



House of Representatives

General Assembly

File No. 78

February Session, 2018

Substitute House Bill No. 5360

House of Representatives, March 28, 2018

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

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

1 Section 1. Section 22a-208i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) Notwithstanding any provision of this chapter, or chapter 446e
4 or 446k, any facility where the sole business or activity conducted is
5 composting of leaves or composting of leaves with the addition of
6 grass clippings at a ratio of not less than 3.0 leaves to 1.0 grass
7 clippings, shall be exempt from the requirements of sections 22a-208a
8 and 22a-430. The commissioner may adopt regulations in accordance
9 with the provisions of chapter 54 concerning facilities for the
10 composting of leaves or leaves with the addition of grass clippings.
11 Such regulations shall, without limitation, provide for the design,
12 operation and monitoring of and reporting from such facilities.

13 (b) The commissioner may, by regulations adopted in accordance
14 with chapter 54, exempt categories or classes of recycling facilities

15 from the requirements of said section 22a-208a or 22a-430 provided
16 such exemption would not adversely affect the environment and
17 would advance the objectives of the solid waste management plan
18 adopted and revised under sections 22a-228 and 22a-241a and the
19 municipal solid waste recycling plan adopted under section 22a-241.
20 No person or municipality may operate or continue to operate a
21 recycling facility without permits issued under said section 22a-208a or
22 22a-430 unless such person or municipality first files with the
23 commissioner a written request for exemption under the regulations
24 adopted under this section.

25 (c) The provisions of subsection (a) of this section exempting
26 facilities composting leaves or composting leaves with the addition of
27 grass clippings and the provisions of subsection (b) of this section
28 exempting recycling facilities from the requirements of section 22a-
29 208a shall not be construed to relieve such facilities from the obligation
30 to comply with any other provision of this chapter or chapter 446e,
31 including, but not limited to, operational requirements and other
32 applicable requirements of regulations adopted under section 22a-209.

33 Sec. 2. Section 26-40 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2018*):

35 No person, association or corporation shall possess more than one
36 live specimen of, breed or propagate any wild game bird or wild game
37 quadruped of the following species without a game breeder's license
38 as provided herein: In the family Anatidae, all ducks, geese and swans;
39 in the family Phasianidae, all quail, partridge and the following strains
40 of pheasant: Blackneck, Chinese, English, Formosan, melanistic mutant
41 and Mongolian or any cross-breeding thereof and for the purpose of
42 section 22-327 all other members of this family shall be classed as
43 domestic fowls; in the family Tetranoidae, the ruffed grouse; in the
44 family Melegrididae, turkeys except domestic strains; in the family
45 Cervidae, the sika, [and white tail] white-tailed and fallow deer; in the
46 family Procyonidae, the raccoon; in the family Mustelidae, the otter; in
47 the family Castoridae, the beaver; and in the family Leporidae, all

48 species except domestic strains. The commissioner, upon written
49 application and the payment of a fee of twenty-seven dollars, may
50 license any person, association or corporation to possess, breed,
51 propagate and sell any birds or mammals specified in this section.
52 Such license shall be annual and nontransferable and shall expire on
53 the thirty-first day of December after its issuance. The commissioner
54 may adopt regulations concerning the granting of such licenses and
55 the sale, propagation and transportation of birds or mammals specified
56 in this section propagated and possessed by any such licensee. All
57 applications for such licenses shall be upon blanks prepared and
58 furnished by the commissioner. Any person, association or
59 corporation, licensed under the provisions of this section, shall keep a
60 record of all birds or mammals specified in this section which are sold,
61 transported or propagated by such licensee, whether the same are sold
62 dead or alive, and shall report to the commissioner not later than the
63 January thirty-first of the year following the expiration of the license
64 period. Such report shall contain the number of birds and mammals
65 procured, possessed and propagated and the name of each person to
66 whom any such sale has been made and the date of such sale or
67 transportation. Each package containing birds or mammals specified in
68 this section, or any part thereof, so propagated or possessed and
69 offered for transportation shall be plainly labeled with the name and
70 license number of the licensee offering the same for transportation, the
71 name of the consignee and a statement of the contents of such package.
72 Any license granted under the provisions of this section may be
73 revoked by the commissioner. No person, association or corporation
74 may breed, propagate or sell any skunk or raccoon, except that such
75 animals, with the approval of the commissioner may be kept in a zoo,
76 nature center, museum, laboratory or research facility maintained by a
77 scientific or educational institution. In no instance shall such animals
78 be accessible to handling by the general public. No person may possess
79 any skunk purchased in any Connecticut retail establishment after
80 May 1, 1979, or any raccoon purchased after October 1, 1985. Any
81 person, association or corporation which violates any provision of this
82 section or any regulation issued by the commissioner pursuant thereto

83 shall be fined not more than ninety dollars for each offense.

84 Sec. 3. (NEW) (Effective October 1, 2018) Notwithstanding the
85 provisions of chapter 490 of the general statutes, the Commissioner of
86 Energy and Environmental Protection may establish and issue lifetime
87 hunting and fishing licenses, permits and stamps and combinations
88 thereof.

89 Sec. 4. Section 26-128 of the general statutes is repealed and the
90 following is substituted in lieu thereof (Effective October 1, 2018):

91 (a) No person shall sell, offer for sale, transport, transfer, possess or
92 use any carp or goldfish for bait fish purposes. No person shall
93 introduce any carp or goldfish into any of the inland waters of the state
94 without first having secured a written permit from the commissioner.
95 Any person who violates any provision of this section shall be fined
96 one hundred dollars.

97 (b) There shall be no closed season, no creel limit and no length
98 restriction for carp taken by bow and arrow in the Thames River, the
99 Connecticut River and its coves downstream of the Arrigoni Bridge,
100 the Coginchaug River downstream of Route 3, including the Cromwell
101 Meadows Wildlife Management Area, the Quinnipiac River
102 downstream of Route 40 and the Housatonic River downstream of the
103 Derby Dam.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	22a-208i
Sec. 2	October 1, 2018	26-40
Sec. 3	October 1, 2018	New section
Sec. 4	October 1, 2018	26-128

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 19 \$	FY 20 \$
Various Municipalities	Savings	Potential	Potential

Explanation

Section 1 expands a current exemption from having to obtain solid waste and water discharge permits for leaf composting facilities to those facilities that add grass clippings to the leaf compost.

Applications for these two types of permits require detailed site plans that may prepared for municipalities by outside consultants. This exemption may result in savings to various municipalities to the extent outside consultants were retained for this purpose. Expansion of the permit exemption does not result in a revenue loss to DEEP associated with permit fees, as no revenue was collected for this purpose in FY 17.

Section 2 requires anyone who possesses or sells fallow deer to obtain a game breeder's license from DEEP. The provision of additional game breeder's licenses, at a cost of \$27 each, is anticipated to result in a minimal revenue gain to DEEP. In FY 17, DEEP collected \$1,485 collected from issuance of 55 game breeders' licenses.

Section 3 of the bill allows the DEEP commissioner to establish and issue lifetime authorizations for hunting and fishing, but does not specify fees for obtaining these licenses. Any revenue gain would depend on the fee schedule adopted by DEEP. In FY 17, there were 207,543 hunting, fishing, and trapping licenses sold, generating approximately \$6.4 million in revenue.

Lastly, **Section 4** specifies areas where there is no closed season, creel limit, and length restriction for taking carp by bow and arrow. This provision codifies current practice and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of additional sportsmen licenses sold.

OLR Bill Analysis**sHB 5360****AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.****SUMMARY**

This bill does the following five things:

1. expands the exemption from having to obtain solid waste and water discharge permits for leaf composting facilities to those facilities that add grass clippings to the leaf compost;
2. requires anyone who possesses, breeds, propagates, or sells fallow deer to obtain a game breeder's license from the Department of Energy and Environmental Protection (DEEP);
3. allows the DEEP commissioner to establish and issue lifetime authorizations for hunting and fishing;
4. specifies areas where there is no closed season, creel limit, and length restriction for taking carp by bow and arrow; and
5. makes a technical change.

EFFECTIVE DATE: October 1, 2018

COMPOSTING LEAVES AND GRASS CLIPPINGS

By law, facilities that only compost leaves are exempt from needing to obtain a solid waste facility or water discharge permit from DEEP. The bill expands the exemption to facilities that add grass clippings to the leaf compost, but in an amount no greater than 25% of the compost (a 3:1 ratio of leaves to grass clippings).

The bill correspondingly requires the DEEP commissioner to adopt regulations on the exempt facilities that compost leaves and grass clippings. Current regulations address only leaf composting facilities. The regulations set out registration, siting, operation, and reporting requirements (Conn. Agencies Regs. § 22a-208i(a)-1).

FALLOW DEER

Existing law prohibits breeding, propagating, or possessing more than one live specimen of certain wild game quadrupeds without a game breeder's license from DEEP. The restriction currently applies to two members of the Cervidae (deer) family: sika (*Cervus nippon*) and white-tailed deer (*Odocoileus virginianus*). The bill expands the restriction by applying it to fallow deer (*Dama dama*).

Under existing law, anyone seeking a game breeder's license must apply in writing to DEEP. The license costs \$27 and is renewed annually. The law sets reporting requirements for licensees.

LIFETIME HUNTING AND FISHING AUTHORIZATION

The bill allows the DEEP commissioner to establish and issue lifetime hunting and fishing licenses, permits, and stamps, or combinations of them. It does not specify the fees or criteria for obtaining these authorizations. Under existing law, DEEP generally issues hunting and fishing licenses, permits, and stamps annually, subject to specified fees (CGS § 26-27 *et seq.*).

CARP FISHING

The bill designates certain state waters as locations with no closed season, creel limit, and length restriction for taking carp by bow and arrow. It designates the following waters:

1. Thames River;
2. Connecticut River and its coves downstream of the Arrigoni Bridge (connecting Middletown to Portland);
3. Coginchaug River downstream of Route 3, including the

Cromwell Meadows Wildlife Management Area;

- 4. Quinnipiac River downstream of Route 40; and
- 5. Housatonic River downstream of the Derby Dam.

Under existing regulations, people may take carp throughout the year from the river systems of the abovementioned rivers, except the Coginchaug River, as well as the French, Quinebaug, and Shetucket rivers. But they prohibit taking carp by bow and arrow in streams stocked with trout or salmon. The regulations generally limit the daily creel limit for carp to five, with no more than one carp exceeding 30 inches in length. More restrictive requirements apply in Trophy Carp Waters (Conn. Agencies Regs. §§ 26-112-45 & 26-142a-4).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/14/2018)