



General Assembly

Amendment

February Session, 2018

LCO No. 5603



Offered by:
SEN. KENNEDY, 12th Dist.

To: Senate Bill No. 7

File No. 266

Cal. No. 177

"AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 the general statutes is repealed and the following is substituted in lieu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

6 (d) In preparing such plan, the commission or any special
7 committee shall consider the following: (1) The community
8 development action plan of the municipality, if any, (2) the need for
9 affordable housing, (3) the need for protection of existing and potential
10 public surface and ground drinking water supplies, (4) the use of
11 cluster development and other development patterns to the extent
12 consistent with soil types, terrain and infrastructure capacity within
13 the municipality, (5) the state plan of conservation and development
14 adopted pursuant to chapter 297, (6) the regional plan of conservation
15 and development adopted pursuant to section 8-35a, (7) physical,

16 social, economic and governmental conditions and trends, (8) the
17 needs of the municipality including, but not limited to, human
18 resources, education, health, housing, recreation, social services, public
19 utilities, public protection, transportation and circulation and cultural
20 and interpersonal communications, (9) the objectives of energy-
21 efficient patterns of development, the use of solar and other renewable
22 forms of energy and energy conservation, (10) protection and
23 preservation of agriculture, (11) [sea level change scenarios published
24 by the National Oceanic and Atmospheric Administration in Technical
25 Report OAR CPO-1] the most recent sea level change scenario updated
26 pursuant to subsection (b) of section 25-68o, as amended by this act,
27 and (12) the need for technology infrastructure in the municipality.

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29 repealed and the following is substituted in lieu thereof (*Effective from*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

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

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

49 (a) On or before October 1, [2016] 2020, and every [three] four years
50 thereafter, the Commissioner of Energy and Environmental Protection
51 shall prepare a Comprehensive Energy Strategy. Said strategy shall
52 reflect the legislative findings and policy stated in section 16a-35k,
53 [and shall] provide any analysis and recommendations necessary to
54 guide the state's energy policy to meet greenhouse gas emission
55 reduction requirements, as established in section 22a-200a, as amended
56 by this act, in the most cost-effective manner and incorporate (1) an
57 assessment and plan for all energy needs in the state, including, but
58 not limited to, electricity, heating, cooling, and transportation, (2) the
59 findings of the Integrated Resources Plan, (3) the findings of the plan
60 for energy efficiency adopted pursuant to section 16-245m, (4) the
61 findings of the plan for renewable energy adopted pursuant to section
62 16-245n, and (5) the Energy Assurance Plan developed for the state of
63 Connecticut pursuant to the American Recovery and Reinvestment Act
64 of 2009, P.L. 111-5, or any successor Energy Assurance Plan developed
65 within a reasonable time prior to the preparation of any
66 Comprehensive Energy Strategy. Said strategy shall further include,
67 but not be limited to, (A) an assessment of current energy supplies,
68 demand and costs, (B) identification and evaluation of the factors
69 likely to affect future energy supplies, demand and costs, (C) a
70 statement of progress made toward achieving the goals and milestones
71 set in the preceding Comprehensive Energy Strategy, (D) a statement
72 of energy policies and long-range energy planning objectives and
73 strategies appropriate to achieve, [among other things] the state's
74 greenhouse gas reduction goals established in section 22a-200a, as
75 amended by this act, a sound economy, the least-cost mix of energy
76 supply sources to meet said goals and measures that reduce demand
77 for energy, giving due regard to such factors as consumer price
78 impacts, security and diversity of fuel supplies and energy generating
79 methods, protection of public health and safety, environmental goals
80 and standards, conservation of energy and energy resources and the
81 ability of the state to compete economically, (E) recommendations for
82 administrative and legislative actions to implement such policies,
83 objectives and strategies, (F) an assessment of the potential costs

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

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

95 The Integrated Resources Plan, as described in section 16a-3a, as
96 amended by this act, shall (1) indicate specific options to reduce
97 electric rates and costs while achieving the state's greenhouse gas
98 emission reduction requirements established in section 22a-200a, as
99 amended by this act. Such options may include the procurement of
100 new sources of generation. In the review of new sources of generation,
101 the Integrated Resources Plan shall indicate whether the private
102 wholesale market can supply such additional sources or whether state
103 financial assistance, long-term purchasing of electricity contracts or
104 other interventions are needed to achieve the goal; (2) analyze in-state
105 renewable sources of electricity in comparison to transmission line
106 upgrades or new projects and out-of-state renewable energy sources,
107 provided such analysis also considers the benefits of additional jobs
108 and other economic impacts and how they are created and subsidized;
109 (3) include an examination of average consumption and other states'
110 best practices to determine why electricity rates are lower elsewhere in
111 the region; (4) assess and compare the cost of transmission line
112 projects, new power sources, renewable sources of electricity,
113 conservation and distributed generation projects to ensure the state
114 pursues only the least-cost alternative projects; (5) analyze the
115 potential for electric vehicles, as defined in section 16-19eee, to provide
116 energy storage and other services to the electric grid and identify
117 strategies to ensure that the grid is prepared to support increased

118 electric vehicle charging, based on projections of sales of electric
119 vehicles; (6) continually monitor supply and distribution systems to
120 identify potential need for transmission line projects early enough to
121 identify alternatives; and (7) assess the least-cost alternative to address
122 reliability concerns, including, but not limited to, lowering electricity
123 demand through conservation and distributed generation projects
124 before an electric distribution company submits a proposal for
125 transmission lines or transmission line upgrades to the independent
126 system operator or the Federal Energy Regulatory Commission,
127 provided no provision of such plan shall be deemed to prohibit an
128 electric distribution company from making any filing required by law
129 or regulation.

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

133 (h) Any revision made after October 1, [2013] 2019, shall (1) take into
134 consideration risks associated with increased coastal flooding and
135 erosion, depending on site topography, as anticipated in [sea level
136 change scenarios published by the National Oceanic and Atmospheric
137 Administration in Technical Report OAR CPO-1] the most recent sea
138 level change scenario updated pursuant to subsection (b) of section 25-
139 68o, as amended by this act, (2) identify the impacts of such increased
140 flooding and erosion on infrastructure and natural resources, [and] (3)
141 make recommendations for the siting of future infrastructure and
142 property development to minimize the use of areas prone to such
143 flooding and erosion, and (4) take into consideration the state's
144 greenhouse gas reduction goals established pursuant to section 22a-
145 200a, as amended by this act.

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

149 (19) "Rise in sea level" means the [arithmetic mean of the most

150 recent equivalent per decade rise in the surface level of the tidal and
151 coastal waters of the state, as documented in National Oceanic and
152 Atmospheric Administration online or printed publications for said
153 agency's Bridgeport and New London tide gauges] most recent sea
154 level change scenario updated pursuant to subsection (b) of section 25-
155 68o, as amended by this act.

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

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

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

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

164 ~~[(2)] (3)~~ Not later than January 1, 2050, to a level at least eighty per
165 cent below the level emitted in 2001.

166 ~~[(3)] (4)~~ All of the levels referenced in this subsection shall be
167 determined by the Commissioner of Energy and Environmental
168 Protection.

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

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

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

176 (2) "Base flood" means that flood which has a one per cent chance of
177 being equaled or exceeded in any year, as defined in regulations of the

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

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

189 (4) "Critical activity" means any activity, including, but not limited
190 to, the treatment, storage and disposal of hazardous waste and the
191 siting of hospitals, housing for the elderly, schools or residences, in the
192 .2 per cent floodplain in which the commissioner determines that a
193 slight chance of flooding is too great;

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

196 (6) "Flood-proofing" means any combination of structural or
197 nonstructural additions, changes or adjustments which reduce or
198 eliminate flood damage to real estate or improved real property, to
199 water and sanitary facilities, and to structures and their contents,
200 including, but not limited to, for properties within the coastal
201 boundary, as established pursuant to subsection (b) of section 22a-94,
202 not less than an additional two feet of freeboard above base flood and
203 any additional freeboard necessary to account for the most recent sea
204 level change scenario updated pursuant to subsection (b) of section 25-
205 68o, as amended by this act;

206 (7) "Freeboard" means a safety factor, expressed in feet above a
207 calculated flood level, that compensates for unknown factors
208 contributing to flood heights greater than the calculated height,
209 including, but not limited to, ice jams, debris accumulations, wave

210 actions, obstructions of bridge openings and floodways, the effects of
211 urbanization on the hydrology of a watershed, loss of flood storage
212 due to development and sedimentation of a watercourse bed;

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

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

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

226 (b) Within available resources and not less than once every ten
227 years, the Marine Sciences Division of The University of Connecticut
228 shall [update] publish a sea level change scenario for the state based
229 upon the sea level change scenarios published by the National Oceanic
230 and Atmospheric Administration in Technical Report OAR CPO-1 and
231 other available scientific data necessary to create a scenario applicable
232 to the state coastline. Within available resources and not less than
233 ninety days prior to [any update of] publishing such sea level change
234 [scenarios] scenario by said Marine Sciences Division, the division and
235 the Department of Energy and Environmental Protection shall conduct
236 not less than one public hearing concerning such update. Not later
237 than sixty days after the last public hearing, the Commissioner of
238 Energy and Environmental Protection shall publish the sea level
239 change scenario for the state on the Internet web site of the
240 Department of Energy and Environmental Protection along with a
241 notice that any previous updates are superseded.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-23(d)
Sec. 2	<i>from passage</i>	16a-3a(a)
Sec. 3	<i>from passage</i>	16a-3d(a)
Sec. 4	<i>from passage</i>	16a-3e
Sec. 5	<i>from passage</i>	16a-27(h)
Sec. 6	<i>from passage</i>	22a-93(19)
Sec. 7	<i>from passage</i>	22a-200a(a)
Sec. 8	<i>from passage</i>	25-68b
Sec. 9	<i>from passage</i>	25-68o
Sec. 10	<i>from passage</i>	28-5(g)