

Senate, April 1, 1998. The Committee on Environment reported through SEN. DAILY, 33rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EXEMPLARY ENVIRONMENTAL MANAGEMENT SYSTEMS.

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

1 (NEW) (a) The Commissioner of Environmental
2 Protection may establish a program to attract to
3 this state, or to support in this state,
4 businesses which require a permit or other
5 approval from the commissioner in order to operate
6 in this state and which have a history of
7 providing for the best protection of the natural
8 environment in the operations of such business.
9 Such program shall provide for expedited review of
10 permit applications and a public recognition
11 process which may include issuance to businesses
12 of a symbol or seal signifying the exemplary
13 record of environmental protection and exclusive
14 use of such symbol or seal by the business in its
15 advertising or other public displays. Such program
16 may provide for less frequent reporting,
17 consistent with federal law, of information
18 otherwise required to be reported as a condition
19 of the business' operation in this state; a
20 facility-wide permit for all approvals required
21 from the commissioner for operation of a facility
22 operated by the business in this state; or reduced

23 fees for any permit required from the
24 commissioner.

25 (b) Any business required to obtain a permit
26 or other approval from the Commissioner of
27 Environmental Protection to operate in this state
28 may apply to the commissioner for the benefits of
29 the program established under subsection (a) of
30 this section. Such application shall be on forms
31 and in a manner prescribed by the commissioner.
32 The advisory board convened under subsection (d)
33 of this section shall consider, and may approve,
34 such application if the business has demonstrated
35 to the satisfaction of such board that such
36 business (1) has an exemplary record of compliance
37 with environmental laws which shall include, but
38 not be limited to, evidence that such business has
39 not received a notice from the commissioner of a
40 violation of any such law, other than any notice
41 issued under section 22a-6s of the general
42 statutes, within the preceding three years; (2)
43 has complied with the provisions of section 22a-6s
44 of the general statutes, and any orders of the
45 commissioner under said section, with regard to
46 any minor violation as defined in said section;
47 and (3) consistently employs practices in its
48 operation which ensure protection of the natural
49 environment to a degree greater than that required
50 by law.

51 (c) Upon approval of such application, the
52 commissioner may provide the benefits of the
53 program to the business if the commissioner finds
54 that the business is registered as meeting the ISO
55 14001 Environmental Management System Standard or
56 employs an equivalent environmental management
57 system satisfactory to the commissioner which
58 assures rapid and appropriate response to any
59 potential threat to the natural environment from
60 any operation of the business and provides for
61 continuing improvement or enhancement of the
62 business' practices which protect the natural
63 environment. Such system shall include provisions
64 for commitment of the management of the business
65 to the environmental management system, compliance
66 assurance and pollution prevention, enabling
67 systems, performance and accountability, and
68 measurement and improvement. Any business approved
69 for the program shall be issued a certificate by
70 the commissioner evidencing such approval.

71 (d) The commissioner shall submit an
72 application of a business under subsection (b) of
73 this section to an advisory board convened by the
74 commissioner for consideration. Such board shall
75 consist of a representative of the Connecticut
76 Fund for the Environment; the Attorney General, or
77 his designee; a representative of the industry in
78 which the business is engaged provided such
79 representative has no business relationship with
80 the applicant; and the commissioner, or his
81 designee.

82 (e) If the commissioner finds that a business
83 which has been approved for the program ceases to
84 be qualified for the program because it no longer
85 complies with the requirements provided for in
86 subsections (b) and (c) of this section, the
87 commissioner shall revoke the certificate issued
88 under subsection (c) of this section and the
89 business shall not be entitled to any further
90 benefits under the program. Any such business may
91 reapply for the program at any time.

92 ENV COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SSB 413

STATE IMPACT	Minimal Cost, Within Budgetary Resources, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Environmental Protection, Office of the Attorney General

EXPLANATION OF ESTIMATES:

STATE IMPACT: Authorizing the Commissioner of the Department of Environmental Protection to establish an incentive program which includes expedited review of permits, public recognition, potentially less reporting requirements and/or fees, is anticipated to be handled within current budgetary resources. If any future fees were reduced for businesses with a history of good environmental practices, it is anticipated they would be offset with reduced reporting, resulting in no net change.

In addition, any potential increase in the workloads of DEP or the Office of the Attorney General due to membership on an exemplary environmental management advisory board can be handled within the routine activities of both agencies.

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OLR BILL ANALYSIS

sSB 413

AN ACT CONCERNING EXEMPLARY ENVIRONMENTAL MANAGEMENT SYSTEMS

SUMMARY: This bill authorizes the Department of Environmental Protection (DEP) commissioner to establish an incentive program to attract and support businesses with histories of operating in a manner that best protects the environment. The program must include (1) expedited review of permit applications and (2) public recognition of the businesses involved such as an exclusive symbol or seal (presumably with a trademark or copyright) for use in advertising or other public displays. In addition, the program may include (1) less frequent reporting, to the extent consistent with federal law, of information required as a condition of doing business in the state and (2) a facility-wide approval process and reduced fees for DEP permits.

The bill establishes eligibility criteria and requires DEP to establish advisory boards to review program applications. Approved businesses that cease to satisfy the criteria must be removed from the program.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Eligibility**

Businesses that (1) need a DEP approval or permit and (2) have a history of operating in a manner that best protects the environment may apply for the program. They must apply on forms and in a manner provided by the DEP.

Application Advisory Board and Approval

The bill requires the DEP commissioner to convene advisory boards to review the applications. The boards must include (1) a representative of the applicant's industry (but with no business relations to the applicant), (2) a representative of the Connecticut Fund for the Environment, (3) the attorney general or

his designee, and (4) the DEP commissioner or his designee.

The board may approve eligible businesses that demonstrate (1) exemplary environmental compliance including no violations of the state's environmental laws in the past three years other than unintentional minor violations, (2) any minor violations were remedied as prescribed by the law and any DEP orders, and (3) consistent practices that protect the environment beyond what is required by law.

ISO 14001 Environmental Management Systems

Once the board approves the business, the DEP commissioner may offer it program benefits if he finds it has registered as meeting the ISO 14001 Environmental Management System (EMS) standards or has an equivalent system. Equivalent EMSs must, to the DEP's satisfaction, assure fast and appropriate response to the operation's potential environmental threats and provide for continued improvement of environmental practices. The system must include an expression of the business' commitment to (1) the EMS, (2) compliance assurance and pollution prevention, (3) enabling systems, (4) performance and accountability, and (5) measurement and improvement. The DEP must give businesses a certificate of approval.

Revoking Certificates of Approval

The DEP must revoke a business' certificate of approval if it ceases to meet the program requirements. Such businesses are not entitled to any further program benefits but may reapply at any time.

BACKGROUND

The ISO 14000 Series of Environmental Standards (and ISO 14001)

The ISO 14000 series of standards is an international organizational model for businesses to track the relationships between their products and activities and the environment. It consists of 18 distinct standards. The first standard, ISO 14001, sets out how a business will operate its Environmental Management System. It has five components: (1) statement of environmental

policy, (2) objectives and plan, (3) implementation and operational steering, (4) monitoring and corrective action, and (5) senior management performance review and audits. Other ISO 14000 standards include auditing, labeling, testing, and life-cycle inventory analysis. Parties can register or self-certify to the standards; registration requires a third-party audit, self-certification does not.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 23 Nay 0