



Senate

General Assembly

File No. 452

January Session, 2003

Substitute Senate Bill No. 1157

Senate, April 17, 2003

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS.

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

1 Section 1. Subdivision (2) of subsection (a) of section 22a-449c of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2003*):

4 (2) The account shall be used by the Commissioner of
5 Environmental Protection to provide money for reimbursement or
6 payment pursuant to section 22a-449f, as amended by this act, to
7 responsible parties or parties supplying goods or services, or both, to
8 responsible parties for costs, expenses and other obligations paid or
9 incurred, as the case may be, as a result of releases, and suspected
10 releases, costs of investigation of releases and suspected releases, and
11 third party claims for bodily injury, property damage and damage to
12 natural resources. Such costs of investigation shall not include interest
13 or finance charges incurred by the responsible party that accrued

14 during the time period specified for the rendering of a review board
15 decision in subsection (c) of section 22a-449f, as amended by this act.
16 Notwithstanding the provisions of this section regarding
17 reimbursements of parties pursuant to section 22a-449f, as amended by
18 this act, the responsible party for a release shall bear all costs of the
19 release that are less than ten thousand dollars or more than one million
20 dollars, except that for any such release which was reported to the
21 department prior to December 31, 1987, and for which more than five
22 hundred thousand dollars has been expended by the responsible party
23 to remediate such release prior to June 19, 1991, the responsible party
24 for the release shall bear all costs of such release which are less than
25 ten thousand dollars or more than five million dollars, provided the
26 portion of any reimbursement or payment in excess of three million
27 dollars may, at the discretion of the commissioner, be made in annual
28 payments for up to a five-year period. There shall be allocated to the
29 department annually, for administrative costs, two million dollars.

30 Sec. 2. Subsection (a) of section 22a-449f of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective July*
32 *1, 2003*):

33 (a) A responsible party may apply to the Underground Storage
34 Tank Petroleum Clean-Up Account Review Board established under
35 section 22a-449d, for reimbursement for costs paid and payment of
36 costs incurred or for the preauthorization of costs to be incurred within
37 a period of not more than twelve months as a result of a release, or a
38 suspected release, including costs of investigating a release, or a
39 suspected release, incurred or paid by a responsible party who is
40 determined not to have been liable for any such release. Such costs of
41 investigation shall not include interest or finance charges incurred by
42 the responsible party that accrued during the time period specified for
43 the rendering of a review board decision in subsection (c) of this
44 section. If a person or entity, other than a responsible party, claims to
45 have suffered damage or personal injury from a release, and the
46 responsible party denies there was a release or does not apply to the
47 board for payment of such claim, the person or entity holding such

48 claim may apply to the board for payment for such damage or
49 personal injury. The board shall order reimbursement or payment
50 from the account for any cost paid or incurred, as the case may be, if,
51 (1) such cost is or was incurred after July 5, 1989, (2) the responsible
52 party was or would have been required to demonstrate financial
53 responsibility under 40 CFR Part 280.90 et seq. as said regulation was
54 published in the Federal Register of October 26, 1988, for the
55 underground storage tank or underground storage tank system from
56 which the release emanated, whether or not such owner is required to
57 comply with said requirements on the date any such cost is incurred,
58 provided if the state is the responsible party, the board may order
59 payment from the account without regard to whether the state was or
60 would have been required to demonstrate financial responsibility
61 under said sections 40 CFR Part 280.90 et seq., (3) after the release, if
62 any, the responsible party incurred a cost, expense or obligation for
63 investigation, cleanup or for claims of third parties resulting from a
64 release, provided any third party claim shall be required to be finally
65 adjudicated or settled with the prior written approval of the board
66 before an application for reimbursement or payment is made, (4) the
67 board determines that the cost is for damage that was incurred as a
68 result of the release, and that the grounds for recovery specified in
69 subsection (b) of this section do not exist at the time such
70 determination is made, and (5) the responsible party notified the board
71 as soon as practicable of the release, and of any third party claim
72 resulting from the release, in accordance with the regulations adopted
73 pursuant to section 22a-449e. A responsible party that has received a
74 decision from the review board preauthorizing costs to be incurred
75 may apply, on a monthly basis, to the board for the reimbursement of
76 costs actually incurred. In acting on a request for payment or
77 reimbursement, the board, using funds from the underground storage
78 tank petroleum clean-up account, may contract with experts,
79 including, but not limited to, attorneys and medical professionals, to
80 better evaluate and defend against claims and negotiate third party
81 claims. The costs of the board for experts shall not be charged to the
82 amount allocated to the Department of Environmental Protection

83 pursuant to section 22a-449c, as amended by this act.

84 Sec. 3. Subsection (c) of section 22a-449f of the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective July*
86 *1, 2003*):

87 (c) The review board shall render its decision not more than ninety
88 days after receipt of an application from a responsible party or a third
89 party, [provided,] except that in the case of a second or subsequent
90 application, the board shall render its decision not more than forty-five
91 days after receipt of such application and, in the case of a responsible
92 party that previously received preauthorization for costs to be
93 incurred, the board shall render its decision not more than thirty days
94 after receipt of such application. A copy of the decision shall be sent to
95 the Commissioner of Environmental Protection and the applicant or
96 responsible party by certified mail, return receipt requested. The
97 Commissioner of Environmental Protection or any person aggrieved
98 by the decision of the board may, within twenty days from the date of
99 issuance of such decision, request a hearing before the board in
100 accordance with the provisions of chapter 54. After such hearing, the
101 board shall consider the information submitted to it and affirm or
102 modify its decision on the application. A copy of the affirmed or
103 modified decision shall be sent to the applicant or responsible party by
104 certified mail, return receipt requested.

105 Sec. 4. Subsection (g) of section 22a-619 of the general statutes is
106 repealed and the following is substituted in lieu thereof (*Effective July*
107 *1, 2003*):

108 (g) (1) Manufacturers shall meet all the requirements of this section
109 for large appliances, including, but not limited to, washers, dryers,
110 ovens, including microwave ovens, refrigerators, air conditioners,
111 dehumidifiers or portable heaters sold in a store where such appliance
112 is on display, except that no package labeling shall be required; (2)
113 manufacturers shall meet all the requirements of this section for
114 mercury fever thermometers, except that no product labeling shall be
115 required; (3) in the case of vehicles, (A) manufacturers shall meet the

116 product labeling requirements of this section for vehicles by placing a
117 label on the doorpost of the vehicles that lists the mercury-added
118 components that may be present in the vehicle, and (B) manufacturers
119 shall not be required to label the mercury-added components of the
120 vehicle; (4) manufacturers of products that contain a mercury-
121 containing lamp used for backlighting that cannot feasibly be removed
122 by the purchaser shall meet the product labeling requirements of this
123 section by placing the label on the product or its care and use manual;
124 (5) manufacturers shall meet all the requirements of this section for
125 button cell batteries containing mercury, except that no labeling shall
126 be required; (6) in the case of products that contain button cell batteries
127 containing mercury as the only mercury components, manufacturers
128 shall meet the packaging requirements of this section by including a
129 label in the product instructions, if any, and on the packaging, and no
130 further product labeling shall be required; (7) manufacturers of
131 fluorescent lights and high-intensity discharge lamps shall meet the
132 labeling requirements of this section by labeling the product
133 packaging; and (8) manufacturers of medical equipment not intended
134 for use by nonmedical personnel are exempt from this section.

135 Sec. 5. Subsection (b) of section 7-131b of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective July*
137 *1, 2003*):

138 (b) Any owner who encumbers his property by conveying a less
139 than fee interest to any municipality under subsection (a) of this
140 section or to a nonprofit land conservation organization shall, upon
141 written application to the assessor or board of assessors of the
142 municipality in which the property is located, be entitled to a
143 revaluation of such property to reflect the existence of such
144 encumbrance, effective with respect to the next-succeeding assessment
145 list of such municipality. Any such owner shall be entitled to such
146 revaluation, notwithstanding the fact that he conveyed such less than
147 fee interest prior to October 1, 1971, provided no such revaluation shall
148 be effective retroactively.

149 Sec. 6. Section 12-504c of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective July 1, 2003*):

151 The provisions of section 12-504a shall not be applicable to the
152 following: (a) Transfers of land resulting from eminent domain
153 proceedings; (b) mortgage deeds; (c) deeds to or by the United States
154 of America, state of Connecticut or any political subdivision or agency
155 thereof; (d) strawman deeds and deeds which correct, modify,
156 supplement or confirm a deed previously recorded; (e) deeds between
157 husband and wife and parent and child when no consideration is
158 received, except that a subsequent nonexempt transfer by the grantee
159 in such cases shall be subject to the provisions of section 12-504a as it
160 would be if the grantor were making such nonexempt transfer; (f) tax
161 deeds; (g) deeds releasing any property which is a security for a debt
162 or other obligation; (h) deeds of partition; (i) deeds made pursuant to a
163 merger of a corporation; (j) deeds made by a subsidiary corporation to
164 its parent corporation for no consideration other than the cancellation
165 or surrender of the capital stock of such subsidiary; (k) property
166 transferred as a result of death by devise or otherwise and in such
167 transfer the date of acquisition or classification of the land for purposes
168 of sections 12-504a to 12-504f, inclusive, as amended by this act,
169 whichever is earlier, shall be the date of acquisition or classification by
170 the decedent; (l) deeds to any corporation, trust or other entity, of land
171 to be held in perpetuity for educational, scientific, aesthetic or other
172 equivalent passive uses, provided such corporation, trust or other
173 entity has received a determination from the Internal Revenue Service
174 that contributions to it are deductible under applicable sections of the
175 Internal Revenue Code; (m) land subject to a covenant specifically set
176 forth in the deed transferring title to such land, which covenant is
177 enforceable by the town in which such land is located or by a nonprofit
178 land conservation organization, to refrain from selling or developing
179 such land in a manner inconsistent with its classification as farm land
180 pursuant to section 12-107c, forest land pursuant to section 12-107d or
181 open space land pursuant to section 12-107e for a period of not less
182 than eight years from the date of transfer, if such covenant is violated
183 the conveyance tax set forth in this chapter shall be applicable at the

184 rate which would have been applicable at the date the deed containing
185 the covenant was delivered and, in addition, the town or any taxpayer
186 therein may commence an action to enforce such covenant; and (n)
187 land the development rights to which have been sold to the state under
188 chapter 422a. If such action is taken by such a taxpayer, the town shall
189 be served as a necessary party.

190 Sec. 7. Subsection (c) of section 25-33o of the general statutes is
191 repealed and the following is substituted in lieu thereof (*Effective July*
192 *1, 2003*):

193 (c) The council shall, not later than January 1, 2002, and annually
194 thereafter, report its preliminary findings and any proposed legislative
195 changes to the joint standing committees of the General Assembly
196 having cognizance of matters relating to public health, the
197 environment and public utilities in accordance with section 11-4a,
198 except that not later than February 1, 2004, the council shall report its
199 final recommendations in accordance with this subsection with regard
200 to (1) a water allocation plan based on water budgets for each
201 watershed, (2) funding for water budget planning, giving priority to
202 the most highly stressed watersheds, and (3) the feasibility of merging
203 the data collection and regulatory functions of the Department of
204 Environmental Protection's Inland Water Resources Program and the
205 Department of Public Health's Water Supplies Section.

206 Sec. 8. Subsection (a) of section 26-86a of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective July*
208 *1, 2003*):

209 (a) The commissioner shall establish by regulation adopted in
210 accordance with the provisions of chapter 54 standards for deer
211 management, and methods, regulated areas, bag limits, seasons and
212 permit eligibility for hunting deer with bow and arrow, muzzleloader
213 and shotgun, except that no such hunting shall be permitted on
214 Sunday. No person shall hunt, pursue, wound or kill deer with a
215 firearm without first obtaining a deer permit from the commissioner in
216 addition to the license required by section 26-27. Application for such

217 permit shall be made on forms furnished by the commissioner and
218 containing such information as he may require. Such permit shall be of
219 a design prescribed by the commissioner, shall contain such
220 information and conditions as the commissioner may require, and may
221 be revoked for violation of any provision of this chapter or regulations
222 adopted pursuant thereto. As used in this section, muzzleloader means
223 a rifle or shotgun of at least forty-five caliber, incapable of firing a self-
224 contained cartridge, which uses powder, [ball] a projectile and
225 wadding loaded separately at the muzzle end and rifle means a long
226 gun which uses centerfire ammunition and the projectile of which is
227 six millimeters or larger in diameter. The fee for a firearms permit shall
228 be fourteen dollars for residents of the state and fifty dollars for
229 nonresidents, except that any nonresident who is an active full-time
230 member of the armed forces, as defined in section 27-103, may
231 purchase a firearms permit for the same fee as is charged a resident of
232 the state. The commissioner shall issue, without fee, a private land
233 deer permit to the owner of ten or more acres of private land and the
234 husband or wife, parent, grandparent, sibling and any lineal
235 descendant of such owner, provided no such owner, husband or wife,
236 parent, grandparent, sibling or lineal descendant shall be issued more
237 than one such permit per season. Such permit shall allow the use of a
238 rifle, shotgun, muzzleloader or bow and arrow on such land from
239 November first to December thirty-first, inclusive. Deer may be so
240 hunted at such times and in such areas of such state-owned land as are
241 designated by the Commissioner of Environmental Protection and on
242 privately owned land with the signed consent of the landowner, on
243 forms furnished by the department, and such signed consent shall be
244 carried by any person when so hunting on private land. The owner of
245 ten acres or more of private land may allow the use of a rifle to hunt
246 deer on such land during the shotgun season. The commissioner shall
247 determine, by regulation, the number of consent forms issued for any
248 regulated area established by said commissioner. The commissioner
249 shall provide for a fair and equitable random method for the selection
250 of successful applicants who may obtain shotgun and muzzleloader
251 permits for hunting deer on state lands. Any person whose name

252 appears on more than one application for a shotgun permit or more
253 than one application for a muzzleloader permit shall be disqualified
254 from the selection process for such permit. No person shall hunt,
255 pursue, wound or kill deer with a bow and arrow without first
256 obtaining a bow and arrow permit pursuant to section 26-86c, as
257 amended by this act. "Bow and arrow" as used in this section and in
258 section 26-86c, as amended by this act, means a bow [capable of
259 propelling a hunting type arrow of not less than four hundred grains,
260 one hundred fifty yards free flight on level ground] with a draw
261 weight of not less than forty pounds. As used in this section,
262 "projectile" includes, but is not limited to, a standard round ball, mini-
263 balls, maxi-balls and Sabot bullets. The arrowhead shall have two or
264 more blades and may not be less than seven-eighths of an inch at the
265 widest point. No person shall carry firearms of any kind while hunting
266 with a bow and arrow under said sections.

267 Sec. 9. Section 26-86c of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective July 1, 2003*):

269 No person may hunt deer or small game with a bow and arrow
270 under the provisions of this chapter without a valid permit issued by
271 the Commissioner of Environmental Protection pursuant to this
272 section or section 26-86a, as amended by this act, for persons hunting
273 deer with bow and arrow under private land deer permits issued free
274 to qualifying landowners, husband or wife, parent, grandparent, lineal
275 descendant or siblings under that section. The fee for such bow and
276 arrow permit to hunt deer and small game shall be thirty dollars for
277 residents and one hundred dollars for nonresidents, or thirteen dollars
278 for any person twelve years of age or older but under sixteen years of
279 age, except that any nonresident who is an active full-time member of
280 the armed forces, as defined in section 27-103, may purchase a bow
281 and arrow permit to hunt deer and small game for the same fee as is
282 charged a resident of the state. Permits to hunt with a bow and arrow
283 under the provisions of this chapter shall be issued only to qualified
284 applicants therefor by the Commissioner of Environmental Protection,
285 in such form as said commissioner prescribes. Applications shall be

286 made on forms furnished by the commissioner containing such
287 information as he may require and all such application forms shall
288 have printed thereon: "I declare under the penalties of false statement
289 that the statements herein made by me are true and correct." Any
290 person who makes any material false statement on such application
291 form shall be guilty of false statement and shall be subject to the
292 penalties provided for false statement and said offense shall be
293 deemed to have been committed in the town in which the applicant
294 resides. No such application shall contain any material false statement.
295 On and after January 1, 2002, permits to hunt with a bow and arrow
296 under the provisions of this chapter shall be issued only to qualified
297 applicants who have successfully completed the conservation
298 education bow hunting course as specified in section 26-31 or an
299 equivalent course in another state.

300 Sec. 10. Section 14-387 of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective July 1, 2003*):

302 No person shall operate a snowmobile or all-terrain vehicle in the
303 following manner: (1) On any public highway, except such
304 snowmobile or all-terrain vehicle, if operated by a licensed motor
305 vehicle operator, may cross a public highway if the crossing is made at
306 an angle of approximately ninety degrees to the direction of the
307 highway and at a location where no obstruction prevents a quick and
308 safe crossing, the snowmobile or all-terrain vehicle is completely
309 stopped before entering the traveled portion of the highway and the
310 driver yields the right-of-way to motor vehicles using the highway,
311 provided nothing in this subsection shall be construed to permit the
312 operation of a snowmobile or all-terrain vehicle on a limited access
313 highway, as defined in subsection (a) of section 13a-1; (2) in such a
314 manner that the exhaust of the snowmobile or all-terrain vehicle makes
315 an excessive or unusual noise; (3) without a functioning muffler,
316 subject to the provisions of section 14-80, properly operating brakes,
317 sufficient and adequate front and rear lighting and reflecting devices,
318 except an all-terrain vehicle with an engine size of ninety cubic
319 centimeters or less shall not be required to be equipped with front and

320 rear lighting and shall not be operated after dark; (4) in any manner
321 which would cause harassment of any game or domestic animal; (5) on
322 any [fenced agricultural land or posted] land without the written
323 permission of the owner, or the agent of the owner, or in the case of
324 state-owned land, without the written permission of the state agency
325 or institution under whose control such land is, or in the case of land
326 under the jurisdiction of a local municipality without the written
327 permission of such municipality, which written permission shall be
328 carried on the person operating the snowmobile or all-terrain vehicle
329 while on such land; and (6) on any railroad right-of-way. Nothing in
330 sections 14-379 to 14-390, inclusive, shall preclude the operation of a
331 snowmobile or all-terrain vehicle (A) on the frozen surface of any
332 public body of water, provided any municipality may by ordinance
333 regulate the hours of operation of snowmobiles and all-terrain vehicles
334 on public waters within such municipality and provided the operation
335 of a snowmobile or all-terrain vehicle shall be subject to the provisions
336 of section 25-43c; or (B) on any abandoned or disused railroad right-of-
337 way or in any place or upon any land specifically designated for the
338 operation of snowmobiles and all-terrain vehicles by statute,
339 regulation or local ordinance. Any person who violates any provision
340 of this section shall have committed a separate infraction for each such
341 violation.

342 Sec. 11. Subsection (h) of section 22a-6 of the general statutes is
343 repealed and the following is substituted in lieu thereof (*Effective July*
344 *1, 2003*):

345 (h) The commissioner may adopt regulations pertaining to activities
346 for which the federal government has adopted standards or
347 procedures. All provisions of such regulations which differ from the
348 applicable federal standards or procedures shall be clearly
349 distinguishable from such standards or procedures either on the face
350 of the proposed regulation or through supplemental documentation
351 accompanying the proposed regulation at the time of the [public
352 hearing on] notice concerning such regulation required under [chapter
353 54] section 4-168. An explanation for all such provisions shall be

354 included in the regulation-making record required under chapter 54
355 and shall be publicly available at the time of the notice concerning the
356 regulation required under section 4-168. This subsection shall apply to
357 any regulation for which a notice of intent to adopt is published on
358 and after July 1, 1999.

359 Sec. 12. Section 22a-32 of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective July 1, 2003*):

361 No regulated activity shall be conducted upon any wetland without
362 a permit. Any person proposing to conduct or cause to be conducted a
363 regulated activity upon any wetland shall file an application for a
364 permit with the commissioner, in such form and with such information
365 as the commissioner may prescribe. Such application shall include a
366 detailed description of the proposed work and a map showing the area
367 of wetland directly affected, with the location of the proposed work
368 thereon, together with the names of the owners of record of adjacent
369 land and known claimants of water rights in or adjacent to the wetland
370 of whom the applicant has notice. The commissioner shall cause a copy
371 of such application to be mailed to the chief administrative officer in
372 the town or towns where the proposed work, or any part thereof, is
373 located, and the chairman of the conservation commission and
374 shellfish commission of the town or towns where the proposed work,
375 or any part thereof, is located. No sooner than thirty days and not later
376 than sixty days after the receipt of such application, the commissioner
377 or his duly designated hearing officer shall hold a public hearing on
378 such application, provided, whenever the commissioner determines
379 that the regulated activity for which a permit is sought is not likely to
380 have a significant impact on the wetland, he may waive the
381 requirement for public hearing after publishing notice, in a newspaper
382 having general circulation in each town wherever the proposed work
383 or any part thereof is located, of his intent to waive said requirement
384 and of his tentative decision regarding the application, except that the
385 commissioner shall hold a hearing on such application upon receipt of
386 a petition, signed by at least twenty-five persons, which persons shall
387 be not less than eighteen years of age and residents of the municipality

388 in which the regulated activity is proposed, requesting such a hearing.
 389 The following shall be notified of the hearing by mail not less than
 390 fifteen days prior to the date set for the hearing: All of those persons
 391 and agencies who are entitled to receive a copy of such application in
 392 accordance with the terms hereof and all owners of record of adjacent
 393 land and known claimants to water rights in or adjacent to the wetland
 394 of whom the applicant has notice. The commissioner shall cause notice
 395 of his tentative decision regarding the application and such hearing to
 396 be published at least once not more than thirty days and not fewer
 397 than ten days before the date set for the hearing in the newspaper
 398 having a general circulation in each town where the proposed work, or
 399 any part thereof, is located. All applications and maps and documents
 400 relating thereto shall be open for public inspection at the office of the
 401 commissioner. At such hearing any person or persons may appear and
 402 be heard.

403 Sec. 13. Section 23-8b of the general statutes is amended by adding
 404 subsection (f) as follows (*Effective July 1, 2003*):

405 (NEW) (f) Notwithstanding any provision of the general statutes,
 406 special police officers for utility companies, appointed by the
 407 Commissioner of Public Safety pursuant to section 29-19, and
 408 conservation officers and special conservation officers and patrolmen,
 409 appointed by the Commissioner of Environmental Protection pursuant
 410 to section 26-5, shall have jurisdiction over any land purchased by the
 411 state under the terms of any such contract and said officers shall have
 412 the same authority to make arrests on such lands as they have under
 413 section 29-18 for lands owned by the Department of Environmental
 414 Protection.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>

Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Environmental Protection	Various	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	See Below	Minimal	Minimal

Explanation

The bill prohibits the Underground Storage Tank Petroleum Clean-Up Account Review Board (the Board) from reimbursing owners or operators for interest or finance charges accruing on investigation costs while the Board considers a claim. The bill also reduces the time period for the Board to make decisions. To the extent that stating the prohibition on interest and finance charges in certain instances means that the charges can be assessed when they are not prohibited, significant costs will be incurred. The backlog of claims under the commercial underground storage tank program is 1 ½ to 2 years. Therefore, neither the Board nor the Department of Environmental Protection (DEP) staff can act on the claims within the time frames established in the bill. The value of the backlogged claims is estimated at \$58 million. Assuming an interest charge of 1.5%, an additional \$870,000 in costs to the state could be incurred per year. The UST account is funded through a \$3 million per quarter transfer of the petroleum gross earnings tax. Two million of the \$12 million dollar total is used for administrative purposes. Since the funding level is capped, any interest charges that would be paid would result in fewer

resources to claimants per year.

Setting a deadline of February 1, 2004 for the Water Planning Council to issue its final report is not anticipated to have a fiscal impact. The Council was created in 2001 and must report findings and proposed legislation annually to legislative committees.

It is anticipated that allowing non-resident, active full-time members of the armed services to purchase firearms permits to hunt deer and bow and arrow permits to hunt deer and small game for the same fee as residents will result in a minimal revenue loss to the Conservation Fund of the DEP estimated at under \$10,000 a year.

Specifying that an owner of open space land who conveys an easement to a nonprofit land conservation organization be entitled to a revaluation of the property could result in a minimal municipal workload increase and a potential grand list reduction.

Exempting from the conveyance tax sales of farm, forest and open space land subject to a covenant is anticipated to result in a minimal revenue loss to the state and impacted municipalities. Based on annual acquisitions through the state programs the revenue loss is estimated at less than \$100,000 a year to the state and less than \$50,000 a year to all municipalities.

Tightening the requirements that petitioners must meet when asking the DEP to hold a hearing could minimally reduce the DEP workload.

Allowing for conservation officers, special conservation officers, special police officers and patrolmen appointed by the Commissioner of the DEP to have joint jurisdiction over the KELDA lands will provide for a more efficient mechanism for enforcement.

Changes in the timing of when the Commissioner must indicate differences in proposed regulations, will have no fiscal impact.

OLR Bill Analysis

sSB 1157

AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS**SUMMARY:**

This bill:

1. allows owners or operators of commercial underground storage tanks to apply to the Underground Storage Tank Petroleum Clean-up Account Review Board for preauthorization of the costs they incur as the result of a fuel oil leak; requires the board to decide on reimbursement of preauthorized costs in 30, rather than 90, days; and bars reimbursement to owners or operators of interest or finance charges on investigation costs that accrue during the board's review;
2. requires warning labels on packaging for high-intensity discharge lamps containing mercury by July 1, 2004;
3. sets a February 1, 2004 deadline for the Water Planning Council to make final recommendations on water allocation and planning issues;
4. allows nonresident, active, full-time members of the armed services to purchase firearm permits to hunt deer and bow-and-arrow permits to hunt deer and small game for the same fee as state residents, expands the type of ammunition hunters may use in muzzle-loading rifles, and requires that bow hunters use a bow-and-arrow with a draw weight of at least 40 pounds;
5. prohibits anyone from operating a snowmobile or all-terrain vehicle (ATV) on any land, rather than just fenced farmland or posted land, without the owner's written permission and requires the operator to carry the written permission on his person while operating the vehicle on such land;
6. entitles owners of open space land who convey an easement to a

- nonprofit land conservation organization to revaluation of the property when they apply to the assessor in the town where the property is located;
7. exempts from the conveyance tax sales of farm, forest, and open space land subject to a covenant, enforceable by a nonprofit land conservation organization, to refrain from selling or developing the land in a manner inconsistent with its classification for at least eight years from the date of transfer;
 8. tightens the requirements that petitioners must meet when asking the environmental protection commissioner to hold a hearing on whether to allow a regulated activity on a wetland;
 9. gives certain utility company police officers, conservation officers, and other law enforcement officers joint jurisdiction over the Kelda lands; and
 10. requires that the commissioner state the differences between proposed state regulations and existing federal standards and procedures when he gives notice of the proposed regulations, rather than at the time of the public hearing

EFFECTIVE DATE: July 1, 2003

REIMBURSEMENT FROM THE UNDERGROUND STORAGE TANK REVIEW BOARD

By law, the board may reimburse storage tank owners or operators of commercial underground storage tanks for the costs and expenses that result from releases and suspected releases; the cost of investigating releases; and third party claims for bodily injury, property damage, and damage to natural resources. The bill prohibits the board from reimbursing owners or operators for interest or finance charges accruing on investigation costs while the board considers a claim. By law, the board has 90 days to render a decision after it receives an application for reimbursement, and 45 days in the case of a second or subsequent application. The bill requires the board to issue a decision in 30 days when an owner or operator received preauthorization.

The bill allows responsible parties to apply for preauthorization of costs to be incurred within a 12-month period. A party receiving

preauthorization may apply once a month for reimbursement of costs actually incurred.

LABELING PRODUCTS THAT CONTAIN MERCURY

By law, products containing mercury must be labeled beginning July 1, 2004. The bill requires that such labeling appear on packaging for high intensity discharge lights that contain mercury. Examples of such lights are streetlights, floodlights and industrial lighting. Labels on packaging must be clearly visible and inform the buyer that mercury is present and that the product should be properly disposed of or recycled.

WATER PLANNING COUNCIL

The bill requires the council, by February 1, 2004, issue its final recommendations for (1) a water allocation plan, based on water budgets for each watershed; (2) funding for water budget planning, giving priority to the most highly-stressed watersheds; and (3) the feasibility of merging the data collection and regulatory functions of the Department of Environmental Protection's (DEP's) Inland Water Resources program and the public health department's water supplies section. The council was created in 2001 to address issues involving the water companies, water resources and state polices regarding the future of the state's drinking water supply. By law, it must report its preliminary findings and any proposed legislative changes annually to the Environment, Public Health, and Energy and Technology committees.

HUNTING

Permit Fees

The bill allows nonresident, active, full-time members of the armed forces, as defined by law, to purchase firearms permits to hunt deer and bow-and-arrow permits to hunt deer and small game for the same fee as residents. The firearms permit fee is \$14 for residents and \$50 for nonresidents. The bow-and-arrow fee is \$30 for residents and \$100 for nonresidents.

Muzzle-Loading Ammunition

The bill allows hunters using muzzle-loading rifles to fire projectiles,

rather than balls. Projectiles allowed by the bill include standard-round ball, mini-ball, maxi-bill and Sabot bullets (bullets encased in plastic containers). By law, muzzle-loading rifles or shotguns are at least .45 caliber; incapable of firing a self-contained cartridge; and use powder, ball, and wadding loaded separately at the weapon's muzzle end.

Bow and Arrow Permit

The bill requires that hunters use a bow with a draw weight of at least 40 pounds, rather than one capable of shooting a hunting arrow weighing at least 400 grains 150 yards over level ground, to obtain a DEP bow-and-arrow permit to hunt deer.

CONVEYANCE TAX EXEMPTION

The law exempts from the conveyance tax sales of farm, forest and open space land subject to a covenant, enforceable by the town in which the land is located, to refrain from selling or developing the land in a manner inconsistent with its classification for at least eight years from the date of transfer. The bill creates the same exemption for such a covenant enforced by a nonprofit land conservation organization.

WETLANDS PERMIT HEARING

By law, the commissioner must hold a hearing on a proposal to conduct a regulated activity on a wetland if 25 people petition him. The bill requires that the petitioners be (1) at least 18 years old and (2) residents of the town in which the regulated activity is proposed. Regulated activities include the draining, dredging, removal, dumping, filling or depositing soil, stones, sand or gravel; the erection of structures; and the placing of obstructions.

KELDA LANDS

The bill gives utility company special police officers and conservation officers, special conservation officers, and patrolmen appointed by the commissioner joint jurisdiction over property the state and the Nature Conservancy purchased for conservation purposes in 2001 (the Kelda lands). Under the bill, the officers have the same authority to make arrests on the Kelda lands as they do on DEP-owned lands

NOTICE OF PROPOSED REGULATIONS

By law, the commissioner, in adopting regulations that differ from federal standards, must indicate those differences either in the proposed regulations or in accompanying documentation. The bill requires that he provide this information at the time that he publishes the notice of the proposed regulations, rather than at the time of the public hearing on them.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 27 Nay 0