
OLR Bill Analysis

SB 7

AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY.

SUMMARY

This bill establishes a new greenhouse gas (GHG) emissions reduction requirement and integrates GHG reductions into various state planning documents and efforts, such as the state's Integrated Resources Plan and its plan of conservation and development. It also incorporates the new reduction into the law's existing energy source solicitation requirements.

The bill integrates sea level change projections, determined by UConn's Marine Sciences Division as an update of existing federal projections, into various municipal and state planning documents, such as state and municipal plans of conservation and development and municipal evacuation or hazard mitigation plans. It also applies these projections to the state's coastal management and flood management laws.

The bill renames the state's Comprehensive Energy Strategy as the Comprehensive Climate and Energy Strategy, and requires it to be updated to account for the state's GHG reduction requirements.

The bill establishes the Connecticut Council on Climate Change as a statutory council, which must facilitate and coordinate efforts with various parties to reduce GHG emissions and increase the state's resiliency to climate change.

The bill also makes many minor, technical, and conforming changes, including those to account for the council's renaming and incorporate the revised content, eliminate obsolete provisions such as a law on the Governor's Steering Committee subcommittee on climate change, replace a reference in the flood management statutes to "one-hundred-

year flood” with “base flood,” and eliminate an incorrect statutory reference.

EFFECTIVE DATE: Upon passage

GHG EMISSION REDUCTION

New Requirement

The bill establishes a new GHG reduction requirement for the state.

Existing law, unchanged by the bill, requires the state to reduce its GHG emissions to a level that is at least (1) 10% below 1990’s emission level by January 1, 2020 and (2) 80% below 2001’s emissions level by January 1, 2050.

The bill requires the state to also reduce its GHG emissions to a level that is at least 45% below 2001’s emissions level by January 1, 2030. As under existing law, the Department of Energy and Environmental Protection (DEEP) commissioner determines this level.

The bill requires the Connecticut Council on Climate Change, which the bill establishes (see below), instead of the Governor’s Steering Committee on Climate Change, to report every three years to the Energy and Technology, Environment, and Transportation committees on the achieved quantifiable emissions reductions. By law, this report must include (1) a schedule of proposed regulations, policies, and strategies to obtain the GHG emissions limits; (2) an assessment of the latest scientific information and data on global climate change; and (3) GHG emission reduction efforts in other states and countries.

Integrating Reduction Requirement

Integrated Resources Plan. By law, DEEP, in consultation with electric companies, must review the state’s energy and capacity resource assessment and approve a comprehensive plan for procuring energy resources (i.e., Integrated Resources Plan (IRP)).

Among other things, the plan must be consistent with the state’s environmental goals and standards. The bill specifies that this includes the state’s GHG reduction goals. Current law requires the IRP to seek

to lower the cost of electricity. Under the bill, it must do so while meeting environmental goals and standards in the most cost-efficient manner.

Existing law also requires the IRP to indicate specific options to reduce electric rates and costs. The bill provides that these options must also achieve the state's GHG emission reduction requirements.

State Plan of Conservation and Development. The bill requires revisions to the state plan of conservation and development, made after October 1, 2019, to consider the GHG emission reduction requirements.

SEA LEVEL CHANGE SCENARIOS

Update to Scenarios

By law, UConn's Marine Sciences Division must update the sea level change scenarios published by the National Oceanic and Atmospheric Administration (NOAA) in Technical Report OAR CPO-1 (see BACKGROUND). This must be done at least every 10 years, involve at least one public hearing, and be within available resources.

The bill requires the DEEP commissioner, within 60 days after the last public hearing the Marine Sciences Division conducts on the update, to post on its website (1) the update and (2) a notice that it supersedes previous updates.

Applying New Scenarios

Planning documents. Existing law requires consideration of sea level change when preparing various planning documents.

Under the bill, beginning October 1, 2019, the bill requires the most recent sea level change update, rather than NOAA's OAR CPO-1, to be incorporated in:

1. municipal evacuation or hazard mitigation plans,
2. the state's civil preparedness plan and program,
3. municipal plans of conservation and development, and

4. revisions to the state's plan of conservation and development.

Under the bill, the sea level change update in the state's plan of conservation and development must address coastal flooding, in addition to coastal erosion as under current law.

Coastal Management Act. The bill incorporates the sea level change scenario updates into the state's Coastal Management Act (CMA), which provides guidance for and helps regulate activity along the state's coastline (CGS § 22a-90 et seq.). The CMA designates the state's coastal area and within the area, the "coastal boundary" and subjects property within the coastal boundary to its regulatory, development, and planning requirements.

The bill expands what may be considered the "coastal boundary" by adding the elevation of the most recent sea level change scenario to two means of determining the boundary under current law. Under the bill, the coastal boundary is a continuous line on the landward side delineated by, the farthest inland of, (1) the interior contour elevation of the one hundred year frequency coastal flood zone plus the most recent sea level change scenario's elevation; (2) a 1,000 foot setback measured from the mean high water mark in coastal waters, determined from the most recent sea level change scenario's elevation; or (3) a 1,000 foot setback measured from the inland tidal wetland boundary.

The bill requires municipal planning commissions in coastal municipalities to adopt or amend their municipal coastal boundaries, in accordance with existing statutory notice, hearing, and procedural requirements within one year after the most recent sea level change scenario update. The adoption or amendment must reflect the landward extent of the coastal boundary's interior contour elevation. The new municipal boundaries must be submitted to the DEEP commissioner in either electronic or paper form, as he specifies, for his review and approval. They take effect upon receipt of the commissioner's written approval.

The bill replaces the CMA's definition of "sea level rise" with the

most recent sea level change scenario update. Current law specifies that sea level rise is the arithmetic mean of the most recent equivalent per decade surface level rise of the state's tidal and coastal waters, as documented by NOAA for its Bridgeport and New London tide gauges. The bill applies this new definition to the factors the DEEP commissioner must consider when maintaining a priority list of eligible water quality projects for Clean Water Fund grants.

The bill expands, for purposes of the CMA, the definition of "coastal hazard areas" to also include all areas subject to inundation as determined by the most recent sea level change scenario. Current law limits it to land areas inundated during coastal storm events or subject to erosion from those events, including flood hazard areas set by the National Flood Insurance Act, and all erosion hazard areas set by the DEEP commissioner. Under the CMA, it is state policy to manage coastal hazard areas so that development occurs in a way that minimizes hazards to life and property (CGS § 22a-92).

Flood-proofing. By law, "flood-proofing" is any combination of structural or nonstructural additions, changes, or adjustments that reduce or eliminate flood damage to real property, water and sanitary facilities, and to structures and their contents. For property located in the coastal boundary to be considered "flood-proofed," the bill requires it to include at least two additional feet of freeboard above base flood level and any additional freeboard to account for the most recent sea level change scenario update. Freeboard is a safety factor, expressed in feet above a calculated flood level, to compensate for unknown factors that contribute to flood heights greater than calculated (e.g., ice jams, debris, wave action).

The state's flood management laws give the DEEP commissioner the authority to determine how many and where state-owned structures and state uses may be in the floodplain and to identify how to make them less susceptible to flooding, including by flood-proofing. The laws also require any state agency proposing an activity within or that affects a floodplain to submit information to the commissioner about the use of flood-proofing techniques (CGS §§ 25-68c and 25-68d).

COMPREHENSIVE CLIMATE AND ENERGY STRATEGY

Purpose

Under current law, the DEEP commissioner prepares and updates the state's Comprehensive Energy Strategy (CES) to assess and plan for the state's energy needs, including electricity, heating, cooling, and transportation.

The bill renames the CES to be the Comprehensive Climate and Energy Strategy (CCES) and requires that the new strategy be (1) prepared by October 1, 2020 and (2) updated then every four years. By law, the CES is currently updated triennially.

In addition to the incorporated content required for the CES under current law (e.g., an assessment and plan for the state's energy needs, findings from other energy-related documents), the bill requires the CCES to (1) provide necessary analysis and recommendations to guide the state's energy policy to meet the GHG emission reduction requirements in the most cost-effective manner and (2) incorporate the reports required by law relating to the GHG emissions reduction requirements (see § 29, above and below). The bill requires the CCES to also include a (1) statement of energy policies and long-term energy planning objectives and strategies that are appropriate to achieve (a) the GHG emission reductions and (b) a least-cost combination of energy supply resources to meet the reductions, and (2) strategy for meeting the state's energy efficiency goals.

Development

Under the bill, the process for developing the CCES is the same as under existing law for the CES. The DEEP commissioner must conduct a proceeding that includes at least one public meeting and one technical meeting. Certain specified information, including notice of upcoming meetings, must be posted on DEEP's website and may be published in newsprint. The public may provide or submit comments to the DEEP commissioner, who must consider all comments about the strategy. PURA must comment on the strategy's impact on natural gas and electric rates. The CCES may be modified under the same procedure.

As under existing law, the final CCES must be submitted to the Energy and Technology and Environment committees.

CONNECTICUT COUNCIL ON CLIMATE CHANGE

Purpose

The bill establishes the Connecticut Council on Climate Change and tasks it with facilitating and coordinating efforts among state agencies, businesses, municipalities, and nongovernmental organizations (NGOs) to (1) reduce GHG emissions and (2) make the state more resilient to climate change effects.

The bill requires the council to meet at least twice a year. The council must:

1. monitor climate change science and the state's progress in meeting the law's GHG reduction requirements and
2. review applicable state and municipal policies, statutes, ordinances, and regulations and recommend emission reductions measures to meet the GHG reduction requirements in a way that (a) minimizes costs and maximizes benefits for the economy, (b) improves and modernizes energy infrastructure, (c) maintains electric system reliability, and (d) complements efforts to improve air quality.

Members

The bill requires DEEP and OPM to coordinate the council. The DEEP commissioner and OPM secretary, or their designees, serve as co-chairpersons. Other members of the council include the following:

1. Public Utilities Regulatory Authority chairperson, economic and community development commissioner, administrative services commissioner, insurance commissioner, housing commissioner, and transportation commissioner, or their designees;
2. commissioner of any other state agency the governor appoints;

3. Connecticut Green Bank president;
4. Connecticut Institute for Resilience and Climate Adaptation executive director;
5. executive directors of Connecticut Conference of Municipalities and Connecticut Council of Small Towns; and
6. other individuals the governor appoints to represent business and industry, an NGO, or a local government.

Under the bill, appointed members serve two-year terms from May 1 in the appointment year or until a successor is appointed. Appointed members serve at the governor's pleasure.

Member Reporting Requirements

The bill requires each agency represented on the council to:

1. include steps to support GHG reduction requirements in agency planning strategies;
2. annually report to the council on progress implementing these steps;
3. report any related findings and recommendations, every two years beginning by October 1, 2020, to the governor and the Energy and Technology, Environment, and Transportation committees; and
4. begin biennially reporting on January 1 to the OPM secretary and DEEP commissioner to identify (a) existing and proposed activities and improvements to agency facilities to meet the governor's energy savings goals and (b) policies and regulations that could be adopted to reduce GHG emissions.

BACKGROUND

NOAA Technical Report OAR CPO-1

The December 6, 2012 NOAA Technical Report OAR CPO-1 titled,

“Global Sea Level Rise Scenarios for the United States National Climate Assessment,” provides sea level rise scenarios to help experts and stakeholders analyze vulnerability, impacts, and adaptation strategies. It identifies four global mean sea level rise scenarios ranging from eight inches to 6.6 feet by 2100. The report specifies that the scenarios should be used with local and regional information on climatic, physical, ecological, and biological processes and the coastal communities' culture and economy.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 19 Nay 11 (03/22/2018)