Connecticut General Statutes Sections 22a-1 through 22a-7

Revised to January 1, 2024

Sec. 22a-1. Policy of the state. The General Assembly finds that the growing population and expanding economy of the state have had a profound impact on the life-sustaining natural environment. The air, water, land and other natural resources, taken for granted since the settlement of the state, are now recognized as finite and precious. It is now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore the General Assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution

Sec. 22a-1b. Evaluation by state agencies of actions affecting the environment. Public scoping process. Environmental monitor. The General Assembly directs that, to the fullest extent possible:

(a) Each state department, institution or agency shall review its policies and practices to insure that they are consistent with the state's environmental policy as set forth in sections 22a-1 and 22a-1a.

(b) (1) Each sponsoring agency shall, prior to a decision to prepare an environmental impact evaluation pursuant to subsection (c) of this section for an action which may significantly affect the environment, conduct an early public scoping process.

(2) To initiate an early public scoping process, the sponsoring agency shall provide notice on a form that has been approved by the Council on Environmental Quality, which shall include, but not be limited to, the date, time and location of any proposed public scoping meeting and the duration of the public comment period pursuant to subdivision (3) of this subsection, to the council, the Office of Policy and Management and any other state agency whose activities may reasonably be expected to affect or be affected by the proposed action.

(3) Members of the public and any interested state agency representatives may submit comments on the nature and extent of any environmental impacts of the proposed action during the thirty days following the publication of the notice of the early public scoping process pursuant to this section.

(4) A public scoping meeting shall be held at the discretion of the sponsoring agency or if twenty-five persons or an association having not less than twenty-five persons requests such a meeting within ten days of the publication of the notice in the Environmental Monitor. A public scoping meeting shall be held not less than ten days following the notice of the proposed action in the Environmental Monitor. The public comment period shall remain open for at least five days following the meeting.

(5) A sponsoring agency shall provide the following at a public scoping meeting: (A) A description of the proposed action; (B) a description of the purpose and need of the proposed action; (C) a list of the criteria for a site for the proposed action; (D) a list of potential sites for the

proposed action; (E) the resources of any proposed site for the proposed action; (F) the environmental limitations of such sites; (G) potential alternatives to the proposed action; and (H) any information the sponsoring agency deems necessary.

(6) Any agency submitting comments or participating in the public scoping meeting pursuant to this section shall include, to the extent practicable, but not be limited to, information about (A) the resources of any proposed site for the proposed action, (B) any plans of the commenting agency that may affect or be affected by the proposed action, (C) any permits or approvals that may be necessary for the proposed action, and (D) any appropriate measures that would mitigate the impact of the proposed action, including, but not limited to, recommendations as to preferred sites for the proposed action or alternatives for the proposed action that have not been identified by the sponsoring agency.

(7) The sponsoring agency shall consider any comments received pursuant to this section or any information obtained during the public scoping meeting in selecting the proposed actions to be addressed in the environmental impact evaluation and shall evaluate in its environmental impact evaluation any substantive issues raised during the early public scoping process that pertain to a proposed action or site or alternative actions or sites.

(c) Each state department, institution or agency responsible for the primary recommendation or initiation of actions which may significantly affect the environment shall in the case of each such proposed action make a detailed written evaluation of its environmental impact before deciding whether to undertake or approve such action. All such environmental impact evaluations shall be detailed statements setting forth the following: (1) A description of the proposed action which shall include, but not be limited to, a description of the purpose and need of the proposed action, and, in the case of a proposed facility, a description of the infrastructure needs of such facility, including, but not limited to, parking, water supply, wastewater treatment and the square footage of the facility; (2) the environmental consequences of the proposed action, including cumulative, direct and indirect effects which might result during and subsequent to the proposed action; (3) any adverse environmental effects which cannot be avoided and irreversible and irretrievable commitments of resources should the proposal be implemented; (4) alternatives to the proposed action, including the alternative of not proceeding with the proposed action and, in the case of a proposed facility, a list of all the sites controlled by or reasonably available to the sponsoring agency that would meet the stated purpose of such facility; (5) an evaluation of the proposed action's consistency and each alternative's consistency with the state plan of conservation and development, an evaluation of each alternative including, to the extent practicable, whether it avoids, minimizes or mitigates environmental impacts, and, where appropriate, a description of detailed mitigation measures proposed to minimize environmental impacts, including, but not limited to, where appropriate, a site plan; (6) an analysis of the short term and long term economic, social and environmental costs and benefits of the proposed action; (7) the effect of the proposed action on the use and conservation of energy resources; and (8) a description of the effects of the proposed action on sacred sites or archaeological sites of state or national importance. In the case of an action which affects existing housing, the evaluation shall also contain a detailed statement analyzing (A) housing consequences of the proposed action, including direct and indirect effects which might result during and subsequent to the proposed action by income group as defined in section 8-37aa and by race, and (B) the consistency of the housing consequences with the state's consolidated plan for housing and community development prepared pursuant to section 8-37t. As

used in this section, “sacred sites” and “archaeological sites” have the same meanings as provided in section 10-381.

(d) (1) The Council on Environmental Quality shall publish a document at least once a month to be called the Environmental Monitor which shall include any notices the council receives pursuant to sections 22a-1b to 22a-1i, inclusive, and shall include notice of the opportunity to request a public scoping meeting. Filings of such notices received by five o'clock p.m. on the first day of each month shall be published in the Environmental Monitor that is issued not later than ten days thereafter.

(2) The Council on Environmental Quality shall post the Environmental Monitor on its Internet site and distribute a subscription or a copy of the Environmental Monitor by electronic mail to any state agency, municipality or person upon request. The council shall also provide the Environmental Monitor to the clerk of each municipality for posting in its town hall.

(e) Any state department, institution or agency that conducts an environmental impact evaluation pursuant to subsection (c) of this section may enter into a contract with a person for the preparation of such evaluation, provided such department, institution or agency: (1) Guides such person in the preparation of such evaluation, (2) participates in the preparation of such evaluation, (3) independently reviews such evaluation prior to submitting such evaluation for comment pursuant to section 22a-1d, and (4) assures that any third party responsible for conducting any activity that is the subject of such evaluation is not a party to such contract. Such department, institution or agency may require any such third party responsible for conducting any activity that is the subject of such evaluation to remit a fee to such department, institution or agency in an amount sufficient to pay for the cost of hiring a person to prepare such evaluation in accordance with the provisions of this subsection.

Sec. 22a-1c. Actions which may significantly affect the environment. Definition. As used in sections 22a-1 to 22a-1i, inclusive, “actions which may significantly affect the environment” means individual activities or a sequence of planned activities proposed to be undertaken by state departments, institutions or agencies, or funded in whole or in part by the state, which could have a major impact on the state's land, water, air, historic structures and landmarks as defined in section 10-410, existing housing, or other environmental resources, or could serve short term to the disadvantage of long term environmental goals. Such actions shall include but not be limited to new projects and programs of state agencies and new projects supported by state contracts and grants, but shall not include (1) emergency measures undertaken in response to an immediate threat to public health or safety; or (2) activities in which state agency participation is ministerial in nature, involving no exercise of discretion on the part of the state department, institution or agency.

Sec. 22a-1d. Review of environmental impact evaluations. Notification to municipalities and agencies. (a) Environmental impact evaluations and a summary thereof, including any negative findings shall be submitted for comment and review to the Council on Environmental Quality, the Department of Energy and Environmental Protection, the Office of Policy and Management, the Department of Housing in the case of a proposed action that affects existing housing, and other appropriate agencies, and to the town clerk of each municipality affected thereby, and shall be made available to the public for inspection and comment at the same time. The sponsoring agency shall publish forthwith a notice of the availability of its environmental

impact evaluation and summary in a newspaper of general circulation in the municipality at least once a week for three consecutive weeks and in the Environmental Monitor. The sponsoring agency preparing an environmental impact evaluation shall hold a public hearing on the evaluation if twenty-five persons or an association having not less than twenty-five persons requests such a hearing within ten days of the publication of the notice in the Environmental Monitor.

(b) All comments received by the sponsoring agency and the sponsoring agency's responses to such comments shall be forwarded to the Secretary of the Office of Policy and Management.

(c) All comments and responses so forwarded to the Secretary of the Office of Policy and Management shall be available for public inspection.

Sec. 22a-1e. Review and determination by Office of Policy and Management. The Office of Policy and Management shall review all environmental impact evaluations together with the comments and responses thereon, and shall make a written determination as to whether such evaluation satisfies the requirements of this part and regulations adopted pursuant thereto, which determination shall be made public and forwarded to the agency, department or institution preparing such evaluation. Such determination may require the revision of any evaluation found to be inadequate. Any member of the Office of Policy and Management which has prepared an evaluation and submitted it for review shall not participate in the decision of the office on such evaluation. The sponsoring agency shall take into account all public and agency comments when making its final decision on the proposed action.

Sec. 22a-1f. Exceptions. (a) Environmental impact evaluations need not be prepared for projects for which environmental statements have previously been prepared pursuant to other state or federal laws or regulations, provided all such statements shall be considered and reviewed as if they were prepared under sections 22a-1a to 22a-1f, inclusive.

(b) Environmental impact evaluations shall not be required for the extension of the project otherwise known as the Connecticut River Interceptor Sewer Project, or a project, as defined in subdivision (16) of section 10a-109c, which involves the conversion of an existing structure for educational rather than office or commercial use.

(c) A constituent unit of the state system of higher education may provide for environmental impact evaluations for any priority higher education facility project, as defined in section 4b-55, or for any higher education project involving an expenditure of not more than two million dollars, by (1) reviewing and filing the evaluation for such project with the Office of Policy and Management for its review pursuant to section 22a-1e, or (2) including such project in a cumulative environmental impact evaluation approved by the Office of Policy and Management.

(d) Notwithstanding section 22a-1b, any environmental impact evaluation completed for proposed improvements for the Rentschler Field Development shall be deemed to include any industrial reinvestment project, as defined in subdivision (8) of subsection (a) of section 32-4m, including, but not limited to, any such planned or proposed project, any segment of such project and any state-certified industrial reinvestment project, as defined in subdivision (12) of subsection (a) of section 32-4m.

(e) Environmental impact evaluations shall not be required for actions in furtherance of the implementation of any approved program, as defined in 15 CFR Part 700, for the construction of nuclear submarines if such approved program has been given the priority rating of DX in accordance with said part on or before the effective date of this section under the United States Department of Defense Defense Priorities and Allocations System.

Sec. 22a-1g. Regulations. Within six months of October 1, 1977, the Commissioner of Energy and Environmental Protection shall adopt regulations to implement the provisions of sections 22a-1a to 22a-1f, inclusive. Such regulations shall include: (1) Specific criteria for determining whether or not a proposed action may significantly affect the environment; (2) provision for enumerating actions or classes of actions which are subject to the requirements of this part; (3) guidelines for the preparation of environmental impact evaluations, including the content, scope and form of the evaluations and the environmental, social and economic factors to be considered in such evaluations; and (4) procedures for timely and thorough state agency and public review and comment on all environmental impact evaluations required by this part and for such other matters as may be needed to assure effective public participation and efficient implementations of this part.

Sec. 22a-1h. Environmental impact evaluations. Until the adoption of regulations in accordance with the provisions of section 22a-1g, each state agency, department and institution shall prepare environmental impact evaluations in accordance with sections 22a-1b, 22a-1c and 22a-1d.

Sec. 22a-1i. Environmental contamination risk assessment by Department of Public Health. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly denotes otherwise:

(1) "Dose-response assessment" means the quantitative determination of the potency of the toxic agent under study and the incidence of biological effects and disease in humans and biological models.

(2) "Exposure assessment" means the determination of what exposures to the toxic agent under study are anticipated or experienced by the population under study.

(3) "Hazard identification" means the quantitative determination of whether the toxic agent under study can cause adverse effects in individuals or populations under study.

(4) "Risk assessment" means the use of various databases to estimate the human health effects of exposure of individuals or populations to various hazardous substances and situations. The risk assessment process includes, but is not limited to, hazard identification, dose response assessment, exposure assessment and risk characterization. Risk assessment shall not include normal day-to-day activities conducted by state agencies mandated under federal or state laws or regulations. Specifically, activities such as environmental permitting shall not be considered to constitute a risk assessment activity, unless otherwise defined as such in state or federal regulation.

(5) "Risk characterization" means the determination of the estimated population incidence of the adverse effect anticipated following exposure to the toxic agent under study.

(b) The Department of Public Health shall be the lead agency responsible for the risk assessment of human health regarding toxic substances identified in all environmental media, including, but not limited to, food, drinking water, soil and air.

(c) Risk assessments shall be conducted or reviewed by the Department of Public Health after the need for such risk assessments has been established by the state agency responsible for regulation of the given contamination. Such decisions on the need for risk assessments shall be made in consultation with the Department of Public Health. Nothing contained in this section shall hinder or dictate the authority of any state agency to decide when a risk assessment is required.

Sec. 22a-2. Definitions. Commissioner of Energy and Environmental Protection. Permitted delegations of authority. (a) As used in this title and chapters 263, 268, 348, 360, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and 495, except where otherwise provided, "commissioner" means the Commissioner of Energy and Environmental Protection or his or her designated agent. The Commissioner of Energy and Environmental Protection shall have the authority to designate as his or her agent (1) any deputy commissioner to exercise all or part of the authority, powers and duties of said commissioner in his or her absence, (2) any deputy commissioner or any employee, assistant or agent employed pursuant to section 22a-4 to exercise such authority of the Commissioner of Energy and Environmental Protection as he or she delegates for the administration or enforcement of any applicable statute, regulation, permit or order, (3) the Commissioner of Emergency Services and Public Protection and any local air pollution control official or agency to exercise such authority as the Commissioner of Energy and Environmental Protection delegates for the enforcement of any applicable statute, regulation, order or permit pertaining to air pollution, except the authority to render a final decision, after a hearing, assessing a civil penalty under said section 22a-6b, and (4) any municipal police department the authority to enforce the provisions of chapters 268 and 490.

(b) As used in this chapter, and chapters 263, 268, 348, 360, 440, 446d, 446i, 446k, 447, 448, 449, 452, 462, 474, 476, 477, 478, 479, 490 and 495, except where otherwise provided, "person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, nonstock corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

Sec. 22a-2a. Delegation of inspection and enforcement authority. Regulations. (a) The Commissioner of Energy and Environmental Protection may designate as his agent any state or regional agency, municipality, or public water utility operated by a municipality or other political subdivision of the state or employee thereof and delegate to such agent the authority to inspect in connection with the enforcement of or to enforce any of the provisions of chapters 246, 247, 248, 255 and 268, sections 22a-28 to 22a-35, inclusive, subsection (c) of section 22a-66a, section 22a-123, sections 22a-207 to 22a-219, inclusive, section 22a-250, sections 22a-359 to 22a-361, inclusive, chapters 442, 446c and 446k, title 23, title 26, sections 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, and 53a-100 to 53a-117, inclusive, subsection (b) of section 53a-119b, sections 53a-122 to 53a-125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183, inclusive, 54-33d, 54-33e and subsection (b) of section 22a-134p or any regulation, permit or order issued pursuant thereto, except the authority to render a final decision, after a hearing, assessing a civil penalty in

accordance with the provisions of section 22a-6b. Any designation of authority by the commissioner shall be with the consent of such state or regional agency, municipality or public water utility operated by a municipality or other political subdivision of the state. Delegation of authority to an agent of such a public water utility shall be limited to inspection authority and such delegation shall include provision for training of inspectors, in a manner specified by the Commissioner of Energy and Environmental Protection. The expense for such training shall be borne by the designated public water utility seeking such designation.

(b) The Commissioner of Energy and Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 and this section setting forth the scope of any delegation and any authority not specifically included shall be deemed not to have been delegated. The regulations shall include but not be limited to: (1) Procedures for requesting and accepting any delegation; (2) qualifications and standards of conduct for a designee; (3) training and reporting requirements for a designee; (4) the time period during which any delegation shall be valid and a renewal period; (5) procedures for review of the performance of a designee and for revocation of a delegation; (6) procedures for review and assessment of the benefits and liabilities to the Department of Energy and Environmental Protection of delegation including analysis of the administrative and financial costs; and (7) criteria and procedures for appeal to the Commissioner of Energy and Environmental Protection of any decision by a designee acting within the scope of the delegation.

(c) Prior to adoption of such regulations, the Commissioner of Energy and Environmental Protection shall consider: (1) Whether a potential designee has or can obtain knowledge and training to carry out the delegated authority; (2) whether the delegated authority is within the jurisdiction of a potential designee pursuant to any other statute, regulation or local ordinance; and (3) whether a potential designee has the financial and administrative capacity to carry out the delegation.

(d) Notwithstanding any delegation of authority pursuant to this section, the Commissioner of Energy and Environmental Protection shall retain authority to act under the provisions of said sections and any decision by the commissioner shall preempt the decision of a designee.

Sec. 22a-2b. "Criminal negligence" defined. For purposes of this title, "criminal negligence" has the same meaning as provided in subdivision (14) of section 53a-3.

Sec. 22a-2c. Office of Business Ombudsman. There is established within the Department of Energy and Environmental Protection the Office of Business Ombudsman. Such office shall provide information to businesses on environmental programs and requirements, including information on permits, and shall coordinate and serve as a liaison between the department and programs affecting businesses.

Sec. 22a-2d. Department of Energy and Environmental Protection. Jurisdiction. Goals. Public Utilities Regulatory Authority. Commissioner. Bureaus. Successor department. (a) There is established a Department of Energy and Environmental Protection, which shall have jurisdiction relating to the preservation and protection of the air, water and other natural resources of the state, energy and policy planning and regulation and advancement of telecommunications and related technology. For the purposes of energy policy and regulation, the department shall

have the following goals: (1) Reducing rates and decreasing costs for Connecticut's ratepayers, (2) ensuring the reliability and safety of our state's energy supply, (3) increasing the use of clean energy and technologies that support clean energy, and (4) developing the state's energy-related economy. For the purpose of environmental protection and regulation, the department shall have the following goals: (A) Conserving, improving and protecting the natural resources and environment of the state, and (B) preserving the natural environment while fostering sustainable development. The Public Utilities Regulatory Authority within the department shall be responsible for all matters of rate regulation for public utilities and regulated entities under title 16 and shall promote policies that will lead to just and reasonable utility rates. The department head shall be the Commissioner of Energy and Environmental Protection who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive, with the powers and duties therein prescribed. The Department of Energy and Environmental Protection shall establish bureaus, one of which shall be designated an energy bureau.

(b) The Department of Energy and Environmental Protection shall constitute a successor department to the Department of Environmental Protection and the Department of Public Utility Control in accordance with the provisions of sections 4-38d, 4-38e and 4-39.

Sec. 22a-3. Divisions. Deputy commissioners. Section 22a-3 is repealed.

Sec. 22a-4. Agents, assistants, employees, consultants. The commissioner may, subject to the provisions of chapter 67, employ such agents, assistants and employees as he deems necessary to carry out his duties and responsibilities. He may retain and employ other consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice.

Sec. 22a-5. Duties and powers of commissioner. The commissioner shall carry out the energy and environmental policies of the state and shall have all powers necessary and convenient to faithfully discharge this duty. In addition to and consistent with the environment policy of the state, the commissioner shall (1) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; (2) provide for the protection and management of plants, trees, fish, shellfish, wildlife and other animal life of all types, including the preservation of endangered species; (3) provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area preserves; (4) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines; (5) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulates, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; (6) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources; (7) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices; (8) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; (9) provide for minimum state-wide standards for the mining, extraction, excavation or removal of earth materials of all types; (10) develop a comprehensive energy plan for the state; (11) transition the state to cleaner, more diverse and sustainable sources of energy;

and (12) create opportunities for innovation and technological advances in conserving energy and reducing costs.

Sec. 22a-5a. Orders. Authority of commissioner to investigate. Except as otherwise provided, whenever any section in this title authorizes the commissioner to order a person to abate, correct or remedy any violation, condition, pollution or potential source of pollution, such order may require investigation, study, data gathering or monitoring as the commissioner deems appropriate to assure that the violation, condition or pollution is abated, corrected or remedied.

Sec. 22a-5b. Special funds and accounts administered by the department. Report required. On or before February fifteenth, annually, the Commissioner of Energy and Environmental Protection shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, through the legislative Office of Fiscal Analysis. The report shall set forth, for the current and the ensuing fiscal year, the estimated expenditure requirements and estimated revenue for each special fund or special account administered by the Department of Energy and Environmental Protection. The report shall also set forth, for such fiscal years, for each program which receives funds from a special fund or account: The number of positions funded by such fund or account, the estimated expenditures for personal services, other expenses and equipment, and estimated revenue.

Sec. 22a-5c. Filing of orders on land records. Fifteen-year limit for certain orders. (a) When an order issued by the Commissioner of Energy and Environmental Protection to any person pursuant to section 22a-6, 22a-6b, 22a-7, 22a-108 or 22a-363f to correct, abate or penalize any violation of section 22a-32, 22a-92 or 22a-361 or any certificate or permit issued under section 22a-6, 22a-6b, 22a-7, 22a-32, 22a-92, 22a-108, 22a-361 or 22a-363f becomes final, the commissioner shall cause a certified copy or notice of the final order to be filed on the land records in the town in which the land is located. Such certified copy or notice shall constitute a notice to the owner's heirs, successors and assigns. When the order is complied with or revoked, the commissioner shall issue a certificate showing such compliance or revocation, which certificate the commissioner shall cause to be recorded on the land records in the town in which the order was previously recorded. A certified copy of the certificate showing such compliance or revocation shall be sent to the owner at the owner's last-known post office address.

(b) No order issued by the Commissioner of Energy and Environmental Protection pursuant to section 22a-6b shall continue in force for a longer period than fifteen years after the order has been issued unless the commissioner has taken judicial action to enforce such order. Any order for which the commissioner has not taken judicial action shall be invalid and discharged as a matter of law after the expiration of the fifteen-year period.

Sec. 22a-5d. Improvements upon real property donated to the department. Standard of maintenance. Economic impracticability. Any improvement upon real property that is donated to the Department of Energy and Environmental Protection shall be maintained by the department in a safe, sanitary and secure condition that is, at a minimum, equivalent to the condition of such improvement at the time of such donation. In the event that the cost of such maintenance becomes economically impracticable for said department, the department shall raze such structure and restore the real property to its natural condition.

Sec. 22a-6. Commissioner to establish environmental standards, regulations and fees, to make contracts and studies and to issue permits. Complaints. Hearings. Bonds. Notice of contested cases. Fee waivers. Public notices on department's Internet web site. (a) The commissioner may: (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out the department's functions, powers and duties; (2) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department; (3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by the department. The commissioner shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the department; (4) in accordance with regulations adopted by the department, require, issue, renew, revoke, modify or deny permits, under such conditions as the commissioner may prescribe, governing all sources of pollution in Connecticut within the department's jurisdiction; (5) in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by the department and the owner, managing agent or occupant of any such property shall permit such entry, and no action for trespass shall lie against the commissioner for such entry, or the commissioner may apply to any court having criminal jurisdiction for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit administered, adopted or enforced by the department, provided any information relating to secret processes or methods of manufacture or production ascertained by the commissioner during, or as a result of, any inspection, investigation, hearing or otherwise shall be kept confidential and shall not be disclosed except that, notwithstanding the provisions of subdivision (5) of subsection (b) of section 1-210, such information may be disclosed by the commissioner to the United States Environmental Protection Agency and the Nuclear Regulatory Commission pursuant to the federal Freedom of Information Act of 1976, (5 USC 552) and regulations adopted thereunder or, if such information is submitted after June 4, 1986, to any person pursuant to the federal Clean Water Act (33 USC 1251 et seq.); (6) undertake any studies, inquiries, surveys or analyses the commissioner may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the functions, powers and duties of the commissioner; (7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order; (8) provide by notice printed on any form that any false statement made thereon or pursuant thereto is punishable as a criminal offense under section 53a-157b; (9) construct or repair or contract for the construction or repair of any dam or flood and erosion control system under the department's control and management, make or contract for the making of any alteration, repair or addition to any other real asset under the department's control and management, including rented or leased premises, involving an expenditure of five hundred thousand dollars or less, and, with prior approval of the Commissioner of Administrative Services, make or contract for the making of any alteration, repair or addition to such other real asset under the department's control and management involving an expenditure of more than five hundred thousand dollars but not more than one million dollars; (10) in consultation with affected town and watershed organizations, enter into a lease agreement with a private entity owning a facility to allow the private entity to generate

hydroelectricity provided the project meets the certification standards of the Low Impact Hydropower Institute; (11) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of the search, duplication and review of records requested under the Freedom of Information Act, as defined in section 1-200, and the reasonable cost of reviewing and acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval required pursuant to subsection (i) of section 22a-39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k) of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC 1341). Such costs may include, but are not limited to the costs of (A) public notice, (B) reviews, inspections and testing incidental to the issuance of and monitoring of compliance with such permits, licenses, orders, certificates and approvals, and (C) surveying and staking boundary lines. The applicant shall pay the fee established in accordance with the provisions of this section prior to the final decision of the commissioner on the application. The commissioner may postpone review of an application until receipt of the payment. Payment of a fee for monitoring compliance with the terms or conditions of a permit shall be at such time as the commissioner deems necessary and is required for an approval to remain valid; and (12) by regulations adopted in accordance with the provisions of chapter 54, require the payment of a fee sufficient to cover the reasonable cost of responding to requests for information concerning the status of real estate with regard to compliance with environmental statutes, regulations, permits or orders. Such fee shall be paid by the person requesting such information at the time of the request. Funds not exceeding two hundred thousand dollars received by the commissioner pursuant to subsection (g) of section 22a-174, during the fiscal year ending June 30, 1985, shall be deposited in the General Fund and credited to the appropriations of the Department of Energy and Environmental Protection in accordance with the provisions of section 4-86, and such funds shall not lapse until June 30, 1986. In any action brought against any employee of the department acting within the scope of delegated authority in performing any of the above-listed duties, the employee shall be represented by the Attorney General.

(b) Notwithstanding the provisions of subsection (a) of this section no municipality shall be required to pay more than fifty per cent of any fee established by the commissioner pursuant to said subsection.

(c) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing a separate fee schedule for the payment of fees by municipalities. The schedule of fees paid by municipalities pursuant to section 22a-430 shall be graduated and reflect the sum of the average daily flows of wastewater in a municipality applying for a permit.

(d) The Commissioner of Energy and Environmental Protection shall provide notice of any proceeding involving a specific site if any decision by the commissioner concerning such site is contested. The notice shall be sent to the chief executive officer of the municipality in which such site is located and to each member of the legislature in whose district such site is located. A copy of such notice shall be made a part of the record of any other proceeding before the commissioner on such site.

(e) Whenever the commissioner issues an order to enforce any statute, regulation, permit or order administered or issued by him, any person or municipality aggrieved by such order may, except as otherwise provided by law, request a hearing before the commissioner within thirty days from the date such order is sent. Such hearing shall be conducted in accordance with the procedures provided by chapter 54.

(f) The provisions of sections 22a-45a and 22a-174, subsection (r) of section 22a-208a, sections 22a-349a, 22a-354p, 22a-378a, 22a-411 and 22a-430b and subsection (d) of section 22a-454 which authorize the issuance of general permits shall not affect the authority of the commissioner, under any statute or regulation, to abate pollution or to enforce the laws under his jurisdiction, including the authority to institute legal proceedings. Such proceedings may include summary suspension in accordance with subsection (c) of section 4-182. The commissioner may reissue, modify, revoke or suspend any general permit in accordance with the procedures set forth for the issuance of such permit.

(g) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, establishing a schedule of subscription fees to cover the reasonable cost to the Department of Energy and Environmental Protection of responding to requests for notices of applications for permits and other licenses and tentative determinations thereon issued by the commissioner.

(h) The commissioner may adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. All provisions of such regulations which differ from federal standards or procedures shall be clearly distinguishable from such standards or procedures either on the face of the proposed regulation or through supplemental documentation accompanying the proposed regulation at the time of the notice concerning such regulation required under section 4-168. An explanation for all such provisions shall be included in the regulation-making record required under chapter 54 and shall be publicly available at the time of the notice concerning the regulation required under section 4-168. This subsection shall apply to any regulation for which a notice of intent to adopt is published on and after July 1, 1999.

(i) Notwithstanding the provisions of subsection (a) of this section, no person shall be required to pay any fee established by the commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a or 22a-134e for any new or pending application, provided such person has received financial assistance from any department, institution, agency or authority of the state for the purpose of investigation or remediation, or both, of a brownfield, as defined in section 32-760, and such activity would otherwise require a fee to be paid to the commissioner for the activity conducted with such financial assistance.

(j) Notwithstanding the provisions of subsection (a) of this section, no department, institution, agency or authority of the state or the state system of higher education shall be required to pay any fee established by the commissioner pursuant to section 22a-133x, 22a-133aa, 22a-134a or 22a-134e for any new or pending application, provided such division of the state is conducting an investigation or remediation, or both, of a brownfield, as defined in section 32-760, and siting a state facility on such brownfield site.

(k) Notwithstanding the provisions of subsection (a) of this section, no person shall be required to pay any fee associated with a brownfield, as defined in section 32-760, due to the commissioner resulting from the actions of another party prior to their acquisition of such brownfield, provided such person intends to investigate and remediate such brownfield.

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

Sec. 22a-6a. Violators liable to state for costs and expenses. Statutory remedy not exclusive of others. (a) Any person who knowingly or negligently violates any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 or 22a-7, chapter 440, chapter 441, section 22a-69 or 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-150, inclusive, 22a-153, 22a-154, 22a-157, 22a-158, 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, 22a-362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the Commissioner of Energy and Environmental Protection shall be liable to the state for the reasonable costs and expenses of the state in detecting, investigating, controlling and abating such violation. Such person shall also be liable to the state for the reasonable costs and expenses of the state in restoring the air, waters, lands and other natural resources of the state, including plant, wild animal and aquatic life to their former condition insofar as practicable and reasonable, or, if restoration is not practicable or reasonable, for any damage, temporary or permanent, caused by such violation to the air, waters, lands or other natural resources of the state, including plant, wild animal and aquatic life and to the public trust therein. Institution of a suit to recover for such damage, costs and expenses shall not preclude the application of any other remedies.

(b) Whenever two or more persons knowingly or negligently violate any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 or 22a-7, chapter 440, chapter 441, subsection (b) of section 22a-134p, section 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, 22a-362, 22a-365 to 22a-379, inclusive, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the commissioner and responsibility for the damage caused thereby is not reasonably apportionable, such persons shall, subject to a right of equal contribution, be jointly and severally liable under this section.

(c) Any person whose acts outside Connecticut contribute to environmental damage in Connecticut shall be subject to suit under this section if such person is subject to in personam jurisdiction within this state pursuant to section 52-59b, or if such person, in person or through an agent, expects or should reasonably expect his acts outside this state to have an effect upon the environment in this state and process upon any such person shall be served in the manner set forth in section 52-59b.

Sec. 22a-6b. Imposition of civil penalties by the commissioner. (a) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to establish a schedule setting forth the amounts, or the ranges of amounts, or a method for calculating the amount of the civil penalties which may become due under this section. Such schedule or method may be amended from time to time in the same manner as for adoption provided any such regulations which become effective after July 1, 1993, shall only apply to violations which occur after said date. The civil penalties established for each violation shall be of such amount as to insure immediate and continued compliance with applicable laws, regulations, orders and permits. Such civil penalties shall not exceed the following amounts:

(1) For failure to file any registration, other than a registration for a general permit, for failure to file any plan, report or record, or any application for a permit, for failure to obtain any certification, for failure to display any registration, permit or order, or file any other information required pursuant to any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b) of section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted or issued thereunder by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than one thousand dollars for said violation and in addition no more than one hundred dollars for each day during which such violation continues;

(2) For deposit, placement, removal, disposal, discharge or emission of any material or substance or electromagnetic radiation or the causing of, engaging in or maintaining of any condition or activity in violation of any provision of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b) of section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted thereunder by the commissioner, and for other

violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(3) For violation of the terms of any final order of the commissioner, except final orders under subsection (d) of this section and emergency orders and cease and desist orders as set forth in subdivision (4) of this subsection, for violation of the terms of any permit issued by the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(4) For violation of any emergency order or cease and desist order of the commissioner, and for other violations of similar character as set forth in such schedule or schedules, no more than twenty-five thousand dollars for said violation for each day during which such violation continues;

(5) For failure to make an immediate report required pursuant to subdivision (3) of subsection (a) of section 22a-135, or a report required by the department pursuant to subsection (b) of section 22a-135, no more than twenty-five thousand dollars per violation per day;

(6) For violation of any provision of the state's hazardous waste program, no more than twenty-five thousand dollars per violation per day;

(7) For wilful violation of any condition imposed pursuant to section 26-313 which leads to the destruction of, or harm to, any rare, threatened or endangered species, no more than ten thousand dollars per violation per day;

(8) For violation of any provision of sections 22a-608 to 22a-611, inclusive, no more than the amount established by Section 325 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313, inclusive, of said act.

(b) In adopting regulations regarding any schedule or methods prescribed by this section, the commissioner shall consider:

(1) The amount or ranges of amounts of assessment necessary to insure immediate and continued compliance;

(2) The character and degree of impact of the violation on the natural resources of the state, especially any rare or unique natural phenomena;

(3) The conduct of the person incurring the civil penalty in taking all feasible steps or procedures necessary or appropriate to comply or to correct the violation;

(4) Any prior violations by such person of statutes, regulations, orders or permits administered, adopted or issued by the commissioner;

(5) The economic and financial conditions of such person;

(6) The economic benefit which such person derived as a result of the violation;

(7) The character and degree of injury to, or interference with, public health, safety or welfare which is caused or threatened to be caused by such violation;

(8) The character and degree of injury or impairment to, or interference with, reasonable use of property which is caused or threatened to be caused by such violation;

(9) The character and degree of injury or impairment to, or interference with, the public trust in the air, water, land and other natural resources of the state;

(10) To the extent consistent with applicable law, any other factors the commissioner deems appropriate, including voluntary measures taken by such person to prevent pollution or enhance or preserve natural resources;

(11) In the case of violation of the provisions of subdivision (3) of subsection (a) of section 22a-135, the apparent seriousness of the release, occurrence, incident or other circumstance at the time it first became known to the licensee or any employee of such licensee, the extent of the delay from the time such licensee or employee had or in the exercise of reasonable care should have had knowledge of such release, occurrence, incident or circumstance until its reporting by the licensee in accordance with this subsection, subsection (a) of this section and section 22a-135, and the conduct of the licensee in taking all necessary steps to prevent future violations of the provisions of said subdivision.

(c) If the commissioner has reason to believe that a violation has occurred for which a civil penalty is authorized by this section, he may send to the violator, by certified mail, return receipt requested, or personal service, a notice which shall include:

(1) A reference to the sections of the statute, regulation, order or permit involved;

(2) A short and plain statement of the matters asserted or charged;

(3) A statement of the amount of the civil penalty or penalties or the method for calculating the penalty or penalties to be imposed upon finding after hearing that a violation has occurred or upon a default; and

(4) A statement of the party's right to a hearing.

(d) The person to whom the notice is addressed shall have thirty days from the date of receipt of the notice in which to deliver to the commissioner written application for a hearing. If a hearing is requested then, after a hearing and upon a finding that a violation has occurred, the commissioner may issue a final order assessing a civil penalty under this section which is not greater than the penalty stated in the notice. The commissioner may amend a notice of assessment at any time before such notice becomes final, provided the person to whom the notice is addressed shall have thirty days from the date of receipt of such amendment in which to deliver to the commissioner a written application for a hearing on such amendment, and provided further the commissioner may amend a notice of assessment after a hearing has begun only with the permission of the hearing officer. If such a hearing is not so requested, or if such a request is later withdrawn, then the notice shall, on the first day after the expiration of such twenty-day period or on the first day after the withdrawal of such request for hearing, whichever is later, become a final order of the

commissioner and the matters asserted or charged in the notice shall be deemed admitted unless modified by consent order, which shall be a final order. Any civil penalty may be mitigated by the commissioner upon such terms and conditions as the commissioner in the commissioner's discretion deems proper or necessary upon consideration of the factors set forth in subsection (b) of this section.

(e) All hearings under this section shall be conducted pursuant to sections 4-176e to 4-184, inclusive. The final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183, except that any such appeal shall be taken to the superior court for the judicial district of New Britain and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any notice of assessment or final order of the commissioner assessing a civil penalty shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice, permit, denial or other final decision by the commissioner. Any civil penalty authorized by this section shall become due and payable (1) at the time of receipt of a final order in the case of a civil penalty assessed in such order after a hearing, (2) on the first day after the expiration of the period in which a hearing may be requested if no hearing is requested, or (3) on the first day after any withdrawal of a request for hearing.

(f) Any person acting within the terms and conditions of a final order or permit issued to him by the commissioner shall not be subject to a civil penalty, under this section, for such actions.

(g) A civil penalty assessed in a final order of the commissioner under this section may be enforced in the same manner as a judgment of the Superior Court. Such final order shall be served in person or by certified mail, return receipt requested. Any notice of violation or final order against a private corporation shall be served upon at least one of the individuals enumerated in section 52-57. After entry, a transcript of such final order may be filed by the commissioner, without requiring the payment of costs as a condition precedent to such filing, in the office of the clerk of the superior court in any one or more of the following judicial districts: Any judicial district in which the respondent resides, any judicial district in which the respondent has a place of business, any judicial district in which the respondent owns real property and any judicial district in which any real property which is a subject of the proceedings is located; or, if the respondent is not a resident of the state of Connecticut, in the judicial district of Hartford. Upon such filing, such clerk or clerks shall docket such order in the same manner and with the same effect as a judgment entered in the superior court within the judicial district. Upon such docketing, such order may be enforced as a judgment of such court.

(h) The provisions of this section, sections 22a-2, 22a-6, 22a-6a, 22a-7, sections 22a-428, subsection (d) of section 22a-430, sections 22a-431, 22a-432, 22a-433, 22a-437 and subsections (b) and (c) of section 22a-459 are in addition to and in no way derogate from any other enforcement provisions contained in any statute administered by the commissioner. The powers, duties and remedies provided in such other statutes, and the existence of or exercise of any powers, duties or remedies hereunder or thereunder shall not prevent the commissioner from exercising any other powers, duties or remedies provided herein, therein, at law or in equity.

(i) No penalty shall be assessed pursuant to this section which exceeds two hundred thousand dollars or such other amount as may be provided by federal law.

Sec. 22a-6c. Hearing on orders concerning solid waste. Section 22a-6c is repealed.

Sec. 22a-6d. Payment of costs associated with hearing and transcript. In any pending or future proceeding on an application for any department license, (1) the applicant shall pay all costs of recording and transcribing the hearing if a transcript is required by law, and (2) any applicant who receives a copy of a transcript of the hearing made at the department's expense shall pay to the department all expenses incurred by the department in having such transcript made. In any pending or future proceeding on a department order to enforce any statute, regulation, permit or order administered or issued by the commissioner, the respondent or other person taking an appeal from a final decision of the commissioner shall pay all costs of recording and transcribing the hearing if a transcript is required by law. Upon a showing of indigency by such respondent or person, the court may waive payment of such costs, in which case the commissioner shall pay them.

Sec. 22a-6e. Imposition of civil penalties by the commissioner for water pollution violations. (a) Notwithstanding the provisions of subsections (a) and (b) of section 22a-6b, the Commissioner of Energy and Environmental Protection, not later than August 1, 1992, shall publish notice of intent to adopt regulations, in accordance with the provisions of chapter 54, to establish administrative civil penalties for violation of specified effluent limitations imposed pursuant to chapter 446k and for failure to submit a timely and sufficient discharge monitoring report pursuant to said chapter. In establishing such regulations, the commissioner shall consider the character and degree of injury or impairment to, or interference with, (1) the public health, safety or welfare, (2) the public trust in the water and other natural resources, and (3) the reasonable use of property which is caused or threatened to be caused by the violation. Such regulations shall provide that if the alleged violator is a municipality, the commissioner shall consider whether the municipality has adopted a facilities plan, has entered into contracts for projects which would bring the municipality into compliance with the provisions of chapter 446k or is otherwise in compliance with any order of the commissioner. Such regulations shall provide for administrative civil penalties which are of an amount sufficient to insure immediate and continued compliance, but shall not exceed twenty-five thousand dollars per day for each violation.

(b) The commissioner, or his designee, shall render a final decision to assess the administrative civil penalties established pursuant to this section, and shall collect such penalties, in accordance with the procedures specified in subsections (c) to (g), inclusive, of section 22a-6b. The commissioner may amend a notice of assessment at any time before such notice becomes final, provided the person to whom the notice is addressed shall have thirty days from the date of receipt of such amendment in which to deliver to the commissioner a written application for a hearing on such amendment, and provided further the commissioner may amend a notice of assessment after a hearing has begun only with the permission of the hearing officer. No challenge to any notice of civil penalty assessment shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice permit, denial or other final decision by the commissioner.

(c) The provisions of this section are in addition to and in no way derogate any other enforcement provisions contained in any statute administered by the commissioner. The powers, duties and remedies provided in such other statutes, and the existence of or exercise of any powers, duties or remedies hereunder or thereunder shall not prevent the commissioner from exercising any other powers, duties or remedies provided herein, therein, at law or in equity.

Sec. 22a-6f. Fees. Due dates. Late payments. Application. Waiver. (a) Each annual fee charged by the Commissioner of Energy and Environmental Protection pursuant to the general statutes shall be due on or before July first of each year, unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. The fee for late payment of an annual fee charged by said commissioner pursuant to the general statutes shall be ten per cent of the annual fee due, plus one and one-quarter per cent per month or part thereof that the annual fee remains unpaid. Each permit fee and permit application fee charged by the commissioner pursuant to the general statutes is due upon the submission of the permit application, unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. Each permit fee and permit application fee payable to the commissioner shall apply equally to the issuance, renewal, modification and transfer of a permit unless otherwise specified in the general statutes or in regulations adopted pursuant thereto. The commissioner may waive any fee payable to him as it applies to the activities of an agency, board, commission, council or department of the state, provided such agency, board, commission, council or department compensates the Department of Energy and Environmental Protection in an amount equal to such fee pursuant to a written agreement.

(b) Notwithstanding any provision of the general statutes or any regulation adopted under this title, on and after August 20, 2003, each fee in effect pursuant to regulations adopted pursuant to any section of this title that is greater than one hundred dollars shall be increased by fifty per cent and all such fees of one hundred dollars or less shall be doubled, provided no such fee shall be less than one hundred dollars.

(c) Notwithstanding the provisions of subsection (b) of this section: (1) The fees and annual adjustment for Title V emissions shall be assessed pursuant to the regulations adopted under section 22a-174; (2) each fee imposed pursuant to a general permit, in effect on or before August 20, 2003, shall be double the amount specified in such permit; and (3) each fee imposed pursuant to a certificate of permission, issued in accordance with section 22a-363b, shall be double the amount in effect on or before August 20, 2003.

(d) Notwithstanding any provision of the general statutes or any regulation adopted under this title, on and after October 1, 2009, any fee in effect pursuant to regulations adopted pursuant to any section of this title that is greater than one thousand dollars shall be increased by two hundred fifty dollars, any such fee that is greater than or equal to one hundred fifty dollars, but less than or equal to one thousand dollars, shall be increased by twenty-five per cent and rounded up to the nearest whole five-dollar increment and any such fee of less than one hundred fifty dollars shall be doubled. Any such fee contained in this title shall not be less than one hundred dollars.

(e) Unless otherwise specified in a general permit, the registration fee for a general permit shall be as follows: (1) If the person intending to engage in the regulated activity is required to register with the Department of Energy and Environmental Protection and obtain approval of the registration before the activity is authorized, one thousand two hundred fifty dollars; or (2) if the person intending to engage in the regulated activity is only required to register with the Department of Energy and Environmental Protection before the activity is authorized, six hundred twenty-five dollars. No fee for a general permit shall exceed six thousand two hundred fifty dollars.

(f) Unless otherwise established by regulations adopted pursuant to section 22a-354i, the fee for a permit of a regulated activity, as described in section 22a-354i, shall be one thousand dollars and the fee to register such regulated activity with the Department of Energy and Environmental Protection, pursuant to section 22a-354i, shall be five hundred dollars.

(g) The fee for a consolidated general permit issued in accordance with more than one section of this title shall be specified in such general permit and shall not exceed the total sum for individual general permits, as authorized pursuant to subdivision (2) of subsection (c) of this section.

Sec. 22a-6g. Notice of application for permit. Exemptions. (a) Any person who submits an application to the Commissioner of Energy and Environmental Protection for any permit or other license pursuant to section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368, 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of the federal Water Pollution Control Act (33 USC 466 et seq.), except an application for authorization under a general permit shall: (1) Publish notice of such application in a newspaper of general circulation in the affected area and on the Internet web site used for local land use decisions in the municipality where such property is located. Such notice shall also be published on the Internet web site of the Department of Energy and Environmental Protection; (2) notify the chief elected official of the municipality in which the regulated activity is proposed; and (3) include with such application a copy of such notice as it appeared in the newspaper or municipal land use Internet web site and a signed statement certifying that the applicant notified the chief elected official of the municipality in which such regulated activity is proposed. Such notices shall include: (A) The name and mailing address of the applicant and the address of the location at which the proposed activity will take place; (B) the application number, if available; (C) the type of permit sought, including a reference to the applicable statute or regulation; (D) a description of the activity for which a permit is sought; (E) a description of the location of the proposed activity and any natural resources affected thereby; (F) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; and (G) a statement that the application is available for inspection at the office of the Department of Energy and Environmental Protection. The commissioner shall not process an application until the applicant has submitted to the commissioner a copy of the notice and the signed statement required by this section. Any person who submits an application pursuant to section 22a-32 or 22a-361 shall additionally mail such notice to any land owner of record for any property that is located five hundred feet or less from the property line of the property on which such proposed activity will occur. The provisions of this section shall not apply to discharges exempted from the notice requirement by the commissioner pursuant to subsection (b) of section 22a-430, to hazardous waste transporter permits issued pursuant to section 22a-454 or to special waste authorizations issued pursuant to section 22a-209 and regulations adopted thereunder.

(b) Notwithstanding any other provision of this title or any regulation adopted pursuant to this title, the following applications are exempt from the provisions of subsection (a) of this section: (1) An application for authorization under a general permit; (2) an application for a minor permit modification for sources permitted under Title V of the federal Clean Air Act Amendments of 1990 in accordance with 40 CFR 70.7; and (3) an application for a minor permit modification or revision if the Commissioner of Energy and Environmental Protection has adopted regulations, in accordance with the provisions of chapter 54, establishing criteria to delineate applications for

minor permit modifications or revisions from those applications subject to the requirements of subsection (a) of this section.

Sec. 22a-6h. Notice of tentative determination re permit application. Request for hearing on federal Water Pollution Control Act application. (a) The Commissioner of Energy and Environmental Protection, at least thirty days before approving or denying an application under section 22a-32, 22a-39, 22a-174, 22a-208a, 22a-342, 22a-361, 22a-368, 22a-403 or 22a-430, subsection (b) or (c) of section 22a-449, section 22a-454 or Section 401 of the federal Water Pollution Control Act (33 USC 466 et seq.), shall publish or cause to be published, at the applicant's expense, once in a newspaper having a substantial circulation in the affected area and, if such application pertains to a single-family residential property, on the Internet web site used for local land use decisions in the municipality where such property is located and on the Internet web site of the Department of Energy and Environmental Protection notice of the commissioner's tentative determination regarding such application. Such notice shall include: (1) The name and mailing address of the applicant and the address of the location of the proposed activity; (2) the application number; (3) the tentative decision regarding the application; (4) the type of permit or other authorization sought, including a reference to the applicable statute or regulation; (5) a description of the location of the proposed activity and any natural resources affected thereby; (6) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; (7) a brief description of all opportunities for public participation provided by statute or regulation, including the length of time available for submission of public comments to the commissioner on the application; and (8) such additional information as the commissioner deems necessary to comply with any provision of this title or regulations adopted hereunder, or with the federal Clean Air Act, federal Clean Water Act or federal Resource Conservation and Recovery Act. The commissioner shall further give notice of such determination to the chief elected official of the municipality in which the regulated activity is proposed. Nothing in this section shall preclude the commissioner from giving such additional notice as may be required by any other provision of this title or regulations adopted hereunder, or by the federal Clean Air Act, federal Clean Water Act or federal Resource Conservation and Recovery Act. The provisions of this section shall not apply to discharges exempted from the notice requirement by the commissioner pursuant to subsection (b) of section 22a-430, to hazardous waste transporter permits issued pursuant to section 22a-454 or to special waste authorizations issued pursuant to section 22a-209 and regulations adopted thereunder.

(b) For the purposes of this section, “application” means a request for a license or renewal thereof or for any permit or modification of a license or permit or renewal thereof if the modification is sought by the licensee.

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

(d) Not later than thirty days after the date on which the commissioner publishes or causes to be published notice of the commissioner's tentative determination regarding an application under Section 401 of the federal Water Pollution Control Act, 33 USC 466, such applicant may submit a written request to the commissioner to conduct a hearing on such application in accordance with the provisions of chapter 54. The commissioner shall grant any such request provided such request is submitted in writing and filed in a timely manner. Any person that is aggrieved by the commissioner's final decision on such application may appeal such decision to the Superior Court, in accordance with section 4-183.

Sec. 22a-6i. Information re time frames for issuance of permits. Between July 1, 1994, and October 1, 1996, inclusive, the Commissioner of Energy and Environmental Protection shall make available, in writing, to any person applying for any permit for any activity regulated under this title, information regarding the time frames established by the department to (1) determine the sufficiency of the application, (2) determine the sufficiency of any application previously returned to the applicant for reason of insufficiency, and (3) issue a tentative decision regarding the application. On or before July 1, 1994, the commissioner shall compile all such information, including the number of permit applications received and the percentage of such applications acted upon in accordance with each such time frame, into a written report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment and shall, on a quarterly basis until October 1, 1996, report any changes in such information to said committee.

Sec. 22a-6j. Renewal of permits. (a) On and after July 1, 1994, the Commissioner of Energy and Environmental Protection, for any permit issued by the commissioner pursuant to any provision of this title, shall provide notice of the expiration date of such permit to any holder thereof. Such notice shall be given on or before ninety days prior to the date on which the application for renewal of such permit is due. Nothing in this section shall affect the obligation of any person to apply for a permit in a timely fashion or to comply with any permit issued by the commissioner. Notwithstanding the provisions of subsection (b) of section 4-182, the Commissioner of Energy and Environmental Protection may accept, prior to the expiration of a permit or other license, a sufficient but untimely application for renewal of such permit or other license and authorize the existing permit or other license to continue in effect beyond its expiration date until the commissioner disposes of such renewal application provided, in the commissioner's judgment, (1) the renewal application is likely to be granted, and (2) the public interest would best be served by allowing the licensed activity to continue uninterrupted. Any authorization for the continuance of an existing license pursuant to this subsection shall be limited by any conditions the commissioner deems necessary to assure protection of health, safety and the environment. The commissioner may require any person requesting a continuance pursuant to this section to provide such information as the commissioner deems necessary to carry out the purposes of this section.

(b) On and after October 1, 1994, any person who files with the commissioner an untimely application for renewal of a permit or other license shall submit with such application the following sum in addition to the application fee provided by law: (1) For a renewal application filed between fourteen days and thirty days after the last date allowed for filing, ten per cent of the application fee; (2) for a renewal application filed between thirty-one days and sixty days after the last date allowed for filing, twenty per cent of the application fee; (3) for a renewal application filed between sixty-one days and ninety days after the last date allowed for filing, forty per cent of the application fee; (4) for a renewal application filed between ninety-one days and one hundred twenty days after

the last date allowed for filing, fifty per cent of the application fee; and (5) for a renewal application filed more than one hundred twenty days after the last date allowed for filing, sixty-five per cent of the application fee.

Sec. 22a-6k. Emergency authorization for regulated activity. Temporary authorization for regulated activity. (a) The Commissioner of Energy and Environmental Protection may issue an emergency authorization for any activity regulated by the commissioner under section 22a-32, subsection (h) of section 22a-39, 22a-54, 22a-66, 22a-174, 22a-208a, 22a-342, 22a-368, 22a-403, 22a-430, 22a-449 or 22a-454 provided he finds that (1) such authorization is necessary to prevent, abate or mitigate an imminent threat to human health or the environment; and (2) such authorization is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act or the federal Resource Conservation and Recovery Act. Such emergency authorization shall be limited by any conditions the commissioner deems necessary to adequately protect human health and the environment. Summary suspension of an emergency authorization may be ordered in accordance with subsection (c) of section 4-182. The commissioner may assess a fee for an emergency authorization issued pursuant to this subsection. Such fee shall be of an amount equal to the equivalent existing permit fee for the activity authorized. The commissioner may reduce or waive the fee required pursuant to this subsection if good cause is shown. The fee required pursuant to this subsection shall be paid no later than ten days after the issuance of the emergency authorization.

(b) The commissioner may issue a temporary authorization for any activity for which the commissioner has authority to issue a general permit under section 22a-45a, 22a-174, 22a-208a, 22a-349a, 22a-361, 22a-378a, 22a-411, 22a-430b or 22a-454 provided the commissioner finds that (1) such activity will not continue for more than ninety days, whether consecutive or not; (2) such activity does not pose a significant threat to human health or the environment; (3) such authorization is necessary to protect human health or the environment or is otherwise necessary to protect the public interest; and (4) such authorization is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act or the federal Resource Conservation and Recovery Act. No temporary authorization shall be renewed or issued for an activity which has been authorized by a temporary authorization during the previous twelve calendar months. Any person seeking a temporary authorization shall submit to the commissioner sufficient information to allow the commissioner to make the determination set forth herein. A temporary authorization shall be limited by any conditions the commissioner deems necessary to adequately protect human health and the environment. Summary suspension of a temporary authorization may be ordered in accordance with subsection (c) of section 4-182. The commissioner may assess a fee for a temporary authorization issued pursuant to this subsection. Such fee shall be of an amount equal to the equivalent existing permit fee for the activity authorized. The commissioner may reduce the fee required pursuant to this subsection if good cause is shown. The fee required pursuant to this subsection shall be paid before the issuance of the temporary authorization. The commissioner may, if good cause is shown, allow late payment of the fee required by this subsection provided such fee shall be paid no later than ten days after the issuance of the temporary authorization.

Sec. 22a-6*l*. Posting of public notice of permit applications. The Commissioner of Energy and Environmental Protection may require any applicant for a permit issued by the commissioner pursuant to any provision of this title to provide notice of such permit application by posting notice

of the application in accordance with this section. Such notice shall not be required for a permit for a transportation project, a permit for the burning of brush pursuant to subsection (f) of section 22a-174, or a permit for any open burning conducted pursuant to authorized fire fighting training by any fire department. The applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where the activity which is the subject of the permit application is located or proposed to be located, which sign shall be clearly visible from the public highway and which sign shall be erected not later than three days after the date the applicant receives, by certified mail, written notice to the applicant that notice under this section is required. The sign shall include the words "Department of Energy and Environmental Protection. Permit Applicant. For further information contact:" and a phone number for an office from which any interested person may obtain a copy of the subject application and information regarding the procedure for making comment on the application. The sign shall be maintained for a period of one hundred twenty days or until the date on which the commissioner publishes notice of his tentative determination on the application, whichever is earlier. Any applicant required to post notice in accordance with this section shall submit to the commissioner a written certification, under oath, of compliance with the requirements of this section provided the commissioner may require any additional proof of such compliance. Such certification shall be on a form specified by the commissioner. Such form shall include certification that notice of such application has also been filed with local municipal officials, including, but not limited to, the chief executive official of the municipality within which the site or proposed site is located, the building official, the zoning enforcement officials, local health officials, and any local environmental commission, committee or officials. The commissioner shall not process an application until the applicant has submitted to the commissioner the certification required by this section. If the commissioner determines that posting notice in accordance with this section will not adequately apprise the public and abutting landowners of the proposed activity, the commissioner may require any other reasonable form of notice he deems necessary.

Sec. 22a-6m. Compliance history of permit applicants. Criminal history records checks. (a) In exercising any authority to issue, renew, transfer, modify or revoke any permit, registration, certificate or other license under any of the provisions of this title, the Commissioner of Energy and Environmental Protection may consider the record of the applicant for, or holder of, such permit, registration, certificate or other license, the principals, and any parent company or subsidiary, of the applicant or holder, regarding compliance with environmental protection laws of this state, all other states and the federal government. If the commissioner finds that such record evidences a pattern or practice of noncompliance which demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the terms and conditions of the permit, registration, certificate or other license for which application is being made, or which is held, the commissioner, in accordance with the procedures for exercising any such authority under this title, may (1) include such conditions as he deems necessary in any such permit, registration, certificate or other license, (2) deny any application for the issuance, renewal, modification or transfer of any such permit, registration, certificate or other license, or (3) revoke any such permit, registration, certificate or other license.

(b) For the issuance of a new permit, registration, certificate or other license or for the transfer of any permit, registration, certificate or other license, the commissioner may require the applicant to submit, on forms to be provided by the commissioner, the following information regarding enforcement proceedings involving the applicant: (1) Any criminal conviction involving a

violation of any environmental protection law if such violation occurred within the five years immediately preceding the date of the application, (2) any civil penalty imposed in any state or federal judicial proceeding, or any civil penalty exceeding five thousand dollars imposed in any administrative proceeding, for a violation of any environmental protection law if such violation occurred within the five years immediately preceding the date of the application, and (3) any judicial or administrative orders issued to the applicant regarding any such violation. For any such proceeding initiated by the commissioner or the Attorney General, the commissioner may require the applicant to provide dates, case or docket numbers or other information which identifies the proceeding. For any such proceeding initiated by an agency of another state or the federal government, the commissioner may require the applicant to provide a copy of any official document which initiated the proceeding, the final judgment or order and a description of any violation which was found. The commissioner may not deem such an application incomplete as to information regarding the compliance of the applicant with any laws if the applicant has provided all of the information specified in this subsection.

(c) Nothing in this section shall affect any other provisions of law regarding information which is required to be provided by an applicant for any permit, registration, certificate or other license issued under any of the provisions of this title.

(d) In reviewing the application for a permit, registration, certificate or other license under the provisions of this title, the commissioner may require the applicant or, if the applicant is a business entity, any director, officer, partner or owner of more than five per cent of the total outstanding stock of any class of the applicant's business to submit to state and national criminal history records checks. If criminal history records checks are required, such checks shall be conducted in accordance with section 29-17a. The review by the commissioner of the criminal history of each such applicant, director, officer, partner or stockholder shall be limited to information regarding criminal convictions related to activities regulated under the environmental protection laws of this state, any other state or the federal government.

Sec. 22a-6n. Notice of commissioner's determination regarding certain regulated activities. Notwithstanding any provision of this title or regulations adopted hereunder, the Commissioner of Energy and Environmental Protection shall not be required to publish notice of any final determination regarding an application under section 22a-39 or an application submitted after July 1, 1994, under section 22a-208a. Nothing in this section shall affect the authority of the commissioner to publish such notice as he deems appropriate.

Sec. 22a-6o. Transfer of licenses. (a) Notwithstanding any provision of this title or regulations adopted thereunder, no person shall act or purport to act under the authority of a license issued to another unless such license has been transferred to such person in accordance with this section and such transfer is not inconsistent with the federal Clean Air Act, the federal Water Pollution Control Act or the federal Resource Conservation and Recovery Act.

(b) The licensee and the proposed transferee shall register any such proposed transfer with the commissioner within thirty days of the transfer of ownership of the facility for which the license has been issued. Such registration shall be on forms to be prescribed by the commissioner and accompanied by a fee established by the commissioner to cover costs of processing the transfer of license. Upon receipt of a registration of a proposed transfer of license pursuant to this section, if

the commissioner determines that the transferee is able to comply with the terms and conditions of the license, the commissioner shall send a notice to the licensee and proposed transferee which confirms the registration and acknowledges the applicability of the license to the transferee.

(c) If the commissioner finds that the information submitted for a registration of a license transfer under this section is insufficient for purposes of determining whether the proposed transferee is able to comply with the terms and conditions of the license, the commissioner may require such transferee to submit such additional information as the commissioner deems necessary to make such determination, including, but not limited to, any information necessary to complete state and national criminal history records checks in accordance with subsection (d) of section 22a-6m.

Sec. 22a-6p. Time frames for issuance of permits. Regulations. (a) Not later than seven days from June 9, 2010, the Commissioner of Energy and Environmental Protection shall commence a review of the existing time frames for the review of all individual permits issued by the department. Not later than September 30, 2010, the commissioner shall issue a comprehensive report, in accordance with the provisions of section 11-4a, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to the environment that (1) proposes a plan to establish a pilot expedited permitting process for not less than two hundred representative manufacturing or other industrial facilities, (2) prescribes changes to be made to the department's review schedules for individual permits, including reducing the time frames for identifying deficiencies in permit applications and issuing tentative determinations in accordance with subdivisions (2) and (3) of subsection (b) of this section, and (3) indentifies the process improvements, additional resources, staffing and programmatic changes necessary to meet such time frames.

(b) The Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, establishing schedules for timely action for each application for a permit for activity regulated under this title. Such schedules may be based on the lengths of time that the commissioner deems appropriate for different categories of permit applications and permits and may address situations when more than one permit is required for the regulated activity. Each such schedule shall contain the following:

(1) A provision that the schedule shall begin when an application is received by the Department of Energy and Environmental Protection, any public notice requirements have been fulfilled and the application fee is paid;

(2) One or more periods of reasonable length, based on the nature and complexity of the review required of the department, at the end of which time the department shall issue a decision to grant or deny the permit or identify deficiencies in the application, provided the schedule may also reasonably limit the amount of time in which the applicant may remedy such deficiencies. All reasonable efforts shall be made by the department to ensure that deficiencies in any application for a permit are identified and the applicant notified in writing of such deficiencies not later than sixty days after the department receives such application;

(3) A period of reasonable length, based on the nature and complexity of the review required of the commissioner, beginning with receipt of materials submitted by the applicant in response to

the commissioner's identification of deficiencies, at the end of which time the commissioner shall issue a tentative determination to grant or deny the permit. All reasonable efforts shall be made by the department to issue a tentative determination to grant or deny a permit not later than one hundred eighty days after the department determines that the application materials are sufficient, provided such one-hundred-eighty-day period shall not include any period of time during which the commissioner has requested, in writing, and is waiting to receive, additional application materials from an applicant;

(4) A period of reasonable length after such tentative determination and the conclusion of any public hearing held with regard to such decision;

(5) Allowance for applicable state or federal public participation requirements; and

(6) A provision extending the time periods set forth in subdivisions (2) and (3) of this subsection when action by another state agency or a federal or municipal agency is required before the commissioner may act, when (A) judicial proceedings affect the ability of the commissioner or the applicant to proceed with the application, (B) the commissioner has commenced enforcement proceedings which could result in revocation of an existing permit for the facility or regulated activity that is the subject of the application and denial of the application, or (C) the applicant provides written assent extending any applicable time period.

(c) The commissioner shall annually compile and report on the department's Internet web site, by category of permit, instances in which the schedules for timely action set forth in this subsection were not achieved and explanations for the department's inability to meet such time frames.

Sec. 22a-6q. Alternative time frame for action on permit. When the commissioner determines, based on the size, novelty, complexity or technical difficulty of a project, that work cannot be completed within the schedule for timely action applicable to a permit application pursuant to subdivision (3) of subsection (b) of section 22a-6p, the commissioner shall notify the applicant of such determination within thirty days of receiving the permit application and shall, within forty-five days of providing such notice, establish an alternative permit schedule for timely action.

Sec. 22a-6r. Report on permitting efforts and violations investigated by the department's environmental quality division. On or before July 1, 1997, and annually thereafter, the commissioner shall submit to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to environment and the Department of Economic and Community Development a report on the permitting efforts of the Department of Energy and Environmental Protection in the preceding state fiscal year. Such report shall include, but not be limited to: An identification of revenues received from permit application fees and any revenues derived from the processing of such applications as set forth in this chapter and the department's appropriation from the General Fund for permitting activities; the number and amount of permit applications received; the number of permit decisions issued and the number of permits pending; the number and amount of permit application fees refunded; the number of permit applications requiring alternative timely action schedules pursuant to section 22a-6q; a summary of the significant improvements the department has made in its permitting programs; a summary of the information collected in surveys of permit applicants that requested preapplication meetings in

accordance with section 22a-6ff and the average time for processing applications that were the subject of such preapplication meetings; and the number of violations investigated by the department's environmental quality division in the preceding state fiscal year and the number of such violations resolved by the division without the levy of a fine.

Sec. 22a-6s. Minor violations of environmental protection laws. (a) As used in this section, "minor violation" means a violation of any of the provisions of chapters 440, 441, 444, 445, 446a, 446c, 446d, 446i, 446j and 446k but does not mean any such violation which the Commissioner of Energy and Environmental Protection determines, in his sole discretion, (1) was intentionally committed, (2) enabled the violator to avoid costs either by a reduction in cost or by gaining a competitive advantage, (3) is a repeat violation or is committed by a violator with an environmental compliance history determined by said commissioner, in his sole discretion, to require more serious enforcement action, (4) has caused actual exposure of any person to hazardous waste or poses a significant risk to human health or the environment, (5) cannot be corrected within thirty calendar days or for which a plan for compliance cannot be completed and agreed to within thirty calendar days of the violator's receipt of the notice, or (6) is one of several potentially minor violations detected in the course of an inspection or review the totality of which the commissioner determines to be more serious.

(b) The Commissioner of Energy and Environmental Protection may establish a program to expedite the enforcement process for minor violations. Pursuant to said program, the commissioner may issue a warning notice for any minor violation detected in the course of an inspection by said commissioner, or his designee, or in any review of documentation submitted by any person subject to regulation by said commissioner pursuant to said chapters. Such notice shall (1) describe the violation and specify the date such violation occurred, (2) specify alternatives the violator may consider to correct the violation, (3) provide a projected time frame for correcting the violation, and (4) advise the violator of its responsibilities under this section.

(c) Within thirty calendar days of receipt of the notice, such violator shall certify to the commissioner in writing that (1) the minor violation has been corrected, (2) measures to assure that such violation will not recur have been implemented to the extent action can not be taken to correct the specific violation identified in the notice, (3) action to correct the violation will be taken according to a specified schedule to the extent action has not been taken to correct the violation, or (4) no such violation occurred or that the notice is inaccurate.

(d) Within thirty calendar days of receipt of the certification required under subsection (c) of this section, the commissioner shall inform the violator in writing that (1) action reported taken or to be taken to correct the minor violation is satisfactory and the warning notice shall not be considered by the commissioner under section 22a-6m, (2) such action is not satisfactory and that further enforcement action may be taken, or (3) no minor violation occurred and the warning notice shall not be considered by the commissioner in any action taken pursuant to said section 22a-6m.

(e) The commissioner may take any enforcement action he deems necessary if such violator fails to take appropriate action pursuant to subsection (c) of this section.

Sec. 22a-6t. Annual report on environmental compliance by regulated entities and enforcement actions of the commissioner. Section 22a-6t is repealed, effective October 1, 2001.

Sec. 22a-6u. Notification requirements re discovery of contamination of soil or water. Exceptions. Content of notice. Drinking water supply well sampling. Acknowledgment of receipt. Posting of notice. Civil penalty. Forwarding of notice. (a) For the purposes of this section:

(1) "Commissioner" means the Commissioner of Energy and Environmental Protection, or his designee;

(2) "Mitigation" means actions, including, but not limited to, placement of gravel or pavement, fencing, water filtration or such other interim measures, taken to control the contamination or condition that reasonably prevent exposure, including continuing inspection, maintenance or monitoring as necessary for the specific measures taken;

(3) "Parcel" means a piece, tract or lot of land, together with buildings and other improvements situated thereon, a legal description of which piece, parcel, tract or lot is contained in a deed or other instrument of conveyance and which piece, tract or lot is not the subject of an order or consent order of the commissioner which involves requirements for investigation or reporting regarding environmental contamination;

(4) "Person" means person, as defined in section 22a-2;

(5) "Pollution" means pollution, as defined in section 22a-423;

(6) "Release" means any discharge, uncontrolled loss, seepage, filtration, leakage, injection, escape, dumping, pumping, pouring, emitting, emptying or disposal of oil or petroleum or chemical liquids or solids, liquid or gaseous products or hazardous wastes;

(7) "Residential activity" means any activity related to (A) a residence or dwelling, including, but not limited to, a house, apartment, or condominium, or (B) a school, hospital, day care center, playground or outdoor recreational area;

(8) "Substance" means an element, compound or material which, when added to air, water, soil or sediment, may alter the physical, chemical, biological or other characteristics of such air, water, soil or sediment;

(9) "Upgradient direction" means in the direction of an increase in hydraulic head; and

(10) "Technical environmental professional" means an individual, including, but not limited to, an environmental professional licensed pursuant to section 22a-133v, who collects soil, water, vapor or air samples for purposes of investigating and remediating sources of pollution to soil or waters of the state and who may be directly employed by, or retained as a consultant by, a public or private employer.

(b) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused contamination of a public or private drinking water well with: (A) A substance for which the Commissioner of Energy and Environmental Protection has established a groundwater protection criterion in regulations adopted pursuant to section 22a-

133k at a concentration above the groundwater protection criterion for such substance, or (B) the presence of nonaqueous phase liquid, such professional shall notify his or her client and the owner of the parcel, if the owner of the parcel that is the source of such contamination can reasonably be identified, not later than twenty-four hours after determining that the contamination exists. If, seven days after such determination, the owner of the subject parcel has not notified the commissioner, the client of the professional shall notify the commissioner. If the owner notifies the commissioner, the owner shall provide documentation to the client of the professional which verifies that the owner has notified the commissioner.

(2) The owner of a parcel on which exists a source of contamination to soil or waters of the state shall notify the commissioner if such owner becomes aware that such pollution is causing or has caused contamination of a private or public drinking water well with either (A) a substance for which the commissioner has established a groundwater protection criterion in regulations adopted pursuant to section 22a-133k at a concentration at or above the groundwater protection criterion for such substance, or (B) the presence of nonaqueous phase liquid. Notice under this section shall be given to the commissioner verbally, not later than one business day after such person becomes aware that the contamination exists, and in writing, not later than five days after such verbal notice.

(3) Not later than thirty days after the date the owner of such parcel that is the source of the contamination becomes aware of such contamination, such owner shall determine the presence of any other water supply wells located within five hundred feet of the polluted well by conducting a receptor survey and such owner shall seek access to sample drinking water supply wells that are located on adjacent parcels of property if such wells are within five hundred feet of the polluted well. If such access is granted, such owner shall sample and analyze the water quality of such wells. Not later than thirty days after becoming aware of such contamination, the owner of such parcel shall submit a report to the commissioner that includes proposals, as necessary, for further action to identify and eliminate exposure to contaminants on an ongoing basis.

(c) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused contamination of a public or private drinking water well with: (A) A substance for which the commissioner has established a groundwater protection criterion in regulations adopted pursuant to section 22a-133k at a concentration less than such groundwater protection criterion for such substance; or (B) any other substance resulting from the release which is the subject of the investigation or remediation, such professional shall notify his client and the owner of the parcel, if the owner can reasonably be identified, not later than seven days after determining that the contamination exists.

(2) The owner of a parcel on which exists a source of pollution to soil or the waters of the state shall notify the commissioner if such owner becomes aware that such pollution is causing or has caused contamination of a private or public drinking water well with: (A) A substance for which the commissioner has established a groundwater protection criterion in regulations adopted pursuant to section 22a-133k at a concentration less than such groundwater protection criterion for such substance; or (B) any other substance which was part of the release which caused such pollution. Notice under this subdivision shall be given in writing not later than thirty days after the time such person becomes aware that the contamination exists.

(3) Not later than thirty days after the date such owner becomes aware that such contamination exists, such owner shall perform confirmatory sampling of the well. Not later than thirty days after the date such owner becomes aware of such contamination pursuant to subdivision (1) of subsection (c) of this section, such owner shall submit a report concerning such confirmatory sampling to the commissioner that includes proposals, as necessary, for any further action to identify and eliminate exposure to contaminants on an ongoing basis. If such confirmatory sampling demonstrates a concentration above the groundwater protection criterion for such substance, such owner shall proceed in accordance with the provisions of subdivisions (2) and (3) of subsection (b) of this section.

(d) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution of soil within two feet of the ground surface contains a substance at a concentration at or above thirty times the industrial/commercial direct exposure criterion for such substance if the parcel is in industrial or commercial use, or at or above fifteen times the industrial/commercial direct exposure criterion for antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, thallium, vanadium, zinc or polychorinated biphenyls, excluding arsenic or lead from the lawful application of pesticides, if the parcel is in industrial or commercial use and such soil pollution is not more than three hundred feet from any residence, school, park, playground or daycare facility, or at or above fifteen times the residential direct exposure criterion if the parcel is in residential use, which criteria are specified in regulations adopted pursuant to section 22a-133k, such professional shall notify his client and the owner of the parcel, if such owner is reasonably identified, not later than seven days after determining that the contamination exists, except that notice will not be required if either: (A) The land-use of such parcel is not residential activity and the substance is one of the following: Acetone, 2-butanone, chlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, ethylbenzene, methyl-tert-butyl-ether, methyl isobutyl ketone, styrene, toluene, 1,1,1-trichloroethane, xylenes, acenaphthylene, anthracene, butyl benzyl phthalate, 2-chlorophenol, di-n-butyl phthalate, di-n-octyl phthalate, 2,4-dichlorophenol, fluoranthene, fluorene, naphthalene, phenanthrene, phenol and pyrene, (B) the substance is total petroleum hydrocarbons, or (C) the substance is antimony, arsenic, barium, beryllium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, thallium, vanadium, zinc, or polychlorinated biphenyls below thirty times industrial/commercial direct exposure criteria at an area of an industrial/commercial property that is covered with pavement that is maintained in a manner that preserves the integrity of such coverage or fenced off from the general public.

(2) The owner of the subject parcel shall notify the commissioner in writing not later than ninety days after the time such owner becomes aware that the contamination exists except that notification will not be required if by the end of said ninety days: (A) The contaminated soil is remediated in accordance with regulations adopted pursuant to section 22a-133k; (B) the contaminated soil is inaccessible soil as that term is defined in regulations adopted pursuant to section 22a-133k; (C) the contaminated soil which exceeds thirty or fifteen times such criterion, as applicable, is treated or disposed of in accordance with all applicable laws and regulations; or (D) the substance is lead on a residential property that is already in a lead abatement program administered by the local health department for the town in which such residential property is located. Any owner who is not required to notify the commissioner pursuant to subparagraph (A), (B) or (C) of this

subdivision may voluntarily submit a notification at any time to the commissioner and the department shall issue a certificate of completion for purposes of this section if the area that exceeds fifteen or thirty times such criterion, as applicable, was treated or disposed of in accordance with all applicable laws and regulations. The department shall wait until ninety days after the notice is received before determining whether to post a notification received under this subsection on its Internet web site list of notices received under this subsection.

(3) If notice is not otherwise exempted pursuant to the provisions of subdivision (2) of this subsection, not later than ninety days after the owner becomes aware of such contamination, such owner shall, at a minimum: (A) Evaluate the extent of such contaminated soil that exceeds fifteen or thirty times the applicable direct exposure criteria, as applicable, (B) prevent exposure to such soil, and (C) submit, with the required notification, a report on such evaluation and prevention to the commissioner that includes proposals for other action, as necessary, including, but not limited to, maintenance and monitoring of interim controls to prevent exposure to soil that exceeds fifteen or thirty times, as applicable, the applicable criteria.

(e)(1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused groundwater within fifteen feet of an industrial or commercial building to be contaminated with a volatile organic substance at a concentration at or above ten times the industrial/commercial volatilization criterion for groundwater for such substance or, if such contamination is within fifteen feet of a residential building, at a concentration at or above ten times the residential volatilization criterion, which criteria are specified in regulations adopted pursuant to section 22a-133k, such professional shall, not later than seven days after determining that the contamination exists, notify his client and the owner of the subject parcel, if such owner can reasonably be identified.

(2) The owner of such parcel shall notify the commissioner in writing not later than thirty days after such person becomes aware that the contamination exists except that notification is not required if: (A) The concentration of such substance in the soil vapor beneath such building is at or below ten times the soil vapor volatilization criterion, appropriate for the land-use for the parcel, for such substance as specified in regulations adopted pursuant to section 22a-133k; (B) the concentration of such substance in groundwater is below ten times a site-specific volatilization criterion for groundwater for such substance calculated in accordance with regulations adopted pursuant to section 22a-133k; (C) groundwater volatilization criterion, appropriate for the land-use of the parcel, for such substance specified in regulations adopted pursuant to section 22a-133k is fifty thousand parts per billion; (D) not later than thirty days after the time such person becomes aware that the contamination exists, an indoor air monitoring program is initiated in accordance with subdivision (3) of this subsection; (E) the parcel contains a building that is not occupied, provided the owner shall submit the required notification not later than the date such building is reoccupied, unless by the date of reoccupancy data confirms concentrations no longer exceed the notification threshold or another exception in this subdivision applies; or (F) the parcel contains a building in an industrial/commercial use and such volatile organic compounds are used in industrial activities, and the use of such volatile organic compounds in such building is regulated by the federal Occupational Safety and Health Administration.

(3) An indoor air quality monitoring program for the purposes of this subsection shall consist of sampling of indoor air once every two months for a duration of not less than one year, sampling of indoor air immediately overlying such contaminated groundwater, and analysis of air samples for any volatile organic substance which exceeded ten times the volatilization criterion as specified in or calculated in accordance with regulations adopted pursuant to section 22a-133k. The owner of the subject parcel shall notify the commissioner if: (A) The concentration in any indoor air sample exceeds ten times the target indoor air concentration, appropriate for the land-use of the parcel, as specified in regulations adopted pursuant to section 22a-133k; or (B) the indoor air monitoring program is not conducted in accordance with this subdivision. Notice shall be given to the commissioner in writing not later than seven days after the time such person becomes aware that such a condition exists.

(4) Not later than thirty days after the date the owner becomes aware of such contamination, the owner shall submit to the commissioner with the required notification a proposed plan to mitigate exposure to or permanently abate the contamination or condition.

(f) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused contamination of groundwater which is discharging to surface water and such groundwater is contaminated with: (A) A substance for which an acute aquatic life criterion is listed in appendix D of the most recent water quality standards adopted by the commissioner at a concentration which exceeds ten times (i) such criterion for such substance in said appendix D, or (ii) such criterion for such substance times a site specific dilution factor calculated in accordance with regulations adopted pursuant to section 22a-133k, or (B) a nonaqueous phase liquid, such professional shall notify his client and the owner of such parcel, if such owner can reasonably be identified, not later than seven days after determining that the contamination exists.

(2) For nonaqueous phase liquid that is not otherwise reported to the commissioner pursuant to the general statutes or regulations of Connecticut state agencies, the owner of such parcel shall notify the commissioner (A) verbally, not later than one business day after such person becomes aware such contamination entered a surface water body, and (B) in writing, not later than thirty days after the date such owner becomes aware of such contamination. For contamination with a substance, as described in subdivision (1) of this subsection, such owner shall notify the commissioner, in writing, not later than thirty days after the time such person becomes aware that the contamination exists. Notice shall not be required pursuant to this subdivision if such person knows that the polluted discharge at that concentration or in such physical state was reported to the commissioner, in writing, within the preceding year.

(3) For any contamination with a substance as described in subdivision (1) of this subsection, not later than the date written notification is due pursuant to this subsection, the owner shall submit with such notification a proposed plan to monitor, abate or mitigate the contamination or condition.

(g) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after July 1, 2015, which pollution is on or emanating from a parcel, that such pollution is causing or has caused contamination of groundwater within five hundred feet in an upgradient direction or two hundred feet in any direction of a private or public drinking water

well which groundwater is contaminated with a substance resulting from a release for which the commissioner has established a groundwater protection criterion in regulations adopted pursuant to section 22a-133k at a concentration at or above the groundwater protection criterion for such substance, such technical environmental professional shall notify his client and the owner of the subject parcel, if such owner can reasonably be identified, not later than seven days after determining that the contamination exists.

(2) The owner of the subject parcel shall notify the commissioner in writing not later than thirty days after the time such owner becomes aware that the contamination exists.

(3) Not later than thirty days after the date such owner becomes aware of such contamination, such owner shall determine the presence of any other water supply wells located within five hundred feet of such polluted groundwater by conducting a receptor survey. Such owner shall seek access for the purpose of sampling drinking water supply wells that are on adjacent properties if such wells are within five hundred feet of such polluted groundwater. If such access is granted, such owner shall sample and analyze the water quality of such wells. Not later than thirty days after the date such owner becomes aware of such polluted groundwater, such owner shall submit with the required notification a report to the commissioner concerning such evaluation that includes proposals, as necessary, for further action to identify and eliminate any exposure to contaminants on an ongoing basis.

(h) (1) If a technical environmental professional determines in the course of investigating or remediating pollution after October 1, 1998, which pollution is on or emanating from a parcel, that such pollution is causing or has caused polluted vapors emanating from polluted soil, groundwater or free product which vapors are migrating into structures or utility conduits and which vapors pose an explosion hazard, such technical environmental professional shall immediately notify his client and the owner of the subject parcel, if such owner can reasonably be identified, not later than twenty-four hours after determining that the vapor condition exists. If the owner of such parcel fails to notify the commissioner in accordance with this subsection, such client shall notify the commissioner. If the owner notifies the commissioner, the owner shall provide documentation to the client of the professional which verifies that the owner has notified the commissioner.

(2) The owner of such parcel shall orally notify the commissioner and the local fire department immediately and under all circumstances not later than two hours after the time a technical environmental professional notifies the owner that the vapor condition exists, and shall notify the commissioner in writing not later than five days after such oral notice.

(i) In the event the commissioner orders the testing of any private drinking well, and such testing indicates that the water exceeds a maximum contaminant level applicable to public water supply systems for any contaminant listed in the Public Health Code or for any contaminant listed on the state drinking water action level list established pursuant to section 22a-471, the commissioner shall require the respondent to such order to provide written notification of the results of any testing conducted pursuant to such order not later than twenty-four hours after said respondent receives such results to the following: (1) The owner of record of the property upon which any such private drinking well is located, (2) the local director of public health, (3) any person that files a request with the local director of public health to receive such notification, and (4) any other person the commissioner specifically identifies in such order. Not later than twenty-four hours after receiving

such notification, such owner shall forward a copy of such notification to at least one tenant of each unit of any leased or rented dwelling unit located on such property and each lessee of such property. Not later than three days after receiving such notification, the local director of public health shall take all reasonable steps to verify that such owner forwarded the notice required pursuant to this subsection.

(j) All notices, oral or written, provided under this section shall include the nature of the contamination or condition, the address of the property where the contamination or condition is located, the location of such contamination or condition, any property known to be affected by such contamination or condition, any steps being taken to abate, remediate or monitor such contamination or condition, and the name and address of the person making such notification. Written notification shall be clearly marked as notification required by this section and shall be either personally delivered to the Remediation Division of the Department of Energy and Environmental Protection or sent by certified mail, return receipt requested, to the Remediation Division of the Department of Energy and Environmental Protection.

(k) (1) The commissioner shall provide written acknowledgment of receipt of a written notice pursuant to this section not later than ten days after receipt of such notice and in such acknowledgment may provide any information that the commissioner deems appropriate.

(2) In accordance with the time frames specified in this section, the owner of the parcel shall submit to the commissioner either (A) (i) a mitigation plan to prevent exposures, (ii) a plan to remediate the contamination or condition, or (iii) a plan to abate the contamination or condition, (B) documentation that the contamination or condition was mitigated and that there are no exposure pathways from the contamination, along with a plan to maintain such mitigation measures, or (C) documentation that describes how the contamination or condition was abated, as applicable. Submittals described in this subsection may be submitted concomitantly with other notices required in this section.

(3) If such plan, as described in subdivision (2) of this subsection, is not submitted or is disapproved by the commissioner, the commissioner shall prescribe the action to be taken or issue a directive as to action required to mitigate or abate the contamination or condition. If a plan is submitted which details actions to be taken, or a report is submitted which details actions taken, to mitigate or abate the contamination or conditions and such plan or report is acceptable to the commissioner, the commissioner shall approve such plan or report in writing. When a report is submitted that demonstrates permanent abatement of the contamination or condition, such that notice under this section would not be required, the commissioner shall issue a certificate of compliance upon finding such report to be acceptable.

(l) An owner who has submitted written notice pursuant to this section shall, not later than five days after the commencement of an activity by any person that increases the likelihood of human exposure to known contaminants, including, but not limited to, construction, demolition, significant soil disruption or the installation of utilities, post such notice in a conspicuous place on such property and, in the case of a place of business, in a conspicuous place inside the place of business. An owner who violates this section shall pay a civil penalty of one hundred dollars for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The

Attorney General, upon complaint of the commissioner, shall institute an action in the superior court for the judicial district of Hartford to recover such penalty.

(m) Not later than ten days after receipt of any written notice received under this section, the commissioner shall forward a copy of such notice to the chief elected official of the municipality in which the subject pollution was discovered and to the local health director of such municipality or region. Any forwarding of such notice, as required by this subsection, may be performed by electronic means. The commissioner shall maintain a list of all notices received under this section that pertain to conditions that have not been mitigated or permanently abated at the time of notification. Such list shall be on the department's Internet web site and shall be amended to remove notices after the condition is mitigated or permanently abated.

(n) Nothing in this section and no action taken by any person pursuant to this section shall affect the commissioner's authority under any other statute or regulation.

(o) Nothing in this section shall excuse a person from complying with the requirements of any statute or regulation except the commissioner may waive the requirements of the regulations adopted under section 22a-133k if he determines that it is necessary to ensure that timely and appropriate action is taken to mitigate or minimize any of the conditions described in subsections (b) to (h), inclusive, of this section.

Sec. 22a-6v. Report on protected open space acquisition. On or before the tenth day of each month, the Commissioner of Energy and Environmental Protection shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and to the State Bond Commission which report shall provide information on any acquisition of land or interest in land completed in the previous month by the state, a municipality, water company or nonprofit organization using funds authorized for the open space and watershed land acquisition program established under section 7-131d and the recreation and natural heritage trust program established under sections 23-73 to 23-79, inclusive.

Sec. 22a-6w. Notice to municipality of commissioner's enforcement action. Prior to, or concurrent with, taking any enforcement action under this title or any action to recover any civil penalty imposed under this title, the Commissioner of Energy and Environmental Protection shall give notice of such action to the chief elected official of the municipality in which the regulated activity which gave rise to such action is located. Such information shall be held confidential by such official and shall not be considered a public record or public information for purposes of chapter 3.

Sec. 22a-6x. Office of Enforcement Policy and Coordination. There is established within the Department of Energy and Environmental Protection the Office of Enforcement Policy and Coordination. Said office shall coordinate policy regarding enforcement of environmental protection laws, oversee enforcement practices, promote multimedia enforcement practices and serve as a liaison to the United States Environmental Protection Agency on matters relating to enforcement programs. On or before February 1, 2000, the commissioner shall report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment regarding the activities of said office, actions the office has undertaken to coordinate

policy and any recommendations the office has made regarding how such coordination should be achieved in the future.

Sec. 22a-6y. Exemplary environmental management systems. (a) Any business required to obtain a permit or other approval from the Commissioner of Energy and Environmental Protection to operate in this state may apply to the commissioner for the benefits of the program established under subsection (e) of this section. Such application shall be on forms and in a manner prescribed by the commissioner. The advisory board convened under subsection (c) of this section shall consider, and may approve, such application if the business has demonstrated to the satisfaction of such board that such business (1) has an exemplary record of compliance with environmental laws which shall include, but shall not be limited to, evidence that such business has not been found in violation of any such law, other than a minor violation as determined under section 22a-6s, within the preceding three years; (2) has complied with the provisions of section 22a-6s and any orders of the commissioner under said section, with regard to any minor violation, as defined in said section; and (3) consistently employs practices in its operation that ensure protection of the natural environment to a degree greater than that required by law.

(b) Upon approval of such application, the commissioner may provide the benefits of the program to the business if the commissioner finds that (1) the business is registered as meeting the ISO 14001 Environmental Management System Standard and has adopted principles for sustainability such as the CERES principles, the Natural Step, the Hanover Principles or equivalent internationally recognized principles for sustainability as determined by the commissioner, or (2) in the case of a small business, as defined in section 32-344, the business has an equivalent environmental management system which employs a data collection system for the categories of information described in 63 Federal Register 12094 (1998). The environmental management system of any business approved for the program system shall include provisions for commitment of the management of the business to the environmental management system, compliance assurance and pollution prevention, enabling systems, performance and accountability, third-party audits and measurement and improvement. Any business approved for the program shall be issued a certificate by the commissioner evidencing such approval.

(c) The commissioner shall submit an application of a business under subsection (a) of this section to an advisory board convened by the commissioner for consideration of such application. Such board shall consist of a representative of the Council on Environmental Quality; the Attorney General, or a designee; a representative of the industry in which the business is engaged, provided such representative has no business relationship with the applicant; and the commissioner, or a designee.

(d) If the commissioner finds that a business that has been approved for the program ceases to be qualified for the program because it no longer complies with the requirements provided for in subsections (a) and (b) of this section, the commissioner shall revoke the certificate issued under subsection (b) of this section and the business shall not be entitled to any further benefits under the program. Any such business may reapply to the program at any time.

(e) The Commissioner of Energy and Environmental Protection may establish a pilot program to attract to this state, or to support in this state, businesses which require a permit or other approval from the commissioner in order to operate in this state and which have a history of providing for

the best protection of the natural environment in the operations of such business. Such program may be based on any model plan developed by a multistate working group or may replicate a pilot program developed by such a group. Such program shall provide for expedited review of permit applications and a public recognition process which may include issuance to businesses of a symbol or seal signifying the exemplary record of environmental protection and exclusive use of such symbol or seal by the business in its advertising or other public displays. Notwithstanding any provision of this title and the regulations adopted by the commissioner under this title, such program may provide for (1) less frequent reporting, consistent with federal law, of information otherwise required to be reported as a condition of the business' operation in this state, (2) a facility-wide permit for all approvals required from the commissioner for operation of a facility operated by the business in this state, (3) a permit that would allow for changes in individual processes at a facility without the need for a new permit provided the total pollutant emissions or discharge from the facility does not increase, or (4) reduced fees for any permit required from the commissioner.

Sec. 22a-6z. Regulations implementing Subtitle C of the Resource Conservation and Recovery Act of 1976. The regulations promulgated by the federal Environmental Protection Agency as of January 1, 2001, that implement Subtitle C of the Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq. shall replace the regulations promulgated pursuant to chapters 445, 446d and 446k that pertain to the regulation of hazardous wastes unless, prior to January 1, 2002, the Commissioner of Energy and Environmental Protection has issued a public notice of intent to adopt such federal regulations and such regulations are submitted to the Secretary of the State, as provided under chapter 54, no later than June 30, 2002.

Sec. 22a-6aa. Permit extensions. The Commissioner of Energy and Environmental Protection may continue in effect any general permit issued by the commissioner pursuant to the provisions of this title for a period of twelve months beyond the expiration date for such permit, provided the commissioner publishes notice, not later than one hundred eighty days prior to the expiration date of such general permit of the intent to renew such general permit in accordance with any applicable provision of this title. Any such general permit continued in effect beyond its expiration date shall remain in effect until the commissioner makes a final decision on the renewal of such general permit, in accordance with the provisions of this title, provided such final decision is made on or before the twelfth month after the expiration date. If no final decision is made within such time period, such general permit shall expire. The commissioner may require the remittance of a registration fee in an amount not to exceed the existing registration fee for such general permit whenever a general permit is continued in effect beyond its expiration date in accordance with the provisions of this section. Nothing in this section shall affect the obligation of any person to register for a general permit pursuant to the provisions of this title in a timely fashion or to comply with any general permit issued by the commissioner pursuant to the provisions of this title.

Sec. 22a-6bb. Petition for public hearing. Withdrawal of petition. (a) Whenever the Commissioner of Energy and Environmental Protection is required to hold a hearing prior to approving or denying an application upon receipt of a timely filed petition signed by at least twenty-five persons pursuant to sections 22a-32, 22a-39, 22a-42a, 22a-45a, 22a-94, 22a-174, 22a-208a, 22a-349a, 22a-361, 22a-363b, 22a-371, 22a-378a, 22a-403, 22a-411, 22a-430 and 25-68d, or any regulation of the Connecticut state agencies provides that the Commissioner of Energy and Environmental Protection shall hold a hearing prior to approving or denying an application upon receipt of a timely filed petition signed by at least twenty-five persons, such petition may designate

a person authorized to withdraw such petition. Such authorized person may engage in discussions regarding an application and, if a resolution is reached, may withdraw the petition.

(b) If a petition is withdrawn, the authorized person shall file written notice with the commissioner and serve a copy of the withdrawal notice upon all parties and intervenors, if any, to the proceeding. The withdrawal of a petition shall result in the termination of the hearing process initiated by the petition. If the commissioner receives more than one petition that requires the holding of a hearing, all such petitions shall be withdrawn for the hearing to terminate pursuant to this section.

(c) If the petition is withdrawn after notice of a public hearing has been published, the commissioner shall publish or cause to be published, at the applicant's expense, once in a newspaper having a substantial circulation in the affected area, notice of the termination of such hearing due to the withdrawal of a petition pursuant to this section.

(d) Notwithstanding the withdrawal of any petitions pursuant to this section, the commissioner may hold a public hearing, continue with a public hearing for which notice has been published or complete a public hearing that has already commenced prior to approving or denying an application, if the commissioner determines that holding or continuing such public hearing is in the public interest.

Sec. 22a-6cc. Consulting services program. (a) For purposes of this section, "consulting services program" means a program within the Department of Energy and Environmental Protection that is substantially similar to the consulting services program administered by the Labor Department's Division of Occupational Safety and Health, under which program civil penalties are not incurred and notices of violations are not issued as the result of the consultation process, provided any noncompliance identified by the consultation process is limited to minor violations, as defined in section 22a-6s, and reasonable efforts are made by the regulated entity to comply with environmental laws and regulations.

(b) Not later than September 1, 2010, the Commissioner of Energy and Environmental Protection shall commence negotiations with the United States Environmental Protection Agency for the purposes of creating a consulting services program within the Department of Energy and Environmental Protection.

(c) Not later than October 31, 2010, the Commissioner of Energy and Environmental Protection shall reallocate existing resources and adjust existing policies to implement such consulting services program in accordance with any applicable requirement of the United States Environmental Protection Agency. If United States Environmental Protection Agency requirements are incompatible with the implementation of such consulting services program, the commissioner shall consult with representatives from regulated entities to implement alternative programs to provide compliance assistance for businesses and municipalities. Such alternative programs may include, but need not be limited to, training sessions or other materials made available on the department's Internet web site, best management practices manuals and any other form of compliance assistance.

Sec. 22a-6dd. Consent orders for remediation of land. Modification. Notwithstanding any provision of the general statutes, whenever the Department of Energy and Environmental Protection enters a consent order with a party concerning 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 unless both the department and such party agree to such modification.

Sec. 22a-6ee. Ninety-day permit application final determinations. Notwithstanding any provision of the general statutes, whether received before, on or after May 29, 2018, the Department of Energy and Environmental Protection shall make best efforts to review and make a final determination on each of the following types of permit applications not later than ninety days after receipt of such application provided such application is complete: (1) Air permits for the temporary use of radiation DTX or the temporary use of radiation RMI issued pursuant to section 22a-150, (2) aquifer protection registration issued pursuant to section 22a-354i-7 of the regulations of Connecticut state agencies, (3) certificate of permission issued pursuant to section 22a-363b, (4) disposal of special waste issued pursuant to section 22a-209 and any regulation adopted pursuant to said section, (5) collecting waste oil or petroleum or chemical liquids or hazardous waste issued pursuant to section 22a-454, (6) E-waste: Manufacturer issued pursuant to section 22a-630, (7) emergency discharge authorization issued pursuant to subsection (a) of section 22a-6k, (8) online sportsmen licensing system, (9) state park passes and bus permits issued pursuant to section 23-26, (10) state parks and forests special use licenses issued pursuant to section 23-11, (11) leases of camping sites issued pursuant to sections 23-16 and 23-16a, (12) boating permits issued pursuant to section 15-140b, (13) safe boating certifications issued pursuant to section 15-140e, (14) marine event permits issued pursuant to section 15-121-A6 of the regulations of Connecticut state agencies, (15) marine dealer certificates issued pursuant to section 15-121-B5 of the regulations of Connecticut state agencies, (16) navigation marker permit issued pursuant to section 15-121-A5 of the regulations of Connecticut state agencies, (17) regulatory marker permit issued pursuant to section 15-121-A5 of the regulations of Connecticut state agencies, (18) water ski slalom course or jump permit issued pursuant to section 15-134, (19) inland fishing licenses issued pursuant to section 26-112, (20) marine recreational and commercial licenses, (21) hunting and trapping issued pursuant to section 26-30, (22) nonshooting field trial issued pursuant to section 26-51-2 of the regulations of Connecticut state agencies, (23) private land shooting preserve permit issued pursuant to section 26-48, (24) regulated hunting dog training applications issued pursuant to sections 26-49, 26-51 and 26-52, (25) scientific collection permit for aquatic species, plants and wildlife, and for educational mineral collection issued pursuant to section 26-60, (26) commercial fishing licenses and permits issued pursuant to section 26-142a, (27) nuisance wildlife control operator issued pursuant to subsection (b) of section 26-47, (28) taxidermist issued pursuant to section 26-58, and (29) wildlife rehabilitator issued pursuant to section 26-54. Unless an applicant provides the department with additional time, in writing, the department shall ensure that all deficiencies in any of the applications for a permit described in this section are identified and the applicant notified, in writing, of such deficiencies not later than ninety days after the department received such application.

Sec. 22a-6ff. Permit preapplication meetings. (a) The Internet web site of the Department of Energy and Environmental Protection shall include an electronic form to request a preapplication meeting with the department to discuss the application for any permit necessary for the initiation

of a new business or new manufacturing production line or the expansion of an existing business. A business may also request such a preapplication meeting in person, in writing or by telephone.

(b) Not later than thirty days after receiving a request for a preapplication meeting in accordance with subsection (a) of this section, the Commissioner of Energy and Environmental Protection shall make reasonable efforts to schedule a meeting with the requesting business, identify the information required to process the applications that are the subject of the preapplication meeting and provide such business with an estimated timeframe in which the commissioner would anticipate issuing a final decision on such applications.

(c) The commissioner shall survey each business that requested a preapplication meeting in accordance with subsection (a) of this section following the final decision on the applications that were the subject of such meeting. The survey shall collect information concerning the experience of each such business with the preapplication and permitting process. A summary of the information collected from such surveys and the average time for processing applications that were the subject of preapplication meetings shall be included in the annual report required by section 22a-6r.

Sec. 22a-6gg. Maximization of federal funds for state climate change projects. Biennial report. The Commissioner of Energy and Environmental Protection shall maximize the state's receipt of any federal funds designated for state projects intended to increase resiliency to the effects of climate change, including, but not limited to, coastal resiliency projects. Such maximization shall include, but not be limited to, the identification of any such federal funds. Not later than January 1, 2024, and biennially thereafter, the commissioner shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment that details the commissioner's efforts undertaken pursuant to this section, including any federal funds identified, any application or request for such funds that the commissioner submitted, any such funds received by the state and any resiliency project funded, in whole or in part, by such federal funds. Such report shall include any recommendations for the state to be able to maximize receipt of any such federal funds.

Sec. 22a-7. Cease and desist orders. Service. Hearings. Injunctions. (a) The commissioner, whenever he finds after investigation that any person is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which, in his judgment, will result in or is likely to result in imminent and substantial damage to the environment, or to public health within the jurisdiction of the commissioner under the provisions of chapters 440, 441, 442, 445, 446a, 446c, 446d, 446j and 446k, or whenever he finds after investigation that there is a violation of the terms and conditions of a permit issued by him that is in his judgment substantial and continuous and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, or whenever he finds after investigation that any person is conducting, has conducted, or is about to conduct an activity which will result in or is likely to result in imminent and substantial damage to the environment, or to public health within the jurisdiction of the commissioner under the provisions of chapters 440, 441, 442, 445, 446a, 446c, 446d, 446j and 446k for which a license, as defined in section 4-166, is required under the provisions of chapter 440, 441, 442, 445, 446a, 446c, 446d, 446j or 446k without obtaining such license, may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity.

(b) The commissioner shall serve any cease and desist order issued pursuant to this section in accordance with the provisions of section 52-57. The commissioner may also cause a copy of the order to be posted upon property which is the subject of the order, and no action for trespass shall lie for such posting. A cease and desist order shall be binding upon all persons against whom it is issued, their agents and any independent contractor engaged by such persons.

(c) Upon receipt of such order such person shall immediately comply with such order. The commissioner shall, within ten days of the date of receipt of such order by all persons served with such order, hold a hearing to provide any such person an opportunity to be heard and show that such condition does not exist or such violation has not occurred or a license was not required or all required licenses were obtained. All briefs or legal memoranda to be presented in connection with such hearing shall be filed not later than ten days after such hearing. Such order shall remain in effect until fifteen days after the hearing within which time a new decision based on the hearing shall be made.

(d) The Attorney General, upon the request of the commissioner, may institute an action in the superior court for the judicial district of Hartford to enjoin any person from violating a cease and desist order issued pursuant to this section and to compel compliance with such order.