525, 22a-526,  
347 22a-527, 22a-601, 22a-602, 22a-605, 22a-613, 22a-616, 22a-626, 22a-627,  
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349 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-10c, 23-10e, 23-10i,

350 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-16a, 23-17, 23-18, 23-  
 351 20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b, 23-26c, 23-26d, 23-  
 352 26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a, 23-37b, 23-41, 23-  
 353 61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-65i, 23-65j, 23-65l,  
 354 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75, 23-77, 23-101, 23-  
 355 102, 24-2, 25-33e, 25-33k, 25-33m, 25-33o, 25-34, 25-68b, 25-68i, 25-68k,  
 356 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-80, 25-83a, 25-94,  
 357 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-102t, 25-102ii, 25-  
 358 102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-155, 25-157, 25-  
 359 178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-3b, 26-3c, 26-5,  
 360 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-27, 26-27b, 26-  
 361 27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a, 26-40c, 26-46,  
 362 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a, 26-86a, 26-86c,  
 363 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115, 26-119, 26-141a,  
 364 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d, 26-157e, 26-157h,  
 365 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-314, 26-315, 26-316,  
 366 28-1b, 28-31, 29-32b, 32-1e, 32-9dd, 32-9kk, 32-9ll, 32-11a, 32-23x, 32-  
 367 242, 32-242a, 32-664, 38a-684, 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-  
 368 66d, 47-66g, 51-164n, 52-192, 52-473a, 53-190, 53a-44a, 53a-54b and 53a-  
 369 217e.

370 Sec. 14. Sections 22a-156, 22a-166 and 22a-167 of the general statutes  
 371 are repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-342
Sec. 2	<i>October 1, 2013</i>	22a-6
Sec. 3	<i>October 1, 2013</i>	22a-155
Sec. 4	<i>October 1, 2013</i>	22a-157
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>July 1, 2013</i>	14-164h
Sec. 9	<i>October 1, 2013</i>	22a-45a(a)
Sec. 10	<i>October 1, 2013</i>	22a-134q
Sec. 11	<i>October 1, 2013</i>	51-344a(a)

Sec. 12	<i>October 1, 2013</i>	22a-9
Sec. 13	<i>October 1, 2013</i>	22a-2d(c)
Sec. 14	<i>October 1, 2013</i>	Repealer section

**Statement of Legislative Commissioners:**

Sections 12 and 13 were added to conform with the repeal of section 22a-156.

**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 14 \$	FY 15 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Judicial Dept.	GF - Potential Revenue Gain	See Below	See Below

**Municipal Impact:** None

**Explanation**

The bill allows the Department of Energy and Environmental Protection (DEEP) to post certain notices of tentative determination on the agency's website, as opposed to publishing the notices in the newspaper.

In FY 12, DEEP incurred costs of approximately \$215,000 for publishing 290 various types of notices in newspapers. The agency is reimbursed for their costs by the applicant. This, however, does not result in a savings to the DEEP as they are reimbursed by the applicant.

The bill also creates new offenses regarding the management of radioactive materials. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of notices that are not published in the newspaper and the number of violations that occur.

**OLR Bill Analysis****sSB 1019*****AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill expands the scope of the law governing radiation and radioactive materials. It allows the Department of Energy and Environmental Protection (DEEP) commissioner to (1) issue, modify, or revoke orders to correct violations of these laws and specifies notice, hearing, and appeal requirements and (2) issue cease and desist orders and suspend registrations. The bill broadens his ability to seek an injunction. It establishes penalties for certain violations and false statements.

The bill makes other changes to the environmental laws. It:

1. allows the public notice of certain notices of tentative determination to be posted on DEEP's website, instead of in newspapers;
2. allows, rather than requires, the commissioner to establish lines to restrict activity along certain tidal or inland waterways or flood-prone areas without authorization, thereby potentially eliminating a related permitting program;
3. eliminates the requirement that he annually submit an inventory of known contaminated wells and leaking underground storage tanks to the Environment Committee;
4. removes the requirement that the commissioner prepare, annually amend, and make publicly available a list of inland

wetlands general permit holders; and

5. repeals the Mid-Atlantic States Air Pollution Control Compact.

The bill eliminates two report requirements for DEEP on (1) emissions reductions from the state's motor vehicle emissions inspections program and (2) air quality.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013, except the provision removing the emissions and air quality report requirements is effective July 1, 2013.

## **§§ 4-7, & 12-14 — RADIATION AND RADIOACTIVE MATERIALS**

### ***Prohibited Acts***

The law prohibits anyone from using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing any ionizing radiation source (e.g., an x-ray machine) unless exempt, licensed, or registered. The bill makes a minor change to specify that registration is pursuant to the radiation and radiation materials laws.

### ***Eliminated Hearing Requirement***

The bill removes a requirement that the DEEP 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 on 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.

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

The bill authorizes the DEEP 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 within 30 days after its 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 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 or appeal from it.

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

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

The bill also allows the DEEP 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 a registration.

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 (CGS § 22a-7). 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. The law subjects violators of such an order to a civil fine of up to \$25,000 for each day a violation continues (CGS § 22a-6b).

### ***Attorney General's Authority***

The bill expands the DEEP commissioner's authority to seek an injunction.

Under current law, when he believes anyone has engaged in or is about to engage in an act or practice that violates certain laws, rules, regulations, or orders 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 court may issue a permanent or temporary injunction, restraining order, or other appropriate order.

The bill repeals this provision and replaces it with a broader one that covers any act, practice, or omission that violates the radiation and radioactive materials laws, including the registration requirements which are not covered by current law, and any regulation or order issued under these laws. It specifies that the attorney general bring the action for injunctive relief in New Britain Superior Court. It also allows any court order to require remedial measures. The bill requires that such actions take precedence over other actions in the order of trial.

### ***Penalties for Criminally Negligent Violation***

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

By law, a person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such a nature and degree that the failure to perceive it constitutes a

gross deviation from the standard of care that a reasonable person would observe in the situation (CGS § 53a-3).

The law already subjects anyone who fails to file a registration to a civil fine of up to \$1,000 for each violation and an additional \$100 for each day a violation continues (CGS § 22a-6b).

### ***Penalties for False Statements***

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

It subjects anyone who knowingly makes a false statement, representation, or certification in 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. A subsequent conviction is punishable by a fine of up to \$50,000 for each day of violation, up to 10 years in prison, or both.

The law prohibits anyone from intentionally making a false written statement, under oath or on a form with a notice that a false statement is punishable, if he or she (1) does not believe the statement is true and (2) intends to mislead a public servant. A violation of this law is a class A misdemeanor, punishable by a fine of up to \$2,000, up to one year in prison, or both (CGS § 53a-157b).

## **§ 2 — PUBLIC NOTICE**

The bill allows the DEEP commissioner to provide the public notice for any notice of tentative determination (DEEP's recommended action) for a permit that requires newspaper publication on DEEP's website. He may do so if the (1) public notice is posted on the website during the entire public notice period and (2) date, time, and nature of opportunity for public participation is published at the same time in an

advertisement in a newspaper with general circulation in the affected area. (The bill does not specify how often the newspaper advertisement must be published. Presumably, it would run once.) The advertisement must be at least 1/16 of a page and include the website address where the public notice details can be learned.

### **§ 1 — STREAM CHANNEL ENCROACHMENT LINES**

The bill allows, rather than requires, the DEEP commissioner to establish along certain tidal or inland waterways or flood-prone areas, boundary lines beyond which no one may place an encroachment, hindrance, or obstruction without authorization.

The law requires the commissioner to evaluate whether to issue or deny a permit to place an encroachment, hindrance, or obstruction beyond these lines based on the activity's impact on flood-carrying and water storage capacity of the waterways and flood plains, hazards to life and property, and flood levels, among other things. By eliminating the commissioner's authority to establish these lines, the bill potentially eliminates the related permitting program.

### **§ 9 — REGULATED ACTIVITY IN INLAND WETLANDS AREAS**

By law, the DEEP commissioner may issue a general permit for certain minor regulated activity in inland wetlands and watercourses if he determines that the activity would cause minimal environmental impacts. The bill instead allows him to issue a general permit for regulated activity in inland wetlands and watercourses, not only a minor activity, but retains the minimal environmental impacts requirement.

The bill also eliminates the requirement that the commissioner prepare, annually amend, and make publicly available, a list of these general permit holders.

### **§§ 8 & 10 — REPORTING REQUIREMENTS**

#### ***Emissions Inspection Program***

The bill eliminates two reports the DEEP commissioner must make

to the Transportation Committee related to the Department of Motor Vehicles' motor vehicle emissions inspection program. It removes a:

1. quarterly report on emissions reductions resulting from the program and
2. annual report on air quality in Connecticut.

### ***Contaminated Wells and Leaking Underground Storage Tank Inventory***

By law, the DEEP commissioner must compile an inventory of known contaminated wells and leaking underground storage tanks. The bill removes a requirement that he annually submit the inventory to the Environment Committee.

## **§ 14 — AIR POLLUTION CONTROL COMPACT**

The bill repeals the Mid-Atlantic States Air Pollution Control Compact, an interstate compact authorized in 1967 to create a commission for addressing interstate air pollution problems. The compact was not implemented.

## **BACKGROUND**

### ***Radioactive Material and Ionizing Radiation***

By law, "radioactive materials" include 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 U.S. 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 6653, also reported favorably by the Environment Committee, removes the requirement to prepare, annually amend, and make

publicly available a list of general permit holders for (1) diversion permits and (2) permits to conduct certain activities in tidal wetlands or in tidal, coastal, or navigable waters.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/25/2013)