



General Assembly

**Amendment**

February Session, 2024

LCO No. 3829



Offered by:  
SEN. LOPES, 6<sup>th</sup> Dist.

To: Subst. Senate Bill No. 290

File No. 163

Cal. No. 128

**"AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENT  
RELATED STATUTES."**

1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Subsection (a) of section 22a-6 of the 2024 supplement to the  
3 general statutes is repealed and the following is substituted in lieu  
4 thereof (*Effective from passage*):

5 (a) The commissioner may: (1) Adopt, amend or repeal, in accordance  
6 with the provisions of chapter 54, such environmental standards,  
7 criteria and regulations, and such procedural regulations as are  
8 necessary and proper to carry out the department's functions, powers  
9 and duties; (2) enter into contracts with any person, firm, corporation or  
10 association to do all things necessary or convenient to carry out the  
11 functions, powers and duties of the department; (3) initiate and receive  
12 complaints as to any actual or suspected violation of any statute,  
13 regulation, permit or order administered, adopted or issued by the  
14 department. The commissioner shall have the power to hold hearings,  
15 administer oaths, take testimony and subpoena witnesses and evidence,

16 enter orders and institute legal proceedings including, but not limited  
17 to, suits for injunctions, for the enforcement of any statute, regulation,  
18 order or permit administered, adopted or issued by the department; (4)  
19 in accordance with regulations adopted by the department, require,  
20 issue, renew, revoke, modify or deny permits, under such conditions as  
21 the commissioner may prescribe, governing all sources of pollution in  
22 Connecticut within the department's jurisdiction; (5) in accordance with  
23 constitutional limitations, enter at all reasonable times, without liability,  
24 upon any public or private property, except a private residence, for the  
25 purpose of inspection and investigation to ascertain possible violations  
26 of any statute, regulation, order or permit administered, adopted or  
27 issued by the department and the owner, managing agent or occupant  
28 of any such property shall permit such entry, and no action for trespass  
29 shall lie against the commissioner for such entry, or the commissioner  
30 may apply to any court having criminal jurisdiction for a warrant to  
31 inspect such premises to determine compliance with any statute,  
32 regulation, order or permit administered, adopted or enforced by the  
33 department, provided any information relating to secret processes or  
34 methods of manufacture or production ascertained by the commissioner  
35 during, or as a result of, any inspection, investigation, hearing or  
36 otherwise shall be kept confidential and shall not be disclosed except  
37 that, notwithstanding the provisions of subdivision (5) of subsection (b)  
38 of section 1-210, such information may be disclosed by the  
39 commissioner to the United States Environmental Protection Agency  
40 and the Nuclear Regulatory Commission pursuant to the federal  
41 Freedom of Information Act of 1976, (5 USC 552) and regulations  
42 adopted thereunder or, if such information is submitted after June 4,  
43 1986, to any person pursuant to the federal Clean Water Act (33 USC  
44 1251 et seq.); (6) undertake any studies, inquiries, surveys or analyses  
45 the commissioner may deem relevant, through the personnel of the  
46 department or in cooperation with any public or private agency, to  
47 accomplish the functions, powers and duties of the commissioner; (7)  
48 require the posting of sufficient performance bond or other security to  
49 assure compliance with any permit or order; (8) provide by notice  
50 printed on any form that any false statement made thereon or pursuant

51 thereto is punishable as a criminal offense under section 53a-157b; (9)  
52 construct or repair or contract for the construction or repair of any [dam  
53 or flood and erosion control system] service road, trail, greenway,  
54 bridge, dam, flood prevention, climate resilience and erosion control  
55 system, as defined in section 25-85, or other civil or natural resource  
56 infrastructure under the department's control and management; [.] (10)  
57 make or contract for the making of any alteration, repair or addition to  
58 any other real asset under the department's control and management,  
59 including rented or leased premises, involving an expenditure of [five  
60 hundred thousand] one million dollars or less, [and,] provided, not later  
61 than July 1, 2025, and annually thereafter, the Commissioner of  
62 Administrative Services shall adjust such threshold expenditures by the  
63 percentage change in the Producer Price Index by Commodity:  
64 Construction (Partial) (WPU80), not seasonally adjusted, or its successor  
65 index as calculated by the United States Department of Labor, over the  
66 preceding calendar year, rounded to the nearest multiple of one  
67 hundred dollars, and shall post such adjusted dollar amounts on the  
68 Internet web site of the Department of Administrative Services; (11)  
69 with prior approval of the Commissioner of Administrative Services,  
70 make or contract for the making of any alteration, repair or addition to  
71 such other real asset under the department's control and management  
72 involving an expenditure of more than [five hundred thousand] one  
73 million dollars but not more than [one] three million dollars, provided  
74 not later than July 1, 2025, and annually thereafter, the Commissioner of  
75 Administrative Services shall adjust such threshold expenditures by the  
76 percentage change in the Producer Price Index by Commodity:  
77 Construction (Partial) (WPU80), not seasonally adjusted, or its successor  
78 index as calculated by the United States Department of Labor, over the  
79 preceding calendar year, rounded to the nearest multiple of one  
80 hundred dollars, and shall post such adjusted dollar amounts on the  
81 Internet web site of the Department of Administrative Services; [(10)]  
82 (12) in consultation with affected town and watershed organizations,  
83 enter into a lease agreement with a private entity owning a facility to  
84 allow the private entity to generate hydroelectricity provided the project  
85 meets the certification standards of the Low Impact Hydropower

86 Institute; [(11)] (13) by regulations adopted in accordance with the  
87 provisions of chapter 54, require the payment of a fee sufficient to cover  
88 the reasonable cost of the search, duplication and review of records  
89 requested under the Freedom of Information Act, as defined in section  
90 1-200, and the reasonable cost of reviewing and acting upon an  
91 application for and monitoring compliance with the terms and  
92 conditions of any state or federal permit, license, registration, order,  
93 certificate or approval required pursuant to subsection (i) of section 22a-  
94 39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k)  
95 of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-  
96 135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-  
97 345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-  
98 409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-  
99 454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC  
100 1341). Such costs may include, but are not limited to the costs of (A)  
101 public notice, (B) reviews, inspections and testing incidental to the  
102 issuance of and monitoring of compliance with such permits, licenses,  
103 orders, certificates and approvals, and (C) surveying and staking  
104 boundary lines. The applicant shall pay the fee established in  
105 accordance with the provisions of this section prior to the final decision  
106 of the commissioner on the application. The commissioner may  
107 postpone review of an application until receipt of the payment. Payment  
108 of a fee for monitoring compliance with the terms or conditions of a  
109 permit shall be at such time as the commissioner deems necessary and  
110 is required for an approval to remain valid; and [(12)] (14) by regulations  
111 adopted in accordance with the provisions of chapter 54, require the  
112 payment of a fee sufficient to cover the reasonable cost of responding to  
113 requests for information concerning the status of real estate with regard  
114 to compliance with environmental statutes, regulations, permits or  
115 orders. Such fee shall be paid by the person requesting such information  
116 at the time of the request. Funds not exceeding two hundred thousand  
117 dollars received by the commissioner pursuant to subsection (g) of  
118 section 22a-174, during the fiscal year ending June 30, 1985, shall be  
119 deposited in the General Fund and credited to the appropriations of the  
120 Department of Energy and Environmental Protection in accordance

121 with the provisions of section 4-86, and such funds shall not lapse until  
122 June 30, 1986. In any action brought against any employee of the  
123 department acting within the scope of delegated authority in  
124 performing any of the above-listed duties, the employee shall be  
125 represented by the Attorney General."

This act shall take effect as follows and shall amend the following sections:		
Sec. 2	<i>from passage</i>	22a-6(a)