

February 11, 2021

Brian Anderson, Chief  
State Agreement and Liaison Programs Branch  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike  
Rockville, MD 20852-2738

Dear Mr. Anderson:

Thank you for your review (by letter dated January 22, 2021) of the proposed revisions to the Connecticut legislation in the Agency Legislative Proposal – 2021 Session, sent to your office on December 17, 2020. We have reviewed your comments and have provided resolution to each as identified in the enclosures. Our resolution includes some technical changes to the proposed language, clarification of existing statutory authorities, and identification of those areas that we intend to implement through the regulatory process.

If you have any questions regarding the comments, or the Connecticut General Statutes, in our response, please contact Paul Kritzler, Air Bureau Legislative Coordinator, at 860-424-3889 ([paul.kritzler@ct.gov](mailto:paul.kritzler@ct.gov)) or Jeff Semancik, Director, Radiation Division at 860-424-4290 ([jeffrey.semancik@ct.gov](mailto:jeffrey.semancik@ct.gov)).

Sincerely,



Jeffrey D. Semancik  
Director, Radiation Division  
Dept of Energy and Environmental Protection

Enclosures:

1. Compatibility comment resolution table
2. Substitute language – Connecticut legislative proposal
3. Substitute language – change summary
4. Connecticut Delegated Authorities

**COMPATIBILITY COMMENTS ON CONNECTICUT PROPOSED LEGISLATION**

STATE SECTION	STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
<p>1</p> <p>Section 22a-5.</p> <p>Section 22a-148 et seq.</p> <p>16a-100</p> <p>22a-161 for LLRW Atlantic Compact</p>	<p>Section 2</p>	<p><b>Declaration of Policy</b></p> <p>Connecticut omits the term “sources of ionizing and nonionizing radiation”</p> <p>Connecticut needs to delete the delete the phrase “as nearly as may be,” from Section 16a-100 and “to the extent deemed practicable by said department” from 22a-148(b). Connecticut also needs to change the sentence “on the regulations of the United States Atomic Energy Commission to the United States Nuclear Energy Commission, issued under authority granted to said commission by the Atomic Energy Act of 1954, ... and subsequent amendments. Connecticut also needs to delete the later part of the sentence “or, if such regulations should be deemed inappropriate by the Commissioner of Energy and Environmental Protection, on the latest recommendations of the National Committee on Radiation, as published by the United States Department of Commerce, National Bureau of Standards.”</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Authority to regulate non-ionizing radiation is provided in Sec. 22a-162. Standards for the operation of sources of nonionizing radiation.</li> <li>2. Added Sec. 9 to proposed substitute language to incorporate comments.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
2	Section 22a-5.  Section 22a-148 et seq.  16a-100	Section 3	<p><b>Purpose</b></p> <p>Connecticut omits the term “sources of radiation”</p> <p>Connecticut omits Section 3.2 of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The term “sources of radiation” is not required to be defined in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term “sources of radiation” may be defined if necessary.</li> <li>3. Re. Section 3.2 “Purpose” The purpose is not necessary for legislation and is not customary for Connecticut legislation within the actual text of the legislation.</li> </ol>
3	Definitions will be adopted through regulation with authority provided through legislative proposal	Section 4	<p><b>Definitions Byproduct Material</b></p> <p>The definition does not include “The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.” The reference to 42 U.S.C. 2014 also includes definitions not mentioned in the SSL. The reference to 42 U.S.C. 2014 defines (1)(i) again. The definition in Sec.22a-151 references US Atomic Energy Commission.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or</p>	<ol style="list-style-type: none"> <li>1. The definition of “byproduct material” appears in <a href="#">22a-151(1)</a> and has been amended in the proposed legislation to incorporate the NRC definition. It has also been amended to remove reference to the AEC.</li> <li>2. Section 16-101 has been amended in the proposed legislation to be consistent with the definition in section 22a-151.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	sec. 2  Section 16a-101		supply the missing information.	
4	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Civil Penalty</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The definition of "civil penalty" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. The commissioner authority to issue civil penalties is contained within 22a-6b.</li> <li>3. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "civil penalty" may be defined if necessary.</li> </ol>
5	Definitions will be adopted through regulation with authority provided	Section 4	<p><b>Definitions Closure or Site Closure</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or</p>	<ol style="list-style-type: none"> <li>1. The definition of "closure or site closure" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "Closure or Site Closure" may</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	through legislative proposal sec. 2  Section 16a-101		supply the missing information.	be defined if necessary.
6	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Decommissioning</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The definition of “decommissioning” is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term “decommissioning” may be defined if necessary.</li> </ol>
7	Definitions will be adopted through	Section 4	<p><b>Definitions Disposal of low-level radioactive waste</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from</p>	<ol style="list-style-type: none"> <li>1. The definition of “disposal of low level radioactive waste” is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	regulation with authority provided through legislative proposal sec. 2  Section 16a-101		the list.  Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "disposal of low-level radioactive waste" may be defined if necessary.
8	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<b>Definitions High-level radioactive waste</b>  Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.  Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	1. The definition of "High level radioactive waste" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.  2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "High level radioactive waste" may be defined if necessary.
9	Definition	Section	<b>Definitions General license</b>	

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	ns will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	4	<p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>The term “general license” is defined in existing statutes <a href="#">22a-151(3)</a>.</li> </ol>
10	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2	Section 4	<p><b>Definitions Specific license</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>The term “specific license” is defined in existing statutes <a href="#">22a-151(4)</a>.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	Section 16a-101			
1 1	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Low-level radioactive waste</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The term "low level radioactive waste" is defined in section <a href="#">22a-161</a> of the Connecticut General Statutes.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "Low level radioactive waste" may be defined for application to other requirements outside of the Compact outlined in 22a-161.</li> </ol>
1 2	Definitions will be adopted through regulation with authority provided through	Section 4	<p><b>Definitions Person</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The term "person" is defined in existing statutes <a href="#">22a-151(5)</a>.</li> </ol>



STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	legislative proposal sec. 2  Section 16a-101			
13	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Radiation</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The definition of "Radiation" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "radiation" may be defined if necessary.</li> </ol>
14	Definitions will be adopted through regulation	Section 4	<p><b>Definitions Ionizing radiation</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p>	<ol style="list-style-type: none"> <li>1. The term "ionizing radiation" is defined in existing statutes <a href="#">22a-151(2)</a>.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	n with authority provided through legislative proposal sec. 2  Section 16a-101		Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	
15	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Nonionizing radiation</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>The definition of “non-ionizing Radiation” is defined in <a href="#">22a-162</a> of the Connecticut General Statutes. It is incorporated by reference from federal standards.</li> </ol>
16	Definitions will	Section 4	<b>Definitions Radiation generating equipment</b>	<ol style="list-style-type: none"> <li>The definition of “radiation generating equipment” is not required in statute.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	<p>be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>		<p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>Connecticut prefers to define the term in regulation where it will be easier to amend.</p> <p>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term “radiation generating equipment” may be defined if necessary.</p>
17	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p>	Section 4	<p><b>Definitions Radioactive material</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. The term “radioactive material” appears in the proposed legislation section 1 to be defined in section 22a-153 of the Connecticut General Statutes.</p> <p>2. An identical definition of “radioactive material is also being added to section 16a-101 of the Connecticut General Statutes and can be found in section 8 of the proposed legislation.</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	Section 16a-101			
18	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p><b>Definitions Registration</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. The term “registration” is defined in existing statutes <a href="#">22a-151(6)</a>.</p>
19	<p>Definitions will be adopted through regulation with authority provided through legislative</p>	Section 4	<p><b>Definitions Source material</b></p> <p>Source Material is defined in accordance with 42 US Code 2014. The wording is not exact but is open ended with the statement “...in such concentration as the Commission may by regulation determine from time to time. This code defines “Commission” as Atomic Energy Commission rather than U.S. Nuclear Regulatory Commission.</p> <p>Connecticut needs to delete the statement indicated</p>	<p>1. The term “source material” is defined in existing statutes <a href="#">22a-151(7)</a>.</p> <p>2. The proposed substitute language amends the existing definition to remove the reference to the AEC.</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	e proposal sec. 2  Section 16a-101		above, and correct the definition of "Commission" to read, "U.S. Nuclear Regulatory Commission."	
20	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Source material mill tailings</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The definition of "source material mill tailings" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "source material mill tailings" may be defined if necessary.</li> </ol>
21	Definitions will be adopted through regulation with	Section 4	<p><b>Definitions Source material milling</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p>	<ol style="list-style-type: none"> <li>1. The definition of "source material milling" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	authority provided through legislative proposal sec. 2  Section 16a-101		Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	(c)(5) gives authority to adopt regulations where the term "source material milling" may be defined if necessary.
2 2	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2  Section 16a-101	Section 4	<p><b>Definitions Sources of radiation</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The definition of "sources of radiation" is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</li> <li>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term "sources of radiation" may be defined if necessary.</li> </ol>
2 3	Definitions will be	Section 4	<p><b>Definitions Special nuclear material</b></p> <p>Connecticut's definition of special nuclear fuel includes</p>	<ol style="list-style-type: none"> <li>1. The definition of "special nuclear material" appears in <a href="#">22a-151(8)</a> and 16-101(4).</li> </ol>

STATE SECTION	STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
<p>adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>		<p>a reference to the Atomic Energy Commission and does not include the phrase, “does not include source material; or any material artificially enriched by any of the foregoing, but does not include source material.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>2. Both definition have been amended in the proposed legislation, sections 1 and 8 respectively to be consistent and incorporate by reference the U.S.C. definition.</p>
<p>2 4</p> <p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section</p>	<p>Section 4</p>	<p><b>Definitions Spent nuclear fuel</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. The definition of “spent nuclear fuel” is not required in statute. Connecticut prefers to define the term in regulation where it will be easier to amend.</p> <p>2. Section 2 of the proposal amending section 22a-153 of the C.G.S., specifically subsection (c)(5) gives authority to adopt regulations where the term “spent nuclear fuel” may be defined if necessary.</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	16a-101			
2 5	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p><b>Definitions Transuranic waste</b></p> <p>Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The term “transuranic waste” is defined in <a href="#">22a-161</a> of the Connecticut General Statutes as pertains to the Northeast Low Level Waste Compact.</li> <li>2. Additional applications of the term outside of the Compact may be done through the authority provided in section 2 of the proposed language.</li> </ol>
2 6	22a-5	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Connecticut omits Section 5 (a) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. <a href="#">See 22a-5(5)</a> “Duties and powers of the Commissioner” (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, <b>radiation</b>, odors, nutrients and cooled or heated liquids, gases and solids;</li> <li>2. Also see <a href="#">22a-153 through 22a-156</a> for similar authorities for ionizing sources of radiation.</li> <li>3. 16a-102b and 16a-103</li> </ol>



STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
27	22a-5	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Connecticut omits Section 5(b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(b) [The head of the state department of ] shall designate the director of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency under the provisions of this act. [If an in-dependent State Radiation Control Agency is created, the governor should appoint the director.]</p>	<ol style="list-style-type: none"> <li>1. See 22a-2 Permitted Delegations of Authority.</li> <li>2. See 22a-4. Providing authority to assistants and consultants.</li> <li>3. This response includes a copy of the <b>internal delegations of authority</b> for NRC reference.</li> </ol>
28	22a-153(c)	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Connecticut omits Section 5 (d) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>With respect to (d) (1) through (d)(4), (d) (6), (d) (7), and (d) (9)</p> <p>Existing Authorities to Coordinate Atomic Activity</p> <ol style="list-style-type: none"> <li>1. See existing section <a href="#">22a-153(c)</a> providing the power of the Commissioner to adopt regulations for non-ionizing sources of radiation.</li> <li>2. See existing section <a href="#">16a-102</a> which gives authority to the Commissioner to coordinate atomic activities in the state.</li> <li>3. See section</li> </ol> <p>Proposed Authorities to Coordinate Atomic Activity</p> <ol style="list-style-type: none"> <li>4. See section 2 of the proposed legislation which provides authority to adopt regulation concerning those powers necessary in 5 (d) including: Development of program, training of staff, adoption of regulations for licensure and registration, maintain records, etc., as required by this section.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
				<p>5. Please cross reference line 55 authorities to require, retain and use records.</p> <p>With respect to (d) (5) Issuance of Orders</p> <p>6. See <a href="#">22a-7</a>. Authority for cease and desist orders, injunctions.</p> <p>7. See <a href="#">22a-6(3)</a> Powers of the Commissioner include that ability to “(3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. 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 him;”</p> <p>8. Specific Authority</p> <p>9. See <a href="#">22a-158a</a> regarding authority to issue cease and desist orders.</p> <p>10. See <a href="#">22a-158b</a> regarding ability to seek court orders and injunctions</p> <p>With respect to (d) (8)</p> <p>11. See <a href="#">16a-102(a)(4)</a> and <a href="#">16a-103</a> regarding the ability to conduct studies</p>
2 9	16a-102(a)	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Connecticut omits Section 5 (e) of the SSL.</p> <p>Connecticut indicates in their crosswalk that Section</p>	<p>1. See <a href="#">22a-2</a> Permitted Delegations of Authority.</p> <p>2. See <a href="#">22a-4</a>. Providing authority to assistants and consultants.</p> <p>3. This response includes a copy of the <b>internal delegations of authority</b> for NRC reference.</p> <p>4. <a href="#">16a-102</a> The Commissioner is designated as</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			<p>5(e) and (f) are not applicable.</p> <p>(e) The governor shall designate a Coordinator of Radiation Activities.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	the atomic activities in the state.
30	16a-102(a)	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Connecticut omits section 5(f) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(f) The several agencies of the state [and political subdivisions] shall keep the coordinator fully and currently informed as to their activities relating to [development and] regulation of sources of radiation.</p>	<ol style="list-style-type: none"> <li>1. See section <a href="#">16a-102(a)(2)</a> and <a href="#">16a-103</a> of the Connecticut General Statutes requiring the Commissioner to be the coordinator of atomic activities and for agencies to coordinate through the Commissioner.</li> </ol>
31	Sec. 2 of proposed legislation. (Section 22a-153(b) and (c))	Section 6	<p><b>Advisory Committee on Radiation</b></p> <p>Connecticut omits section 6 (a) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut is opting not to create an advisory Board or Committee. Program administration and planning will be more streamlined without the inclusion of an advisory board. As this is not a requirement, Connecticut decision should not impact the approval of this section.</li> <li>2. 16a-102(d). DEEP can retain assistance which may include an advisory board, and if the Commissioner deems it necessary we can include it in regulation and proceed.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
3 2	Sec. 2 of proposed legislation. (Section 22a-153(b) and (c))	Section 6	<p><b>Advisory Committee on Radiation</b></p> <p>Connecticut omits Section 6 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut is opting not to create an advisory Board or Committee. Program administration and planning will be more streamlined without the inclusion of an advisory board. As this is not a requirement, Connecticut decision should not impact the approval of this section.</li> <li>2. 16a-102(d). DEEP can retain assistance which may include an advisory board, and if the Commissioner deems it necessary we can include it in regulation and proceed.</li> </ol>
3 3	Sec. 3 of proposed legislation. (Section 22a-154)	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Connecticut omits the phrase “radioactive material not under the authority of the U.S. Nuclear Regulatory Commission”</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. General authority is granted for the authority to regulate sources of radioactive material (which may include “radioactive material not under the authority of the U.S. NRC” in several locations of existing and proposed statutes.</li> <li>2. The authority is granted to regulate this material in <a href="#">22a-154</a> of the Connecticut General Statutes</li> <li>3. The authority is granted in section 2 of the proposed legislation to regulate “sources of ionizing radiation and radioactive materials” which is broad enough to include this material.</li> <li>4. Similar to the above see section 3 of the proposed legislation regarding sources of radiation.</li> </ol>
3 4	Sec. 3 of proposed legislation	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Connecticut omits Alternative I Section 7 (b) of the SSL.</p>	<p>Existing Authority</p> <ol style="list-style-type: none"> <li>1. See section <a href="#">22a-154</a> of the Connecticut General Statutes regarding the authority of the Commissioner to adopt regulations for the licensing and registration of sources of</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	n. (Section 22a-154)		<p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(b) The agency is authorized to require registration [or licensing] of other sources of radiation.</p>	<p>radiation.</p> <p>Proposed Authority</p> <ol style="list-style-type: none"> <li>1. See section 2(c)(6) and (c)(7) of the proposed regulation for the authority to adopt regulations concerning licensure.</li> <li>2. See section 3 of the proposed legislation concerning the authority to adopt regulations and “issue, deny, renew, modify, suspend or revoke such licenses.”</li> </ol>
3 5	Sec. 2 of proposed legislation. (Section 22a-153(b) and (c))	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Connecticut omits Alternative I Section 7 (d) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(d) Rules and regulations promulgated under this act may provide for recognition of other state or federal licenses as the agency may deem desirable, subject to such registration requirements as the agency may prescribe.</p>	<ol style="list-style-type: none"> <li>1. Reciprocity is covered under the proposed legislation section 2(c)(7).</li> </ol>
3 6	Sec. 3 of proposed legislation. (Section 22a-153)	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Alternative II(a)</p> <p>Connecticut omits the phrase “radioactive material not under the authority of the U.S. Nuclear Regulatory Commission”</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or</p>	<ol style="list-style-type: none"> <li>1. Connecticut need only address the insufficiency of either of the two “alternative” constructs of licensing and registration authority. See Item 33.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			supply the missing information.	
37	Sec. 3 of proposed legislation. (Section 22a-153)	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Connecticut omits Alternative II Section 7 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. Connecticut need only address the insufficiency of either of the two “alternative” constructs of licensing and registration authority. See Item 34.</p>
38	Sec. 2 (b)(5) and 3 of proposed legislation.	Section 7	<p><b>Licensing and Registration of Sources of Radiation</b></p> <p>Connecticut omits Alternative II Section 7 (d) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. Connecticut need only address the insufficiency of either of the two “alternative” constructs of licensing and registration authority. See Item 34.</p>
39	Sec. 3 of proposed legislation. (Section 22a-153)	Section 8	<p><b>Source Material Processing and Related [Byproduct Material] [Mill Tailings]</b></p> <p>Connecticut omits Section 8 (a) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. Connecticut does not intend to request authority to regulate or accept mill tailings.</p>
4	Sec. 3 of	Section	<b>Source Material Processing and Related [Byproduct</b>	<p>1. Connecticut does not intend to request</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
0	proposed legislation. (Section 22a-153)	8	<p><b>Material] [Mill Tailings</b></p> <p>Connecticut omits Section 8 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	authority to regulate or accept mill tailings.
41	22a-159	Section 9	<p><b>Low-level Radioactive Waste Disposal</b></p> <p>Connecticut omits Section 9 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut does not intend to request authority to regulate or accept low level radioactive waste.</li> <li>2. See section <a href="#">22a-161</a> regarding the low level waste compact.</li> </ol>
42	22a-159	Section 9	<p><b>Low-level Radioactive Waste Disposal</b></p> <p>Connecticut omits Section 9 (c) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut does not intend to request authority to regulate or accept low level radioactive waste.</li> <li>2. See section <a href="#">22a-161</a> regarding the low level waste compact.</li> </ol>
43	Sec. 2 (a) of proposed legislation.	Section 9	<p><b>Low-level Radioactive Waste Disposal</b></p> <p>Connecticut omits Section 9 (d) of the SSL.</p> <p>Connecticut does not specifically have requirements for the disposal of low-level waste.</p>	<ol style="list-style-type: none"> <li>1. Connecticut does not intend to request authority to regulate or accept low level radioactive waste.</li> <li>2. See section <a href="#">22a-161</a> regarding the low level waste compact.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	
44	Sec. 3 (a) of proposed legislation.	Section 9	<p><b>Low-level Radioactive Waste Disposal</b></p> <p>Connecticut omits Section 9 (e) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut does not intend to request authority to regulate or accept low level radioactive waste.</li> <li>2. See section <a href="#">22a-161</a> regarding the low level waste compact.</li> </ol>
45	Sec. 2 and 3 of the proposed legislation.	Section 11	<p><b>Surety Requirements</b></p> <p>Connecticut omits Section 11 (a) of the SSL.</p> <p>Connecticut does not have language that specifically states the following:</p> <p>“establish by rule or regulation standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the agency for the decontamination, closure, decommissioning and reclamation of sites, structures and equipment used in conjunction with such licensed activity, in case the licensee should default for any reason in performing such requirements.”</p>	<ol style="list-style-type: none"> <li>1. The Commissioner is given the power to require surety in <a href="#">22a-6(7)</a>. Specifically: “(a) The Commissioner may: ...<b>(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;</b>”</li> <li>2. The Commissioner may adopt regulations as necessary to carry out their powers in <a href="#">22a-6(1)</a>. Specifically: (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 his functions, powers and duties;</li> <li>3. Connecticut intends to extend in regulations surety requirements specific to radiation</li> </ol>



STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	issues. 4. Connecticut DEEP is working on interagency SOPs regarding financial assurances. The measure is part of the Commissioners <a href="#">20 by 20 plan</a> . See Goal 19.
4 6	Sec. 2 and 3 of the proposed legislation.  Section 6. for authority for remediation.	Section 11	<b>Surety Requirements</b>  Connecticut omits Section 11 (b) of the SSL.  Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.  (b) All sureties required under subsection (a) which are forfeited shall be paid to the agency for deposit by the [state treasurer] in a special fund called the [radiation site closure and reclamation fund]. All monies in this fund are hereby appropriated and may be expended by the agency as necessary to complete such requirements on which licensees have defaulted. Monies in this fund shall not be used for normal operating expenses of the agency.	1. The State of Connecticut intends to place all funds into the General Fund. It is the policy of the State of the Connecticut to limit the number of "special funds." 2. Funding for the program will be appropriated to DEEP from the general fund in the budget. 3. Per DEEP Financial Management Division surety is held in a separate account until such time as it is released to the general account. A performance bond is typically held in the DEEP pending receipt account. A Letter of Credit (LOC) would be held in the safe until funds are called.
4 7	Sec. 2 and 3 of the proposed legislation.  Section 6. for	Section 11	<b>Surety Requirements</b>  Connecticut omits Section 11 (c) of the SSL.  Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.  (c) For licensed activities involving the disposal of source material mill tailings and disposal of low-level radioactive waste the agency shall, and for other classes of licensed activity when radioactive	1. The Commissioner is given the power to require surety in <a href="#">22a-6(7)</a> . Specifically: "(a) The Commissioner may: ... <b>(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;</b> " 2. The Commissioner may adopt regulations as necessary to carry out their powers in <a href="#">22a-6(1)</a> . Specifically: (a) The Commissioner may: ... (1) Adopt, amend or repeal, in accordance

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	authority for remediation.		material which will require surveillance or care is likely to remain at the site after the licensed activities cease the agency may, establish by rule or regulation standards and procedures to ensure that the licensee, before termination of the license, will make available such funding arrangements as may be necessary to provide for long-term site surveillance and care.	with the provisions of chapter 54, such environmental standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out his functions, powers and duties; 3. Connecticut intends to extend in regulations surety requirements specific to radiation issues.
48	Sec. 2 and 3 of the proposed legislation.  Section 6. for authority for remediation.	Section 11	<b>Surety Requirements</b>  Connecticut omits Section 11 (d) of the SSL.  Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.  (d) All funds collected from licensees under subsection (c) shall be paid to the agency for deposit by the [state treasurer] in a special fund called the [radiation long-term care fund]. All funds accrued as interest on monies deposited in this fund are hereby appropriated and may be expended by the agency for the continuing long-term surveillance, maintenance and other care of facilities from which such funds are collected as necessary for protection of the public health, safety and environment. Notwithstanding any other provisions of this subsection, if title to and custody of any radioactive material audits disposal site are transferred to the United States upon termination of any license for which funds have been collected for such long-term care, the collected funds and interest accrued thereon shall be transferred to the United States.	<ol style="list-style-type: none"> <li>1. The State of Connecticut intends to place all funds into the General Fund. It is the policy of the State of the Connecticut to limit the number of "special funds."</li> <li>2. Funding for the program will be appropriated to DEEP from the general fund in the budget.</li> <li>3. Per DEEP Financial Management Division surety is held in a separate account until such time as it is released to the general account. A performance bond is typically held in the DEEP pending receipt account. A Letter of Credit (LOC) would be held in the safe until funds are called.</li> </ol>
49	Sec. 2 and 3 of	Section 11	<b>Surety Requirements</b>	<ol style="list-style-type: none"> <li>1. The sufficiency of the amount of surety is accounted for in the general authority.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	the proposed legislation.  Section 6. for authority for remediation.		<p>Connecticut omits Section 11 (e) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(e) The sureties or other financial arrangements and funds required by subsections (a) and (c) shall be established in amounts sufficient to ensure compliance with those standards, if any, established by the U.S. Nuclear Regulatory Commission pertaining to closure, decommissioning, reclamation and long-term site surveillance and care of such facilities and sites.</p>	<ol style="list-style-type: none"> <li>The Commissioner is given the power to require surety in <a href="#">22a-6(7)</a>. Specifically: “(a) The Commissioner may: ...<b>(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;</b>”</li> <li>The Commissioner may adopt regulations as necessary to carry out their powers in <a href="#">22a-6(1)</a>. Specifically: (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 his functions, powers and duties;</li> </ol>
50	Sec. 2 and 3 of the proposed legislation.  Section 6. for authority for remediation	Section 11	<p><b>Surety Requirements</b></p> <p>Connecticut omits Section 11 (f) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(f) In order to provide for the proper care and surveillance of sites subject to subsection (c) and which are not subject to Section 8 or 9, the [state][agency on behalf of the state] may acquire by gift or transfer from another government agency or private person, any land and appurtenances necessary to fulfill the purposes of this section. Any such gift or transfer is subject to approval and acceptance by the [state] [agency].</p>	<ol style="list-style-type: none"> <li>Please reference <a href="#">22a-25</a> for the authority to transfer, accept as gifts, or take by eminent domain for the purposes of protecting public health.</li> </ol>

STATE SECTION	STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
<p>action.</p> <p>5 1</p> <p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remediation.</p>	<p>Section 11</p>	<p><b>Surety Requirements</b></p> <p>Connecticut omits Section 11 (g) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(g) The agency may by contract, agreement, lease or license with any person, including another state agency, provide for the decontamination, closure, decommissioning, reclamation, surveillance or other care of a site subject to this section as needed to carry out the purposes of this section.</p>	<p>General</p> <ol style="list-style-type: none"> <li>1. The Commissioner is given the authority in <a href="#">22a-6a</a> to hold violators of state law responsible for cost and expenses.</li> <li>2. The Commissioner is given the authority in <a href="#">22a-6b</a> to impose additional civil penalties.</li> <li>3. The revised regulations of the Radiation Division will also address decommissioning in the regulations adopted pursuant to the authority granted in section 2(c)(2) of the proposed legislation which specifically addresses decommissioning.</li> </ol>
<p>5 2</p> <p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remediation.</p>	<p>Section 11</p>	<p><b>Surety Requirements</b></p> <p>Connecticut omits Section 11 (h) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(h) In the event a person licensed by any governmental agency other than [state] [agency] desires to transfer a site to the state for the purpose of administering or providing long-term care, a lump sum deposit shall be made to the [radiation long-term care fund]. The amount of such deposit shall be determined by the agency taking into account the factors stated in subsections (c) and (e) of this section.</p>	<ol style="list-style-type: none"> <li>1. The sufficiency of the amount of surety is accounted for in the general authority.</li> <li>2. The Commissioner is given the power to require surety in <a href="#">22a-6(7)</a>. Specifically: “(a) The Commissioner may: ...<b>(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;</b>”</li> <li>3. The Commissioner may adopt regulations as necessary to carry out their powers in <a href="#">22a-6(1)</a>. Specifically: (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</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	action.			as are necessary and proper to carry out his functions, powers and duties;
5 3	Sec. 2 and 3 of the proposed legislation.  Section 6. for authority for remedial action.	Section 11	<p><b>Surety Requirements</b></p> <p>Connecticut omits Section 11 (i) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(i) [All state, local, or other government agencies, shall be exempt from the requirements of subsections (a) and (c)].</p>	<ol style="list-style-type: none"> <li>1. This section is suggested but not required.</li> <li>2. The Commissioner has within their power the ability to use enforcement discretion or when licensing on a case by case basis.</li> </ol>
5 4	Section 2 (a)(2) of the proposed legislation.	Section 12	<p><b>Inspection</b></p> <p>Connecticut omits Section 12 of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The Commissioner is given the authority to inspect and investigate in <a href="#">22a-5a</a> of the Connecticut General Statutes.</li> <li>2. Also see, <a href="#">22a-6(5)</a> of the Connecticut General Statutes concerning authority to inspect.</li> </ol>
5 5	Section 2 (c)(6) of the	Section 13	<p><b>Records</b></p> <p>Connecticut omits Section 13 of the SSL.</p>	<ol style="list-style-type: none"> <li>1. See <a href="#">22a-158</a> of the Connecticut General Statutes requiring record keeping for persons who possess radiation sources.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
	proposed legislation.		Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.	
56	Section 2 (a)(1) of the proposed legislation.  22a-152	Section 14	<p><b>Federal-State Agreements</b></p> <p>Connecticut needs to revise Section 22a-152 to clarify the difference between discontinuance of NRC's authority and relinquishing of NRC's authority with regard to programs and the Agreement.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Technical Change. Connecticut has made a technical change in the proposal section 10. that amends the word "discontinuance" to be "relinquishing."</li> <li>2. Technical changes will be introduced as substitute language to the proposed bill.</li> </ol>
57	Section 2 (a)(7) of the proposed legislation regarding reciprocal agreements.	Section 14	<p><b>Federal-State Agreements</b></p> <p>Connecticut omits Section 14 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(b) Any person who, on the effective date of an agreement under subsection (a) above, possesses a license issued by the U.S. Nuclear Regulatory Commission for radioactive materials subject to the agreement shall be deemed to possess a like license issued under this act, which shall expire either days after receipt from the agency of a notice of expiration of such license, or on the date of expiration specified in the Nuclear Regulatory Commission license,</p>	<ol style="list-style-type: none"> <li>1. Connecticut intends to extend NRC licenses in the regulations adopted pursuant to section 2 of the proposed language. Doing so in legislation would put extraneous legislative language into the statute once these licenses would be renewed, requiring a subsequent bill to remove this language once the licenses had been fully transitioned over to the state in a few years.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			whichever is earlier.	
58	Section 2 (a)(1) of the proposed legislation	Section 15	<p><b>Inspection Agreements and Training Programs</b></p> <p>Connecticut omits the phrase, “under Section 274i of the Atomic Energy Act of 1954.”</p> <p>Connecticut needs to clarify the specific statutory authority in this proposed legislation.</p> <p>Connecticut needs to provide all language involving cooperation with other government entities.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. The CT Proposed legislation does not omit this language. This language is covered under section 2 of the proposed language, which authorizes “Regulations necessary to secure agreement state status from the United States Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended;”</li> </ol>
59	Section 2 (a)(5) of the proposed legislation	Section 15	<p><b>Inspection Agreements and Training Programs</b></p> <p>Connecticut omits Section 15 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(b) The agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this act, and may make said personnel available for participation in any program or programs of the federal government, other states or interstate agencies in furtherance of the purposes of this act.</p>	<ol style="list-style-type: none"> <li>1. See <a href="#">22a-153</a> of the Connecticut General Statutes for the general authority to delegate powers and hire consultants and technicians for the purposes of carrying out their parties.</li> <li>2. Connecticut intends to adopt additional training guidelines in regulation. As training guidelines may change over time the State does not feel it is appropriate to place these requirements in statute.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
60	Section 2 (a)(5) of the proposed legislation.	Section 16	<p><b>Conflicting Laws</b></p> <p>Connecticut omits Section 16 of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. See <a href="#">22a-5(5)</a> giving authority over radiation to the Commissioner of DEEP</li> <li>2. See <a href="#">22a-148(b)</a> which disallows the operation of any source of radiation which is not in compliance with the regulations of the DEEP.</li> <li>3. See <a href="#">22a-153</a> which gives sole authority to regulate sources of radiation to the Commissioner of DEEP.</li> <li>4. See <a href="#">16a-107</a> which restrict municipalities from adopting ordinance which restrict the state.</li> </ol>
61	Section 2 (a)(5) of the proposed legislation.	Section 17	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Connecticut omits Section 17 (a) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(a) In any proceeding for the issuance or modification of rules or regulations relating to control of sources of radiation, the agency shall provide an opportunity for public participation through written comments or a public hearing.</p>	<p>General Requirement</p> <ol style="list-style-type: none"> <li>1. See Connecticut Uniform Administrative Procedure Act section <a href="#">4-168(b)</a> regarding the necessity to conduct hearings and allow for public comment.</li> </ol> <p>Specific Requirement</p> <ol style="list-style-type: none"> <li>2. <a href="#">22a-155</a> for specific requirements regarding hearings, comments and orders.</li> </ol>
62	Section 2 (a)(5) of the proposed legislation.	Section 17	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Connecticut omits Section 17 (b) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(b) In any proceeding for the denial of an application for</p>	<p>General Requirements</p> <ol style="list-style-type: none"> <li>1. <a href="#">22a-7</a> outlines the hearing requirement for those who request one after having received a cease and desist order from the Commissioner.</li> <li>2. <a href="#">22a-19</a> outlines the requirements for administrative proceedings that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold</li> </ol>



STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			license or for revocation, suspension or modification or a license, the agency shall provide to the applicant or licensee an opportunity for a hearing on the record.	a hearing if necessary. Specific Requirement 3. <a href="#">22a-155</a> for specific requirements regarding hearings, comments and orders. 4. <a href="#">22a-158a</a> for radiation specific requirements to receive a hearing for a disputed cease and desist order.
63	Section 2 (a)(5) of the proposed legislation.	Section 17	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Connecticut omits Section 17 (c) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(c) In any proceeding for licensing ores processed primarily for their source material content and disposal of [byproduct material] [source material milltailings] or for licensing disposal of low-level radioactive waste, the agency shall provide:(1) An opportunity, after public notice, for written comments and a public hearing, with a transcript.(2) An opportunity for cross examination.(3) A written determination of the action to be taken which is based upon findings included in the determination and upon evidence presented during the public comment period.</p>	<p>Connecticut does not intend to allow the disposal of mill tailings and low level radioactive waste in Connecticut.</p> <p>General Requirements</p> <ol style="list-style-type: none"> <li>1. <a href="#">22a-7</a> outlines the hearing requirement for those who request one after having received a cease and desist order from the Commissioner.</li> <li>2. <a href="#">22a-19</a> outlines the requirements for administrative proceedings that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold a hearing if necessary.</li> </ol> <p>Specific Requirement</p> <ol style="list-style-type: none"> <li>3. <a href="#">22a-155</a> for specific requirements regarding hearings, comments and orders.</li> <li>4. <a href="#">22a-158a</a> for radiation specific requirements to receive a hearing for a disputed cease and desist order.</li> </ol>
6	Section	Section	<b>Administrative Procedure and Judicial Review</b>	Connecticut does not intend to allow the disposal

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
4	2 (a)(5) of the proposed legislation.	17	<p>Connecticut omits Section 17 (d) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>of mill tailings and low level radioactive waste in Connecticut.</p> <p>General Requirements</p> <ol style="list-style-type: none"> <li>1. <a href="#">22a-7</a> outlines the hearing requirement for those who request one after having received a cease and desist order from the Commissioner.</li> <li>2. <a href="#">22a-19</a> outlines the requirements for administrative proceedings that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold a hearing if necessary.</li> </ol> <p>Specific Requirement</p> <ol style="list-style-type: none"> <li>3. <a href="#">22a-155</a> for specific requirements regarding hearings, comments and orders.</li> <li>4. <a href="#">22a-158a</a> for radiation specific requirements to receive a hearing for a disputed cease and desist order.</li> </ol>
6 5	Section 2 (a)(5) of the proposed legislation.	Section 17	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Connecticut omits Section 17 (e) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(e) The agency shall prohibit any major construction with respect to any activity for which an environmental impact</p>	<ol style="list-style-type: none"> <li>1. Major construction in Connecticut is covered by the Connecticut Environmental Protection Act (CEPA) which fulfills the same roll of this section.</li> <li>2. CEPA can be found in sections 22a-1a-1 to 22a-1a-12, inclusive: <a href="https://portal.ct.gov/CEQ/Environmental-Monitor/CEPA-Regulations">https://portal.ct.gov/CEQ/Environmental-Monitor/CEPA-Regulations</a></li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
			analysis is required by subsection (d) prior to completion of such analysis.	
66	Sec. 6 (a) of the proposed legislation.	Section 17	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Connecticut omits Section 17 (f) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(f) Whenever the agency finds that an emergency exists requiring immediate action to protect the public health and safety, the agency may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the agency shall be afforded a hearing within [ ] days. On the basis of such hearing, the emergency regulation or order shall be continued, modified or revoked within [30] days after such hearing.</p>	<p>Cease and Desist Authority</p> <ol style="list-style-type: none"> <li>1. See <a href="#">22a-7</a>. Authority for cease and desist orders, injunctions.</li> <li>2. See <a href="#">22a-158a</a> regarding authority to issue cease and desist orders.</li> <li>3. See <a href="#">22a-158b</a> regarding ability to seek court orders and injunctions</li> </ol> <p>Court Ordered Remedial Measures</p> <ol style="list-style-type: none"> <li>4. Section <a href="#">16a-105</a> provides that “Whenever, in the opinion of the Attorney General, any person is violating or is about to violate section 16a-104, the Attorney General may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this chapter and, upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary injunction, restraining order or other order may be granted.”</li> </ol> <p>Emergency Authority</p> <ol style="list-style-type: none"> <li>5. Section 2(c)(3) of the proposed legislation grants authority for the adoption of regulations in instances of “terrorism or other emergency”</li> </ol>
6	Sec. 4 of	Section	<b>Administrative Procedure and Judicial Review</b>	

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
7	the proposed legislation.	17	<p>Connecticut omits Section 17 (g) of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>(g) Any final agency action or order entered in any proceeding under subsections (a), (b), (c) and (f) above shall be subject to judicial review by the [appropriate court] in the manner prescribed in [cite appropriate state act setting out procedure for appeal.]</p>	<ol style="list-style-type: none"> <li>1. <a href="#">22a-19</a> outlines the requirements for administrative proceedings and judicial review that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold a hearing if necessary. Petitions for judicial review in the superior court may also be obtained through this process.</li> </ol>
6 8	Sec. 4 of the proposed legislation.	Section 18	<p><b>Injunction Proceedings</b></p> <p>Connecticut omits the following language:</p> <p>“a permanent or temporary injunction, restraining order, or other order may be granted.”</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>General Authority</p> <ol style="list-style-type: none"> <li>1. See <a href="#">22a-7</a>. Authority for cease and desist orders, injunctions.</li> <li>2. See <a href="#">22a-6(3)</a> Powers of the Commissioner include that ability to “(3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. 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 him;”</li> </ol> <p>Specific Authority</p> <ol style="list-style-type: none"> <li>3. See <a href="#">22a-158a</a> regarding authority to issue cease and desist orders.</li> <li>4. See <a href="#">22a-158b</a> regarding ability to seek court</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
				orders and injunctions
69	Section 5 of the proposed legislation.	Section 19	<p><b>Prohibited Uses</b></p> <p>Connecticut omits the following language:  “distribute, sell, install, repair, receive, and...” from Section 5. Section 22a-157) of the proposed legislation.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<ol style="list-style-type: none"> <li>1. Connecticut has revised section 5 of the proposed substitute legislation, amending section 22a-157, to include these terms</li> <li>2. Receive exists in existing 22a-156a language.</li> </ol>
70	Sec. 2(c)(3) of the proposed legislation.	Section 20	<p><b>Impounding</b></p> <p>Connecticut omits Section 20 of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>General</p> <ol style="list-style-type: none"> <li>1. The court can issue whatever remedial measure deemed necessary <a href="#">22a-158(b)</a></li> </ol> <p>Specific</p> <ol style="list-style-type: none"> <li>2. Section 16a-105 provides that “Whenever, in the opinion of the Attorney General, any person is violating or is about to violate section 16a-104, the Attorney General may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this chapter and, upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary injunction, restraining order or other order may be granted.” This authority could be used for impounding.</li> </ol>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	February 2021 DEEP Answers to NRC Comments
				<ol style="list-style-type: none"> <li>Section 2(c)(3) grants authority for the adoption of regulations in instances of "terrorism or other emergency" in which Connecticut could adopt additional provisions regarding impounding.</li> </ol>
71	Sec. 6. of the proposed legislation	Section 21	<p><b>Penalties</b></p> <p>Connecticut uses the term "civil penalty" in Section 4(a) of the proposed legislation.</p> <p>Connecticut needs to clarify civil penalties in their legislation.</p> <p>Connecticut omits Section 21(b) provisions of the SSL.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information including whether these provisions cover NRC or other agreement state licensees working in Connecticut.</p> <p>.</p>	<ol style="list-style-type: none"> <li>See section 4 and section 6 of the proposed legislation regarding the authority to impose penalties.</li> <li>The CT DEEP has adopted Department Administrative Civil Penalties in sections <a href="#">22a-6b-1 to 22a-6b-15</a>, inclusive. These sections concerns the imposition of penalties, hearings, burden of proof, assessment and settlement requirements.</li> </ol>

**PROPOSED REVISIONS IN RED FOR TRACKING PURPOSES**

**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*):

As used in sections 22a-151 to 22a-158, inclusive:

(1) “By-product material” means [radioactive material as defined in Section 11e of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto;] “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.

(2) “Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultra violet light. The Commissioner of Energy and Environmental Protection shall be empowered to make regulations amending or modifying this definition;

(3) “General license” means a license effective pursuant to regulations promulgated by the Commissioner of Energy and Environmental Protection without the filing of an application for, or issuance of a licensing document for, the transfer, transport, acquisition, ownership, possession or use of quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

(4) “Specific license” means a license, issued after application, to use, manufacture, produce, transfer, transport, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially;

(5) “Person” means any individual, corporation, limited liability company, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of any of the foregoing, other than the United States Nuclear [Atomic Energy] Regulatory Commission or any successor thereto, and other than agencies of the government of the United States licensed by the United States Nuclear [Atomic Energy] Regulatory Commission or any successor thereto;

(6) “Registration” means registration in conformance with the requirements of section 22a-148. The issuance of a specific license pursuant to sections 22a-151 to 22a-158, inclusive, shall be deemed to satisfy fully any registration requirements set forth in said section;

(7) "Source material" means [material as defined in Section 11z of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto] "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.

(8) "Special nuclear material" means [material as defined in Section 11aa of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto] "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.

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

(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 United States 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) Any fees 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.

(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, distribute, sell, install, repair, 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] any solid, liquid or gas that emits ionizing radiation spontaneously;

(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.

Sec. 9. Sec. 22a-148 of the general statutes is repealed and the following is substituted in lieu thereof (*effective October 1, 2020*):

(a) As used in this section, "ionizing radiation" includes gamma rays, x-rays, alpha and beta particles, neutrons, protons, high-speed electrons and other atomic or nuclear particles, but does not include sound or radio waves or light of wave lengths ranging from infrared to ultraviolet inclusive, and "radioactive materials" includes any materials, solid, liquid or gas, that emit ionizing radiation spontaneously.

(b) No person, firm, corporation, town, city or borough shall operate or cause to be operated any source of ionizing radiation or shall produce, transport, store, possess or dispose of radioactive materials except under conditions which comply with regulations or with orders imposed by the Commissioner of Energy and Environmental Protection for the protection of the public health and preservation of the environment. Such regulations or orders shall be based [to the extent deemed practicable by said department] on the regulations of the United States [Atomic Energy] Nuclear Regulatory Commission, issued under authority granted to said commission by the Atomic Energy Act of 1954 [and entitled "Standards for Protection against Radiation"] as codified in 42 U.S.C. 2014 as may be amended from time to time. [or, if such regulations should be deemed inappropriate by the Commissioner of Energy and Environmental Protection, on the latest recommendations of the National Committee on Radiation, as published by the United States Department of Commerce, National Bureau of Standards.] No regulation pertaining to radiation sources and radioactive materials proposed to be issued by the commissioner shall become effective until thirty days after it has been submitted to the Coordinator of Atomic Development Activities unless, upon a finding of emergency need, the governor by order waives all or any part of said thirty-day period. In no case shall any source of ionizing radiation be utilized otherwise than at the lowest practical level consistent with the best use of the radiation facilities or radioactive materials involved.

(c) (1) Except as hereinafter provided, each person, firm, corporation, town, city and borough conducting or planning to conduct any operation within the scope of this section shall register with the Commissioner of Energy and Environmental Protection on forms provided for the purpose and shall reregister annually in January. Such registration shall be accompanied by a fee of two hundred

dollars. The commissioner may require registrants to state the type or types of sources of radiation involved, the maximum size or rating of each source, the qualifications of the supervisory personnel, the protective measures contemplated by the registrant and such other information as it determines to be necessary. After initial registration, reregistration shall be required for any radiation installation or mobile source of radiation at any other time when any increase is contemplated in the number of sources, the source strength, the output or the types of radiation energy involved. The act of registration shall not be interpreted to imply approval by the commissioner of the manner in which the activities requiring registration are carried out. (2) The activities described below are exempted from the registration requirements of this section: (A) The production, transportation, storage, use and disposal of naturally occurring radioactive materials of equivalent specific radioactivity not exceeding that of natural potassium; (B) the production, transportation, storage, use and disposal of other radioactive materials in quantities insufficient to involve risk of radiologic damage to a person; (C) the operation of equipment that is primarily not intended to produce radiation and that, by nature of design, does not produce radiation at the point of nearest approach in quantities sufficient to produce radiologic damage to a person; (D) the transportation of any radioactive material in conformity with regulations of the Interstate Commerce Commission or other agency of the federal government having jurisdiction.

Sec. 10. Sec. 22a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*effective October 1, 2020*): The Governor, on behalf of this state, is authorized to enter into agreements with the government of the United States providing for ~~[discontinuance]~~relinquishing of certain of the programs of the government of the United States with respect to sources of ionizing radiation and the assumption thereof by this state, as provided for in the Atomic Energy Act of 1954, as amended.

## CT DEEP Agreement State Substitute Language Change Log

The following are the suggested substitute language changes to proposed bill X, made in response to review by the U.S. Nuclear Regulatory Council of the proposed legislation.

Section 1: The changes to the section 22a-151 language from the original proposal are to amend definitions to maintain consistency with section 16a-101, and include technical changes as suggested by the U.S. NRC for consistency with the NRC suggested state legislation language.

Section 2: Technical change to add “United States” to specify the U.S. Nuclear Regulatory Commission.

Section 5: The additions of “distribute, sell, install, repair” to the language were made as suggested by the U.S. NRC for consistency with the NRC suggested state legislation language.


Section 8: The changes to the section 16a-101 language from the original proposal are to amend definitions to maintain consistency with section 22a-151, and include technical changes as suggested the U.S. NRC for consistency with the NRC suggested state legislation language.

Section 9 (NEW): Makes a technical change to section 22a-148 of the Connecticut General Statutes as suggested by the U.S. NRC for consistency with the NRC suggested state legislation language.

Section 10 (NEW): Makes a technical change in language to section 22a-152 of the Connecticut General Statutes as suggested by the U.S. NRC for consistency with the NRC suggested state legislation language.





TO: All Staff  
FROM:   
Katie Dykes, Commissioner  
RE: Delegation of Authority  
DATE: January 11, 2019

---

**DELEGATION OF AUTHORITY**

The purpose of this memorandum is to identify, as comprehensively as practicable and in a single document, those powers statutorily vested in me that I am delegating to the Department of Energy and Environmental Protection's ("the Department") management and staff. This delegation in no way limits my authority to personally exercise such powers; moreover, I may at any time revoke or amend this delegation. In addition, any power not specifically delegated may be exercised only by the Commissioner.

I hereby delegate my powers, including but not limited to, any delegation of authority in specific cases, in the manner set forth in the delegation of authority in place at the Department on January 10, 2019. This delegation of authority is effective January 11, 2019.

### III.

#### **DIVISION DIRECTORS**

- A. General: To each Director, and such Director's successors, with respect to staff under the Director's supervision or a matter implemented by or within the Director's Division or jurisdiction, I hereby delegate the authority to:
1. Except as otherwise provided herein, approve or disapprove documents submitted and actions taken pursuant to orders, judgments, or licenses;
  2. Approve or disapprove of requests for travel reimbursements, compensatory time or overtime;
  3. Issue public notices required by law, including but not limited to, newspaper notice, notice to public officials, notice of a tentative determination pursuant to Conn. Gen. Stat. § 22a-6h, and notice of a license application or licensing action, but excluding notice of a proposed regulation under Conn. Gen. Stat. § 4-168 and notice of tentative determination regarding the issuance of a general permit;
  4. Approve or disapprove of the transfer of a license or request additional information regarding any such transfer, pursuant to Conn. Gen. Stat. § 22a-6o, provided that the entity seeking the transfer of a license is not also seeking to transfer a license issued by any other division of the Department;
  5. Approve or deny approval of an activity which is proposed to be conducted under a general permit, pursuant to Conn. Gen. Stat. §§ 22a-45a, 22a-174(k)(1), 22a-208a(i)(1), 22a-209f(a), 22a-349a(a), 22a-361(d)(1), 22a-378a(a), 22a-411(a), 22a-430b(b) and 22a-454(e)(1);
  6. Require a person whose activity is or may be covered by a general permit to apply for and obtain an individual permit pursuant to Conn. Gen. Stat. §§ 22a-45a(c), 22a-174(k)(5), 22a-208a(i)(3), 22a-209f, 22a-349a(c), 22a-361(d)(3), 22a-378a(c), 22a-411(c), 22a-430b(c), and 22a-454(e)(3);
  7. Issue a rejection for insufficiency pursuant to Conn. Agencies Regs. § 22a-3a-2(e);
  8. Approve or disapprove of payments to vendors, other state agencies or for grants to facilitate payment by the Bureau of Financial and Support Services;
  9. Apply for a flood management certification, required by Conn. Gen. Stat. § 25-68d;

10. Exercise any authority delegated to an Assistant Director, a supervisor, or staff supervised by such Director; and
  11. Exercise any of the following authorities and, with the written approval of the Division Director's Bureau Chief, re-delegate any such authority, including any revocation or modification thereto, to a person or position unless this delegation specifies otherwise, within the applicable work unit in the Director's Division. Any re-delegation of authority shall be in writing and may contain additional limitations. The following authorities can be re-delegated:
    - a. Approve of an activity which is proposed to be conducted under a general permit, pursuant to Conn. Gen. Stat. §§ 22a-174(k)(1), 22a-361(d)(1), and 22a-430b(b), provided that this authority can be re-delegated only to an Assistant Director;
    - b. Issue warning notices for a minor violation under Conn. Gen. Stat. § 22a-6s;
    - c. Issue notices of violation; and
    - d. Determine that any issue or matter raised in a warning notice for a minor violation under Conn. Gen. Stat. § 22a-6s or a notice of violation has been resolved and notify the recipient of a notice of such resolution, provided that this authority may not be re-delegated to a person in a position lower than a Supervisor.
- B. Air Pollution Control - To the Director, and such Director's successors, implementing Title 22a, Chapter 446c (Air Pollution Control) and any other provision noted in this subsection regarding air pollution control equipment, the permitting of sources of air pollution, or the enforcement of any provision concerning air pollution control, with regard to the foregoing I hereby delegate the authority to:
1. Revoke a permit when the revocation is requested in writing by the permittee pursuant to Conn. Agencies Regs. § 22a-174-2a(h);
  2. Certify or decline to certify that structures and equipment are used primarily for the purpose of reducing, controlling or eliminating air pollution pursuant to Conn. Gen. Stat. § 12-81(52);
  3. Require submission of fuel analyses or records of stack sampling, or both, pursuant to Conn. Agencies Regs. § 22a-174-19(a)(5);

4. Subject to all applicable policies of the Department regarding enforcement actions, execute and issue consent orders in matters in which:
    - a. there is no violation of law, but the owner or operator of a stationary source is achieving emissions reductions only, pursuant to Conn. Agencies Regs. § 22a-174-22(j). This delegation is limited to situations where the consent order involves emissions reductions only; and
    - b. there is no violation of law, but the owner or operator of a premise, subject to Conn. Agencies Regs. § 22a-174-20, is limiting its total potential emissions from all surface-coating operations, pursuant to Conn. Agencies Regs. § 22a-174-20(s)(10). This delegation is limited to situations where the consent order involves emissions reductions only. With respect to any such order this delegation includes the authority to issue a certificate showing compliance when there has been full compliance with any such order;
  5. Subject to all applicable policies of the Department regarding enforcement actions, execute and issue consent orders or revoke any such order in matters in which the only violations asserted by the Department are violations of Conn. Agencies Regs. §§ 22a-174-20(a)(3) or 22a-174-30(b) – (g), inclusive, and no other violations, and where the total civil penalty for all such violations combined is \$5,000.00 or less. Any such order may include injunctive relief to remedy such violations; and
  6. Subject to all applicable policies of the Department regarding enforcement actions, execute and issue orders (consent or unilateral orders) or revoke any such order in matters in which the only violations asserted by the Department are violations of Conn. Gen. Stat. § 22a-174k, and no other violations, and where no civil penalty is sought for such violations. Any such order may include injunctive relief to remedy any such violations.
- C. Reserved
- D. Coastal Management – To the Director, and such Director’s successors, implementing Conn. Gen. Stat. §§ 22a-28 to 22a-35a, inclusive, Conn. Gen. Stat. §§ 22a-359 to 22a-363f, inclusive, and Title 22a, Chapter 444, and any other provision noted in this subsection concerning tidal wetlands, dredging and erection of structures and placement of fill in tidal, coastal or navigable waters, or coastal management, with regard to the foregoing I hereby delegate the authority to:
1. Submit written testimony or appear, with any staff deemed necessary, before a municipal board or commission pursuant to Conn. Gen. Stat. § 22a-110. The Director may re-delegate this authority, in writing, to any person under the supervision of the Director. Any re-delegation of this

authority may be revoked or modified by the Director, in writing, and may be limited in any way the Director deems appropriate;

2. Issue or deny a certificate of permission pursuant to Conn. Gen. Stat. § 22a-363b;
  3. Provide for the reproduction and marketing of the Long Island Sound commemorative number plate image to support the Long Island Sound account as provided for in Conn. Gen. Stat. § 22a-27k(c);
  4. Approve or disapprove of harbor management plans and modifications to such plans, pursuant to Conn. Gen. Stat. § 22a-113m; and
  5. Approve or disapprove of coastal consistency determinations with respect to activities to be undertaken by a federal agency, pursuant to Conn. Gen. Stat. § 22a-96(d), section 307(c)(1) and (2) of the federal Coastal Zone Management Act, 16 U.S.C. § 1456(c)(1) and (2) and 15 CFR §§ 930.6(b) and 930.41.
- E. Emergency & Uncontrolled Release Response - To the Director, and such Director's successors, implementing Conn. Gen. Stat. §§ 22a-6, 22a-449(a), 22a-451, 22a-452a, 22a-453, 22a-453a and 22a-454(a), regarding the Department's response to an emergency or an uncontrolled release of contaminants, pollutants or other materials, including measures necessary to follow-up to an emergency or uncontrolled release, but excluding an emergency or an uncontrolled release involving radiation or radioactive materials, with regard to the foregoing I hereby delegate the authority to:
1. Select contractors and expend monies to take action pursuant to the current contract in effect for responding to emergencies and uncontrolled releases, pursuant to Conn. Gen. Stat. §§ 22a-449(a) and 22a-451(b). (The current contract entitled "Hazardous Spill Response, Recovery, Removal and Disposal Contract," contract award # 989-A-04-0308-C is being implemented through Standardization Transaction # 3940). The Director may re-delegate this authority, in writing, to a level not lower than Supervising Emergency Response Coordinator. Any such re-delegation of this authority may be revoked or modified by the Director, in writing, and may be limited in any way the Director deems appropriate. This delegation does not include the authority to expend monies for emergencies that continue beyond thirty days, as provided for in the current contract (section 5.5.1 of contract award # 989-A-04-0308-C) or for requesting proposals and authorizing implementation of such proposals for continuing response services as provided in the current contract (section 5.5.2 of contract award # 989-A-04-0308-C);

2. Select contractors from the State Master Contract for Services to perform actions pursuant to Conn. Gen. Stat. § 22a-449(a);
  3. Apply to the U.S. Coast Guard National Pollution Funds Center or other appropriate branch of the federal government, for funding regarding reimbursement or response costs incurred by the Department or by the state; and
  4. Renew annual licenses issued regarding the loading and unloading oil or petroleum at terminals pursuant to Conn. Gen. Stat. § 22a-449(b).
- F. Hazardous Waste - To the Director, and such Director's successors, implementing Conn. Gen. Stat §§ 22a-131, 22a-131a and 22a-449(c), 22a-454, and any other provision noted in this subsection concerning hazardous waste or the state's hazardous waste program, including used oil, with regard to the foregoing I hereby delegate the authority to:
1. Issue or deny a permit or permit modification regarding the collection of waste oil, petroleum, chemical liquids or hazardous waste ("transporter permits") under Conn. Gen. Stat. § 22a-454(a);
  2. Approve or deny requests by transporters to store hazardous waste for more than 72 hours, but not more than ten (10) days, pursuant to Conn. Agencies Regs. § 22a-449(c)-103(b)(2);
  3. Approve or deny requests by generators to store hazardous waste for greater than ninety (90) days due to unforeseen, temporary and uncontrollable circumstances, pursuant to Conn. Agencies Regs. § 22a-449(c)-102(a)(2)(L);
  4. Reject a class 1 permit modification that the permittee may put into effect, including informing the permittee of such rejection, pursuant to Conn. Agencies Regs. § 22a-449(c)-110(a)(1), which incorporates by reference 40 CFR § 270.42(a)(1)(iii);
  5. Approve or deny a class 1 permit modification that requires prior written approval, pursuant to Conn. Agencies Regs. § 22a-449(c)-110(a)(1), which incorporates by reference 40 CFR § 270.42(a)(2);
  6. to exercise the authorities noted in this subsection in connection with substituting one financial assurance instrument with another instrument when such instrument is used to comply with the financial assurance requirements for a hazardous waste facility. This would be applicable to financial assurance requirements for closure under 40 CFR 264.143 or 40 CFR 265.143, for post-closure care under 40 CFR 264.145 or 40 CFR 265.145, or for corrective action, when the corrective action financial

assurance requirement in a permit or order requires compliance with the 40 CFR 264.143 or 40 CFR 264.145. Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's hazardous waste program pursuant to Conn. Agencies Regs. §§ 22a-449(c)-104(a)(1) and 22a-449(c)-105(a)(1). Provided, that before the Director approves an alternative financial assurance instrument, or terminates an existing one, pursuant to this delegation, that the Director must first be satisfied that all regulatory requirements have been met and that any alternative financial assurance instrument complies with the requirements of 40 CFR 264.143 or 40 CFR 265.143, for closure, or 40 CFR 264.145 or 40 CFR 265.145, for post-closure care, as applicable. Under this delegation, the following authorities may be exercised:

- a. agreeing or not agreeing to terminate a closure or post-closure trust fund, pursuant to 40 CFR 264.143(a)(11)(i) or 40 CFR 265.143(a)(11)(i), for closure, or 40 CFR 264.145(a)(12)(i) or 40 CFR 265.145(a)(12)(i), for post-closure care, as applicable;
- b. consenting or not consenting to cancelling a surety bond guaranteeing payment into a closure or post-closure care trust fund, pursuant to 40 CFR 264.143(b)(9) or 40 CFR 265.143(b)(9), for closure, or 40 CFR 264.145(b)(9) or 40 CFR 265.145(b)(9), for post-closure care, as applicable;
- c. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice of cancellation of a surety bond guaranteeing payment into a closure or post-closure care trust fund, pursuant to 40 CFR 264.143(b)(4)(iii) or 40 CFR 265.143(b)(4)(iii), for closure, or 40 CFR 264.145(b)(4)(iii) or 40 CFR 265.145(b)(4)(iii), for post-closure care, as applicable;
- d. consenting or not consenting to cancelling a surety bond guaranteeing performance of closure or post-closure care for a permitted facility, pursuant to 40 CFR 264.143(c)(9)(i), for closure, or 40 CFR 264.145(c)(10)(i), for post-closure care, as applicable;
- e. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice of cancellation of a surety bond guaranteeing performance of closure or post-closure care, regarding a permitted facility, pursuant to 40 CFR 264.143(c)(4)(ii), for closure, or 40 CFR 264.145(c)(4)(ii), for post-closure care, as applicable;
- f. returning or declining to return a letter of credit to the issuing institution for termination, pursuant to 40 CFR 264.143(d)(10)(i) or 40

CFR 265.143(c)(10)(i), for closure, or 40 CFR 264.145(d)(11)(i) or 40 CFR 265.145(c)(11)(i), for post-closure care, as applicable;

- g. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice from the issuing institution that it is not extending a letter of credit beyond the current expiration date, pursuant to 40 CFR 264.143(d)(9) or 40 CFR 265.143(c)(9), for closure, or 40 CFR 264.145(d)(10) or 40 CFR 265.145(c)(10), for post-closure care, as applicable;
  - h. consenting or not consenting to terminate an insurance policy, pursuant to 40 CFR 264.143(e)(10)(i) or 40 CFR 265.143(d)(10)(i), for closure, or 40 CFR 264.145(e)(11)(i) or 40 CFR 265.145(d)(11)(i), for post-closure care, as applicable; and
  - i. approving or disapproving of an acceptable alternative financial assurance mechanism provided that this authority is exercised no later than ninety (90) days after receipt of notice of the cancellation of a corporate guarantee from the guarantor, pursuant to 40 CFR 264.143(f)(10)(iii) or 40 CFR 265.143(e)(10)(iii), for closure, or 40 CFR 264.145(f)(11)(iii) or 40 CFR 265.145(e)(11)(iii), for post-closure care, as applicable;
7. approve or disapprove of written amendments that make minor administrative changes only, such as a change in the owner or operator or the trustee, correction of errors or similar minor administrative changes, to the following instruments used to comply with the financial assurance requirements for a hazardous waste facility required by 40 CFR 264.143 or 40 CFR 265.143, for closure, or 40 CFR 264.145 or 40 CFR 265.145, for post-closure care, as applicable: (Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's hazardous waste program pursuant to Conn. Agencies Regs. §§ 22a-449(c)-104(a)(1) and 22a-449(c)-105(a)(1)).
- a. a closure or post-closure trust agreement, pursuant to 40 CFR 264.143(a)(2) or 40 CFR 265.143(a)(2), for closure, or 40 CFR 264.145(a)(2) or 40 CFR 265.145(a)(2), for post-closure care, and 40 CFR 264.151(a), section 16; and
  - b. an irrevocable standby letter of credit, pursuant to 40 CFR 264.151(d), which notes that amendments to a letter of credit are subject to the International Chamber of Commerce's Uniform Customs and Practice for Documentary Credits ("UCP"). Article 10 of the UCP provides for amendments to an irrevocable letter of credit;



8. to exercise the authorities noted in this subsection regarding a potential reduction in the amount of financial assurance for closure or post-closure care at a hazardous waste facility. The basis for any reduction under this delegation is that the amount of the assurance exceeds the current closure or post-closure cost care estimate. Provided, that before any of the following authorities are exercised pursuant to this delegation, that the Director must first be satisfied that the amount of the financial assurance for a facility exceeds the current closure or post-closure care cost estimate and that all regulatory requirements have been met. Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's hazardous waste program pursuant to Conn. Agencies Regs. §§ 22a-449(c)-104(a)(1) and 22a-449(c)-105(a)(1). Under this delegation, the following authorities may be exercised:
  - a. instructing or declining to instruct the trustee of the closure or post-closure trust fund, based upon a request made under 40 CFR 264.143(a)(7), 40 CFR 264.143(a)(8), 40 CFR 265.143(a)(7), 40 CFR 265.143(a)(8), for closure, or 40 CFR 264.145(a)(7), 40 CFR 264.145(a)(8), 40 CFR 265.145(a)(7), or 40 CFR 265.145(a)(8), for post-closure care, to release such amounts of the trust fund, pursuant to 40 CFR 264.143(a)(9) or 40 CFR 265.143(a)(9), for closure, or 40 CFR 264.145(a)(9) or 40 CFR 265.145(a)(9), for post-closure care, as applicable;
  - b. approving or disapproving of a reduction in the penal sum of a surety bond guaranteeing payment into a closure or post-closure trust fund, pursuant to 40 CFR 264.143(b)(7) or 40 CFR 265.143(b)(7), for closure, or 40 CFR 264.145(b)(7) or 40 CFR 265.145(b)(7), for post-closure care, as applicable;
  - c. approving or disapproving of a reduction in the penal sum of a surety bond guaranteeing performance of closure or post-closure care, for a permitted facility, pursuant to 40 CFR 264.143(c)(7), for closure, or 40 CFR 264.145(c)(7) or 40 CFR 264.145(c)(8), for post-closure care, as applicable; and
  - d. approving or disapproving of a reduction in the amount of a letter of credit, pursuant to 40 CFR 264.143(d)(7) or 40 CFR 265.143(c)(7), for closure, or 40 CFR 264.145(d)(7), 40 CFR 264.145(d)(8), 40 CFR 265.145(c)(7) or 40 CFR 265.145(c)(8), for post-closure care, as applicable; and
9. notify the owner or operator of a hazardous waste facility that it no longer needs to comply with 40 CFR 264 or 265, Subpart H, (Financial Requirements), as applicable, when the transfer of the ownership or operational control of a hazardous waste facility occurs and the new owner

or operator demonstrates to the satisfaction of the Director that it is in compliance with the requirements of 40 CFR 264 or 265 Subpart H, pursuant to 40 CFR 270.40(b) or 40 CFR 270.72(a)(4), as applicable.

G. Inland Water Resources - To the Director, and such Director's successors, implementing Title 22a Chapter 439 Part II, Chapter 440 (Wetlands and Watercourses), Chapter 446i Part I (Water Resources), Chapter 446j (Dams and Reservoirs), Title 25 Chapter 476a (Flood Management) and any other provision noted in this subsection concerning wetlands and watercourses, water resources, and dams and reservoirs, with regard to the foregoing I hereby delegate the authority to:

1. Approve or reject a state agency certification submitted pursuant to Conn. Gen. Stat. § 25-68d;
2. Approve or disapprove of municipal inland wetland regulations pursuant to Conn. Agencies Regs. § 22a-39-11.7; and
3. Issue or deny a certificate of approval regarding an existing or new structure, including the imposition of any terms and conditions, pursuant to Conn. Gen. Stat. § 22a-405.

H. Pesticide Control - To the Director, and such Director's successors, implementing Title 22a, Chapter 441 (Pesticide Control) and any other provision noted in this subsection concerning pesticide control, with regard to the foregoing I hereby delegate the authority to:

1. Certify or refuse to certify pesticide applicators under Conn. Gen. Stat. § 22a-54, including exercising all of the authority in Conn. Gen. Stat. § 22a-54(c)(4) regarding a refusal to certify an applicant;
2. Issue or deny pesticide use permits pursuant to Conn. Gen. Stat. § 22a-66z; and
3. Exercise any of the following authority and, with the advance written approval of the Division Director's Bureau Chief, re-delegate any such authority, including any revocation or modification thereto, to a position or person not lower than a Supervisor within the applicable work unit in Director's Division. Any re-delegation of authority shall be in writing, and may contain additional limitations. The following authorities can be re-delegated:
  - a. Issue or deny certificates of registrations pursuant to Conn. Gen. Stat. § 22a-66c; and

- b. Issue or deny certificates of pesticide registrations pursuant to Conn. Gen. Stat. § 22a-49, including all ancillary actions specified in section 22a-49 (e.g., request additional information) associated with the authority covered by this delegation.
  
- I. Radiation and Radioactive Materials - To the Director, and such Director's successors, implementing Title 22a Chapter 446a (Radiation and Radioactive Materials) and any other provision noted in this subsection concerning radiation and radioactive materials, with regard to the foregoing I hereby delegate the authority to:
  - 1. Request security clearances or safeguards information from the federal government, where necessary, regarding matters within the Director's jurisdiction;
  - 2. Subject to the concurrence of the Commissioner's counsel, enter into and when necessary renew, a Memorandum of Understanding with private companies to provide assistance during a nuclear emergency;
  - 3. Provide comments on engineering or shielding plans submitted by persons regulated under Conn. Gen. Stat. §§ 22a-148 or 22a-150; and
  - 4. Enter into and renew Protocol Agreements or Memorandum of Understanding with the Nuclear Regulatory Commission pursuant to Conn. Gen. Stat. § 22a-6(a)(2) and 22a-22.
  
- J. Remediation – To the Director, and such Director's successors, implementing Conn. Gen. Stat. §§ 22a-6u, 22a-133a to 22a-134h, inclusive, 22a-134q, 22a-134s, any provision of the hazardous waste management regulations regarding corrective action or remediation, and any other provision noted in this subsection concerning remediation of pollution or contamination, with regard to the foregoing I hereby delegate the authority to:
  - 1. Select contractors from the State Master Contract for Services to perform actions pursuant to Conn. Gen. Stat. §§ 22a-449(a) and 22a-133e;
  - 2. Select contractors and expend monies under the current contract in effect for responding to emergencies and uncontrolled releases, pursuant to Conn. Gen. Stat. §§ 22a-449(a) and 22a-451(b). (The current contract entitled "Hazardous Spill Response, Recovery, Removal and Disposal Contract," contract award # 989-A-04-0308-C is being implemented through Standardization Transaction # 3940). This delegation does not include the authority to expend monies for emergencies that continue beyond thirty days, as provided for in the current contract (section 5.5.1 of contract award # 989-A-04-0308-C) or for requesting proposals and authorizing implementation of such proposals for continuing response

services as provided in the current contract (section 5.5.2 of contract award # 989-A-04-0308-C);

3. Approve or deny requests for approval of the following under the state's remediation standards, Conn. Agencies Regs. § 22a-133k-1 to 3, inclusive:
  - a. a direct exposure criteria for additional polluting substances under 22a-133k-2(b)(5);
  - b. pollutant mobility criteria for additional polluting substances, a dilution or dilution and attenuation factor, and a method for determining compliance with such criterion under 22a-133k-2(c)(6);
  - c. an alternative direct exposure criterion and alternative method for determining compliance with such criterion under 22a-133k-2(d)(2);
  - d. an alternative pollutant mobility criterion and alternative method for determining compliance with such criterion under 22a-133k-2(d)(3) or 22a-133k-2(d)(5);
  - e. an alternative dilution or dilution attenuation factor under 22a-133k-2(d)(4) or 22a-133k-2(d)(6);
  - f. an alternative direct exposure criterion for PCB and an alternative method for determining compliance with such criterion under 22a-133k-2(d)(7);
  - g. a variance regarding widespread polluted fill or engineered controls of polluted soils under 22a-133k-2(f);
  - h. a request to reuse polluted soils under Conn. Agencies Regs. § 22a-133k-2(h)(3);
  - i. alternative surface-water protection criteria under 22a-133k-3(b)(3);
  - j. alternative volatilization criterion for ground water or for soil vapor under 22a-133k-3(c)(4)(B);
  - k. a request regarding the likelihood that no building will be constructed over groundwater or that natural attenuation will reduce certain pollution under 22a-133k-3(c)(5)(A)(ii);
  - l. an indoor air monitoring program under 22a-133k-3(c)(5)(B);
  - m. a variance from ground water remediation requirements under 22a-133k-3(e)(2);

- n. a ground water protection criteria for additional polluting substances under 22a-133k-3(h)(1); and
  - o. the form and the amount of a surety posted pursuant to Conn. Agencies Regs. § 22a-133k-2(f)(2)(B)(vii) regarding an engineered control of polluted soils;
4. Approve or deny a request to waive the recording of a release from an environmental land use restriction, pursuant to Conn. Gen. Stat. 22a-133o(b)(3);
  5. Approve or deny a request to reduce the frequency of groundwater monitoring, pursuant to Conn. Agencies Regs. § 22a-449(c)-105(c)(2)(B);
  6. Determine that a certifying party has or has not completed the remediation of a portion of an establishment, pursuant to Conn. Gen. Stat. § 22a-134a(h)(2);
  7. Determine that a surety bond or other form of financial assurance, provided in connection with a conveyance of a unit in a residential common interest community, a) identifies both the Department of Environmental Protection and the unit owners association for the common interest community as beneficiaries, pursuant to Conn. Gen. Stat. § 22a-134i(b)(1); and 2) is or is not acceptable, including the amount and form of such bond or other assurance, pursuant to Conn. Gen. Stat. § 22a-134i(a) and (b); and
  8. Exercise any of the following authority and, with the advance written approval of the Division Director's Bureau Chief, re-delegate any such authority, including any revocation or modification thereto, to a position or person not lower than a Supervisor within the applicable work unit in Director's Division. Any re-delegation of authority shall be in writing, and may contain additional limitations. The following authorities can be re-delegated:
    - a. Approve or disapprove site specific work plans and scopes of work regarding an investigation under taken pursuant to Conn. Gen. Stat. §§ 22a-133x, 22a-133y, 22a-134a, any regulation of the Department, any order issued by the commissioner or any judgment issued by a court; and
    - b. Determine whether oversight, or review and approval, of an investigation and/or remediation, pursuant to Conn. Gen. Stat. §§ 22a-133x, 22a-133y, and 22a-134a, Conn. Agencies Regs § 22a-449(c)-105(h) or any other regulation or statute requiring such a determination, shall be performed by the Department or by a Licensed

Environmental Professional and provide notification of any such determination.

- K. Solid Waste - To the Director, and such Director's successors, implementing Title 22a, Chapter 446d (Solid Waste) and any other provision noted in this subsection concerning solid waste, with regard to the foregoing I hereby delegate the authority to:
1. Issue or deny certification for a "certified operator" pursuant to Conn. Agencies Regs. § 22a-209-6;
  2. Issue or deny a permit or permit modification regarding the collection of biomedical waste, pursuant to Conn. Agencies Regs. § 22a-209-15(g);
  3. Issue or deny a request for a special waste disposal authorization under Conn. Agencies Regs. § 22a-209-8(c);
  4. Approve or deny a plan or detailed information regarding use of a solid facility following closure pursuant to Conn. Agencies Regs. § 22a-209-13(d);
  5. Approve or deny a request to excavate, disrupt, or remove deposited material at a solid waste disposal area pursuant to Conn. Agencies Regs. § 22a-209-7(u); and
  6. to exercise the authorities noted in this subsection in connection with substituting one financial assurance instrument with another instrument when such instrument is used to comply with the closure surety requirements in Conn. Agencies Regs. § 22a-209-4(i). This would be applicable to a solid or special waste disposal area or a solid waste facility permit, or general permit, that requires compliance with Conn. Agencies Regs. § 22a-209-4(i). Provided, that before the Director approves an alternative financial assurance instrument, or terminates an existing one, pursuant to this delegation, that the Director must first be satisfied that all regulatory requirements have been met and that any closure surety complies with 40 CFR 264.143 and the wording of 40 CFR 264.151. Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's solid waste program pursuant to Conn. Agencies Regs. § 22a-209-4(i). Under this delegation, the following authorities may be exercised:
    - a. agreeing or not agreeing to terminate a closure trust fund, pursuant to 40 CFR 264.143(a)(11)(i);
    - b. consenting or not consenting to cancelling a surety bond guaranteeing payment into a closure or post-closure care trust fund, pursuant to 40 CFR 264.143(b)(9);

- c. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice of cancellation of a surety bond guaranteeing payment into a closure trust fund, pursuant to 40 CFR 264.143(b)(4)(iii);
  - d. consenting or not consenting to cancelling a surety bond guaranteeing performance of closure, pursuant to 40 CFR 264.143(c)(9)(i);
  - e. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice of cancellation of a surety bond guaranteeing performance of closure, pursuant to 40 CFR 264.143(c)(4)(ii);
  - f. returning or declining to return a letter of credit to the issuing institution for termination, pursuant to 40 CFR 264.143(d)(10)(i);
  - g. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice from the issuing institution that it is not extending a letter of credit beyond the current expiration date, pursuant to 40 CFR 264.143(d)(9);
  - h. consenting or not consenting to terminate an insurance policy, pursuant to 40 CFR 264.143(e)(10)(i); and
  - i. approving or disapproving of an acceptable alternative financial assurance mechanism, provided that this authority is exercised no later than ninety (90) days after receipt of notice of the cancellation of a corporate guarantee from the guarantor, pursuant to 40 CFR 264.143(f)(10)(iii);
7. approve or disapprove of written amendments that make minor administrative changes only, such as a change in the owner or operator or the trustee, correction of errors or similar minor administrative changes, to the following instruments when used to comply with the closure surety requirements required pursuant to Conn. Agencies Regs. § 22a-209-4(i). This would be applicable to a solid or special waste disposal area or a solid waste facility permit, or general permit that requires compliance with Conn. Agencies Regs. § 22a-209-4(i). Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's solid waste program pursuant to Conn. Agencies Regs. § 22a-209-4(i).

- a. a closure trust agreement, pursuant to 40 CFR 264.143(a)(2) and 40 CFR 264.151(a), section 16; and
  - b. an irrevocable standby letter of credit, pursuant to 40 CFR 264.151(d), which notes that amendments to a letter of credit are subject to the International Chamber of Commerce's Uniform Customs and Practice for Documentary Credits ("UCP"). Article 10 of the UCP provides for amendments to an irrevocable letter of credit;
8. to exercise the authorities noted in this subsection regarding a potential reduction in the amount of financial assurance for closure of a solid waste facility. The basis for any reduction under this delegation is that the amount of the assurance exceeds the current closure cost estimate. Provided, that before any of the following authorities are exercised pursuant to this delegation, that the Director must first be satisfied that the amount of a financial assurance for a facility exceeds the current closure cost estimate and that all regulatory requirements have been met. Note that the citations in this delegation refer to the federal provisions incorporated by reference into the state's solid waste program pursuant to Conn. Agencies Regs. § 22a-209-4(i). Under this delegation, the following authorities may be exercised:
- a. instructing or declining to instruct the trustee of the closure trust fund, based upon a request made under 40 CFR 264.143(a)(7) or 40 CFR 264.143(a)(8), to release such amounts of the trust fund, pursuant to 40 CFR 264.143(a)(9);
  - b. approving or disapproving of a reduction in the penal sum of a surety bond guaranteeing payment into a closure trust fund, pursuant to 40 CFR 264.143(b)(7);
  - c. approving or disapproving of a reduction in the penal sum of a surety bond guaranteeing performance of closure, pursuant to 40 CFR 264.143(c)(7); and
  - d. approving or disapproving of a reduction in the amount of a letter of credit, pursuant to 40 CFR 264.143(d)(7); and
9. Exercise any of the following authority and, with the advance written approval of the Division Director's Bureau Chief, re-delegate any such authority, including any revocation or modification thereto, to a position or person not lower than an Assistant Director within the applicable work unit in Director's Division. Any re-delegation of authority shall be in writing, and may contain additional limitations. The following authorities can be re-delegated:



- a. approve days for collection and disposal of household hazardous chemicals under Conn. Gen. Stat. § 22a-134m; and
  - b. approve or deny a request to use soil or other material as cover material pursuant to Conn. Agencies Regs. § 22a-209-1.
- L. Underground Storage Tank Petroleum Clean-Up Program - To the Director, and such Director's successors, implementing the provisions of Conn. Gen. Stat. § 22a-449a to 22a-449i, inclusive, and Conn. Gen. Stat. § 22a-449p, as amended by Public Act 12-1 of the June 12 Special Session ("the Act") and sections 261 to 263, inclusive of the Act, with regard to the foregoing I hereby delegate the authority to:
- 1. authorize, or decline to authorize, in writing, a licensed environmental professional with a currently valid and effective license to approve, in writing, all labor, equipment, materials, services and activities provided or undertaken after October 1, 2005, when the total costs, expenses, or other obligations incurred in response to a release or suspected release exceed \$250,000.00 dollars, pursuant to Conn. Gen. Stat. § 22a-449f(b)(1)(B);
  - 2. order, in whole or in part, reimbursement or payment from the Underground Storage Tank Petroleum Clean-Up Program established pursuant to Conn. Gen. Stat. § 22a-449c ("the Program"), provided an applicant demonstrates that it has satisfied all applicable requirements, or deny reimbursement or payment from the Program, pursuant to Conn. Gen. Stat. §§ 22a-449d(a), 22a-449f(c) and 22a-449f(h). This delegation includes the authority to: a) make any determination necessary to order or deny reimbursement; and b) reduce any amount ordered paid or reimbursed, pursuant to Conn. Gen. Stat. § 22a-449f(e)(1) or any other applicable provision of law. This delegation does not include the authority to order or deny reimbursement after a hearing held under Conn. Gen. Stat. § 22a-449f(h);
  - 3. approve or disapprove a claim by a person other than a responsible party that is required to be finally adjudicated or settled before being submitted to the Program by responsible party, pursuant to Conn. Gen. Stat. § 22a-449f(c)(3)
  - 4. approve the form used on which a summary of compliance with underground storage tank requirements is evaluated, pursuant to Conn. Gen. Stat. § 22a-449f(d)(1);
  - 5. prescribe time periods, other than between July first and August first, for the submission of payments election forms, pursuant to section 261(c)(3)(A) of Public Act 12-1 of the June 12<sup>th</sup> Special Session;

6. prescribe the form used for the submission of a payment election, pursuant to section 261(c)(3)(A) of Public Act 12-1 of the June 12<sup>th</sup> Special Session; and
7. exercise any of the following authorities and, with the advance written approval of the Division Director's Bureau Chief, re-delegate any such authority to a position or person within the Program work unit. Any such re-delegation of authority shall be in writing, may contain additional limitations and may be rescinded, in writing, at any time by the Director with the advance written approval of the Division Director's Bureau Chief. The following authorities are covered by this provision:
  - a. approving or disapproving, in writing, all labor, equipment and materials provided after October 1, 2005 and all services and activities undertaken after October 1, 2005, when the total costs, expenses or others obligations incurred in response to a release or suspected release of petroleum: a) are \$250,000.00 dollars or less, pursuant to Conn. Gen. Stat. § 22a-449f(b)(1)(A); or b) exceed \$250,000.00, pursuant to Conn. Gen. Stat. § 22a-449f(b)(1)(B);
  - b. approving or disapproving of the following plans or reports, as applicable, regarding milestones achieved for the investigation and remediation of a release in connection with an application submitted to the Program, pursuant to Conn. Gen. Stat. § 22a-449p:
    - i) an interim remedial report, pursuant to Conn. Gen. Stat. § 22a-449p(2);
    - ii) an investigation and remedial action plan, pursuant to Conn. Gen. Stat. § 22a-449p(3);
    - iii) a soil remedial action report, pursuant to Conn. Gen. Stat. § 22a-449p(4);
    - iv) a groundwater remedial action progress report, pursuant to Conn. Gen. Stat. § 22a-449p(5);
    - v) an annual groundwater remedial action progress report, pursuant to Conn. Gen. Stat. § 22a-449p(6); and
    - vi) a final remedial action report, pursuant to Conn. Gen. Stat. § 22a-449p(7).

M. Water Pollution Control - To the Director, and such Director's successors, implementing Title 22a, Chapter 446k (Water Pollution Control) and any other provision noted in this subsection regarding the issuance and

enforcement of permits concerning water pollution control. To the extent that that there is more than one Director implementing Title 22a, Chapter 446k or any provision noted in this subsection regarding the issuance and enforcement of permits concerning water pollution control, each Director is delegated the authority in this subsection only with respect to matters implemented by the Director's Division or that are within the Director's jurisdiction. With regard to the foregoing I hereby delegate the authority to:

1. Certify or decline to certify that structures and equipment are used primarily for the purpose of reducing, controlling, or eliminating water pollution pursuant to Conn. Gen. Stat § 12-81(51);
2. Determine if the demonstration in Conn. Agencies Regs. § 22a-430-4(k)(1)(A) and (B) has been made, notify the applicant in writing that the system for treating a discharge has been approved, and include any conditions necessary to ensure compliance with the applicable statutes and regulations, pursuant to Conn. Agencies Regs. § 22a-430-4(k)(3), provided that any conditions necessary to ensure compliance are limited to the treatment system – as opposed to the discharge or other matters - and that the exercise of this authority does not require a change to or otherwise affect the draft permit. As used in this delegation, the term “draft permit” means the draft permit including any changes required by the final determination or final decision of the commissioner or the commissioner's delegatee;
3. Revoke permits issued under Conn. Gen. Stat. § 22a-430 when a person meeting the requirements of Conn. Agencies Regs § 22a-430-3(b)(2) requests such revocation in writing;
4. Subject to all applicable policies of the Department regarding enforcement actions, execute and issue consent orders in matters which the Department asserts that there are violations of the “General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities”(this general permit was last reissued on October 1, 2008) pursuant to Conn. Gen. Stat. § 22a-430b. This delegation is limited to consent orders:
  - a) involving violations of the aforementioned general permit only and no other violations,
  - b) where the total civil penalty for all violations combined is \$25,000.00 or less, and
  - c) where the consent order format and the penalty for a violation has been pre-determined and approved in writing by the Deputy Commissioner with oversight over the water pollution control programs.

Such consent orders may include injunctive relief and supplemental environmental projects to remedy such violations. With respect to any such consent order, when the order has been fully complied with, this delegation also includes the authority to issue a certificate showing such compliance, pursuant to Conn. Gen. Stat. § 22a-434; and

5. Subject to all applicable policies of the Department regarding enforcement actions, execute and issue a “Consent Order Regarding Vessel Pressure Washing Wastewater” that has been executed by a Respondent. This Consent Order does not contain a penalty, is the same for all Respondents and was posted on the Department’s website in July 2009. With respect to any such consent order, when the order has been fully complied with, this delegation also includes the authority to issue a certificate showing compliance, pursuant to Conn. Gen. Stat. § 22a-434. With respect to executing and issuing any consent order this delegation shall expire on November 1, 2009.
  6. Exercise any of the following authority and, with the advance written approval of the Division Director’s Bureau Chief, re-delegate any such authority, including any revocation or modification thereto, to a position or person not lower than a Supervisor, unless this delegation specifies otherwise, within the applicable work unit in Director’s Division. Any re-delegation of authority shall be in writing, and may contain additional limitations. The following authorities can be re-delegated:
    - a. Issue notice of eligibility or ineligibility to take the wastewater treatment facility operator examination, notify each person who takes the wastewater treatment facility operator examination of the results of the examination, and issue a wastewater treatment facility operator certificate for those meeting all applicable requirements, pursuant to Conn. Agencies Regs. § 22a-416-5; and
    - b. Determine if an applicant has made the demonstration required by Conn. Agencies Regs. § 22a-430-4(k)(1) and issue or deny an approval of plans and specifications, pursuant to Conn. Agencies Regs. § 22a-430-4(e). Issue, deny, or modify a permit, pursuant to Conn. Agencies Regs. §§ 22a-430-4(n), 22a-430-4(p) and Conn. Gen. Stat. § 22a-430, including making the determination that any system has been installed as required by any final determination. This delegation is specifically limited to applications for only those discharges listed in Conn. Agencies Regs. § 22a-430-2(b)(1) through (4), inclusive and this authority may be re-delegated only to an Assistant Director.
- N. Water Management Programs - To the Director, and such Director’s successors, implementing Conn. Gen. Stat. §§ 22a-354a through 354bb, Conn.

Gen. Stat. §§ 22a-470 to 22a-485, inclusive, Conn. Gen. Stat. §§ 22a-521 to 22a-527, inclusive, and any other provision noted in this subsection concerning planning and standards for water pollution control, with regard to the foregoing I hereby delegate the authority to:

1. Approve or deny water supply plans pursuant to Conn. Gen. Stat. § 25-32d;
2. Exercise my authority under Conn. Gen. Stat. § 22a-354p(f) regarding regulations adopted by an aquifer protection agency; and
3. Approve or disapprove the mapping of aquifers pursuant to Conn. Gen. Stat. § 22a-354d;
4. Approve, including any conditions deemed necessary, or deny the plan or design and the method of operation for a disposal system, within the purview of the Water Management Program, pursuant to Conn. Gen. Stat. § 22a-416(b); and
5. Determine whether or not a registration is complete, including notifying the registrant of such determination, pursuant to Conn. Agencies Regs. § 22a-354i-7(h). In the case of incompleteness, this delegation shall include notifying the registrant of the additional information needed and date by which such information must be submitted.

O. Law Enforcement - To the Division Director, and such Director's successors, implementing Title 15, Chapter 268 (Boating), Title 26, chapter 490 (Fisheries and Game) and any other provision noted in this subsection concerning enforcement of requirements relating to hunting, fishing, and boating, including performing actions incidental to such enforcement, with regard to the foregoing I hereby delegate the authority to:

1. Perform investigations concerning boating accidents that result in the death or disappearance of any person and determine if an investigation is necessary and perform an investigation concerning a boating accident involving a serious injury to any person, pursuant to Conn. Gen. Stat. § 15-149b;
2. Formulate training courses for lake patrolmen pursuant to Conn. Gen. Stat. § 7-151b(b) and offer lake patrolmen a firearms safety course pursuant to Conn. Gen. Stat. § 7-151b(a);
3. Authorize persons to erect or post notices or signs at boating access areas pursuant to Conn. Agencies Regs. § 26-16-1(o);
4. Sign applications for the Environmental Conservation Police's participation or appearances at fairs, expositions or displays;

5. Renew the existing Cooperative Enforcement Agreement with the National Marine Fisheries Services, Office of Law Enforcement, provided that no changes are being made to the Agreement;
6. Renew the existing Memorandum of Understanding (“MOU”) with the United States Fish and Wildlife Service regarding cooperative enforcement, provided that no changes are being made to the MOU;
7. Erect a sign or signs on the right-of-way to ponds or streams owned or leased by the Department for use by sport fisherman, as provided for in Conn. Gen. Stat. § 26-20;
8. Destroy any weapon, article or implement, provided that there has been a final disposition, including any appeals, of any case involving any such weapon, article, or implement and that within a year after such weapon, article, or implement, has come into the possession of the Department, the owner or person formerly having custody of such weapon, article, or implement has failed to claim such weapon, article, or implement as provided for in Conn. Gen. Stat. § 26-23;
9. Assign to the state police or destroy any hunting, fishing, or trapping weapon, device, article, or implement, provided that there has been a final disposition, including any appeals, of any case involving any such weapon, device, article, or implement and that within a year after such weapon, device, article, or implement has come into the possession of the Department, the owner or person formerly having custody of such weapon, device, article, or implement has failed to claim such weapon, device, article, or implement as provided for in Conn. Gen. Stat. § 26-24;
10. Destroy any bird, quadruped, reptile or amphibian seized by the Department, pursuant to Conn. Gen. Stat. § 26-59;
11. To suspend, a license, registration or permit, or the right to obtain a license, registration or permit, issued pursuant to chapter 490 of the Connecticut General Statutes upon conviction, forfeiture of any bond taken upon any complaint, or payment of a fine. This delegation includes the authority to determine the length of any such suspension, including suspensions for the second, third, fourth, or more violations or infractions, pursuant to Conn. Gen. Stat. § 26-61(b);
12. To suspend, a person’s hunting license, or the right to obtain a hunting license, upon conviction or the payment of a fine, for violations concerning hunting in proximity to buildings occupied by persons or domestic animals or used for storage of flammable or combustible materials or any statute or regulation regarding shooting towards persons,

buildings, or animals. This delegation includes the authority to determine the length of any such suspension, including suspensions for the second or more convictions or payments of a fine, pursuant to Conn. Gen. Stat. § 26-61(b);

13. To suspend the hunting license of any person convicted under Conn. Gen. Stat. §§ 53a-217e(b), (c), (d) or (e), or 53-206d(b), up to the maximum periods specified, pursuant to Conn. Gen. Stat. § 53a-217(h)(1);
14. To determine whether to restore or reinstate a permit, license or registration or the privilege to obtain any such permit, license or registration that has been voided or suspended, including determining, when required, whether a person has successfully completed a remedial hunter education course, pursuant to Conn. Gen. Stat. §§ 26-61(c) and 26-61(f). Provided that this authority may be exercised only when the representatives from the law enforcement, wildlife and fisheries divisions are all in agreement regarding the decision. In the event of a disagreement between such representatives, the decision, pursuant to Conn. Gen. Stat. § 26-61(c), shall be made by the Deputy Commissioner for the branch of Environmental Conservation;
15. To restore or deny restoration of a person's hunting privilege, including determining whether or not a person has successfully completed a remedial hunter education course, pursuant to Conn. Gen. Stat. § 26-62. Provided that this authority may be exercised only when the representatives from the law enforcement, wildlife and fisheries divisions are all in agreement regarding the decision. In the event of a disagreement between such representatives, the decision, pursuant to Conn. Gen. Stat. § 26-62, shall be made by the Deputy Commissioner for the branch of Environmental Conservation;
16. Send notice of actions on licenses, by certified or registered mail, pursuant to Conn. Gen. Stat. § 26-63;
17. Advise annually the Commissioner of Public Safety and the chief law enforcement of each municipality of the matters noted in Conn. Gen. Stat. § 26-67b;
18. In consultation and with the agreement of the Director of Wildlife, dispose of any wild or game bird, wild quadruped, reptile or amphibian that is possessed contrary to Conn. Gen. Stat. § 26-78 or any regulation made by the commissioner, by sale, destruction or gift to any educational institution, museum, zoological park, or other suitable place where an education purpose would be served, as provided for in Conn. Gen. Stat. 26-78; and

19. Apply to the Department of Motor Vehicle, on behalf of the Department, for a Suppressed Registration and a Suppressed Operator License, including renewal of any such registration or license.

P. State Parks - To the Division Director, and such Director's successors, implementing Title 23, Chapter 447 (State Parks and Forests) and any other provision noted in this subsection concerning state parks, with regard to the foregoing I hereby delegate the authority to:

1. Grant or deny permission to possess or use fireworks on any state park, pursuant to Conn. Agencies Regs. § 23-4-1(v);
2. Designate trails in state parks for use by persons traveling on horseback pursuant to Conn. Gen. Stat. § 23-10c; and
3. In the absence of the Bureau Chief implementing Title 23, Chapter 447, (i.e., the Bureau Chief responsible for oversight of the State Parks), provided there exist exigent circumstances in light of which it would be imprudent to wait until the Bureau Chief returns, sign applications regarding the rental of the Mansion, Individual Rooms, the Pergola and the Amphitheatre at Harkness Memorial State Park and the Pavilion at Rocky Neck State Park, pursuant to Conn. Agencies Regs. § 23-4-14.

Q. Forestry - To the Division Director and such Director's successors, implementing Title 23, Chapter 451a (Forest Practices) and any other provision noted in this subsection concerning forestry, with regard to the foregoing I hereby delegate the authority to:

1. Approve or deny certification as a forester, supervising forest products harvester and forest product harvester, pursuant to Conn. Gen. Stat. 23-65h(c), including approving or denying the renewal of any such certification;
2. Require the display of a decal or other evidence that a commercial forest practitioner has met the requirements of Conn. Gen. Stat. §§ 23-65f to 23-65o, inclusive, pursuant to Conn. Gen. Stat. § 23-65h(c)(8); and
3. Require that all commercial forest practitioners certified under Conn. Gen. Stat. § 23-65f to 23-65o, inclusive, participate biennially in a relevant program of professional education pursuant to Conn. Gen. Stat. § 23-65h(c)(9).

R. Wildlife - To the Director, and such Director's successors, implementing Title 26, Chapter 490 (Fisheries and Game), Parts II through VIIa and Title 26, Chapter 495 (Endangered Species), and any other provision noted in this



subsection concerning wildlife management, hunting, or endangered species, with regard to the foregoing I hereby delegate the authority to:

1. Issue or deny a game breeder's license, or revoke any such license, to possess, breed, propagate and sell certain birds and mammals, as provided for in Conn. Gen. Stat. § 26-40;
2. Approve or disapprove a request to keep a skunk or raccoon at a zoo, nature center, museum, laboratory or research facility maintained by a scientific or educational institution pursuant to Conn. Gen. Stat. § 26-40;
3. Approve of or disapprove of written statements to be provided by those licensed under Conn. Gen. Stat. § 26-47(b) to their clients, pursuant to Conn. Gen. Stat. § 26-47(b)(5);
4. Determine the date for submission of the report required by Conn. Gen. Stat. § 26-47(b)(6);
5. Issue or deny a license to engage in the business of controlling nuisance wildlife, other than rats or mice, pursuant to Conn. Gen. Stat. § 26-47(b);
6. Issue or deny a special permit authorizing the trapping or killing of a species, other than those listed in Conn. Agencies Regs. § 26-47-1(d), pursuant to Conn. Agencies Regs. § 26-47-1(e);
7. Issue or deny a permit to liberate artificially propagated game birds and pigeons and the subsequent shooting of such game birds and pigeons in connection with the training of hunting dogs, as provided for in Conn. Gen. Stat. § 26-49;
8. Issue, deny or revoke a permit to hold a field dog trial pursuant to Conn. Gen. Stat. § 26-51;
9. Issue or deny a permit to hold field dog trials at which liberated game birds, waterfowl and pigeons may be shot, pursuant to Conn. Gen. Stat. § 26-52;
10. Appoint custodians ("Wildlife Rehabilitators") to possess injured, sick or immature birds or quadrupeds, as provided for in Conn. Gen. Stat. § 26-54;
11. Issue or deny a permit to transport into or liberate in Connecticut any wild hare, or rabbit, pursuant to Conn. Gen. Stat. § 26-56;

12. Issue or deny a permit to transport within Connecticut or transport out of Connecticut any bird, mammal, reptile, amphibian or invertebrate for which a closed season is provided, pursuant to Conn. Gen. Stat. § 26-57;
13. Issue or deny a permit, including imposing any conditions deemed necessary, regarding the tanning, curing and mounting of species, pursuant to Conn. Gen. Stat. § 26-59 and Conn. Agencies Regs. § 26-59-1(b) and (c);
14. Issue or deny a permit to take deer or turkey with a crossbow pursuant to Conn. Agencies Regs. § 26-66-1(b);
15. Approve or deny a request for authorization to trap on state-owned property pursuant to Conn. Agencies Regs. § 26-66-6(b);
16. Issue or deny a permit for falconry, pursuant to Conn. Gen. Stat. § 26-67e and Conn. Agencies Regs. § 26-67-1 et seq.; and
17. Exercise the following authority and re-delegate any such authority, including any revocation or modification thereto, to either the Assistant Director of the Wildlife Division or the staff biologist from the wildlife division in charge of administering the falconry program, as designated below. Any re-delegation of authority shall be in writing and may contain additional limitations. The following authority can be re-delegated:
  - a. Approve or deny a request to change sponsors, pursuant to Conn. Agencies Regs. § 26-67e-7(c) - to the Assistant Director;
  - b. Administer written and practical field falconry examinations pursuant to Conn. Agencies Regs. § 26-67e-8 - to the applicable staff biologist;
  - c. Inspect and certify that raptor housing facilities comply with all applicable requirements pursuant to Conn. Agencies Regs. § 26-67e-9(a) – to the Assistant Director;
  - d. Inspect and certify that a falconer is in possession of the required equipment pursuant to Conn. Agencies Regs. § 26-67e-10(a) – to the Assistant Director;
  - e. Remove and replace the band affixed to a raptor pursuant to Conn. Agencies Regs. § 26-67e-15(d) – to the applicable staff biologist;
  - f. Make arrangements regarding disposing of the carcass of a raptor, pursuant to Conn. Agencies Regs. § 26-67e-15(e) – to the applicable staff biologist; and

- g. Request records relating to raptors pursuant to Conn. Agencies Regs. § 26-67e-16(b) – to the applicable staff biologist.
- S. Fisheries - To the Director, and such Director's successors, implementing Title 26, Chapter 490 (Fisheries and Game), Parts III, VIII, and IX or any other provisions noted in this subsection concerning fishing, including, but not limited to, sport or commercial fishing, with regard to the foregoing I hereby delegate the authority to:
1. Issue or deny a permit to import or introduce, or possess or liberate, in Connecticut, any live fish pursuant to Conn. Gen. Stat. § 26-55;
  2. Issue or deny a permit to conduct a fishing tournament or derby, pursuant to Conn. Agencies Regs. § 26-112-42(a);
  3. Issue or deny a permit to transport within Connecticut or transport out of Connecticut any fish for which a closed season is provided, pursuant to Conn. Gen. Stat. § 26-57;
  4. Exercise any of the following authorities and re-delegate any such authority to the Assistant Director of Fisheries, and such Assistant Director's successors. Any such re-delegation of authority shall be in writing, may contain any conditions that the Director of Fisheries deems appropriate, and may be revoked by the Director of Fisheries at any time. The following authorities can be re-delegated:
    - a. Authorize or decline to authorize the transfer an active commercial finfish license, commercial fishing license or commercial lobster pot license, pursuant to Conn. Gen Stat. § 26-142b(c); and
    - b. Authorize or decline to authorize the release of identifiable information from fisheries catch, landings or sampling reports pursuant to Conn. Gen. Stat. § 26-157b(c).
- T. Reserved.
- U. Planning and Program Development - To the Director of Planning and Program Development, and such Director's successors, implementing Conn. Gen. Stat. § 22a-6 and any other statute noted in this subsection regarding the acquisition or management of state lands under the custody and control of the Department, and Title 22a, Chapters 439 (Environmental Protection Department and State Policy), Part I, and 446m (Mercury Reduction and Education), and any other provision noted in this subsection, and with respect to grants, any grant being applied for by any bureau, program or part of the Department, with regard to the foregoing I hereby delegate the authority to:

1. Exercise any of the following authorities and re-delegate any such authority, in writing, to a position or person, within the applicable work unit in the Director's Office. Any re-delegation of this authority may be revoked or modified by the Director, in writing, and may be limited in any way the Director deems appropriate. The following authorities can be re-delegated:
  - a. Submission of comments on the Commissioner's behalf to the Connecticut Siting Council established under Conn. Gen. Stat. § 16-50j;
  - b. Review and comment upon environmental impact evaluations pursuant to Conn. Gen. Stat. § 22a-1d, and submit comments to federal agencies on the Commissioner's behalf under the National Environmental Policy Act, 42 U.S.C. § 4331 et seq., the Federal Power Act, 16 U.S.C. § 791a, and the Natural Gas Act, 15 U.S.C. § 717a;
  - c. Submission of comments on development project plans for the Department of Environmental Protection as part of the coordination performed by the Secretary of the Office of Policy and Management pursuant to Conn. Gen. Stat. § 8-189;

V. Covered Electronic Devices – To the Director and the Director's successors, implementing Title 22a, chapter 446n (Covered Electronic Devices) and the regulations promulgated thereunder regarding covered electronic devices, I hereby delegate the authority to:

1. Approve a plan submitted by a municipality or a regional authority representing one or more municipalities, pursuant to Conn. Agencies Regs. § 22a-638-1(m)(2)(B). This delegation includes the authority to provide notification of the approval of a plan, and include any conditions when approving a plan, pursuant to Conn. Agencies Regs. § 22a-638-1(m)(2)(B).
2. Approve a request by a municipality, or a regional authority representing one or more municipalities, to modify a previously approved plan, pursuant to Conn. Agencies Regs. § 22a-638-1(m)(3)(C). This delegation includes the authority to provide notification of the request to modify a plan and include any conditions when approving a modification to a plan, pursuant to Conn. Agencies Regs. §§ 22a-638-1(m)(3)(C) and 22a-638-1(m)(3)(E).