



**Senate Bill No. 7**

**Public Act No. 18-82**

**AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY.**

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

Section 1. Subsection (d) of section 8-23 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) In preparing such plan, the commission or any special committee shall consider the following: (1) The community development action plan of the municipality, if any, (2) the need for affordable housing, (3) the need for protection of existing and potential public surface and ground drinking water supplies, (4) the use of cluster development and other development patterns to the extent consistent with soil types, terrain and infrastructure capacity within the municipality, (5) the state plan of conservation and development adopted pursuant to chapter 297, (6) the regional plan of conservation and development adopted pursuant to section 8-35a, (7) physical, social, economic and governmental conditions and trends, (8) the needs of the municipality including, but not limited to, human resources, education, health, housing, recreation, social services, public utilities, public protection, transportation and circulation and cultural and interpersonal communications, (9) the objectives of energy-

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efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation, (10) protection and preservation of agriculture, (11) [sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1] the most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o, as amended by this act, and (12) the need for technology infrastructure in the municipality.

Sec. 2. Subsection (a) of section 16a-3a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection, in consultation with the electric distribution companies, shall review the state's energy and capacity resource assessment and approve the Integrated Resources Plan for the procurement of energy resources, including, but not limited to, conventional and renewable generating facilities, energy efficiency, load management, demand response, combined heat and power facilities, distributed generation and other emerging energy technologies to meet the projected requirements of customers in a manner that minimizes the cost of all energy resources to customers over time and maximizes consumer benefits consistent with the state's environmental goals and standards, including, but not limited to, the state's greenhouse gas reduction goals established in section 22a-200a, as amended by this act. The Integrated Resources Plan shall seek to lower the cost of electricity while meeting such environmental goals and standards in the most cost-effective manner.

Sec. 3. Subsection (a) of section 16a-3d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before October 1, [2016] 2020, and every [three] four years thereafter, the Commissioner of Energy and Environmental Protection

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shall prepare a Comprehensive Energy Strategy. Said strategy shall reflect the legislative findings and policy stated in section 16a-35k, [and shall] provide any analysis and recommendations necessary to guide the state's energy policy to meet greenhouse gas emission reduction requirements, as established in section 22a-200a, as amended by this act, in the most cost-effective manner and incorporate (1) an assessment and plan for all energy needs in the state, including, but not limited to, electricity, heating, cooling, and transportation, (2) the findings of the Integrated Resources Plan, (3) the findings of the plan for energy efficiency adopted pursuant to section 16-245m, (4) the findings of the plan for renewable energy adopted pursuant to section 16-245n, and (5) the Energy Assurance Plan developed for the state of Connecticut pursuant to the American Recovery and Reinvestment Act of 2009, P.L. 111-5, or any successor Energy Assurance Plan developed within a reasonable time prior to the preparation of any Comprehensive Energy Strategy. Said strategy shall further include, but not be limited to, (A) an assessment of current energy supplies, demand and costs, (B) identification and evaluation of the factors likely to affect future energy supplies, demand and costs, (C) a statement of progress made toward achieving the goals and milestones set in the preceding Comprehensive Energy Strategy, (D) a statement of energy policies and long-range energy planning objectives and strategies appropriate to achieve, [among other things] the state's greenhouse gas reduction goals established in section 22a-200a, as amended by this act, a sound economy, the least-cost mix of energy supply sources to meet said goals and measures that reduce demand for energy, giving due regard to such factors as consumer price impacts, security and diversity of fuel supplies and energy generating methods, protection of public health and safety, environmental goals and standards, conservation of energy and energy resources and the ability of the state to compete economically, (E) recommendations for administrative and legislative actions to implement such policies, objectives and strategies, (F) an assessment of the potential costs

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savings and benefits to ratepayers, including, but not limited to, carbon dioxide emissions reductions or voluntary joint ventures to repower some or all of the state's coal-fired and oil-fired generation facilities built before 1990, [and] (G) the benefits, costs, obstacles and solutions related to the expansion and use and availability of natural gas in Connecticut, and (H) a strategy for ensuring the state's energy efficiency goals are met. [If the department finds that such expansion is in the public interest, it shall develop a plan to increase the use and availability of natural gas.]

Sec. 4. Section 16a-3e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Integrated Resources Plan, as described in section 16a-3a, as amended by this act, shall (1) indicate specific options to reduce electric rates and costs while achieving the state's greenhouse gas emission reduction requirements established in section 22a-200a, as amended by this act. Such options may include the procurement of new sources of generation. In the review of new sources of generation, the Integrated Resources Plan shall indicate whether the private wholesale market can supply such additional sources or whether state financial assistance, long-term purchasing of electricity contracts or other interventions are needed to achieve the goal; (2) analyze in-state renewable sources of electricity in comparison to transmission line upgrades or new projects and out-of-state renewable energy sources, provided such analysis also considers the benefits of additional jobs and other economic impacts and how they are created and subsidized; (3) include an examination of average consumption and other states' best practices to determine why electricity rates are lower elsewhere in the region; (4) assess and compare the cost of transmission line projects, new power sources, renewable sources of electricity, conservation and distributed generation projects to ensure the state pursues only the least-cost alternative projects; (5) analyze the

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potential for electric vehicles, as defined in section 16-19eee, to provide energy storage and other services to the electric grid and identify strategies to ensure that the grid is prepared to support increased electric vehicle charging, based on projections of sales of electric vehicles; (6) continually monitor supply and distribution systems to identify potential need for transmission line projects early enough to identify alternatives; and (7) assess the least-cost alternative to address reliability concerns, including, but not limited to, lowering electricity demand through conservation and distributed generation projects before an electric distribution company submits a proposal for transmission lines or transmission line upgrades to the independent system operator or the Federal Energy Regulatory Commission, provided no provision of such plan shall be deemed to prohibit an electric distribution company from making any filing required by law or regulation.

Sec. 5. Subsection (h) of section 16a-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) Any revision made after October 1, [2013] 2019, shall (1) take into consideration risks associated with increased coastal flooding and erosion, depending on site topography, as anticipated in [sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1] the most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o, as amended by this act, (2) identify the impacts of such increased flooding and erosion on infrastructure and natural resources, [and] (3) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to such flooding and erosion, and (4) take into consideration the state's greenhouse gas reduction goals established pursuant to section 22a-200a, as amended by this act.

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Sec. 6. Subdivision (19) of section 22a-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(19) "Rise in sea level" means the [arithmetic mean of the most recent equivalent per decade rise in the surface level of the tidal and coastal waters of the state, as documented in National Oceanic and Atmospheric Administration online or printed publications for said agency's Bridgeport and New London tide gauges] most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o, as amended by this act.

Sec. 7. Subsection (a) of section 22a-200a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The state shall reduce the level of emissions of greenhouse gas:

(1) Not later than January 1, 2020, to a level at least ten per cent below the level emitted in 1990; [and]

(2) Not later than January 1, 2030, to a level at least forty-five per cent below the level emitted in 2001; and

[(2)] (3) Not later than January 1, 2050, to a level at least eighty per cent below the level emitted in 2001.

[(3)] (4) All of the levels referenced in this subsection shall be determined by the Commissioner of Energy and Environmental Protection.

Sec. 8. Section 25-68b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 25-68b to 25-68h, inclusive:

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(1) "Activity" means any proposed state action in a floodplain or any proposed state action that impacts natural or man-made storm drainage facilities that are located on property that the commissioner determines to be controlled by the state;

(2) "Base flood" means that flood which has a one per cent chance of being equaled or exceeded in any year, as defined in regulations of the National Flood Insurance Program (44 CFR 59 et seq.), or that flood designated by the commissioner pursuant to section 25-68c. Any flood so designated by the commissioner shall have at least a one per cent chance of being equaled or exceeded in any year. Such flood may be designated as the A or V zones on maps published by the National Flood Insurance Program. The "base flood for a critical activity" means the flood that has at least a .2 per cent chance of being equaled or exceeded in any year. Such flood may be designated as the B zone on maps published for the National Flood Insurance Program;

(3) "Commissioner" means the Commissioner of Energy and Environmental Protection;

(4) "Critical activity" means any activity, including, but not limited to, the treatment, storage and disposal of hazardous waste and the siting of hospitals, housing for the elderly, schools or residences, in the .2 per cent floodplain in which the commissioner determines that a slight chance of flooding is too great;

(5) "Floodplain" means that area located within the real or theoretical limits of the base flood or base flood for a critical activity;

(6) "Flood-proofing" means any combination of structural or nonstructural additions, changes or adjustments which reduce or eliminate flood damage to real estate or improved real property, to water and sanitary facilities, and to structures and their contents, including, but not limited to, for properties within the coastal

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boundary, as established pursuant to subsection (b) of section 22a-94, not less than an additional two feet of freeboard above base flood and any additional freeboard necessary to account for the most recent sea level change scenario updated pursuant to subsection (b) of section 25-680, as amended by this act;

(7) "Freeboard" means a safety factor, expressed in feet above a calculated flood level, that compensates for unknown factors contributing to flood heights greater than the calculated height, including, but not limited to, ice jams, debris accumulations, wave actions, obstructions of bridge openings and floodways, the effects of urbanization on the hydrology of a watershed, loss of flood storage due to development and sedimentation of a watercourse bed;

(8) "Proposed state action" means individual activities or a sequence of planned activities proposed to be undertaken by a state department, institution or agency, any state or federal grant or loan proposed to be used to fund a project that affects land use, or proposed transfer of real property belonging to the state.

Sec. 9. Section 25-680 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On and after October 1, [2013] 2019, in the preparation of any municipal evacuation plan or hazard mitigation plan, such municipality shall consider [sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1] the most recent sea level change scenario updated pursuant to subsection (b) of this section.

(b) Within available resources and not less than once every ten years, the Marine Sciences Division of The University of Connecticut shall [update] publish a sea level change scenario for the state based upon the sea level change scenarios published by the National Oceanic

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and Atmospheric Administration in Technical Report OAR CPO-1 and other available scientific data necessary to create a scenario applicable to the state coastline. Within available resources and not less than ninety days prior to [any update of] publishing such sea level change [scenarios] scenario by said Marine Sciences Division, the division and the Department of Energy and Environmental Protection shall conduct not less than one public hearing concerning such update. Not later than sixty days after the last public hearing, the Commissioner of Energy and Environmental Protection shall publish the sea level change scenario for the state on the Internet web site of the Department of Energy and Environmental Protection along with a notice that any previous updates are superseded.

Sec. 10. Subsection (g) of section 28-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) On and after October 1, [2013] 2019, the state civil preparedness plan and program established pursuant to subsection (b) of this section shall consider [sea level change scenarios published by the National Oceanic and Atmospheric Administration in Technical Report OAR CPO-1] the most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o, as amended by this act.

Approved June 6, 2018