



Agency Legislative Proposal - 2021 Session

Document Name:

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Energy and Environmental Protection

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Lead agency division requesting this proposal: Department of Energy and Environmental Protection

Agency Analyst/Drafter of Proposal: Paul Kritzler, Air Bureau

Title of Proposal: An Act Radiation Security, Safety and Sustainability

Statutory Reference: 22a-151, 22a-153, 22a-154, 22a-156, 22a-157, 22a-6a

Proposal Summary:

This proposal amends several sections of the general statutes to authorize the Governor to begin the three to five year process to enter into an agreement with the United State Nuclear Regulatory Commission (NRC) in accordance with section 247b of the Atomic Energy Act of 1954 whereby the NRC relinquishes to the State portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials in order to enhance local control and security. Upon approval by the NRC and assumption of regulatory authority for this radioactive material, Connecticut would become an "Agreement State." *The NRC would remain the sole regulatory authority for commercial nuclear reactors (Millstone), spent fuel storage facilities (Connecticut Yankee), consumer product distribution, and certain amounts of special nuclear material in the state.* The amendment would also authorize the Governor and DEEP to take actions necessary to implement radiation safety and security measures recommended in the National Council on Radiation Protection and Measurements Reports No. 138 "Management of Terrorists Events Involving Radioactive Material" and No. 179, "Guidance for Emergency Response Dosimetry." Upon implementation, the Agreement State program is self-funded through fee based regulations.

PROPOSAL BACKGROUND



◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

This proposal will centralize all aspects of authority over ionizing radiation and radioactive material which will provide a number of benefits including: increased safety and security, decreased state financial liability and increased state revenue for the General Fund, ensured sustainability of radiation safety resources for the State of Connecticut, decreased barriers to interstate commerce by ensuring compatible requirements, and decreased costs for Connecticut State agencies and businesses.

Streamlining (Decreased Business Costs and Better Administration)

Due to the transfer of licenses to a single entity from NRC to DEEP, there will be a centralization for ionizing radiation sources within the regulated community, such as medical institutions, educational institutions, pharmaceutical companies and physicians. Currently, the regulated community must interact with a federal agency for part of their operations and a state agency for the remainder, a framework that is cumbersome and leaves gaps in the efficient control and security of radioactive material that could place the public at potential risk to exposure to ionizing radiation as well as adversely impact efficiency of business operations. As an Agreement State, licensees will have ready access state inspection and licensing personnel to more efficiently resolve questions and issues. Current DEEP response time to questions and requests is approximately one month on average while response from NRC can typically take eight months or more.

Connecticut is only one of ten states that are not Agreement States. All other states in New England and New York are Agreement States. Ensuring regulatory and licensing requirements are compatible with nearby states minimizes barriers to interstate commerce due to reciprocity agreements and ensures a consistent framework that enhances industry compliance.

Increased Revenue

Currently the State of Connecticut collects \$25,000 per year in fees from the 125 licensed entities in the states. The NRC collects \$1.3 million in fees per year from those licenses. Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay \$115,900 annually to NRC in radioactive material license fees. Following approval from NRC those licensing fees will be transferred to the State of Connecticut, a portion of which must be used to expand DEEP's radiation group and the remainder of which will be transferred to the General Fund at the end of each fiscal year. Please see the fiscal note for more information.



Increased Security and Decreased State Financial Liability (Examples of Savings)

The proposal will work to reduce security gaps and decrease state financial liability, examples of which include: 1) DEEP investigating concerns about potential personnel over exposure to radiation at a NRC licensed facility because the NRC did not have the resources to send someone to investigate and requested DEEP assistance, 2) Homeowner found a radioactive material source on their property and federal government requested DEEP assistance to secure and safely remove the source – federal radiological responders were not immediately available to respond to incident, 3) DEEP identified loss of control of radioactive material at NRC licensed facility and reported incident to the NRC – NRC did not have resources to immediately send to Connecticut so DEEP conducted an on-scene investigation while NRC did a telephone interview with the facility, 4) DEEP identified residual radioactive material during a state confirmatory survey at a facility after NRC terminated the license so DEEP ensured the material was properly removed prior to transfer of ownership of the facility. In all these instances DEEP expended resources with no means for reimbursement.

Additionally, increased state control over these licenses would allow for better coordination with other state agencies. This proposal would also ease burdens on legacy radiation sites such as those in Waterbury and New Haven by expanding local control of oversight. It would ensure protective standards are met through the DEEP Radiation group's expanded authority.

Sustainability

With the passage of the bill and attaining Agreement State status, DEEP would be adequately funded to respond properly to protect public health, and funding would continue despite potential disruptions in funding from other sources such as the Millstone Nuclear Power Plant. Additionally, as the NRC states on their website, states entering into agreements gain the benefits of additional NRC training and workshops, evaluation of technical licensing and inspection issues, early involvement in NRC regulatory efforts, and participation in the Organization of Agreement States (OAS). These benefits will provide more security and protection for Connecticut citizens with regards to sources of ionizing radiation,^[1] and additionally the trained radiation professional staff would provide defense-in-depth for radiation emergency response for Millstone Nuclear Power Station."

^[1] <https://www.nrc.gov/about-nrc/state-tribal/agreement-states.html>

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

This proposal was approved in 2020, but was not introduced before the session was suspended due to COVID-19.



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: DPH, DoL, DMV, State Police, DESPP, DPUC, Insurance, DEMHS, DOT

Agency Contact (name, title, phone): Click here to enter text.

Date Contacted: Click here to enter text.

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

In 2020, DEEP contacted both DPH and UConn Health, who would be affected most by the change, and both were supportive of the proposal.

All other affected regulated entities which may include other agencies will be notified that the proposal is being put forward. Affected agencies per C.G.S. section 16a-103 are directed to initiate studies for changes in their laws and regulations which may be effected by the presence of nuclear materials in the state. However all authority over regulation of such materials is vested in the Commissioner of DEEP. As such, notification of the proposal is largely informative, as this the number or amount of nuclear materials in state will not change due to this proposal as it is only a transfer of NRC licenses to the state for existing sources.

Will there need to be further negotiation? YES NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*

None

State

This legislation and the formation of the subsequent program could result in increase in revenue and administrative costs for DEEP.

Increased Revenue



The increased revenue will support the additional positions needed to develop and implement the program. Through contact with the NRC, DEEP anticipates that approximately 125 licenses will be transferred to DEEP. The fees for these licenses is anticipated to be \$1.3 million dollars per year. DEEP collects \$25,000 from these same sources with NRC licenses in fees. As such the new Materials Program would provide \$1,275,000 in additional revenue annually before accounting for operation costs (explained below). The revenue gain has been benchmarked against fees collected in Vermont, Massachusetts, New York and Rhode Island. Additional revenue could be gained through licensing actions such as application for a new license, renewal, or amendment. Connecticut would also collect a nominal amount of money for reciprocity fees (NRC charges \$2500 per year) for sources who are licensed in other states but may be doing business in Connecticut.

Savings

Connecticut State Agencies (UCONN Health, Connecticut Agriculture Station, DOT, DPH and DEEP) pay \$115,900 annually to NRC in radioactive material license fees which would be exempted under a new Materials Program. NRC also provides training and travel expenses for state personnel. The proposal also transfers all funds not used for administration in the fiscal year to the General Fund.

Costs

The establishment of the program would require increased staff to oversee the new licenses. It is anticipated that the new program would require four additional staff including a Supervising Radiation Control Physicists, an Environmental Analyst, and two Environmental Compliance Specialists. At current rates the total fiscal cost of this increased staff is anticipated to be \$511,656 per year. Staff costs and operating fees would be covered by revenue gained through licensing fees. The NRC provides training and funds training travel for agreement state personnel.

Overall

The overall increase in revenue would be 1.2 million dollars per year (1.3 in current NRC licensing fees minus \$100,000 in fees from Connecticut state agencies), while costs would be approximately \$500,000 per year (estimated staff costs), resulting in a yearly transfer of approximately \$500,000 per year to the General Fund, even granted a potential decrease in licensing fees which would save Connecticut businesses money.

Federal

Decrease in revenue and workload as licenses are transferred from NRC to DEEP.

Additional notes on fiscal impact



The proposal would be positioned to reduce costs for 125 businesses in Connecticut who are currently licensed by the NRC. Connecticut will both decrease licensing fees in regulation adopted pursuant to this passage of this proposal, decrease administrative costs and time as licenses will now be administered by DEEP rather than the federal NRC.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This proposal would align policy with that of forty other states in the nation and expand the control over sources of ionizing radiation in the state to improve safety and security. It would build a robust radiation control program for Connecticut and secure future funding, training and oversight. All administrative costs would be borne by the fees collected on the facilities whose licenses are being transferred to DEEP.

Programmatically, this proposal would transfer license oversight from NRC to the DEEP for administration. Following adoption of the proposal and letter for intent from the Governor, the NRC will assign a program manager to Deep's Division of Radiation to assist in the process of building up the Agreement materials program, a process that would be expected to take three to five years as the NRC reviews the Agreement State application. The DEEP Division of Radiation would need to hire 4 FTE positions. Existing programs would experience a co-benefit from the NRC training and the decrease in regulatory gaps as explained above between the NRC and state programs. Anticipated program adoption would require the adoption of new regulations to meet NRC requirements, and to implement a new fee schedule in year 1, the transfer of existing staff and hiring of new staff through existing resources in year 2, and the transfer of administrative costs to the NRC fund upon completion and acceptance by NRC of the State program in the subsequent years (anticipated to be year 3-5).

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

Agreement States maintain Performance Indicators (PIs) for the following categories:

- Status of the Materials Inspection Program
- Technical Quality of Inspections
- Technical and Staffing Training
- Technical Quality of Licensing Actions
- Technical Quality of Incident and Allegation Activities



In addition the NRC conduct periodic assessment of the Agreement State by conducting an Integrated Materials Performance Evaluation Program (IMPEP) review (Including review of the above listed Pls.). This review is conduction one year after the Agreement State is initiated and every four years thereafter. Additionally, special reviews may be scheduled due to loss of key staff, loss of operating funding, or other acute problems that may affect program performance including changes to regulatory structure, regulatory overreach, or a group of licenses requires special attention. Additionally both the NRC or the Agreement State may schedule a special review.

AN ACT CONCERNING RADIATION SECURITY, SAFETY, AND SUSTAINABILITY

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

Section 1. Section 22a-151 of the general statutes is amended by adding subdivisions (9) and (10) as follows (*Effective October 1, 2021*):

(NEW) (9) "Radioactive materials" means any solid, liquid or gas that emits ionizing radiation spontaneously.

(NEW) (10) "Commissioner" means the Commissioner of Energy or Environmental Protection or a designee or agent of the Commissioner of Energy or Environmental Protection.

Sec. 2. Section 22a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(a) The [Commissioner of Energy and Environmental Protection] commissioner shall supervise and regulate in the interest of the public health and safety the use of ionizing radiation within the state.

(b) [Said] The commissioner may employ, subject to the provisions of chapter 67, and prescribe the powers and duties of such persons as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive, as amended by this act.

(c) [Said] The commissioner shall [make such regulations as may be necessary to carry out the provisions of said sections] adopt regulations, in accordance with the provisions of chapter 54, regarding sources of ionizing radiation and radioactive materials, including, but not limited to:

(1) Regulations necessary to secure agreement state status from the Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended;



- (2) Regulations relating to the construction, operation, control, tracking, security or decommissioning of sources of ionizing radiation, including, but not limited to, any modification or alteration of such sources;
- (3) Regulations relating to the production, transportation, use, storage, possession, management, treatment, disposal or remediation of radioactive materials;
- (4) Regulations relating to planning for and responding to terrorist or other emergency events, or the potential for such events, that involve or may include radioactive materials;
- (5) Regulations as may be necessary to carry out the provisions of sections 22a-151 to 22a-158, inclusive, as amended by this act;
- (6) Regulations establishing fees for the licensure of sources of ionizing radiation, which fees, in conjunction with the fees collected pursuant to section 22a-148 shall be sufficient for the administration, implementation and enforcement of an ionizing radiation program;
- (7) Regulations to reciprocate in the recognition of specific licenses issued by the NRC or another state that has reached agreement with the NRC pursuant to 42 U.S.C. § 2021(b).
- (d) The Governor or the commissioner is authorized to employ such consultants, experts and technicians as [he shall deem] necessary for the purpose of conducting investigations and reporting [to him] on matters connected with the implementation of the provisions of [said sections] sections 22a-148 to 22a-158, inclusive, as amended by this act.
- (e) There is established an account to be known as the "ionizing radiation management account". Said account shall be established by the Comptroller as a separate, nonlapsing account within the General Fund. All moneys collected in accordance with section 22a-148, or 22a-150, or any regulations adopted in accordance with subsection (c) of this section, shall be deposited in the General Fund and credited to the ionizing radiation management account. Any balance remaining in the account at the end of any fiscal year shall be transferred to the General Fund. Said account may also receive moneys from other sources. The account shall be available to the commissioner to implement, administer and enforce (1) the ionizing radiation program, or (2) the provisions of sections 22a-148 to 22a-158, inclusive, as amended by this act, and section 7 of this act, or any regulations or guidelines adopted pursuant to said sections. Nothing in this subsection shall prevent the commissioner from obtaining or using funds from sources other than the ionizing radiation management account for the purposes of implementing, administering, and enforcing an ionization radiation program.
- (f) The commissioner may establish radiation exposure guidelines for emergency responders and the public for the management of emergencies involving radioactive materials. Any such guidelines may



be based upon the recommendations of the federal government and the National Council on Radiation Protection and Measurements.

Sec. 3. Subsection (a) of section 22a-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(a) The [Commissioner of Energy and Environmental Protection may provide by regulation for] commissioner shall adopt regulations, in accordance with the provisions of chapter 54, for the general or specific licensing of [by-product, source, special nuclear materials and other] sources of ionizing radiation. [, or devices or equipment utilizing such materials, and for amendment, suspension, or revocation of licenses issued pursuant thereto.] The commissioner may issue, deny, renew, modify, suspend or revoke such licenses and may include such terms and conditions in such licenses that the commissioner deems necessary.

Sec. 4. (NEW) (*Effective October 1, 2020*) (a) Any person who violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or any owner of land who permits such violations to occur on such owner's land, shall be assessed a civil penalty of not more than ten thousand dollars per day 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 a separate and distinct offense. If two or more persons are responsible for such violation, such persons shall be jointly and severally liable under this section. The Attorney General, upon request of the Commissioner of Environmental Protection, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. Any such action brought by the Attorney General pursuant to this section shall have precedence in the order of trial as provided for in section 52-191 of the general statutes. For the purposes of this section, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

(b) Any person who, with criminal negligence, violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than twenty-five thousand dollars per day for each violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(c) Any person who knowingly violates any provision of sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended



by this act, or any regulation adopted or license or order issued pursuant to said sections shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation shall carry a fine of not more than one hundred thousand dollars per day for each day of violation or imprisonment for not more than ten years, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense.

(d) Any person who knowingly makes a false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained under sections 22a-148 to 22a-150, inclusive, sections 22a-153 to 22a-154, inclusive, section 22a-157 or 22a-158 of the general statutes, as amended by this act, or any regulation adopted or license or order issued pursuant to said sections, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under said sections, or any regulation adopted or registration, license or order issued pursuant to said sections, shall, upon conviction, be fined not more than twenty-five thousand dollars per day for each violation or imprisoned not more than two years for each violation, or both. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day a violation continues shall be deemed to be a separate and distinct offense. For the purposes of this subsection, "person" includes, but is not limited to, any responsible corporate officer or municipal official.

Sec. 5. Section 22a-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

No person shall construct, operate, use, manufacture, produce, transport, transfer, receive, acquire, decommission, own or possess any source of ionizing radiation, [unless exempt, licensed or registered in accordance with the provisions of sections 22a-151 to 22a-158, inclusive] unless such activity is in compliance with all requirements of this chapter, including any regulations adopted, or registration or license issued under this chapter. No person shall produce, transport, store, possess, manage, treat, remediate, or dispose of any radioactive materials, unless such activity is in compliance with all requirements of this chapter including any regulations adopted, or registration or license issued under this chapter. No person shall fail to register a source of ionizing radiation required to be registered under this chapter, including any regulations adopted, or registration or license issued under this chapter.

Sec. 6. (NEW) (*Effective October 1, 2020*) (a) If a person causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation, or causes or is responsible for pollution, contamination or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste, and who does not act immediately to prevent, abate, contain, mitigate or remove such hazard,



potential hazard, pollution, contamination, or potential pollution or contamination, to the satisfaction of the commissioner, or if such person is unknown, and such hazard, potential hazard, pollution, contamination, or potential pollution or contamination, is not being prevented, abated, contained, mitigated or removed by the federal government, a state agency, a municipality or a regional or interstate authority, the commissioner may take steps he or she deems necessary to protect human health and the environment including, but not limited to, investigating, monitoring, abating, containing, mitigating, or removing such hazard, potential hazard, pollution, contamination, or potential pollution or contamination. The commissioner may enter into a contract with any person for the purpose of carrying out the provisions of this subsection.

(b) Any person who causes or is responsible for any exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation or who causes or is responsible for pollution, contamination, or potential pollution or contamination of any land, water, air or other natural resource of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste shall be liable for all costs and expenses incurred by the commissioner pursuant to subsection (a) of this section, including all costs and expenses to restore the air, water, land and other natural resources of the state, and shall be liable for all attorneys' fees, court costs and any other legal expenses incurred by the state regarding the recovery of such costs. Nothing in this subsection shall preclude the commissioner from seeking additional compensation or such other relief that a court may award, including punitive damages. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs. Upon request of the commissioner, the Attorney General shall bring a civil action to recover all such costs and expenses from the person who caused or is responsible for any hazard, potential hazard, pollution, contamination or potential pollution or contamination.

(c) Any person who prevents, abates, contains, removes or mitigates any (1) exposure hazard or potential exposure hazard from radioactive materials, radioactive waste, or a source of ionizing radiation that is not authorized by regulation, registration or license, or (2) any pollution or contamination or potential pollution or contamination of any land, water, air or other natural resources of the state through a discharge, spillage, uncontrolled loss, release, leakage, seepage, or filtration of radioactive material or radioactive waste that is not authorized by regulation, registration or license, shall be entitled to reimbursement of the reasonable costs incurred or expended for such abatement, containment, removal, or mitigation from any person whose negligent, reckless, or intentional action or inaction caused such hazard, potential hazard, pollution, contamination or potential pollution or contamination. When such hazard, potential hazard, pollution, contamination or potential pollution or contamination results from the action or inaction of more than one person, each person shall be held jointly and severally liable for such costs.



(d) Whenever the commissioner incurs contractual obligations in carrying out the duties of subsection (a) of this section and the person who causes or is responsible for the hazard, potential hazard, pollution, contamination or potential pollution or contamination does not assume such contractual obligations, the commissioner shall request the Attorney General to bring a civil action pursuant to subsection (a) of this section to recover the costs and expenses of such contractual obligations and other costs and expenses provided for in subsection (b) of this section. If any such person is unknown, the commissioner shall request the federal government to assume such contractual obligations to the extent provided for by federal law.

Sec. 7. Subsection (a) of section 22a-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(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, section 22a-148 to 22a-150, inclusive, 22a-153, 22a-154, as amended by this act, 22a-157, as amended by this act, 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.

Sec. 8. Section 16a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*effective October 1, 2020*):

Sec. 16a-101. (Formerly Sec. 19-405). Definitions. As used in this chapter:

(1) "Atomic energy" [means all forms of energy released in the course of nuclear fission or nuclear transformation;]"Atomic energy" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;



(2) “By-product material” means [any radioactive materials, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials;]]"By-product material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(3) “Production facility” means (A) any equipment or device capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device;]"Production Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(4) "Radioactive material" means "Radioactive Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

(5) "Source material" means "Source Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(4)] (6) “Special nuclear material” means [(A) plutonium and uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission has determined the material to be such; or (B) any material artificially enriched by any of the foregoing;]"Special Nuclear Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time;

[(5)] (7) “Utilization facility” means [(A) any equipment or device, except an atomic weapon, capable of making use of special nuclear materials in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (B) any important component part especially designed for such equipment or device.]"Utilization Facility" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time.

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