AN ACT CONCERNING CONSENT ORDERS ENTERED INTO BY THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION.

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

Section 1. Section 22a-6dd of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Notwithstanding any provision of the general statutes, whenever the [Department of Energy and Environmental Protection] commissioner enters a consent order with a party, such consent order may not be modified or revoked unless a material breach of such consent order occurs or such party fails to disclose material information. If the consent order concerns one or more parcels of land and such consent order requires, in whole or in part, the remediation of such land, the requirements and standards for such remediation shall not be modified by the [department] commissioner unless both the [department] commissioner and such party agree to such modification. The commissioner or a party to any consent order may seek declaratory and injunctive relief from the Superior Court to resolve any dispute concerning the terms and conditions of, and compliance with, the consent order. Such declaratory and injunctive
relief shall be in addition to any other administrative or civil remedies allowed by law.

(b) The provisions of subsection (a) of this section shall apply to any consent order entered into by the commissioner and a party on or after the effective date of this section.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | from passage | 22a-6dd |

Statement of Purpose:
To limit the circumstances under which the Commissioner of Energy and Environmental Protection can modify consent orders.

Co-Sponsors: REP. O'DEA, 125th Dist.; REP. FISHBEIN, 90th Dist.

H.B. 5185