



## Acts Affecting Environment

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## Notice to Readers

This report provides summaries of new laws (Public Acts) affecting the environment enacted during the 2017 regular session. OLR's other Acts Affecting reports, including Acts Affecting Animals and Agriculture and Acts Affecting Energy, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the Public Act (PA) number and effective date. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of Public Acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrsums.asp>. Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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## **Brownfields**

### ***Expanded Liability Protection***

This session, the legislature made it easier for developers to remediate and develop brownfields under the state's Brownfield Remediation and Revitalization Program. It:

1. allowed developers to remediate a brownfield one section at a time and receive the program's protection for each section they complete instead of waiting until they remediate the entire property,
2. relieved them from having to investigate and remediate any hazardous substance beyond the brownfield's boundaries, and
3. extended the program's liability protection to lenders that hold or held a security interest in the remediated property ([PA 17-214](#), effective July 1, 2017).

### ***Land Banks for Remediation Projects***

To help organizations and communities obtain the expertise needed to perform brownfield remediation projects, the legislature authorized the certification of new and existing nonprofit organizations as Connecticut Brownfield Land Banks, with access to the same remediation tools and incentives available to municipalities ([PA 17-214](#), effective July 1, 2017).

## **DEEP Civil Penalties**

The legislature expanded the Department of Energy and Environmental Protection (DEEP) commissioner's authority to levy civil penalties to include imposing penalties for violating the law on developing and implementing emergency action plans for high or significant hazard dams or similar structures ([PA 17-78](#), § 1, effective upon passage).

## **Energy Projects**

### ***Agricultural and Environmental Impacts***

A new law requires the DEEP commissioner and the Connecticut Siting Council to consider the impact of certain proposed energy-related projects, including solar projects, on the environment, prime farmland or forest land, or agriculture, as applicable, before allowing them to proceed ([PA 17-218](#), §§ 1-4, effective July 1, 2017).

## ***Anaerobic Digestion***

The Public Utilities Regulatory Authority must, under a new law, authorize additional funds for certain agricultural customer hosts using anaerobic digestion renewable energy sources as a virtual net metering facility ([PA 17-218](#), § 5, effective July 1, 2017).

## ***Renewable Portfolio Standard (RPS)***

By law, the state's RPS requires electric distribution companies (EDCs, e.g., Eversource and United Illuminating) and electric suppliers to demonstrate that a certain percentage of their energy each year comes from renewable resources, which are designated as Class I, II, or III sources. The legislature passed two laws this session concerning the RPS.

One new law removes a provision allowing companies to make up a deficiency in meeting the RPS in the first three months of the following calendar year, or otherwise as specified under New England Power Pool rules ([PA 17-186](#), effective July 1, 2017).

The other law limits, to only trash-to-energy facilities, the types of renewable energy facilities considered Class II renewable energy sources. It also (1) increases the RPS requirement so that EDCs and retail electric suppliers must purchase 4%, rather than 3%, of their power from either Class I or Class II sources and (2) decreases the penalty for failing to do so from 5.5 to 2.5 cents per kilowatt hour ([PA 17-144](#), §§ 2-5, effective upon passage).

## **Kelp Oil**

A new law authorizes DEEP, together with the state agriculture department, to help businesses apply to the federal Environmental Protection Agency for approval of kelp oil as a feedstock for heating oil ([PA 17-218](#), § 6, effective upon passage).

## **Pollinators**

A new law changes the laws on (1) beehive registration and (2) apiary inspections. (An apiary is a place where beehives are kept.) It requires beekeepers to register their hives with the state entomologist when they acquire bees, as well as annually by October 1, as under existing law. The entomologist may examine, quarantine, treat, or destroy apiaries if they are diseased or harboring organisms that harm bees or plants ([PA 17-21](#), effective upon passage).

## **Public Property**

### ***Coal Tar Sealant***

The legislature passed a law banning the use or application of sealants made from coal tar on state and local highways ([PA 17-113](#), effective October 1, 2017).

### ***Taking Mushrooms***

A new law authorizes people to take mushrooms for personal use from property under DEEP's control (e.g., state parks). It specifies that the state has no liability to a person who does so ([PA 17-150](#), effective October 1, 2017).

### ***Watershed and Reservoir Property Sales***

The legislature enacted a new law requiring municipalities to have certain real property that includes or is part of a watershed, or has a well or reservoir, appraised to determine its fair market value before selling it ([PA 17-238](#), § 13, effective July 1, 2017 and applicable to sales occurring on and after September 1, 2017).

## **Septic Systems**

A new law increases the size of household and small commercial subsurface sewage disposal systems (generally, septic systems) over which the Department of Public Health and local health departments, rather than DEEP, have jurisdiction, from a maximum capacity of 5,000 gallons per day to 7,500 gallons per day ([PA 17-146](#), § 30, effective July 1, 2017).

## **Vegetation Management**

### ***Pesticide Use by Railroads***

Under a new law, railroads that apply pesticides to railroad rights-of-way must (1) provide at least 21 days' notice of the application to the Department of Transportation (DOT) and each impacted municipality's chief elected official or board of selectmen and (2) file a vegetation management plan with DOT and the impacted municipalities each year ([PA 17-230](#), § 12, effective October 1, 2017).

## ***Tree Trimming***

A new law extends to municipal property, and makes several changes in, the laws on cutting or removing trees and shrubs on public roads and grounds. It also applies to municipal property various bans on (1) pruning, removing, or defacing trees or other natural objects; (2) posting notices; and (3) distributing or discarding advertisements and other materials. And it requires utility companies to comply with certain application and permit requirements when managing vegetation around utility equipment on municipal property ([PA 17-117](#), effective upon passage).

## **Vehicle Emissions**

A new law expands the types of state-owned vehicles exempt from state fuel-efficiency and emissions requirements to include all emergency vehicles ([PA 17-243](#), § 3, effective upon passage).

## **Waste Management**

### ***Hazardous Waste***

The legislature passed a new law requiring the DEEP commissioner to adopt hazardous waste regulations consistent with recently adopted federal regulations on hazardous waste generators ([PA 17-242](#), § 1, effective October 1, 2017).

### ***Paint Stewardship Program***

Under a new law, the paint stewardship representative organization has until October 30, rather than August 15, to annually report to DEEP on the state's paint stewardship program ([PA 17-78](#), § 2, effective upon passage).

### ***Waste Conversion Facilities***

The legislature passed a new law that removes, from laws that apply specifically to resource recovery facilities, facilities that use thermal, biological, or chemical processes to convert solid waste to energy ("waste conversion facilities"). The new law also (1) includes mixed municipal solid waste composting facilities as waste conversion facilities and (2) considers waste conversion facilities that reduce more than 2,000 pounds of solid waste per hour in volume as volume reduction plants ([PA 17-218](#), §§ 7-10, effective July 1, 2017).

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