



## Acts Affecting Environment

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## Notice to Readers

This report provides summaries of new laws (public acts) and resolutions significantly affecting the environment enacted during the 2019 regular session. OLR's other Acts Affecting reports, including Acts Affecting Animals and Agriculture and Acts Affecting Energy and Utilities, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or resolution number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden. Complete summaries of public acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrpassums.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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## **Air Quality**

### ***Air Monitoring***

A new law requires the Department of Energy and Environmental Protection (DEEP) to provide technical assistance and support to any municipality that purchases, leases, or is provided the use of air monitoring equipment to establish an air quality baseline in the municipality and determine any effect on the baseline by the Cricket Valley Energy Center in Dover, New York ([PA 19-29](#), effective October 1, 2019).

### ***Greenhouse Gas Reduction Fee***

As part of the law implementing the FY 20-21 budget, the legislature made several changes to the greenhouse gas reduction fee assessed when registering certain motor vehicles, including designating the first \$3 million collected annually to the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program, which the law establishes. Under the CHEAPR program, state residents who purchase or lease hydrogen or electric vehicles are eligible for rebates ([PA 19-117](#), §§ 94 & 95, the CHEAPR provisions are effective October 1, 2019, and the fee changes take effect January 1, 2020).

### ***Zero-Emission Vehicles***

The law implementing the FY 20-21 budget includes a provision generally requiring, starting January 1, 2030, at least half of the cars and light duty trucks and at least 30% of the buses purchased or leased for the state fleet to be zero-emission vehicles. It exempts certain vehicles used for law enforcement or emergency response purposes ([PA 19-117](#), § 93, effective October 1, 2019).

## **Boating and Fishing**

### ***Aquatic Invasive Species Fee***

A new law requires owners of registered vessels to pay an annual aquatic invasive species (AIS) fee. The annual fee is \$5 for in-state vessels, payable to the Department of Motor Vehicles, and \$20 for out-of-state vessels, payable to DEEP. Anyone who operates an out-of-state registered vessel on inland Connecticut waters without having paid the AIS fee commits an infraction and is subject to a fine of up to \$85. All AIS fee proceeds must be deposited into the Connecticut lakes, rivers, and ponds preservation account. DEEP must use at least 80% of those proceeds to eradicate aquatic invasive species, among other purposes ([PA 19-190](#), §§ 1 & 2, January 1, 2020).

## ***Candlewood Lake Noise Ordinance***

A new law authorizes DEEP environmental conservation police officers to enforce the noise ordinance of any municipality bordering Candlewood Lake (i.e., Brookfield, Danbury, New Fairfield, New Milford, and Sherman) on the lake's waters. If more than one of these municipalities has a noise ordinance, the officers may enforce the most restrictive one ([PA 19-190](#), § 3, effective upon passage).

## ***Dual Landing Agreement***

Under a new law, the DEEP commissioner must enter into a dual landing agreement with Rhode Island, New York, or both, for the Winter I Summer Flounder season. The agreement must authorize licensed commercial fishermen to take fish from state and federal waters in an amount that exceeds their daily per state limit, but not more than the total daily limit for all states party to the agreement. It must also require fishermen to separate their take by the daily limits allowed in each state and complete their landings by a specified hour ([PA 19-28](#), effective October 1, 2019).

## **Energy Conservation and Renewables**

### ***Anaerobic Digestion at Animal Feeding Operations***

A new law exempts certain anaerobic digestion facilities from DEEP solid waste facility permit requirements. To be exempt, a facility must, among other things, (1) be collocated with an animal feeding operation, (2) use feed stock that meets certain requirements, and (3) beneficially use any discharge that is not an energy end product.

This new law also allows the DEEP commissioner to conduct solicitations for up to 10 megawatts of energy derived from anaerobic digestion and requires solicitation bidders to submit at least one proposal for facilities on animal feeding operations and located on land used for farming ([PA 19-35](#), §§ 15-17, effective upon passage).

### ***Biogas Interconnection Standard***

A new law requires the Public Utilities Regulatory Authority (PURA) to initiate a docket by October 1, 2019, to define and adopt a gas quality interconnection standard for biogas derived from the decomposition of farm-generated organic waste or source separated organic material processed through gas conditioning systems to remove impurities (e.g., carbon dioxide, hydrogen sulfide). The standard must (1) make the biogas of a quality suitable for injection in the state's natural gas distribution system and (2) include cleanliness standards and a process by which biogas producers may request and be approved for interconnection to the distribution system. A final decision in the docket is due September 1, 2021 ([PA 19-35](#), § 18, effective upon passage).

## ***Efficiency Standards for State-Funded Construction Projects***

By law, DEEP must have energy efficiency standards for certain state-funded construction projects. Under prior law, these standards were based on the U.S. Environmental Protection Agency's national energy performance rating system. A new law instead requires DEEP to establish standards, by January 1, 2020, based on a nationally recognized model for sustainable construction codes that promotes construction of high performance green buildings designed to reduce emissions, conserve water, and provide enhanced resilience to natural and other hazards ([PA 19-35](#), § 11, effective upon passage).

## ***Offshore Wind Energy***

This year, the legislature took a significant step towards increasing the state's use of wind energy by establishing a process to solicit proposals from offshore wind power facility developers. More specifically, a new law requires the DEEP commissioner to initiate a solicitation for offshore wind projects that have a total generating capacity of up to 2,000 megawatts in the aggregate. The new law requires bidders who respond to the solicitation to include an environmental and fisheries mitigation plan. If the commissioner determines that a responding proposal meets certain criteria, such as being in ratepayers' best interests, she may direct electric distribution companies to enter into power purchase agreements with the projects ([PA 19-71](#), effective upon passage).

## ***Renewable Programs and Tariffs***

Last year, the legislature passed [PA 18-50](#), which established a process to transition from traditional net metering (where customers are compensated for renewable generation at the retail electricity rate) to new tariffs (detailed rate rules and schedules determined by PURA).

This year, the legislature changed the process and tariffs required under PA 18-50 by (1) delaying certain deadlines, (2) allowing for a longer netting period to measure energy used by the customer or sold to the grid, and (3) requiring PURA to study the value of distributed energy resources and incorporate their findings into the new tariffs. The new law also extends certain renewable programs that otherwise would have expired during this transition, namely, the low- and zero-emissions renewable energy credit program (LREC/ZREC) and the Green Bank's Residential Solar Incentive Program ([PA 19-35](#), §§ 1-6, effective upon passage).

## ***Siting Renewable Facilities***

A new law requires the Department of Transportation to submit to DEEP an inventory of land it owns that is suitable to site Class I renewable energy sources (e.g., wind and solar). DEEP must then conduct a technical, legal, and financial analysis of the land considering various factors. The new

law allows DEEP to give preference to projects sited on land included on the inventory in its renewable energy procurement solicitations ([PA 19-35](#), § 8, effective upon passage).

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

By law, DEEP must develop an Integrated Resource Plan (IRP) every two years by reviewing the state's energy capacity and needs and creating a plan to procure various energy resources. A new law (1) specifies that the next IRP is due January 1, 2020, and (2) requires it to include recommendations for, rather than consider, creating a thermal energy portfolio standard ([PA 19-35](#), §§ 9 & 10, effective upon passage).

### ***Virtual Net Metering Expansion***

Net metering allows an electric company customer who owns a renewable energy resource to earn billing credits when the customer generates more power than he or she uses (essentially, "running the meter backwards"). Virtual net metering allows the customer to share these credits to lower the electricity bills of other "beneficial accounts" the customer designates. A new law increases, from \$10 million to \$20 million, the virtual net metering cap ([PA 19-35](#), § 7, effective upon passage).

## **Land Use**

### ***Connecticut Loop Trail***

A new law requires the Department of Transportation, in consultation with DEEP and the Lower Connecticut River Valley Council of Governments, to report to the legislature's Transportation Committee on (1) a route for a multiuse trail to connect the Arrigoni Bridge in Middletown to the Farmington Canal Trail in Cheshire via the commuter rail station in Meriden, (2) recommended phases for constructing the trail and estimates for each phase's cost, and (3) public comments about the trail route ([PA 19-161](#), § 4, effective upon passage).

### ***Transfer Act***

Connecticut's property transfer law, commonly referred to as the "Transfer Act," regulates the transfer of real property on which, or a business operation from which, (1) hazardous waste was generated or processed or (2) a dry cleaning, furniture stripping, or vehicle body repair business operated. The Transfer Act generally requires (1) disclosing environmental conditions and (2) in some cases, investigation and remediation.

This year the legislature reduced the number of properties and businesses subject to the Transfer Act by narrowing the types of hazardous waste that trigger the act's application. The new law also (1) shortens, from three years to one year, the window for starting audits of Transfer Act final

verifications received on or after October 1, 2019, and (2) requires DEEP to complete the audits within three years after receiving the final verification. Lastly, the legislature created a working group to examine the Transfer Act and recommend potential changes to it ([PA 19-75](#), effective October 1, 2019, except the working group provision takes effect upon passage).

## **Waste Disposal**

### ***Fracking, Natural Gas, or Oil Waste***

With a limited exception for research, a new law permanently bans accepting, receiving, collecting, storing, treating, transferring, selling, acquiring, handling, applying, processing, and disposing of hydraulic fracturing (“fracking”) waste, natural gas waste, or oil waste in Connecticut. It also bans selling, offering, bartering, manufacturing, distributing, and using anti-icing, de-icing, pre-wetting, or dust suppression products derived from or containing such waste. Lastly, the new law requires anyone exploring for oil or gas to register with DEEP ([PA 19-112](#), effective upon passage).

### ***Plastic Bags***

A provision in the act implementing the FY 20-21 budget prohibits stores from providing plastic single-use checkout bags to consumers starting July 1, 2021. From August 1, 2019, until June 30, 2021, the new law imposes a 10-cent fee, payable to the state, on such bags. Bags used for such things as meat or seafood, loose produce, unwrapped food, newspapers, or laundry or dry cleaning are exempt. The act specifies that it does not prohibit a municipality from enacting or enforcing an ordinance on (1) plastic single-use checkout bags that is at least as restrictive as in the act or (2) paper single-use checkout bags, including enabling stores to charge a fee for the bags ([PA 19-117](#), § 355, effective August 1, 2019).

## **Water Resources**

### ***Drinking Water Grants***

By law, the Department of Public Health (DPH) awards Drinking Water State Revolving Fund (DWSRF) program loans equal to 100% of eligible project costs to eligible drinking water projects, based on a priority list it establishes and maintains.

A new law expands the list of emergencies for which DPH may disregard the priority list to include unanticipated infrastructure failure, water contamination, or a water shortage that requires an eligible project to be immediately undertaken to protect public health and safety. Prior law limited DPH’s authority to disregard the list to only public water supply emergencies ([PA 19-118](#), § 2, effective July 1, 2019).



Another new law allows PURA-regulated public water system public service companies to receive grants from DPH's Public Water System Improvement Program. Prior law limited program eligibility to municipal water companies and nonprofit non-community water systems. To receive a program grant, the new law requires DPH to consult with PURA about the grant, and the water system must (1) serve at least 25 people or at least 15 year-round service connections and (2) use the grant for an eligible drinking water project approved for assistance under the DWSRF program ([PA 19-194](#), § 1, effective October 1, 2019).

### ***Municipal Water Service Grant***

Under a new law, the DEEP commissioner must pay a \$176,332 grant to Wallingford (funded by an existing DEEP bond authorization) to reimburse the town for extending municipal water services to five homes on South Broad Street. DEEP awarded the grant in November 2015, but it expired before construction ended ([PA 19-200](#), § 2, effective upon passage).

### ***State Water Plan***

The legislature adopted a resolution approving the state water plan. (As required by law, the state's Water Planning Council developed the plan to help manage the state's water resources. The plan was submitted to the legislature for consideration in the 2018 and 2019 legislative sessions, which included a hearing before the Environment, Energy and Technology, Planning and Development, and Public Health committees in 2018.) The legislature also passed a law specifying that if the water plan conflicts with any state law, the law controls ([HJR 171](#) and [PA 19-194](#), § 3, effective upon passage).

## **Miscellaneous**

### ***Fighting Forest Fires***

The legislature passed a law this year designating the state forest fire warden (i.e., the DEEP commissioner) as the sole authority to add temporary workers to the state forest fire control personnel to fight forest fires. The new law authorizes her to temporarily supplement state forest fire control personnel with emergency workers who meet certain training and qualification requirements if additional personnel are needed to help extinguish a forest fire in the state ([PA 19-37](#), effective July 1, 2019).

### ***Green Jobs Career Ladder***

A new law requires the Office of Workforce Competitiveness to establish a "career ladder" for green technology industry jobs that generally lists careers at each level of the industry, educational programs in green jobs offered in Connecticut, and green technology industry jobs available in the

state. The Office of Higher Education and the Department of Labor must post the career ladder on their websites by July 1, 2020 ([PA 19-35](#), §§ 19 & 20, effective July 1, 2019).

### ***Municipal Climate Change Reserve Fund***

The legislature passed a new law that allows a municipality to establish a climate change and coastal resiliency reserve fund upon the recommendation of its chief executive officer, approval of its budget-making authority, and majority vote of its legislative body. The law specifies how a municipality may invest and spend the fund ([PA 19-77](#), effective July 1, 2019).