



House of Representatives

General Assembly

File No. 356

January Session, 2001

Substitute House Bill No. 6997

House of Representatives, April 18, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES.

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

1 Section 1. Section 16-244c of the general statutes is amended by
2 adding subsection (g) as follows:

3 (NEW) (g) On and after January 1, 2004, each electric distribution
4 company providing electric generation services pursuant to this
5 section shall comply with the portfolio standards, pursuant to section
6 16-245a.

7 Sec. 2. Section 26-47 of the general statutes is repealed and the
8 following is substituted in lieu thereof:

9 (a) When it is shown to the satisfaction of the commissioner that
10 wildlife is causing unreasonable damage to agricultural crops during
11 the night and it is found by the commissioner that control of such
12 damage by wildlife is impracticable during the daylight hours, the

13 commissioner may issue permits for the taking of such wildlife as [he]
14 the commissioner deems necessary to control such damage by such
15 method as [he] the commissioner determines, including the use of
16 lights, during the period between sunset and sunrise, upon written
17 application of the owner or lessee of record of the land on which such
18 crops are grown. Such permits may be issued to any qualified person
19 designated by such landowner or lessee. The person to whom such
20 permit is issued shall be held responsible for complying with the
21 conditions under which such permit is issued. The provisions of this
22 section shall not apply to deer.

23 (b) (1) No person shall engage in the business of controlling
24 nuisance wildlife, other than rats or mice, without obtaining a license
25 from the commissioner. Such license shall [expire on the last day of
26 December next succeeding its issuance] be valid for a period of two
27 years and may be renewed in accordance with a schedule established
28 by the commissioner. The fee for such license shall be [fifty] one
29 hundred dollars. The controlling of nuisance wildlife at the direction of
30 the commissioner shall not constitute engaging in the business of
31 controlling nuisance wildlife for the purposes of this section. No
32 person shall be licensed under this subsection unless [he provides] the
33 person: (A) Provides evidence, satisfactory to the commissioner, that
34 [he] the person has completed training which included instruction in
35 site evaluation, methods of nonlethal and approved lethal resolution of
36 common nuisance wildlife problems, techniques to prevent
37 reoccurrence of such problems and humane capture, handling and
38 euthanasia of nuisance wildlife and instruction in methods of
39 nonlethal resolution of common nuisance wildlife problems, including,
40 but not limited to, training regarding frightening devices, repellants,
41 one-way door exclusion and other exclusion methods, habitat
42 modification and live-trapping and releasing and other methods as the
43 commissioner may deem appropriate; and (B) is a resident of this state
44 or of a state that does not prohibit residents of this state from being
45 licensed as nuisance wildlife control operators because of lack of

46 residency.

47 (2) The licensure requirements shall apply to municipal employees
48 who engage in the control or handling of animals, including, but not
49 limited to, animal control officers, except that no license shall be
50 required of such employees for the emergency control of rabies.
51 Notwithstanding the requirements of this subsection, the
52 commissioner shall waive the licensure fee for such employees. The
53 commissioner shall provide to such municipal employees, without
54 charge, the training required for licensure under this subsection.

55 (3) The commissioner shall adopt regulations, in accordance with
56 the provisions of chapter 54, which (A) define the scope and methods
57 for controlling nuisance wildlife provided such regulations shall
58 incorporate the recommendations of the 1993 report of the American
59 Veterinary Medical Association panel on euthanasia and further
60 provided such regulations may provide for the use of specific
61 alternatives to such recommendations only in specified circumstances
62 where use of a method of killing approved by such association would
63 involve an imminent threat to human health or safety and only if such
64 alternatives are designed to kill the animal as quickly and painlessly as
65 practicable while protecting human health and safety, and (B) establish
66 criteria and procedures for issuance of a license.

67 [(2)] (4) Except as otherwise provided in regulations adopted under
68 this section, no person licensed under this subsection may kill any
69 animal by any method which does not conform to the
70 recommendations of the 1993 report of the American Veterinary
71 Medical Association panel on euthanasia. No person may advertise
72 any services relating to humane capture or relocation of wildlife unless
73 all methods employed in such services conform to such regulations.

74 [(3)] (5) Any person licensed under this subsection shall provide all
75 clients with a written statement approved by the commissioner
76 regarding approved lethal and nonlethal options, as provided in this

77 subsection, which are available to the client for resolution of common
78 nuisance problems. If a written statement cannot be delivered to the
79 client prior to services being rendered, the licensee shall leave the
80 statement at the job site or other location arranged with the client.

81 [(4) On or before February first of each year, each] (6) Each person
82 licensed under this subsection shall submit a report to the
83 commissioner, [which] on such date as the commissioner may
84 determine, that specifies the means utilized in each case of nuisance
85 wildlife control service provided in the preceding calendar year
86 including any method used in those cases where an animal was killed.
87 Any information included in such report which identifies a client of
88 such person or the client's street address may be released by the
89 commissioner only pursuant to an investigation related to enforcement
90 of this section.

91 (c) Any person who violates any provision of this section, or any
92 condition under which a permit or license is issued, shall be fined not
93 less than twenty-five dollars nor more than two hundred dollars or be
94 imprisoned not more than sixty days or be both fined and imprisoned;
95 and any permit or license issued to such person, and all other such
96 permits or licenses issued to any other person for such property, shall
97 be revoked by the commissioner and the right to obtain such permit or
98 license shall remain suspended for such period of time as the
99 commissioner determines.

100 (d) Any permit or license issued under this section shall not
101 authorize the taking of deer.

102 Sec. 3. Subdivision (2) of subsection (e) of section 22a-133u of the
103 general statutes is repealed and the following is substituted in lieu
104 thereof:

105 (2) The Commissioner of Economic and Community Development,
106 in consultation with said board shall establish criteria for (A) making

107 disbursements under subsection (b) of this section which criteria shall
108 include, but not be limited to, anticipated commercial value of the
109 property, potential tax revenue to the relevant municipality,
110 environmental or public health risk posed by the spill, potential
111 community or economic development benefit to the relevant
112 municipality, the status of any loans previously made under said
113 subsection to the municipality and potential for restoration of an
114 abandoned property, and (B) cancelling loans related to a property at
115 which the borrower of the loan elects not to proceed with remediation.
116 Such criteria shall further set forth the procedure for applying for a
117 loan from the fund and the procedure to be used for evaluation of such
118 an application. In approving any loan under said subsection to any
119 person, firm or corporation, the board may consider the loan
120 applicant's credit history and economic solvency, any plan of such
121 applicant for business development, municipal support for the
122 proposed use of the property and any existing indebtedness of such
123 applicant to any entity. Upon application for any such loan, the board
124 shall make a recommendation to the Commissioner of Economic and
125 Community Development regarding such loan. On or before February
126 1, [1997] 2003, and annually thereafter, said board and the
127 Commissioner of Economic and Community Development shall
128 submit a report to the joint standing committee of the General
129 Assembly having cognizance of matters relating to the environment
130 regarding the number of applications received, and the number and
131 amounts of loans made in the preceding year, the names of the
132 applicants, the time period between submission of application and the
133 decision to grant or deny the loan, which applications were approved
134 and which applications were denied and the reasons for denial. On or
135 before February 1, [2001] 2003, the board shall recommend to the joint
136 standing committee of the General Assembly whether the payments to
137 the State Treasurer pursuant to section 12-63f are sufficient for the
138 continued solvency of the Special Contaminated Property Remediation
139 and Insurance Fund and whether such payments should continue.

140 Sec. 4. Section 10 of special act 91-395, as amended by section 1 of
141 public act 95-55, is amended to read as follows:

142 The Office of Policy and Management shall amend the state plan of
143 conservation and development adopted pursuant to chapter 297 of the
144 general statutes to include therein a goal for reducing carbon dioxide
145 emissions within this state. Said office, in consultation with the
146 Department of Environmental Protection, shall submit a report to the
147 General Assembly on or before the thirtieth day following the effective
148 date of [this act] public act 95-55, on or before May 1, 1996, and
149 annually thereafter, which details the net amount of carbon dioxide
150 emitted annually within this state. Subsequent to the May 1, 2000,
151 submittal, said report shall be submitted every three years with the
152 first such report due May 1, 2003.

153 Sec. 5. Subsection (d) of section 25-32 of the general statutes is
154 repealed and the following is substituted in lieu thereof:

155 (d) The commissioner may grant a permit for the sale of class I or II
156 land to another water company, to a state agency or to a municipality,
157 or for the sale or assignment of a conservation restriction or public
158 access easement on class I land, if the purchasing entity or assignee
159 agrees to maintain the land subject to the provisions of this section, any
160 regulations adopted pursuant to this section and the terms of any
161 permit issued pursuant to this section. Such purchasing entity or
162 assignee may not sell, lease, assign or change the use of such land
163 without obtaining a permit pursuant to this section.

164 Sec. 6. (NEW) On and after June 1, 2002, federal regulations
165 promulgated by the United States Environmental Protection Agency
166 that implement Subtitle C of the Resource Conservation and Recovery
167 Act of 1976, 42 USC 6901 et seq., as amended from time to time, shall,
168 upon such promulgation, be controlling unless the commissioner has
169 published notice of intent to adopt regulations in accordance with the
170 provisions of chapter 54 of the general statutes that implement

171 chapters 445, 446d or 446k of the general statutes that relate to the
172 intent of said Subtitle C.

173 Sec. 7. Subsection (f) of section 22a-63 of the general statutes is
174 repealed and the following is substituted in lieu thereof:

175 [(f) Any person described in subsection (a) of this section who
176 violates subsection (d) of section 22a-61, subsection (e) of section 22a-
177 61, subsection (a) of section 23-61a or subsection (a) of section 23-61b
178 shall be assessed a civil penalty in an amount not less than one
179 thousand dollars nor more than two thousand dollars.]

180 (f) Any person who is not certified as a commercial applicator who
181 performs or advertises or solicits to perform commercial application of
182 a pesticide, or any person possessing an operational certificate for
183 commercial application under section 22a-54 who performs or
184 advertises or solicits to perform any activity requiring a supervisory
185 certificate for commercial application shall be assessed a civil penalty
186 in an amount not less than one thousand dollars nor more than two
187 thousand dollars for each day such violation continues. For any
188 subsequent violation, such penalty shall be not more than five
189 thousand dollars. The Attorney General, upon complaint of the
190 commissioner, may institute a civil action to recover such penalty in
191 the superior court for the judicial district of Hartford. Any penalties
192 collected under this subsection shall be deposited in the
193 Environmental Quality Fund established under section 22a-27g and
194 shall be used by the commissioner to carry out the purposes of this
195 section.

196 Sec. 8. Subsection (c) of section 5 of public act 95-127 is repealed and
197 the following is substituted in lieu thereof:

198 (c) The person to whom said parcels are conveyed shall agree to
199 renovate the current theater located thereon and to operate it as a
200 theater, which shall be known as the Connecticut-Stratford

201 Shakespeare Festival Theater, for live, theatrical performances,
202 including not less than one annual performance of a play by William
203 Shakespeare, for a period of not less than twenty years from the date of
204 the first performance. Such person shall further agree that (1) [he] such
205 person shall, within four months of the date upon which [he] such
206 person obtains control of said parcels, present to the commissioner a
207 plan of development for the theater and the parcels for [his] the
208 commissioner's approval, (2) the commissioner shall have two months
209 to approve or disapprove such plan, provided, if the commissioner
210 does not act, such plan shall be deemed to be approved, and provided
211 further, if the commissioner disapproves the plan, it may be
212 resubmitted, but such disapproval and resubmittal shall not extend the
213 other time limits set forth in this subsection, (3) [he] such person shall,
214 within one year of the date upon which [he] such person obtains
215 control of said parcels, present to the commissioner construction
216 documents consisting of design drawings and specifications for the
217 development of the theater and the parcels for [his] the commissioner's
218 approval, provided such drawings and specifications shall also be
219 under the jurisdiction of the local building official, (4) the
220 commissioner shall have two months to approve or disapprove such
221 documents, provided, if the commissioner does not act, such
222 documents shall be deemed to be approved, and provided further, if
223 the commissioner disapproves such documents, they may be
224 resubmitted, but such disapproval and resubmittal shall not extend the
225 other time limits set forth in this subsection, (5) [he] such person shall
226 reopen the theater, within three years of the date upon which [he] such
227 person obtains control of said parcels or within two years of the
228 conclusion of any lawsuit relating to said parcels which prohibits or
229 substantially inhibits development of said parcels, whichever is later.
230 Approval by the commissioner pursuant to subdivision (2) or (4) of
231 this subsection shall not be deemed to include any federal, state or
232 local approvals or permits necessary for the construction or siting of
233 facilities or for other regulated use of the property. If said parcels are

234 not, at any time, used for the purposes set forth in this subsection and
235 within the time periods set forth in this subsection, they shall revert to
236 the state of Connecticut, and the commissioner shall convey said
237 parcels to the town of Stratford, for park and recreational purposes
238 only, subject to the approval of the State Properties Review Board and
239 at a cost equal to the administrative costs of making such conveyance.
240 Nothing in this section shall affect a security interest held by a
241 mortgagee on said parcels. If said parcels are conveyed to the town
242 and at any time are not used for such purposes, they shall revert to the
243 state of Connecticut. Payments made to the commissioner prior to any
244 reversion of said parcels shall be retained by the state.

ENV **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Various

Affected Agencies: Departments of Environmental Protection, Public Health, Public Utility Control and Office of Policy and Management

Municipal Impact: Cost, STATE MANDATE

Explanation

State Impact:

This bill makes changes to various environmental laws. It requires all animal control officers and other municipal employees who handle animals to have a nuisance wildlife control (NWC) license and have the Department of Environmental Protection (DEP) provide free training and waive their fee. This provision will increase costs to the DEP which are not currently budgeted. It is anticipated that the DEP will need to hire a wildlife biologist and require funds for supplies and other administrative expenses totaling approximately \$60,000 a year.

Extending the NWC license from one year to two years and increasing the fee to compensate, (\$50 to \$100), will result in a minimal revenue impact to the General Fund. Since the fee payment date and

schedule is to be determined by the DEP, it is unclear when the change will take place. Annual fees currently collected are \$9,450.

The bill also extends the date from February 1, 2001 to 2003, for the report by the Special Contaminated Property Remediation and Insurance board on the loan program for the Special Contaminated Property Remediation and Insurance Fund (SCPRIF) and allows the Department of Economic and Community Development (DECD) and the SCPRIF board to skip the 2002 annual report. This will minimally reduce administrative costs to the DECD. There is little experience with the loan and no experience with the property tax repayment provisions of the program at this time.

In addition, the legislation provides that the Office of Policy and Management (OPM) submit their report to the legislature on the net amount of carbon dioxide emitted in the state every three years instead of every year. This will minimally reduce the agency workload.

Authorizing the Department of Public Health (DPH) to grant a permit for the sale or assignment of a conservation restriction or public access easement on class I land is anticipated to result in a minimal increase in permit requests and a corresponding workload increase. This can be accommodated within the DPH's anticipated budgetary resources.

Allowing federal regulations implementing laws governing the release of hazardous substances and their liability and compensation be controlling in the state, unless the DEP commissioner promulgates regulations, could minimally decrease the workload of the DEP due to

DEP adopting approximately one less regulation every five years.

Changes in the penalties for pesticide application are anticipated to result in a minimal revenue increase to the Environmental Quality Fund, based on past history.

The bill also requires electric distribution companies to comply with portfolio standards for renewable energy sources, beginning January 1, 2004, which will result in no fiscal impact to the state.

In addition, it is unclear at this time if provisions of the bill specifying that the conveyance shall not affect a security interest held by a mortgagee on the property will have fiscal implications to the state due to reverter provisions.

Municipal Impact:

Requiring all animal control officers and other municipal employees that control or handle animals to be trained will increase costs to municipalities. The costs to municipalities will vary depending upon the salaries, number or status (there are 169 either full or part-time animal control officers, others to be trained are not known) of their employees. It is anticipated that they will be paid while they are in training and/or additional personnel will need to perform their duties. The exact impact is not known.

OLR Bill Analysis

sHB 6997

AN ACT CONCERNING TECHNICAL REVISIONS TO THE ENVIRONMENTAL STATUTES.

SUMMARY:

This bill makes several unrelated changes in environmental law. It specifies that, starting June 1, 2002, federal regulations implementing the federal law governing releases of hazardous substances and resulting liability and compensation are controlling in the state unless the DEP commissioner has published notice of intent to adopt regulations under parallel state law. The federal regulations control from the date they are promulgated by the Environmental Protection Agency.

The bill modifies the penalties for violations of certain pesticide application and arboriculture (tree work) laws.

The bill requires that certain municipal employees who control and handle animals obtain nuisance wildlife control licenses from the Department of Environmental Protection (DEP). It makes several other changes with regard to this license.

By law, the sale or assignment of class I water company land (land that is near water supply sources or that meets certain other criteria) requires a Department of Public Health (DPH) permit. Under current law, DPH can only grant a permit for the sale of such land to a state agency, municipality, or another water company, and the purchasing entity must meet certain requirements. The bill allows DPH to grant a permit for the sale or assignment of a conservation restriction or public access easement on such land to anyone, but requires that the purchasing entity or assignee meet the requirements that apply under current law.

The bill explicitly requires electric utilities providing power to customers who have not chosen alternative suppliers on or after

January 1, 2004 to obtain part of this power from renewable resources.

The bill modifies three reporting requirements, two concerning the Special Contaminated Property Remediation and Insurance Fund and one concerning carbon dioxide emissions.

In 1995, the legislature conveyed land in Stratford to the Connecticut-Stratford Shakespeare Festival Theatre, subject to various restrictions. The bill specifies that conveyance does not affect any security interest that a mortgagee has in the land.

EFFECTIVE DATE: October 1, 2001

ARBORICULTURE PENALTIES

The bill eliminates the civil penalty for people in the pesticide industry who engage in tree work without a DEP arboriculture license. Arboriculture involves various types of work, including protecting trees from insect or disease and curing them from these conditions by spraying. The people affected are commercial pesticide applicators, uncertified people who engage in commercial applications, pesticide distributors, and various people who are required to register their pesticides. Under current law, the civil fine ranges from \$1,000 to \$2,000 for a first offense and up to \$5,000 for a subsequent offense.

PESTICIDE APPLICATION PENALTIES

Under current law, the fine described above also applies to anyone:

1. who is not a commercial pesticide applicator who performs or seeks to perform commercial pesticide application, or
2. who has an operational certificate for commercial applications who performs or seeks to perform work that requires the higher supervisory certificate.

For this group, the bill increases the fine to \$1,000 to \$2,000 for an initial offense for each day the violation continues, rather than imposing this fine for each offense regardless of how long it continues. The bill does not make a parallel change for subsequent offenses.

NUISANCE WILDLIFE CONTROL OFFICERS

The bill requires municipal employees who control and handle animals, including animal control officers but excluding employees engaged in the emergency control of rabies, to obtain nuisance wildlife control licenses from DEP. The DEP commissioner must provide the training these employees needed for licensure without charge. By law, the licensure requirement applies to people who engage in nuisance wildlife control as a business. The bill makes an out-of-state resident ineligible for a license if his home state does not extend reciprocity to Connecticut residents.

The bill also: (1) extends the validity of the license from one to two years, (2) increases the fee from \$50 to \$100, (3) waives the license fee for municipal employees, (4) allows the DEP commissioner to set the license renewal schedule, rather than requiring that all licenses expire on December 31, and (5) requires licensees to report to the commissioner by a date he specifies, rather than by February 1, annually, on the techniques they used to control animals.

ELECTRIC UTILITIES AND RENEWABLE RESOURCES

By law, electric utilities must provide power, starting January 1, 2004, to customers who have not chosen an alternative supplier. The bill explicitly requires the utilities to obtain a specified part of the power they obtain to serve these customers from renewable resources. This "renewable portfolio standard" applies to the suppliers but current law is unclear whether it applies to the utilities. By law, the proportion of power that must be obtained from renewable resources rises from 6% to 13% over 10 years. By law, the Department of Public Utility Control can, and has, delayed the standard for two years. The bill does not extend this delay provision to the utilities.

REPORTING REQUIREMENTS

By law, the Department of Economic and Community Development (DECD) can use the Special Contaminated Property Remediation and Insurance Fund to provide loans for environmental assessments, investigations, and demolition costs. Under current law, DECD and a

board that advises it on loan applications must report to the Environment Committee annually by February 1 on the loan program. The bill allows them to skip the 2002 report.

By law, part of the incremental property taxes of a contaminated site that has been remediated goes into the fund. The bill requires the board to report to the committee by February 1, 2003 on (1) whether the payments that flow into the fund are sufficient to keep it solvent and (2) whether the payments should continue.

Under current law, the Office of Policy and Management must submit a report to the legislature by May 1 annually on the net amount of carbon dioxide emitted in the state. The bill drops the requirement for 2002 and requires that the report be submitted every three years starting May 1, 2003.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 28 Nay 0