



# Acts Affecting Environment

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## Notice to Readers

This report provides summaries of new laws and a resolution affecting the environment enacted and adopted during the 2018 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) or resolution act (RA) number and effective date. Not all provisions of the legislation are included. In addition, the report does not include vetoed acts unless the legislature overrides the veto.

Complete summaries of public acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrsums.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>.

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## **Agency Permitting**

### ***Permit Turnaround Time***

Under a new law, the Department of Energy and Environmental Protection (DEEP) must make best efforts to review and make a final decision on 29 specified permit applications within 90 days, as long as the applications are complete. The new law replaces one under which 45 types of applications were automatically approved if DEEP did not make a final decision on them within 90 days. It also requires the DEEP commissioner to establish a pilot program to expedite permitting, which may involve using up to two licensed environmental professionals or other qualified environmental professionals ([PA 18-121](#), effective upon passage).

### ***Services for Businesses Applying for Permits***

Under a new law, DEEP must have a pre-application meeting with businesses applying for permits necessary to start or expand a business or initiate a new manufacturing production line, if a business requests one. DEEP must, as part of this process, (1) identify the information it needs to process the permit application and (2) provide the applicant with an estimated final decision date ([PA 18-146](#), effective October 1, 2018).

## **Animal Regulation**

### ***Game Breeder's License***

Among other things, a new law requires anyone who possesses, breeds, propagates, or sells fallow deer to obtain a DEEP game breeder's license. The law already imposes this requirement on those who conduct these activities with respect to two other deer species: sika and white-tailed deer ([PA 18-181](#), § 2, effective October 1, 2018).

### ***Snapping & Red-Eared Slider Turtles***

A new law prohibits the (1) commercial trade in snapping turtles until DEEP adopts applicable regulations; (2) import of red-eared slider turtles, with two exceptions; and (3) release of red-eared slider turtles to Connecticut's land or waters. The import exceptions for red-eared slider turtles apply to (1) scientific or educational institutions and (2) buying or selling turtles with unique color patterns. A violation is a class C misdemeanor, punishable by a fine of up to \$500, up to three months in prison, or both ([PA 18-114](#), effective October 1, 2018).

## **Brownfields**

### ***Local Option Property Tax Incentives***

The legislature passed a new law (1) allowing municipalities to extend property tax abatements to people and entities that intend to acquire, remediate, and redevelop brownfields (i.e., prospective purchasers) under the same conditions that apply to current owners and (2) broadening the range of state programs under which the recipients of this and the other property tax incentives must remediate the properties ([PA 18-85](#), effective October 1, 2018).

### ***Notice and Activity Use Limitations (NAULs)***

By law, a NAUL is a legal instrument used to minimize exposure to contamination by limiting or controlling how a contaminated property may be used. A new law sets conditions under which NAULs can be used on properties where a prior interest holder, such as a lender, has an interest that allows activities the NAUL otherwise prohibits ([PA 18-85](#), effective October 1, 2018).

### ***State Financial Assistance Programs***

Under a new law, the legislature extended, from 20 to 30 years, the maximum amount of time for borrowers to repay the Department of Economic and Community Development's (DECD) brownfield remediation loans, which are capped at \$4 million per year ([PA 18-85](#), effective July 1, 2018, and applicable to loans issued on or after that date).

DECD also provides brownfield remediation grants to municipalities and other eligible recipients. A new law requires certain grant recipients who are exempted from the Transfer Act to perform the remediation under one of four specified DECD or DEEP remediation programs ([PA 18-85](#), effective October 1, 2018).

## **Emergency Planning**

### ***Chemical Facility Emergency Plans***

A provision in a new law requires, by January 1, 2019, owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address the risks of flooding, severe weather, or sea level rise. It applies to facilities in areas where DEEP determines that there is a high risk of these circumstances. The new law also requires the updated plans to be submitted to the applicable local emergency planning committee for determining if there should be changes to the community's plans for chemical emergencies ([PA 18-181](#), § 7, effective October 1, 2018).

## ***Dam Emergency Action Plans***

A new law requires an owner of a high or significant hazard dam or similar structure to update its emergency action plan by amending only the parts that changed, rather than by providing a new, complete plan. Existing law and regulation require plans to be (1) updated at least biennially or when a significant change occurs and (2) provided to DEEP and the municipalities that may be affected in an emergency ([PA 18-113](#), effective October 1, 2018).

## ***Sea Level Change Projections***

A new law integrates sea level change projections, which UConn's Marine Sciences Division determines when updating 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 ([PA 18-82](#), multiple sections, effective upon passage).

## **Energy Conservation and Renewables**

### ***Energy Efficiency Funding***

Last year's FY 18-19 budget act ([PA 17-2](#), June Special Session) transferred \$63.5 million from the Energy Conservation and Load Management funds to the General Fund in each year of the biennium. A new law decreases the amount of the FY 19 transfer by \$10 million ([PA 18-81](#), §§ 12 & 70, effective upon passage).

### ***Greenhouse Gas (GHG) Emissions***

A new law (1) establishes a new GHG emissions reduction requirement; (2) 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; and (3) incorporates the new reduction into the law's existing energy source solicitation requirements.

Existing law requires the state to reduce its GHG emissions to a level that is at least (1) 10% below 1990's emissions level by 2020 and (2) 80% below 2001's emissions level by 2050. The new law sets an interim reduction of at least 45% below 2001's emissions by 2030 ([PA 18-82](#), multiple sections, effective upon passage).

## ***Reduced Energy Consumption***

A new law makes it state policy to annually reduce energy consumption by at least 1.6 million MMBtus, or the equivalent megawatts of electricity, for each calendar year from 2020 through 2025. One MMBtu is one million British thermal units of heat input ([PA 18-50](#), § 8, effective upon passage).

## ***Renewable Portfolio Standard (RPS)***

The state's RPS law requires electric distribution companies (i.e., Eversource and United Illuminating) and retail electric suppliers to procure an increasing portion of their power from certain renewable and other clean energy resources. For example, in 2018, at least 17% of their power must come from Class I renewable energy sources (e.g., fuel cells, solar, and wind).

Under prior law, this requirement would have increased to 20% in 2020, and then stayed at that level. But under a new law, the Class I RPS will increase to 21% on January 1, 2020, and then increases to higher specified percentages each year until it reaches 40% by 2030 ([PA 18-50](#), §§ 1-4, effective upon passage).

## ***Thermal Energy Portfolio Standard***

A new law requires DEEP to consider creating a thermal energy portfolio standard in the next integrated resources plan (IRP) and allows it to do so in subsequent ones. Generally, portfolio standards encourage renewable and efficient energy resource development by requiring utilities and other energy providers to supply a minimum amount of electricity from eligible sources.

Existing law requires DEEP, in consultation with the electric companies, to review the state's energy and capacity resources and develop an IRP for procuring energy resources. Among other things, the plan must indicate specific options to reduce electric rates and costs and analyze in-state renewable sources compared to other options ([PA 18-180](#), effective upon passage).

## **Hunting and Fishing**

### ***Abandoned Fishing Gear***

A new law allows representatives of the DEEP commissioner to seize derelict lobster gear and specifies the process for doing so. It requires the commissioner or his representatives to try to notify the gear's last known licensee within 30 days after seizing it. If the gear goes unclaimed, its owner cannot be identified, or there is no identifying marker on it as required by law, the new law allows the commissioner to dispose of it ([PA 18-54](#), effective October 1, 2018).

## ***Carp Fishing***

Among other things, a new law requires the DEEP commissioner to adopt regulations on taking carp by bow and arrow in certain rivers or parts of them, such as the Thames River, and the Connecticut, Coginchaug, Quinnipiac, and Housatonic rivers, downstream of certain points. Until DEEP adopts the regulations, there is no closed season for taking carp in these areas ([PA 18-181](#), § 4, effective October 1, 2018).

## ***Horseshoe Crabs***

A new law prohibits hand-harvesting horseshoe crabs from any Stratford shoreline area between Stratford Point and Sniffen Point, making a violation an infraction. It also requires the DEEP commissioner, by 2020, to submit recommendations to the Environment Committee on (1) establishing restricted areas for horseshoe crab harvesting and (2) any changes to the horseshoe crab harvesting season ([PA 18-112](#), effective upon passage).

## ***Lifetime Hunting and Fishing Authorization***

A new law authorizes the DEEP commissioner to adopt regulations to establish and issue lifetime hunting and fishing licenses, permits, and stamps, and combinations of them. Under existing law, DEEP generally issues hunting and fishing licenses, permits, and stamps annually, subject to specified fees ([PA 18-181](#), § 3, effective October 1, 2018).

## ***Sunday Hunting***

The legislature passed a new law that extends to private land throughout the state the area where Sunday bow and arrow deer hunting may occur, instead of allowing such hunting only in overpopulated deer management zones as determined by DEEP. As under existing law, the hunter must have the private landowner's written permission, carry it while hunting, and not hunt within 40 yards of a blazed hiking trail ([PA 18-181](#), § 9, effective October 1, 2018).

## **Solid Waste Management**

### ***Glass Recycling Pilot Program***

Among other things, a new law requires DEEP, if requested by a municipality, to authorize a two-year pilot program for glass collection that is separate from the curbside recycling collection program. It requires the DEEP commissioner to report to the Environment Committee on the pilot program after it ends, including any legislative recommendations ([PA 18-181](#), § 12, effective October 1, 2018).



## ***Grass Clipping Waste***

A provision in a new law 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 compost, but at an amount no greater than 25% of the waste ([PA 18-181](#), § 1, effective October 1, 2018).

## ***Microfiber Pollution***

The legislature required the DEEP commissioner, by July 1, 2018, to convene a working group comprised of representatives from the environmental community and the apparel industry to develop a consumer awareness and education program about synthetic microfiber pollution. He must report to the Environment Committee by January 1, 2019 on the group's efforts and any recommendations for legislation ([PA 18-181](#), § 6, effective upon passage).

## **State Lands and Recreational Trails**

### ***Constitutional Amendment on State Property***

The legislature adopted a resolution proposing a constitutional amendment to restrict legislation that requires a state agency to sell, transfer, or otherwise dispose of real property or an interest in real property to a non-state entity. Under the resolution, the legislature may require an agency to take such actions only if it (1) holds a public hearing on the matter and (2) passes an act whose subject matter is limited to that topic.

In addition to complying with the above requirements, for real property or an interest in real property under DEEP's or the agriculture department's custody or control, the act's passage must be approved by at least a two-thirds roll call vote of the membership of each chamber. ([RA 18-1](#) will appear on the November 6, 2018 ballot and if a majority of those voting on the amendment approves it, it will become part of the state constitution.)

### ***Passport to the Parks Account***

A new law makes the passport to the parks account a non-lapsing General Fund account, rather than an appropriated account. By law, the account is used to operate state parks and campgrounds; fund soil and water conservation districts and environmental review teams; and, beginning in FY 19, pay the Council on Environmental Quality's expenses ([PA 18-7](#), principally effective upon passage).

## ***Recreational Trail Funding***

This year's bond act authorizes up to \$3 million in bonding for DEEP to use for the bikeway, pedestrian walkway, recreational trail, and greenway grant program ([PA 18-178](#), § 19, effective July 1, 2018).

## **Wastewater**

### ***Sewage Spill Notice***

The legislature passed a law requiring operators of sewage treatment plants, water pollution control facilities, related pumping stations, collections systems, or other public sewage works, to electronically report to DEEP within two hours of becoming aware of a sewage spill. And if the spill exceeds 5,000 gallons, they must also notify the chief elected municipal official where the spill occurred and the municipality must then notify the public and public officials in other affected towns. The new law imposes civil or criminal penalties, depending on the severity of the violation, for failing to report as required ([PA 18-97](#), § 2, effective upon passage).

### ***Wastewater Treatment Facility Operators***

A new law establishes continuing education requirements for certified wastewater treatment facility operators. Specifically, they must annually obtain six hours of continuing education. The operators, and the facilities at which they work, must keep a record of the continuing education and make it available if the DEEP commissioner requests it ([PA 18-97](#), § 1, effective October 1, 2018).

## **Miscellaneous**

### ***Climate Change Curriculum***

A provision in a new law requires the State Board of Education (SBE) to encourage and help school boards include climate change consistent with the Next Generation Science Standards as part of the program of instruction the law allows them to offer in schools. SBE must do this within available appropriations and using available resources, but the new law requires DEEP to be available to school boards to develop the curriculum ([PA 18-181](#), § 8, effective October 1, 2018).

## ***Environmental Impact Evaluation (EIE) Exemption for Submarine Construction Projects***

A new law exempts state funded activities supporting a nuclear submarine construction project from undergoing EIEs. The exemption applies to activities supporting a project that receives, on or before the law's passage, the highest priority level under the U.S. Defense Department's Defense Priorities and Allocation System ([PA 18-85](#), effective upon passage).

## ***Pilotage Exemption for Recreational Vessels***

A new law exempts recreational vessels that are less than 200 feet long from the state's pilotage requirement, which generally requires vessels entering or departing from a state port or crossing Long Island Sound to have on board a Connecticut- or New York-licensed marine pilot to help navigate the vessel in or out of port ([PA 18-163](#), effective October 1, 2018).

## ***Residential Pesticide Misting Systems***

A new law prohibits installing or using devices that are designed to automatically spray a pesticide solution at timed intervals on residential property and authorizes the DEEP commissioner to adopt related regulations, which may include fines ([PA 18-84](#), effective October 1, 2018).

## ***Save Our Lakes License Plate***

A new law requires the Department of Motor Vehicles (DMV) commissioner to issue, beginning January 1, 2020, Save Our Lakes commemorative license plates designed to enhance public awareness of efforts to preserve and protect the state's lakes and ponds from aquatic invasive species and cyanobacteria (e.g., blue-green algae) blooms. It also creates a Connecticut lakes and ponds preservation account to be used for restoring and rehabilitating state lakes and ponds; educating the public on protecting and preserving these water bodies; and reimbursing DMV for producing and issuing the plates ([PA 18-101](#), effective October 1, 2018).

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