

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO CERTAIN HAZARDOUS WASTE AND SOLID WASTE MANAGEMENT STATUTES.

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

1 Section 1. Subsection (f) of section 22a-117  
2 of the general statutes is repealed and the  
3 following is substituted in lieu thereof:

4 (f) The storage or disposal for a fee or  
5 other consideration, [in excess of the amount  
6 stored or disposed of in the normal operation of  
7 any facility as of May 28, 1981] OR STORAGE OF  
8 WASTE CONTAINING POLYCHLORINATED BIPHENYLS  
9 GENERATED BY ANOTHER OR GENERATED BY THE SERVICING  
10 OF EQUIPMENT OWNED BY ANOTHER, is prohibited  
11 [until regulations concerning the storage or  
12 disposal of polychlorinated biphenyls are adopted  
13 by the commissioner and such regulations are  
14 exempted from preemption by the United States  
15 Environmental Protection Agency pursuant to the  
16 federal Toxic Substance Control Act of 1976, (15  
17 USC 2601 et seq.)] EXCEPT IN ACCORDANCE WITH AN  
18 APPROVAL ISSUED BY THE UNITED STATES ENVIRONMENTAL  
19 PROTECTION AGENCY PURSUANT TO SUBPART D OF PART  
20 761 OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS  
21 AND IN ACCORDANCE WITH A CERTIFICATE OF PUBLIC

22 SAFETY AND NECESSITY ISSUED UNDER THE PROVISIONS  
23 OF THIS CHAPTER. This subsection prohibits and  
24 otherwise regulates the manner and method of  
25 disposal of polychlorinated biphenyls within the  
26 meaning of [said federal act. Upon adoption of  
27 such regulations and exemption from preemption by  
28 the United States Environmental Protection Agency,  
29 the storage or disposal of polychlorinated  
30 biphenyls for a fee or other consideration shall  
31 not be allowed except in accordance with a  
32 certificate of public safety and necessity issued  
33 under the provisions of this chapter] THE FEDERAL  
34 TOXIC SUBSTANCES CONTROL ACT OF 1976 (15 USC 2601  
35 ET SEQ.).

36 Sec. 2. Subsections (b) and (c) of section  
37 22a-133x of the general statutes are repealed and  
38 the following is substituted in lieu thereof:

39 (b) If the commissioner notifies the owner  
40 that he will not formally review and approve in  
41 writing the investigation and remediation of the  
42 parcel, the owner shall, on or before ninety days  
43 of the receipt of such notice, submit (1) a  
44 statement of proposed actions for investigating  
45 and remediating the parcel and (2) a schedule for  
46 implementing such actions AND FOR PROVIDING PUBLIC  
47 NOTICE OF REMEDIATION PRIOR TO THE INITIATION OF  
48 SUCH REMEDIATION IN ACCORDANCE WITH SUBSECTION (g)  
49 OF THIS SECTION. The commissioner may require the  
50 owner to submit to him copies of technical plans  
51 and reports related to investigation and  
52 remediation of the parcel, and may notify the  
53 owner if the commissioner determines that the  
54 commissioner's review and written approval is  
55 necessary. The commissioner shall require that the  
56 certifying party submit to him all technical plans  
57 and reports related to the investigation and  
58 remediation of the parcel if the commissioner  
59 receives a written request from any person for  
60 such information. The owner shall advise the  
61 commissioner of any modifications to the proposed  
62 schedule. Upon receipt of a verification by a  
63 licensed environmental professional that the  
64 parcel has been remediated in accordance with the  
65 remediation standards the owner shall submit a  
66 copy of such verification to the commissioner.

67 (c) If the commissioner notifies the owner  
68 that he will formally review and approve in  
69 writing the investigation and remediation of the

70 parcel, the owner shall, on or before thirty days  
71 of the receipt of such notice, or such later date  
72 as may be approved in writing by the commissioner,  
73 submit for the commissioner's review and written  
74 approval, a proposed schedule for: (1)  
75 Investigating and remediating the parcel; [and]  
76 (2) submitting to the commissioner technical  
77 plans, technical reports and progress reports  
78 related to such investigation and remediation; AND  
79 (3) PROVIDING PUBLIC NOTICE OF REMEDIATION PRIOR  
80 TO THE INITIATION OF SUCH REMEDIATION IN  
81 ACCORDANCE WITH SUBSECTION (g) OF THIS SECTION.  
82 Upon the commissioner's approval of such schedule,  
83 the owner shall, in accordance with the approved  
84 schedule, submit technical plans, technical  
85 reports and progress reports to the commissioner  
86 for his review and written approval. The owner  
87 shall perform all actions identified in the  
88 approved technical plans, technical reports and  
89 progress reports in accordance with the approved  
90 schedule. The commissioner may approve, in  
91 writing, any modification proposed in writing by  
92 the owner to such schedule or investigation and  
93 remediation and may notify the owner, in writing,  
94 if he determines that it is appropriate to  
95 discontinue formal review and approval of the  
96 investigation or remediation.

97 Sec. 3. Section 22a-133x of the general  
98 statutes is amended by adding subsection (g) as  
99 follows:

100 (NEW) (g) The owner shall (1) publish notice  
101 of the remediation, in accordance with the  
102 schedule submitted pursuant to this section, in a  
103 newspaper having a substantial circulation in the  
104 area affected by the establishment, (2) notify the  
105 director of health of the municipality where the  
106 parcel is located of the remediation, and (3)  
107 either (A) erect and maintain for at least thirty  
108 days in a legible condition a sign not less than  
109 six feet by four feet on the parcel, which sign  
110 shall be clearly visible from the public highway,  
111 and shall include the words "ENVIRONMENTAL  
112 CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER  
113 INFORMATION CONTACT:" and include a telephone  
114 number for an office from which any interested  
115 person may obtain additional information about the  
116 remediation, or (B) mail notice of the remediation  
117 to each owner of record of property which abuts

118 the parcel, at the address for such property on  
119 the last-completed grand list of the municipality  
120 where the parcel is located.

121 Sec. 4. Section 22a-134d of the general  
122 statutes is repealed and the following is  
123 substituted in lieu thereof:

124 Any person who knowingly gives or causes to  
125 be given any false information on any document  
126 required by sections 22a-134 to 22a-134e,  
127 inclusive, AS AMENDED, SECTION 22a-133x, AS  
128 AMENDED BY SECTIONS 2 AND 3 OF THIS ACT, or  
129 section 22a-133y, AS AMENDED, or who fails to  
130 comply with the provisions of said sections shall  
131 forfeit to the state a sum not to exceed one  
132 hundred thousand dollars. A civil action shall be  
133 instituted to recover such forfeiture.

134 Sec. 5. Section 22a-207b of the general  
135 statutes is repealed and the following is  
136 substituted in lieu thereof:

137 No person, firm or corporation may own,  
138 operate or maintain a solid waste disposal area,  
139 VOLUME REDUCTION PLANT or transfer station, as  
140 defined in section 22a-207, without a permit  
141 issued by the Department of Environmental  
142 Protection under section 22a-208a, AS AMENDED,  
143 PROVIDED THE OWNER OF AN EXISTING PERMITTED SOLID  
144 WASTE DISPOSAL AREA OR TRANSFER STATION NOT  
145 HOLDING A PERMIT ISSUED BY THE DEPARTMENT OF  
146 ENVIRONMENTAL PROTECTION UNDER SECTION 22a-208a,  
147 AS AMENDED, PRIOR TO THE EFFECTIVE DATE OF THIS  
148 SECTION SHALL NOT BE REQUIRED TO OBTAIN SUCH A  
149 PERMIT.

150 Sec. 6. Section 22a-467 of the general  
151 statutes is repealed and the following is  
152 substituted in lieu thereof:

153 No person or municipality shall dispose of  
154 [the compound] PCB or any item, product or  
155 material containing [the compound] PCB BY ANY  
156 MEANS OTHER THAN A MEANS WHICH WILL RESULT IN THE  
157 DESTRUCTION OF PCB IN ACCORDANCE WITH THE  
158 PROVISIONS OF PART 761 OF TITLE 40 OF THE CODE OF  
159 FEDERAL REGULATIONS, except in accordance with a  
160 permit issued pursuant to section 22a-208a, AS  
161 AMENDED, 22a-430 or 22a-454 [. Notwithstanding the  
162 provisions of this section, a person or  
163 municipality may dispose of the compound PCB, or  
164 the item, product or material containing the  
165 compound PCB,] OR in accordance with a written

166 approval by the commissioner [if such disposal (1)  
167 results in destruction of the compound PCB; or  
168 (2)] PROVIDED SUCH PERMIT OR APPROVAL is not  
169 inconsistent with the provisions of Part 761 of  
170 Title 40 of the Code of Federal Regulations. The  
171 commissioner may include in any such approval such  
172 conditions as he deems appropriate to protect the  
173 environment and human health.

174 Sec. 7. This act shall take effect from its  
175 passage.

176 ENV COMMITTEE VOTE: YEA 22 NAY 0 JFS C/R JUD  
177 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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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 SHB 5297**

STATE IMPACT	Minimal Savings, Potential Minimal Revenue Gain and Minimal Cost, Within Budgetary Resources, see explanation below
MUNICIPAL IMPACT	Minimal Cost, Within Budgetary Resources, see explanation below
STATE AGENCY(S)	Department of Environmental Protection

EXPLANATION OF ESTIMATES:

STATE IMPACT: There will be a minimal workload decrease to the Department of Environmental Protection (DEP) due to the elimination of the need for written approval for the disposal of polychlorinated bipheyl (PCB) by destruction. There could be a minimal workload increase, within resources, due to the additional public notification provisions which could result in an increase in public inquiries to DEP.

In addition, any increase in revenue due to the expansion of penalties for failure to comply with the remediation requirements is anticipated to be minimal.

MUNICIPAL IMPACT: Any increase in various municipal workloads due to including a public notice schedule in their voluntary remediation plans, publishing a notice in a paper with substantial circulation in the area, notification of the local health director and erecting and maintaining a sign or mailing notice to abutting property owners for voluntary remediation activities, can be done within budgetary resources.

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**OLR BILL ANALYSIS**

sHB 5297

**AN ACT CONCERNING MINOR REVISIONS TO CERTAIN HAZARDOUS WASTE AND SOLID WASTE MANAGEMENT STATUTES**

**SUMMARY:** This bill allows commercial storage and disposal of polychlorinated biphenyl (PCB) if approved by the Environmental Protection Agency (EPA). It also allows for disposal of PCB by destruction without the written approval of the Department of Environmental Protection (DEP).

The bill requires owners of establishments and certain other contaminated properties to provide public notice of voluntary remediation activities in the same manner as existing law requires for remediation activities under the Transfer Act or on properties not located above drinking water supplies. It extends the penalty for failing to comply with remediation requirements or filing false statements regarding remediation activities to such properties.

By law, anyone who owns, operates, or maintains a solid waste disposal area or a transfer station must have a DEP permit. The bill specifies that such a permit is required for volume reduction plants, but exempts owners of existing permitted transfer stations or solid waste disposal areas who do not have a permit for their facility when this bill passes from getting a permit for any of the three types facilities. (The bill appears to exempt owners of facilities who do not have a permit required by law from other permit requirements.)

EFFECTIVE DATE: Upon Passage

**FURTHER EXPLANATION****PCB Storage and Disposal**

Current law prohibits the commercial storage or disposal of PCB until the DEP adopts regulations and the regulations are exempt from preemption under the federal Toxic Substance Control Act (TSCA). The bill

allows commercial storage and disposal of PCB in accordance with an EPA approval under its regulations authorized by TSCA. It continues to require facilities to have a certificate of public safety and necessity issued by the Connecticut Siting Council.

The bill allows people to dispose of PCB by destruction and in accordance with TSCA, without written approval of the DEP. It continues to allow disposal of PCB by means other than destruction if it is in accordance with permits for solid waste disposal; water discharges; and storage, treatment, and disposal of hazardous substances, provided they do not conflict with TSCA.

#### **Notice of Remediation**

The bill requires municipalities and owners of establishments and of properties on the state's hazardous waste disposal site inventory to include a public notice schedule in their voluntary remediation plans and provide such notice, in a similar manner as existing law requires for remediation activities under the Transfer Act and for properties not located over drinking water supplies. It requires the municipality or owner to publish notice in a paper with substantial circulation in the affected area, notify the local health director, and either (1) erect and maintain for 30 days a sign at least four feet by six feet in size and visible from the public highway that states a remediation project is in progress and a contact name and telephone number or (2) mail notice of remediation to each abutting property owner.

#### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute Change of Reference  
Yea 22      Nay 0

Judiciary Committee

Joint Favorable Report  
Yea 39      Nay 0