



Acts Affecting Environment – 2017 Regular and Special Sessions

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Notice to Readers

This report provides summaries of new laws (Public Acts) affecting the environment enacted during the 2017 regular and special sessions. (A previous report, [2017-R-0120](#), contains summaries of environment-related laws from only the year's regular session.) OLR's other Acts Affecting reports, including Acts Affecting Animals and Agriculture and Acts Affecting Energy, are 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 available on OLR's website:

<https://www.cga.ct.gov/olr/olrpasums.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>.

Table of Contents

Brownfields	4
7/7 Revitalization Program	4
Expanded Liability Protection.....	4
Land Banks for Remediation Projects.....	4
DEEP Civil Penalties & Permits	5
Civil Penalties	5
Permits.....	5
Energy Projects	5
Agricultural and Environmental Impacts	5
Anaerobic Digestion.....	5
Green Building Tax Credit.....	5
Nuclear Power Review	6
Renewable Portfolio Standard (RPS).....	6
Public Property	6
Coal Tar Sealant.....	6
Passport to the Parks Program	6
Taking Mushrooms	7
Watershed and Reservoir Property Sales.....	7
Vegetation Management	7
Pesticide Use by Railroads	7
Tree Trimming	7
Waste Management	8
Hazardous Waste.....	8
Paint Stewardship Program.....	8
Waste Conversion Facilities	8
Miscellaneous	8
Environment-related Bond Funding.....	8
Kelp Oil.....	8
Pollinators.....	9
Septic Systems.....	9
Vehicle Emissions	9

Brownfields

7/7 Revitalization Program

The legislature passed a law establishing a program to provide state and local tax incentives for eligible participants for up to 14 years after remediating, redeveloping, and using formerly contaminated, abandoned, or underutilized properties. The law makes these incentives contingent upon a commitment to assist with training and hire certain students to work at the redeveloped properties. The Department of Economic and Community Development (DECD) must administer the program ([PA 17-2](#), June Special Session, §§ 168 & 169, effective upon passage).

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 & Permits

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).

Permits

A provision in the Special Session budget legislation requires DEEP to review and make a final determination on 45 specified types of permit applications within 90 days after receiving them. It deems the applications approved if DEEP fails to do so ([PA 17-2](#), June Special Session, § 561, 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 (PURA) 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).

Green Building Tax Credit

The legislature's budget act eliminates the green building tax credit for income years beginning on or after December 1, 2017. The credit is earned for certain costs related to constructing or renovating projects meeting specific energy efficiency standards ([PA 17-2](#), June Special Session, § 647, effective upon passage).

Nuclear Power Review

A new law requires the DEEP commissioner and PURA to assess the economic condition of certain nuclear power generating facilities and determine whether there should be a solicitation process for these facilities and other energy sources such as hydropower and Class I sources (e.g., wind and solar). One of the things the assessment must include is how retiring the nuclear facilities would impact the state's greenhouse gas emissions requirements. Environmental impacts must also be considered when the commissioner considers proposals submitted in response to a solicitation ([PA 17-3](#), effective upon passage).

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).

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).

Passport to the Parks Program

The legislature included in its budget legislation provisions changing how residents are charged for parking at state parks, forests, or recreational facilities and dedicating the revenue to fund specific environmental purposes. The legislation charges a new "passport to the parks" fee on certain motor vehicle registrations (\$10 for a biennial one and \$5 for an

annual one for people age 65 or over) and requires that the funds be used to care for state parks and campgrounds, fund soil and water conservation districts and environmental review teams, and, beginning in FY 19, fund the Council of Environment Quality. Starting January 1, 2018, individuals with a valid Connecticut motor vehicle license plate are exempt from paying for parking at state park, forest, or recreational facilities ([PA 17-2](#), June Special Session, §§ 325-331, effective January 1, 2018).

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).

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).

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).

Miscellaneous

Environment-related Bond Funding

The legislature's budget act includes a number of provisions authorizing bond funding for various environmental purposes. Among other things, it provides (1) \$5.5 million in bond funding for both FYs 18 and 19 to repair dams, including state-owned dams; (2) \$30 million in FY 18 and \$10 million in FY 19 for DECD's Brownfield Remediation and Revitalization Program; and (3) \$508.5 million over FYs 18 and 19 for Clean Water Fund loans ([PA 17-2](#), June Special Session, various sections, effective upon passage for FY 18 authorizations and July 1, 2018 for FY 19 authorizations).

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).

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).

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).

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