



General Assembly

Amendment

February Session, 2016

LCO No. 4453



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.

SEN. SLOSSBERG, 14th Dist.
SEN. GERRATANA, 6th Dist.
SEN. KENNEDY, 12th Dist.

To: Senate Bill No. 230

File No. 265

Cal. No. 192

"AN ACT CONCERNING TECHNICAL AND CONFORMING REVISIONS TO ENVIRONMENT-RELATED STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 22-6k of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (a) Each authorized farmers' market shall maintain records of
7 operation which shall be provided to the department and which shall
8 include posted hours and days and shall be signed by a duly
9 authorized representative of the farmers' market. Farmers' market
10 assurances shall be submitted in a manner outlined by the department
11 and shall provide evidence of:

12 (1) Whether a farmers' market possesses the capability to serve the

13 additional demands brought about by distribution of vouchers in the
14 area without causing undue harm to the existing farmers' market
15 consumer base; and

16 (2) A willingness by persons associated with the farmers' market to
17 meet all CFM/WIC requirements. Information submitted by a farmers'
18 market shall include, but not be limited to:

19 (A) The number of Connecticut-grown fresh produce vendor
20 participants; [L]

21 (B) Hours of operation to be maintained per week; [L]

22 (C) Season of operation; [L] and

23 (D) Accessibility and consistency of farmers' market location.

24 Sec. 2. Subsection (b) of section 51-164n of the 2016 supplement to
25 the general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective from passage*):

27 (b) Notwithstanding any provision of the general statutes, any
28 person who is alleged to have committed (1) a violation under the
29 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
30 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
31 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
32 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
33 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
34 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
35 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
36 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
37 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
38 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
39 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
40 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
41 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
42 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,

43 14-153 or 14-163b, a first violation as specified in subsection (f) of
44 section 14-164i, section 14-219 as specified in subsection (e) of said
45 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
46 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
47 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
48 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
49 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
50 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
51 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,
52 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
53 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,
54 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
55 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
56 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
57 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
58 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
59 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
60 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
61 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
62 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
64 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
65 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, as
66 amended by this act, 22-29, 22-34, 22-35, 22-36, 22-38, as amended by
67 this act, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 [,] or 22-54,
68 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-
69 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326
70 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-
71 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
72 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or
73 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
74 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)
75 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a)
76 of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31,
77 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59,

78 subdivision (1) of subsection (d) of section 26-61, section 26-64,
79 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
80 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-
81 138 or 26-141, subdivision (2) of subsection (j) of section 26-142a,
82 subdivision (1) of subsection (b) of section 26-157b, subdivision (1) of
83 section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1)
84 of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260,
85 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-
86 109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section
87 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198,
88 section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
89 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
90 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
91 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or
92 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or
93 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1)
94 of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or
95 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-
96 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a,
97 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-
98 322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or
99 section 53-450, or (2) a violation under the provisions of chapter 268, or
100 (3) a violation of any regulation adopted in accordance with the
101 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
102 ordinance, regulation or bylaw of any town, city or borough, except
103 violations of building codes and the health code, for which the penalty
104 exceeds ninety dollars but does not exceed two hundred fifty dollars,
105 unless such town, city or borough has established a payment and
106 hearing procedure for such violation pursuant to section 7-152c, shall
107 follow the procedures set forth in this section.

108 Sec. 3. Subsection (c) of section 22-38 of the 2016 supplement to the
109 general statutes is repealed and the following is substituted in lieu
110 thereof (*Effective from passage*):

111 (c) In addition to the provisions of subsection (b) of this section, any

112 person who sells any farm product as "Connecticut-Grown" at a
113 farmers' market in this state shall offer such product for sale in the
114 immediate proximity of a sign that is: (1) Readily visible to consumers,
115 (2) not less than three inches by five inches in size, and (3) in a form
116 that is substantially as follows:

117 THIS FARM PRODUCT IS CONNECTICUT-GROWN. THIS FARM
118 PRODUCT WAS GROWN OR PRODUCED BY THE FOLLOWING
119 PERSON OR BUSINESS: (INSERT NAME AND ADDRESS OF
120 PERSON OR BUSINESS).

121 The lettering on any such sign shall be of [such] a size, font or print
122 that is clearly and easily legible. Such a sign shall accompany each type
123 of farm product that any such person sells as "Connecticut-Grown".
124 Any person who violates the provisions of this subsection shall receive
125 a warning for the first violation and for any subsequent violation shall
126 be fined one hundred dollars for each violation.

127 Sec. 4. Subsection (g) of section 22a-462a of the 2016 supplement to
128 the general statutes is repealed and the following is substituted in lieu
129 thereof (*Effective from passage*):

130 (g) (1) On or before August 15, 2016, the Commissioner of Energy
131 and Environmental Protection shall accept an application on behalf of
132 a manufacturer of a personal care product for the performance of a
133 study, at the request of said commissioner, by the Connecticut
134 Academy of Science and Engineering to determine if a biodegradable
135 microbead is available for use in such personal care product that does
136 not adversely impact the environment or publicly-owned treatment
137 works in this state. Any such application shall require the
138 manufacturer of such biodegradable microbead to disclose the
139 chemical constituents or composition of such microbead. Upon receipt
140 of any such application, in a format as prescribed by the commissioner,
141 the commissioner shall request the Connecticut Academy of Science
142 and Engineering to perform such study. Said academy may establish a
143 fee for the performance of such study and such fee shall be remitted by

144 the applicant to the Department of Energy and Environmental
145 Protection. Upon receipt of such request and such fee from the
146 commissioner, said academy shall commence such study. Such study
147 shall, at a minimum, consist of: (A) A study committee appointed by
148 said academy to oversee such study, (B) the use of an academy-
149 selected research team with expertise in matters relating to
150 biodegradable microbeads to conduct relevant research for such study,
151 including, but not limited to, the fate and transport of microbeads, and
152 author a study report, and (C) study committee meetings that afford
153 the opportunity for such applicant, department and interested persons
154 to obtain information concerning the study's process. The academy
155 shall complete any such study and issue a final study report for such
156 study to the commissioner not later than December 15, 2017. Upon
157 receipt of such final study report, the commissioner shall review such
158 final study report and, not later than February 1, 2018, forward such
159 final study report and any recommendations of said academy for
160 legislation concerning the use of biodegradable microbeads in personal
161 care products to the joint standing committee of the General Assembly
162 having cognizance of matters relating to the environment.

163 (2) Any information or materials submitted by an applicant to the
164 Department of Energy and Environmental Protection or the
165 Connecticut Academy of Science and Engineering in connection with
166 the performance of the study described in subdivision (1) of this
167 subsection shall not be subject to disclosure pursuant to chapter 14
168 provided such applicant indicates to the department or academy, at
169 the time of submission, information or materials that such applicant
170 deems a trade secret or privileged in any manner.

171 (3) In the event that the study described in subdivision (1) of this
172 subsection is not completed on or before December 15, 2017, the
173 manufacturing, selling, importing or offering for sale of any personal
174 care product that contains an intentionally added biodegradable
175 microbead shall be prohibited on and after July 1, 2018.

176 Sec. 5. Subsection (a) of section 22-332 of the 2016 supplement to the

177 general statutes is repealed and the following is substituted in lieu
178 thereof (*Effective from passage*):

179 (a) The Chief Animal Control Officer, any animal control officer or
180 any municipal animal control officer shall be responsible for the
181 enforcement of this chapter and shall make diligent search and inquiry
182 for any violation of any of its provisions. Any such officer may take
183 into custody (1) any dog found roaming in violation of the provisions
184 of section 22-364, (2) any dog not having a tag or plate on a collar about
185 its neck or on a harness on its body as provided by law or which is not
186 confined or controlled in accordance with the provisions of any order
187 or regulation relating to rabies issued by the commissioner in
188 accordance with the provisions of this chapter, or (3) any dog or other
189 domestic animal found injured on any highway, neglected, abandoned
190 or cruelly treated. The officer shall impound such dog or other
191 domestic animal at the pound serving the town where the dog or other
192 domestic animal is taken unless, in the opinion of a licensed
193 veterinarian, the dog or other domestic animal is so injured or diseased
194 that it should be destroyed immediately, in which case the municipal
195 animal control officer of such town may cause the dog or other
196 domestic animal to be mercifully killed by a licensed veterinarian or
197 disposed of as the State Veterinarian may direct. The municipal animal
198 control officer shall immediately notify the owner or keeper of any dog
199 or other domestic animal so taken, if known, of its impoundment. Such
200 officer shall immediately notify the owner or keeper of any other
201 domestic animal which is taken into custody, if such owner or keeper
202 is known. If the owner or keeper of any such dog or other domestic
203 animal is unknown, the officer shall immediately tag or employ such
204 other suitable means of identification of the dog or other domestic
205 animal as may be approved by the Chief Animal Control Officer and
206 shall promptly cause (A) a description of such dog or other domestic
207 animal to be published once in the lost and found column of a
208 newspaper having a circulation in such town or that has a state-wide
209 circulation, and (B) a photograph or description of such dog or other
210 domestic animal and the date on which such dog or other domestic

211 animal is no longer legally required to be impounded to be posted on a
212 national pet adoption Internet web site or an Internet web site that is
213 maintained or accessed by the animal control officer and that is
214 accessible to the public through an Internet search, except such posting
215 shall not be required if: (i) The dog or other domestic animal is held
216 pending the resolution of civil or criminal litigation involving such dog
217 or other domestic animal, (ii) the officer has a good faith belief that the
218 dog or other domestic animal would be adopted by or transferred to a
219 public or private nonprofit rescue organization for the purpose of
220 placing such dog or other domestic animal in an adoptive home even
221 in the absence of such posting, (iii) the dog or other domestic animal's
222 safety will be placed at risk, or (iv) such animal control officer
223 determines that such dog or other domestic animal is feral and not
224 adoptable. If any animal control officer does not have the technological
225 resources to post such information on an Internet web site as required
226 by subparagraph (B) of this subdivision, such officer may contact a
227 public or private animal rescue organization and request that such
228 organization post such information, at such organization's expense, on
229 an Internet web site that is accessible to the public through an Internet
230 search. To the extent practicable, any such posting by an animal
231 control officer or a public or private animal rescue organization shall
232 remain posted for the duration of such [dog] dog's or other domestic
233 animal's impoundment in the municipal or regional dog pound.

234 Sec. 6. Subsection (a) of section 10a-150e of the 2016 supplement to
235 the general statutes is repealed and the following is substituted in lieu
236 thereof (*Effective from passage*):

237 (a) For purposes of this section, "animal adoption or animal rescue
238 organization" means any collaboration of individuals or any nonprofit
239 organization that is exempt from taxation pursuant to Section 501(c)(3)
240 of the Internal Revenue Code of 1986, or any subsequent
241 corresponding internal revenue code of the United States, as amended
242 from time to time, that has, as part of such collaboration's or
243 organization's purposes, the sale or placement of animals that were
244 removed from animal shelters, municipal dog pounds or an

245 individual's home.

246 Sec. 7. Subsection (c) of section 22a-381e of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective from*
248 *passage*):

249 (c) No person shall plant running bamboo or allow running bamboo
250 to be planted on his or her property at a location that is forty feet or
251 less from any abutting property or public right-of-way. Any person
252 who violates the provisions of this subsection shall be fined one
253 hundred dollars. In the case of a continuing violation, each day of
254 continuance shall be deemed a separate and distinct offense until such
255 time as such bamboo is removed, [or contained by a properly installed
256 and constructed barrier system.]

257 Sec. 8. Section 22a-6g of the general statutes is repealed and the
258 following is substituted in lieu thereof (*Effective from passage*):

259 (a) Any person who submits an application to the Commissioner of
260 Energy and Environmental Protection for any permit or other license
261 pursuant to section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361,
262 as amended by this act, 22a-368, 22a-403 or 22a-430, subsection (b) or
263 (c) of section 22a-449, section 22a-454 or Section 401 of the federal
264 Water Pollution Control Act (33 USC 466 et seq.), except an application
265 for authorization under a general permit shall: (1) Publish notice of
266 such application in a newspaper of general circulation in the affected
267 area; (2) notify the chief elected official of the municipality in which the
268 regulated activity is proposed; and (3) include with such application a
269 copy of such notice as it appeared in the newspaper and a signed
270 statement certifying that the applicant notified the chief elected official
271 of the municipality in which such regulated activity is proposed. Such
272 notices shall include: (A) The name and mailing address of the
273 applicant and the address of the location at which the proposed
274 activity will take place; (B) the application number, if available; (C) the
275 type of permit sought, including a reference to the applicable statute or
276 regulation; (D) a description of the activity for which a permit is

277 sought; (E) a description of the location of the proposed activity and
278 any natural resources affected thereby; (F) the name, address and
279 telephone number of any agent of the applicant from whom interested
280 persons may obtain copies of the application; and (G) a statement that
281 the application is available for inspection at the office of the
282 Department of Energy and Environmental Protection. The
283 commissioner shall not process an application until the applicant has
284 submitted to the commissioner a copy of the notice and the signed
285 statement required by this section. Any person who submits an
286 application pursuant to section 22a-32 or 22a-361, as amended by this
287 act, shall additionally mail such notice to any land owner of record for
288 any property that is located five hundred feet or less from the property
289 line of the property on which such proposed activity will occur. The
290 provisions of this section shall not apply to discharges exempted from
291 the notice requirement by the commissioner pursuant to subsection (b)
292 of section 22a-430, to hazardous waste transporter permits issued
293 pursuant to section 22a-454 or to special waste authorizations issued
294 pursuant to section 22a-209 and regulations adopted thereunder.

295 (b) Notwithstanding any other provision of this title or any
296 regulation adopted pursuant to this title, the following applications are
297 exempt from the provisions of subsection (a) of this section: (1) An
298 application for authorization under a general permit; (2) an application
299 for a minor permit modification for sources permitted under Title V of
300 the federal Clean Air Act Amendments of 1990 in accordance with 40
301 CFR 70.7; and (3) an application for a minor permit modification or
302 revision if the Commissioner of Energy and Environmental Protection
303 has adopted regulations, in accordance with the provisions of chapter
304 54, establishing criteria to delineate applications for minor permit
305 modifications or revisions from those applications subject to the
306 requirements of subsection (a) of this section.

307 Sec. 9. Section 22a-361 of the 2016 supplement to the general statutes
308 is amended by adding subsection (h) as follows (*Effective from passage*):

309 (NEW) (h) Notwithstanding any other provision of this section, the

310 commissioner shall not issue a certificate or permit to authorize any
311 dock or other structure in an area that was designated as inappropriate
312 or unsuitable for such dock or other structure in a harbor management
313 plan approved and adopted pursuant to section 22a-113m.

314 Sec. 10. Subsection (g) of section 22-26g of the 2016 supplement to
315 the general statutes is repealed and the following is substituted in lieu
316 thereof (*Effective from passage*):

317 (g) (1) If the legislative body of any municipality adopts a resolution
318 that states that there is undue hardship on nearby residents as a result
319 of the use of any device permitted under this section, and that requests
320 that the commissioner deny or cancel the right to use such device, *or,*
321 *in the alternative,* institute a best practical use procedure described in
322 subdivision (2) of this subsection, the commissioner, in accordance
323 with the provisions of chapter 54, may deny or cancel a permit to use
324 such device, *or, in the alternative,* institute a best practical use
325 procedure in accordance with subdivision (2) of this subsection, if the
326 commissioner determines that its use creates, or will create, an undue
327 hardship on nearby residents. In making any such decision, the
328 commissioner may consult with experts in wildlife damage to crops
329 and any county or state-wide advisory group the commissioner deems
330 appropriate. For the purposes of this subsection, "undue hardship"
331 means causing significant injury to the health and comfort of a person,
332 as a result of the use of the permitted device while such person is on
333 his or her own real property and within the curtilage of his or her
334 home.

335 (2) The commissioner may require the implementation of a best
336 practical use procedure by a permittee in response to a resolution
337 adopted pursuant to subdivision (1) of this subsection if the
338 commissioner determines that such a best practical use procedure is
339 feasible to limit the excessive use of such permitted device. Any such
340 best practical use procedure shall limit the use of the permitted device
341 to an extent that provides for the least detrimental level of use of such
342 permitted device while enabling such device to be effective. In

343 developing any such best practical use procedure, the commissioner
 344 shall assess the permitted device, the accepted trade practices
 345 associated with the effective use of such device, the technical feasibility
 346 of implementation and use of a best practical use procedure, the nature
 347 of the area in which the permitted device is used, the crop that is
 348 intended to be protected through use of such device and the wildlife
 349 that is intended to be scared or repelled by use of the permitted device.
 350 The provisions of this subsection shall not be construed to authorize
 351 any cause of action."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-6k(a)
Sec. 2	<i>from passage</i>	51-164n(b)
Sec. 3	<i>from passage</i>	22-38(c)
Sec. 4	<i>from passage</i>	22a-462a(g)
Sec. 5	<i>from passage</i>	22-332(a)
Sec. 6	<i>from passage</i>	10a-150e(a)
Sec. 7	<i>from passage</i>	22a-381e(c)
Sec. 8	<i>from passage</i>	22a-6g
Sec. 9	<i>from passage</i>	22a-361
Sec. 10	<i>from passage</i>	22-26g(g)