



# House of Representatives

General Assembly

**File No. 811**

January Session, 2013

Substitute House Bill No. 5480

*House of Representatives, May 14, 2013*

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT PLANT SCIENCE RESEARCH AND EDUCATION FACILITY AND PROHIBITING TAMPERING WITH HYDRANTS.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) Not later than October  
2 31, 2013, the Department of Energy and Environmental Protection, in  
3 consultation with the Department of Public Health, shall conduct an  
4 assessment of the practices employed at The University of Connecticut  
5 Plant Science Research and Education Facility. Such assessment shall  
6 include, but need not be limited to: (1) An examination of the  
7 procedures for the storage and application of pesticides at said facility,  
8 (2) a review of the protocols used to ensure the safe application of  
9 pesticides, including, but not limited to, any pesticide that requires an  
10 experimental use permit issued by the United States Environmental  
11 Protection Agency, and (3) an evaluation of the water testing regimen  
12 at said facility, including, but not limited to, a review of the timing,  
13 locations and types of such testing, the number of wells subject to such

14 testing and the types of pesticides identified by such testing.

15 (b) Not later than February 1, 2014, the Departments of Energy and  
16 Environmental Protection and Public Health shall submit to the joint  
17 standing committee of the General Assembly having cognizance of  
18 matters relating to the environment any recommendations for  
19 legislation or revised practices at said facility that the departments  
20 determine are necessary as a result of the assessment conducted  
21 pursuant to subsection (a) of this section.

22 Sec. 2. (NEW) (*Effective from passage*) No person shall open, operate,  
23 take water from or tamper with any hydrant or otherwise take water  
24 from or tamper with any public water supply reservoir without: (1)  
25 The legal authority to take such action, or (2) the consent of the water  
26 utility, municipality or other entity that owns or controls such hydrant  
27 or public water supply reservoir. Any person who violates the  
28 provisions of this section shall be fined five hundred dollars for the  
29 first offense and one thousand dollars for any subsequent offense.

30 Sec. 3. Subsection (b) of section 51-164n of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective from*  
32 *passage*):

33 (b) Notwithstanding any provision of the general statutes, any  
34 person who is alleged to have committed (1) a violation under the  
35 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
36 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-  
37 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
38 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
39 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
40 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
41 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
42 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
43 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
44 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
45 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
46 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b

47 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
48 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
49 14-153 or 14-163b, a first violation as specified in subsection (f) of  
50 section 14-164i, section 14-219 as specified in subsection (e) of said  
51 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
52 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
53 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)  
54 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-  
55 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of  
56 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,  
57 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or  
58 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
59 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-  
60 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or  
61 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-  
62 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
63 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
64 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-  
65 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,  
66 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,  
67 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,  
68 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-  
69 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section  
70 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,  
71 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,  
72 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-  
73 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-  
74 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-  
75 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,  
76 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
77 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-  
78 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or  
79 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,  
80 subsection (a) of section 25-43, section 2 of this act, section 25-135, 26-  
81 18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-56, 26-58 or

82 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,  
83 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,  
84 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-  
85 138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,  
86 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-  
87 230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-  
88 288, 26-294, 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a,  
89 subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-  
90 161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,  
91 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,  
92 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,  
93 31-24, 31-25, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51,  
94 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69,  
95 section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection  
96 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,  
97 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658,  
98 subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24,  
99 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-  
100 252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-  
101 331, 53-344 or 53-450, or (2) a violation under the provisions of chapter  
102 268, or (3) a violation of any regulation adopted in accordance with the  
103 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any  
104 ordinance, regulation or bylaw of any town, city or borough, except  
105 violations of building codes and the health code, for which the penalty  
106 exceeds ninety dollars but does not exceed two hundred fifty dollars,  
107 unless such town, city or borough has established a payment and  
108 hearing procedure for such violation pursuant to section 7-152c, shall  
109 follow the procedures set forth in this section.

110 Sec. 4. (*Effective July 1, 2013*) (a) Up to \$100,000 of the amount  
111 appropriated in section 1 of house bill 6350 of the current session to  
112 The University of Connecticut, for Operating Expenses, for the fiscal  
113 year ending June 30, 2014, shall be transferred to the Department of  
114 Energy and Environmental Protection, for Other Expenses, for the  
115 fiscal year ending June 30, 2014, for the purpose of performing an  
116 investigation into the quality of groundwater flow in bedrock.

117 (b) The University of Connecticut and the Department of Energy  
118 and Environmental Protection shall enter into a memorandum of  
119 understanding to effectuate the purpose of subsection (a) of this  
120 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	51-164n(b)
Sec. 4	<i>July 1, 2013</i>	New section

**APP**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
University of Connecticut	GF - Cost	Up to 100,000	None
Department of Energy and Environmental Protection	GF - Revenue Gain	Up to 100,000	None
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000

**Municipal Impact:** None

### **Explanation**

The bill requires the Department of Energy and Environmental Protection (DEEP) to conduct an assessment of certain practices employed at the University of Connecticut (UConn) Plant Science Research and Education Facility no later than October 31, 2013. The bill transfers up to \$100,000 in FY 14 from UConn to DEEP to enter into a memorandum of understanding for a consultant to perform an investigation into the quality of groundwater flow in bedrock, as the agency currently does not possess the in-house expertise for this type of water testing. This would result in a cost to UConn and a revenue gain to DEEP for this purpose in FY 14 only.

Additionally, the bill subjects people violating certain provisions relating to public water supply reservoirs to fines. The fine is \$500 for the first offense and \$1,000 for subsequent offenses. This may generate additional revenue for the state, anticipated to be less than \$10,000 annually.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of offenses.

**OLR Bill Analysis****sHB 5480*****AN ACT REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT PLANT SCIENCE RESEARCH AND EDUCATION FACILITY AND PROHIBITING TAMPERING WITH HYDRANTS.*****SUMMARY:**

This bill prohibits opening, operating, taking water from, or tampering with a hydrant, or taking water from or tampering with a public water supply reservoir without (1) legal authority to do so or (2) consent from the water utility, municipality, or other entity that owns or controls the hydrant or reservoir. Violators are subject to a \$500 fine for a first offense and a \$1,000 fine for subsequent offenses. The bill subjects violators to the mail-in procedures for infractions and certain violations, allowing them to pay the fine or plead not guilty and request a trial, without having to appear in court.

The bill also requires the Department of Energy and Environmental Protection (DEEP), in consultation with the Department of Public Health, to conduct an assessment of the University of Connecticut's (UConn) Plant Science Research and Education Facility by October 31, 2013. The agencies must provide any recommendations for legislation or revised practices that they determine are needed based on the assessment to the Environment Committee by February 1, 2014.

The assessment must include an examination of the facility's (1) procedures for pesticide storage and application; (2) protocols to ensure safe pesticide application, including pesticides that require a U.S. Environmental Protection Agency experimental use permit; and (3) water testing regimen. The water testing regimen evaluation must include a review of the (1) timing, locations, and types of testing involved; (2) number of wells subject to testing; and (3) types of

pesticides identified by the testing.

The bill also transfers to DEEP for FY 14 up to \$100,000 of the amount appropriated in the 2013 biennial budget bill (HB 6350, Section 1) to UConn for FY 14 operating expenses. DEEP must (1) use the funds to investigate groundwater flow quality in bedrock and (2) enter into a memorandum of understanding with UConn to achieve this purpose.

EFFECTIVE DATE: Upon passage, except the provision transferring certain appropriated funds from UConn to DEEP takes effect July 1, 2013.

## **BACKGROUND**

### ***Related Laws***

By law, theft of utility service (e.g., electric, gas, water, or telecommunications) is considered larceny. This includes tampering or connecting to equipment used by a water supplier, without the supplier's consent, to avoid paying. The punishment depends on the value of the property or service taken, ranging from a class C misdemeanor when the value is \$500 or less to a class B felony when the value is more than \$20,000 (CGS § 53a-119).

The law also prohibits causing or allowing any pollutant or harmful substance to enter a public water supply reservoir or its tributaries and subjects violators to a fine of up to \$500. A person who causes or allows a pollutant or harmful substance to enter a reservoir, lake, pond, or a stream tributary to these waters, after being notified that the water source supplies residents with water, is subject to the same fine, imprisonment for up to 30 days, or both. The law allows a water company to bring a civil action in Superior Court to recover damages, expenses, and costs from responding to these violations and remediating and abating any contamination (CGS § 25-43).

### ***Legislative History***

The House referred the bill (File 498) to the Appropriations Committee, which reported out a substitute adding the provision

transferring up to \$100,000 of certain appropriated funds in the 2013 biennial budget bill from UConn to DEEP to investigate bedrock groundwater flow quality.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7 (03/25/2013)

Appropriations Committee

Joint Favorable Substitute

Yea 40 Nay 10 (04/30/2013)