



General Assembly

Substitute Bill No. 6810

January Session, 2023



**AN ACT CONCERNING MINOR REVISIONS TO THE STATE'S
AUTHORITY TO REGULATE CERTAIN NUCLEAR MATERIALS.**

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

1 Section 1. Subsection (a) of section 16a-100 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The state of Connecticut endorses the action of the Congress of
5 the United States in enacting the Atomic Energy Act of 1954 to institute
6 a program to encourage the widespread participation in the
7 development and utilization of atomic energy for peaceful purposes to
8 the maximum extent consistent with the common defense and security
9 and with the health and safety of the public; and therefore declares the
10 policy of the state to be (1) to cooperate actively in the program thus
11 instituted; (2) to develop programs for the control of ionizing and
12 nonionizing radiation compatible with federal programs for regulation
13 of by-product, source and special nuclear material; and (3) to the extent
14 that the regulation of special nuclear materials and by-product
15 materials, of production facilities and utilization facilities and of
16 persons operating such facilities may be within the jurisdiction of the
17 state, to provide for the exercise of the state's regulatory authority so as
18 to [conform, as nearly as may be, to] be compatible with the Atomic
19 Energy Act of 1954 and regulations issued thereunder, to the end that

20 there may, in effect, be a single harmonious system of regulation
21 within the state.

22 Sec. 2. Subsection (a) of section 22a-6 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective from*
24 *passage*):

25 (a) The commissioner may: (1) Adopt, amend or repeal, in
26 accordance with the provisions of chapter 54, such environmental
27 standards, criteria and regulations, and such procedural regulations as
28 are necessary and proper to carry out [his] the department's functions,
29 powers and duties; (2) enter into contracts with any person, firm,
30 corporation or association to do all things necessary or convenient to
31 carry out the functions, powers and duties of the department; (3)
32 initiate and receive complaints as to any actual or suspected violation
33 of any statute, regulation, permit or order administered, adopted or
34 issued by [him] the department. The commissioner shall have the
35 power to hold hearings, administer oaths, take testimony and
36 subpoena witnesses and evidence, enter orders and institute legal
37 proceedings including, but not limited to, suits for injunctions, for the
38 enforcement of any statute, regulation, order or permit administered,
39 adopted or issued by [him] the department; (4) in accordance with
40 regulations adopted by [him] the department, require, issue, renew,
41 revoke, modify or deny permits, under such conditions as [he] the
42 commissioner may prescribe, governing all sources of pollution in
43 Connecticut within [his] the department's jurisdiction; (5) in
44 accordance with constitutional limitations, enter at all reasonable
45 times, without liability, upon any public or private property, except a
46 private residence, for the purpose of inspection and investigation to
47 ascertain possible violations of any statute, regulation, order or permit
48 administered, adopted or issued by [him] the department and the
49 owner, managing agent or occupant of any such property shall permit
50 such entry, and no action for trespass shall lie against the
51 commissioner for such entry, or [he] the commissioner may apply to
52 any court having criminal jurisdiction for a warrant to inspect such

53 premises to determine compliance with any statute, regulation, order
54 or permit administered, adopted or enforced by [him] the department,
55 provided any information relating to secret processes or methods of
56 manufacture or production ascertained by the commissioner during, or
57 as a result of, any inspection, investigation, hearing or otherwise shall
58 be kept confidential and shall not be disclosed except that,
59 notwithstanding the provisions of subdivision (5) of subsection (b) of
60 section 1-210, such information may be disclosed by the commissioner
61 to the United States Environmental Protection Agency and the Nuclear
62 Regulatory Commission pursuant to the federal Freedom of
63 Information Act of 1976, (5 USC 552) and regulations adopted
64 thereunder or, if such information is submitted after June 4, 1986, to
65 any person pursuant to the federal Clean Water Act (33 USC 1251 et
66 seq.); (6) undertake any studies, inquiries, surveys or analyses [he] the
67 commissioner may deem relevant, through the personnel of the
68 department or in cooperation with any public or private agency, to
69 accomplish the functions, powers and duties of the commissioner; (7)
70 require the posting of sufficient performance bond or other security to
71 assure compliance with any permit or order; (8) provide by notice
72 printed on any form that any false statement made thereon or
73 pursuant thereto is punishable as a criminal offense under section 53a-
74 157b; (9) construct or repair or contract for the construction or repair of
75 any dam or flood and erosion control system under [his] the
76 department's control and management, make or contract for the
77 making of any alteration, repair or addition to any other real asset
78 under [his] the department's control and management, including
79 rented or leased premises, involving an expenditure of five hundred
80 thousand dollars or less, and, with prior approval of the Commissioner
81 of Administrative Services, make or contract for the making of any
82 alteration, repair or addition to such other real asset under [his] the
83 department's control and management involving an expenditure of
84 more than five hundred thousand dollars but not more than one
85 million dollars; (10) in consultation with affected town and watershed
86 organizations, enter into a lease agreement with a private entity
87 owning a facility to allow the private entity to generate

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

123 1985, shall be deposited in the General Fund and credited to the
124 appropriations of the Department of Energy and Environmental
125 Protection in accordance with the provisions of section 4-86, and such
126 funds shall not lapse until June 30, 1986. In any action brought against
127 any employee of the department acting within [his] the scope of
128 delegated authority in performing any of the above-listed duties, the
129 employee shall be represented by the Attorney General.

130 Sec. 3. Section 22a-151 of the general statutes is amended by adding
131 subdivision (13) as follows (*Effective from passage*):

132 (NEW) (13) "Sources of ionizing radiation" means, collectively,
133 radioactive materials and radiation generating equipment.

134 Sec. 4. Subsection (a) of section 22a-154 of the general statutes is
135 repealed and the following is substituted in lieu thereof (*Effective from*
136 *passage*):

137 (a) The Commissioner of Energy and Environmental Protection
138 shall adopt regulations, in accordance with the provisions of chapter
139 54, for the general or specific licensing of sources of ionizing radiation
140 or devices or equipment utilizing such sources. The commissioner may
141 issue, deny, renew, modify, suspend or revoke such licenses and may
142 include such terms and conditions in such licenses that the
143 commissioner deems necessary. Nothing in this section shall be
144 construed to confer authority to the commissioner to regulate materials
145 or activities reserved to the Nuclear Regulatory Commission under 42
146 USC 2021(c) and 10 CFR 150.

147 Sec. 5. Section 22a-158b of the general statutes is amended by
148 adding subsection (c) as follows (*Effective from passage*):

149 (NEW) (c) (1) Whenever the commissioner finds after investigation
150 that any person is causing, engaging in or maintaining, or is about to
151 cause, engage in or maintain, any condition or activity that, in the
152 commissioner's judgment, will result in or is likely to result in
153 imminent threat to human health or the environment within the

154 jurisdiction of the commissioner under the provisions of this chapter,
155 or whenever the commissioner finds after investigation that there is a
156 violation of the terms and conditions of a permit or license issued by
157 the department that is, in the commissioner's judgment, substantial
158 and continuous and it appears prejudicial to the interests of the people
159 of the state to delay action until an opportunity for a hearing can be
160 provided, or whenever the commissioner finds after investigation that
161 any person is conducting, has conducted or is about to conduct an
162 activity that will result in or is likely to result in imminent damage to
163 the environment, or to public health within the jurisdiction of the
164 commissioner under the provisions of chapter 446a for which a license,
165 as defined in section 4-166, is required under the provisions of chapter
166 446a without obtaining such license, the commissioner may, without
167 prior hearing, impound the source of ionizing radiation, or contract to
168 impound such source.

169 (2) The commissioner shall, not later than ten days after the date of
170 impounding material pursuant to subdivision (1) of this subsection,
171 hold a hearing to provide any such person an opportunity to be heard
172 and show that such violation does not exist or such violation has not
173 occurred or a license was not required or all required licenses were
174 obtained. All briefs or legal memoranda to be presented in connection
175 with such hearing shall be filed not later than ten days after such
176 hearing. Such order shall remain in effect until fifteen days after the
177 hearing, during which time a new decision based on the hearing shall
178 be made by the commissioner.

179 (3) Any person who is found by the commissioner to have violated
180 any provision of this chapter, resulting in impoundment pursuant to
181 this subsection, shall be liable for any costs of such impoundment,
182 provided any provisions of this subsection concerning a continuing
183 violation shall not apply to a person during the time when a hearing
184 on an order issued pursuant to this subsection or an appeal is pending.
185 The Attorney General, upon complaint of the commissioner, shall
186 institute a civil action in the superior court for the judicial district of

187 Hartford to recover such costs.

188 (4) The commissioner shall have the authority to enter into a
189 contract for the storage of impounded material, as necessary, to carry
190 out the provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-100(a)
Sec. 2	<i>from passage</i>	22a-6(a)
Sec. 3	<i>from passage</i>	22a-151(13)
Sec. 4	<i>from passage</i>	22a-154(a)
Sec. 5	<i>from passage</i>	22a-158b(c)

Statement of Legislative Commissioners:

In Section 2, "his" was changed to [his] the" for conformity with standard drafting protocols.

ENV *Joint Favorable Subst.*