



General Assembly

January Session, 2019

Committee Bill No. 5185

LCO No. 3585



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

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

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 Section 22a-6dd of the general statutes is repealed and the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

3 (a) Notwithstanding any provision of the general statutes, whenever
4 the [Department of Energy and Environmental Protection]
5 commissioner enters a consent order with a party, [concerning] such
6 consent order may not be modified or revoked unless a material
7 breach of such consent order occurs or such party fails to disclose
8 material information. If the consent order concerns one or more parcels
9 of land and such consent order requires, in whole or in part, the
10 remediation of such land, the requirements and standards for such
11 remediation shall not be modified by the [department] commissioner
12 unless both the [department] commissioner and such party agree to
13 such modification. The commissioner or a party to any consent order
14 may seek declaratory and injunctive relief from the Superior Court to
15 resolve any dispute concerning the terms and conditions of, and
16 compliance with, the consent order. Such declaratory and injunctive

17 relief shall be in addition to any other administrative or civil remedies
18 allowed by law.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-6dd

Statement of Purpose:

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

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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

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