



House of Representatives

General Assembly

File No. 208

January Session, 2021

Substitute House Bill No. 6501

House of Representatives, March 30, 2021

The Committee on Environment reported through REP. BORER of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STREAMLINING OF CERTAIN 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. Subsection (d) of section 22a-416 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (d) As used in this section the terms "class I", "class II", "class III" and
5 "class IV" mean the classifications of wastewater treatment plants
6 provided for in regulations adopted by the Department of Energy and
7 Environmental Protection. The Commissioner of Energy and
8 Environmental Protection may establish requirements for the presence
9 of approved operators at pollution abatement facilities. Applicants for
10 class I, [and] class II, class III and class IV certificates shall [only] be
11 required to pass the relevant standardized national examination
12 prepared by the Association of Boards of Certification for Wastewater
13 Treatment Facility Operators. [Applicants for class III and class IV

14 certificates shall only be required to pass the relevant standardized
15 national examination prepared by the Association of Boards of
16 Certification for Wastewater Treatment Facility Operators
17 supplemented with additional questions submitted by the
18 commissioner to such board. Operators with certificates issued by the
19 commissioner prior to May 16, 1995, shall not be required to be
20 reexamined.] The commissioner, or the commissioner's designated
21 agent, shall administer and proctor the examination of all applicants.
22 The qualifications of the operators at such facilities shall be subject to
23 the approval of the commissioner. The commissioner may adopt
24 regulations, in accordance with the provisions of chapter 54, [requiring
25 all operators at pollution abatement facilities to satisfactorily complete,
26 on a regular basis, a state-certified training course, which may include
27 training on the type of municipal pollution abatement facility at which
28 the operator is employed and training concerning regulations
29 promulgated during the preceding year. Any applicant for certification
30 who passed either the examination prepared and administered on
31 December 8, 1994, by the commissioner or the examination prepared by
32 the Association of Boards of Certification for Wastewater Treatment
33 Facility Operators and administered on December 8, 1994, by the
34 commissioner shall be issued the appropriate certificate in accordance
35 with the regulations adopted under this section] concerning application,
36 certification, renewal and continuing education requirements for
37 operators. On and after October 1, 2018, each certified operator shall
38 obtain not less than six hours of continuing education each year.
39 Continuing education units and associated courses shall be approved
40 by the commissioner or the commissioner's designated agent in
41 consultation with the operator certification advisory board. A record of
42 such continuing education shall be maintained by the certified operator
43 and by the facility employing the operator and shall be made available
44 for inspection upon request by the commissioner.

45 Sec. 2. Subsection (a) of section 22a-523 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective from*
47 *passage*):

48 (a) The Commissioner of Energy and Environmental Protection shall
49 establish a Nitrogen Credit Advisory Board to assist and advise the
50 commissioner in administering the nitrogen credit exchange program.
51 The board shall consist of the Commissioner of Energy and
52 Environmental Protection or the commissioner's designee, the Secretary
53 of the Office of Policy and Management or the secretary's designee, the
54 State Treasurer or the Treasurer's designee and nine public members to
55 be appointed in accordance with this section. The nine public members
56 shall include an official of a major publicly-owned treatment works
57 appointed by the speaker of the House of Representatives, a municipal
58 public works official appointed by the president pro tempore of the
59 Senate, a representative from a municipality with a population of
60 greater than twenty thousand that purchases nitrogen credits and a
61 representative from a municipality with a population of less than
62 twenty thousand that sells credits appointed by the majority leader of
63 the House of Representatives, a representative from a municipality with
64 a population of greater than twenty thousand that sells nitrogen credits
65 and a representative from a municipality with a population of less than
66 twenty thousand [that purchases nitrogen credits] appointed by the
67 majority leader of the Senate, and three persons having experience in
68 either wastewater treatment, environmental law or finance, one to be
69 appointed by the minority leader of the House of Representatives, one
70 to be appointed by the minority leader of the Senate, and one to be
71 appointed by the Governor. All initial appointments shall be made not
72 later than August 1, 2001, and shall be made so the composition of the
73 board is, to the extent possible, balanced with regard to buyers and
74 sellers of credits, large and small municipalities and representatives
75 from different geographic regions of the state.

76 Sec. 3. Subsection (c) of section 22-11h of the general statutes is
77 repealed and the following is substituted in lieu thereof (*Effective from*
78 *passage*):

79 (c) Individual structures used for aquaculture as defined in section
80 22-11c, including, but not limited to, racks, cages or bags, as well as
81 buoys marking such structures, which [do not otherwise require]

82 received a permit under federal Army Corps of Engineers regulations
83 and do not interfere with navigation in designated or customary boating
84 or shipping lanes and channels, shall be placed in leased or designated
85 shellfish areas and shall be exempt from the requirements of sections
86 22a-359 to 22a-363f, inclusive.

87 Sec. 4. Subsection (c) of section 22a-73 of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective from*
89 *passage*):

90 (c) [No ordinance shall be effective until such ordinance has been
91 approved by the commissioner. No ordinance shall be approved unless
92 it is in conformity with] Any such municipal noise control ordinance
93 shall be at least as stringent as any state noise control plan, including
94 ambient noise standards, adopted pursuant to section 22a-69 or any
95 standards or regulations adopted by the administrator of the United
96 States Environmental Protection Agency pursuant to the Noise Control
97 Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding
98 the provisions of this subsection, any municipality may adopt more
99 stringent noise standards than those adopted by the commissioner. [,
100 provided such standards are approved by the commissioner.]

101 Sec. 5. Subsection (c) of section 22a-174 of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective from*
103 *passage*):

104 (c) The commissioner shall have the power, in accordance with
105 regulations adopted by him, (1) to require that a person, before
106 undertaking the construction, installation, enlargement or
107 establishment of a new air contaminant source specified in the
108 regulations adopted under subsection (a) of this section, submit to him
109 plans, specifications and such information as he deems reasonably
110 necessary relating to the construction, installation, enlargement, or
111 establishment of such new air contaminant source; (2) to issue a permit
112 approving such plans and specifications and permitting the
113 construction, installation, enlargement or establishment of the new air
114 contaminant source in accordance with such plans, or to issue an order

115 requiring that such plans and specifications be modified as a condition
116 to his approving them and issuing a permit allowing such construction,
117 installation, enlargement or establishment in accordance therewith, or
118 to issue an order rejecting such plans and specifications and prohibiting
119 construction, installation, enlargement or establishment of a new air
120 contaminant source in accordance with the plans and specifications
121 submitted; (3) to require periodic inspection and maintenance of
122 combustion equipment and other sources of air pollution; (4) to require
123 any person to maintain such records relating to air pollution or to the
124 operation of facilities designed to abate air pollution as he deems
125 necessary to carry out the provisions of this chapter and section 14-164c;
126 (5) to require that a person in control of an air contaminant source
127 specified in the regulations adopted under subsection (a), obtain a
128 permit to operate such source if the source (A) is subject to any
129 regulations adopted by the commissioner concerning high risk
130 hazardous air pollutants, (B) burns waste oil, (C) is allowed by the
131 commissioner, pursuant to regulations adopted under subsection (a), to
132 exceed emission limits for sulfur compounds, (D) is issued an order
133 pursuant to section 22a-178, or (E) violates any provision of this chapter,
134 or any regulation, order or permit adopted or issued thereunder; (6) to
135 require that a person in control of an air contaminant source who is not
136 required to obtain a permit pursuant to this subsection register with him
137 and provide such information as he deems necessary to maintain his
138 inventory of air pollution sources and the commissioner may require
139 renewal of such registration at intervals he deems necessary to maintain
140 such inventory; (7) to require a permit for any source regulated under
141 the federal Clean Air Act Amendments of 1990, P.L. 101-549; (8) to
142 refuse to issue a permit if the Environmental Protection Agency objects
143 to its issuance in a timely manner under Title V of the federal Clean Air
144 Act Amendments of 1990; and (9) notwithstanding any regulation
145 adopted under this chapter, to require that any source permitted under
146 Title V of the federal Clean Air Act Amendments of 1990 shall comply
147 with all applicable standards set forth in the Code of Federal
148 Regulations, Title 40, Parts 51, 52, 59, 60, 61, 62, 63, 68, 70, 72 to 78,
149 inclusive, and 82, as amended from time to time.

150 Sec. 6. Subsection (d) of section 23-37 of the general statutes is
151 repealed and the following is substituted in lieu thereof (*Effective from*
152 *passage*):

153 (d) If the state forest fire warden determines that additional state
154 forest fire control personnel are required to assist in extinguishing a
155 forest fire in this state or in another state that is a member of a compact
156 authorized to provide reciprocal aid, the state forest fire warden may
157 temporarily supplement state forest fire control personnel with
158 temporary emergency workers who meet the training and qualification
159 requirements of the National Incident Management System: Wildland
160 Fire Qualification System Guide published by the National Wildfire
161 Coordinating Group, as amended from time to time. The Department of
162 Administrative Services shall assist the state fire warden in developing
163 appropriate classifications for such temporary emergency workers.

164 Sec. 7. Section 23-53 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective from passage*):

166 The Governor on behalf of this state is authorized to enter into a
167 compact, substantially in the following form, with any one or more of
168 the states of Maine, Massachusetts, New Hampshire, New York, Rhode
169 Island and Vermont and with such other states of the United States or
170 provinces of the Dominion of Canada as may legally join therein:

171 NORTHEASTERN INTERSTATE FOREST FIRE

172 PROTECTION COMPACT

173 ARTICLE I

174 The purpose of this compact is to promote effective prevention and
175 control of forest fires in the northeastern region of the United States and
176 adjacent areas in Canada by the development of integrated forest fire
177 plans, by the maintenance of adequate forest fire fighting services by the
178 member states, by providing for mutual aid in fighting forest fires
179 among the states of the region and for procedures that will facilitate
180 such aid, and by the establishment of a central agency to coordinate the

181 services of member states and perform such common services as
182 member states may deem desirable.

183 ARTICLE II

184 This agreement shall become operative immediately as to those states
185 ratifying it whenever any two or more of the states of Maine, New
186 Hampshire, Vermont, Rhode Island, Connecticut, New York and the
187 Commonwealth of Massachusetts have ratified it and the Congress has
188 given its consent. Any state not mentioned in this article which is
189 contiguous with any member state may become a party to this compact.
190 Subject to the consent of the Congress of the United States, any province
191 of the Dominion of Canada which is contiguous with any member state
192 may become a party to this compact by taking such action as its laws
193 and the laws of the Dominion of Canada may prescribe for ratification.
194 In this event, the term "state" in this compact shall include within its
195 meaning the term "province" and the procedures prescribed shall be
196 applied in the instance of such provinces, in accordance with the forms
197 and practices of the Canadian government.

198 ARTICLE III

199 Each state joining herein shall appoint three representatives to a
200 commission hereby designated as the Northeastern Forest Fire
201 Protection Commission. One shall be the state forester or officer holding
202 an equivalent position in such state who is responsible for forest fire
203 control. The second shall be a member of the legislature of such state
204 designated by the commission or committee on interstate cooperation
205 of such state, or if there be none, or if said commission on interstate
206 cooperation cannot constitutionally designate the said member, such
207 legislator shall be designated by the governor thereof; provided that if
208 it is constitutionally impossible to appoint a legislator as a commissioner
209 from such state, the second member shall be appointed by the governor
210 of said state in his discretion. The third member shall be a person
211 designated by the governor as the responsible representative of the
212 governor. In the event that any province of the Dominion of Canada
213 shall become a member of this commission, it shall designate three

214 members who will approximate this pattern of representation to the
215 extent possible under the law and practices of such province. This
216 commission shall be a body corporate with the powers and duties set
217 forth herein.

218 ARTICLE IV

219 It shall be the duty of the commission to make inquiry and ascertain
220 from time to time such methods, practices, circumstances and
221 conditions as may be disclosed for bringing about the prevention and
222 control of forest fires in the area comprising the member states, to
223 coordinate the forest fire plans and the work of the appropriate agencies
224 of the member states and to facilitate the rendering of aid by the member
225 states to each other in fighting forest fires.

226 The commission shall formulate and, in accordance with need, from
227 time to time, revise a regional forest fire plan for the entire region
228 covered by the compact which shall serve as a common forest fire plan
229 for that area.

230 The commission shall, more than one month prior to any regular
231 meeting of the legislature in any signatory state, present to the governor
232 and to the legislature of the state its recommendations relating to
233 enactments to be made by the legislature of that state in furthering the
234 interests and purposes of this compact.

235 The commission shall consult with and advise the appropriate
236 administrative agencies of the states party hereto with regard to
237 problems connected with the prevention and control of forest fires and
238 recommend the adoption of such regulations as it deems advisable.

239 The commission shall have power to recommend to the signatory
240 states any and all measures that will effectuate the prevention and
241 control of forest fires.

242 ARTICLE V

243 Any two or more member states may designate the Northeastern

244 Forest Fire Protection Commission as a joint agency to maintain such
245 common services as those states deem desirable for the prevention and
246 control of forest fires. Except in those cases where all member states join
247 in such designation for common services, the representatives of any
248 group of such designating states in the Northeastern Forest Fire
249 Protection Commission shall constitute a separate section of such
250 commission for the performance of the common service or services so
251 designated provided that, if any additional expense is involved, the
252 state so acting shall appropriate the necessary funds for this purpose.
253 The creation of such a section as a joint agency shall not affect the
254 privileges, powers, responsibilities or duties of the states participating
255 therein as embodied in the other articles of this compact.

256 ARTICLE VI

257 The commission may request the United States Forest Service to act
258 as the primary research and coordinating agency of the Northeastern
259 Forest Fire Protection Commission, in cooperation with the appropriate
260 agencies in each state and the United States Forest Service may accept
261 the initial responsibility in preparing and presenting to the commission
262 its recommendations with respect to the regional fire plan.
263 Representatives of the United States Forest Service may attend meetings
264 of the commission and of groups of member states.

265 ARTICLE VII

266 The commission shall annually elect from its members a chairman
267 and a vice-chairman. The commission shall appoint such officers or
268 employees as may be required to carry the provisions of this compact
269 into effect, shall fix and determine their duties, qualifications and
270 compensation, and may at its pleasure, remove or discharge any such
271 officer or employee. The commission shall adopt rules and regulations
272 for the conduct of its business. It may establish and maintain one or
273 more offices for the transaction of its business and may meet at any time
274 or place but must meet at least once a year.

275 A majority of the members of the commission representing a majority

276 of the signatory states shall constitute a quorum for the transaction of its
277 general business, but no action of the commission imposing any
278 obligation on any signatory state shall be binding unless a majority of
279 the members from such signatory state shall have voted in favor thereof.
280 For the purpose of conducting its general business, voting shall be by
281 state units.

282 The representatives of any two or more member states, upon notice
283 to the chairman as to the time and purpose of the meeting, may meet as
284 a section for the discussion of problems common to those states.

285 Sections established by groups of member states shall have the same
286 powers with respect to officers, employees and the maintenance of
287 offices as are granted by this article to the commission. Sections may
288 adopt such rules, regulations and procedures as may be necessary for
289 the conduct of their business.

290 ARTICLE VIII

291 It shall be the duty of each member state to formulate and put in effect
292 a forest fire plan for that state and to take such measures as may be
293 recommended by the commission to integrate such forest fire plan with
294 regional forest fire plan.

295 Whenever the state forest fire control agency of a member state
296 requests aid from the state forest fire control agency of any other
297 member state in combatting, controlling or preventing forest fires, it
298 shall be the duty of the state forest fire control agency of that state to
299 render all possible aid to the requesting agency which is consonant with
300 the maintenance of protection at home.

301 Each signatory state agrees to render aid to the Forest Service or other
302 agencies of the government of the United States in combatting,
303 controlling or preventing forest fires in areas under their jurisdiction
304 located within the member state or a contiguous member state.

305 ARTICLE IX

306 Whenever the forces of any member state are rendering outside aid
307 pursuant to the request of another member state under this compact, the
308 employees of such state shall, under the direction of the officers of the
309 state to which they are rendering aid, have the same powers (except the
310 power of arrest), duties, rights, privileges and immunities as
311 comparable employees of the state to which they are rendering aid.

312 No member state or its officers or employees rendering outside aid
313 pursuant to this compact shall be liable on account of any act or
314 omission on the part of such forces while so engaged, or on account of
315 the maintenance or use of any equipment or supplies in connection
316 therewith.

317 All liability that may arise either under the laws of the requesting
318 state or under the laws of the aiding state or under the laws of a third
319 state on account of or in connection with a request for aid, shall be
320 assumed and borne by the requesting state.

321 Any member state rendering outside aid pursuant to this compact
322 shall be reimbursed by the member state receiving such aid for any loss
323 or damage to, or expense incurred in the operation of any equipment
324 answering a request for aid, and for the cost of all materials,
325 transportation, wages, salaries, and maintenance of employees and
326 equipment incurred in connection with such request. Provided, that
327 nothing herein contained shall prevent any assisting member state from
328 assuming such loss, damage, expense or other cost or from loaning such
329 equipment or from donating such services to the receiving member state
330 without charge or cost.

331 Each member state shall provide for the payment of compensation
332 and death benefits to injured employees and the representatives of
333 deceased employees in case employees sustain injuries or are killed
334 while rendering outside aid pursuant to this compact, in the same
335 manner and on the same terms as if the injury or death were sustained
336 within such state.

337 For the purposes of this compact the term employee shall include any

338 volunteer or auxiliary legally included within the forest fire fighting
339 forces of the aiding state under the laws thereof.

340 The commission shall formulate procedures for claims and
341 reimbursement under the provisions of this article.

342 Aid by a member state to an area subject to federal jurisdiction
343 beyond the borders of such state shall not be required under this
344 compact unless substantially the same provisions of this article relative
345 to powers, liabilities, losses and expenses in connection with such aid
346 are embodied in federal laws.

347 The provisions of this article that relate to mutual aid in combating,
348 controlling or preventing forest fires shall be applicable to the provision
349 of such aid by any state that is party to this compact and any other state
350 that is party to a regional forest fire protection compact in another
351 region, provided the legislature of such other state assents to the mutual
352 aid provisions of this compact.

353 ARTICLE X

354 When appropriations for the support of this commission or for the
355 support of common services maintained by the commission or a section
356 thereof under the provisions of article V are necessary, the commission
357 or a section thereof shall allocate the costs among the states affected with
358 consideration of the amounts of forested land in those states that will
359 receive protection from the service to be rendered and the extent of the
360 forest fire problem involved in each state, and shall submit its
361 recommendations accordingly to the legislatures of the affected states.

362 The commission shall submit to the governor of each state, at such
363 time as he may request, a budget of its estimated expenditures for such
364 period as may be required by the laws of such state for presentation to
365 the legislature thereof.

366 The commission shall keep accurate books of account, showing in full
367 its receipts and disbursements, and said books of account shall be open
368 at any reasonable time to the inspection of such representatives of the

369 respective signatory states as may be duly constituted for that purpose.

370 On or before the first day of December of each year, the commission
371 shall submit to the respective governors of the signatory states a full and
372 complete report of its activities for the preceding year.

373 ARTICLE XI

374 The representatives from any member state may appoint and consult
375 with an advisory committee composed of persons interested in forest
376 fire protection.

377 The commission may appoint and consult with an advisory
378 committee of representatives of all affected groups, private and
379 governmental.

380 ARTICLE XII

381 The commission may accept any and all donations, gifts and grants
382 of money, equipment, supplies, materials and services from the federal
383 or any local government, or any agency thereof and from any person,
384 firm or corporation, for any of its purposes and functions under this
385 compact, and may receive and utilize the same subject to the terms,
386 conditions and regulations governing such donations, gifts and grants.

387 ARTICLE XIII

388 Nothing in this compact shall be construed to authorize or permit any
389 member state to curtail or diminish its forest fire fighting forces,
390 equipment, services or facilities, and it shall be the duty and
391 responsibility of each member state to maintain adequate forest fire
392 fighting forces and equipment to meet normal demands for forest fire
393 protection within its borders.

394 Nothing in this compact shall be construed to limit or restrict the
395 powers of any state ratifying the same to provide for the prevention,
396 control and extinguishment of forest fires, or to prohibit the enactment
397 or enforcement of state laws, rules or regulations intended to aid in such

398 prevention, control and extinguishment in such state.

399 Nothing in this compact shall be construed to affect any existing or
400 future cooperative relationship or arrangement between the United
401 States Forest Service and a member state or states.

402 ARTICLE XIV

403 This compact shall continue in force and remain binding on each state
404 ratifying it until the legislature or the governor of such state takes action
405 to withdraw therefrom. Such action shall not be effective until six
406 months after notice thereof has been sent by the chief executive of the
407 state desiring to withdraw to the chief executives of all states then
408 parties to the compact.

409 Sec. 8. Subsection (f) of section 22a-54 of the general statutes is
410 repealed and the following is substituted in lieu thereof (*Effective from*
411 *passage*):

412 (f) (1) The commissioner may by regulation adopted in accordance
413 with the provisions of chapter 54 prescribe fees for applicants to defray
414 the cost of administering examinations and assisting in carrying out the
415 purposes of section 22a-451, except the fees for certification and renewal
416 of a certification shall be as follows: [(1)] (A) For supervisory
417 certification as a commercial applicator, two hundred eighty-five
418 dollars; [(2)] (B) for operational certification as a commercial applicator,
419 eighty dollars; [,] and [(3)] (C) for certification as a private applicator,
420 one hundred dollars. A federal, state or municipal employee who
421 applies pesticides solely as part of his employment shall be exempt from
422 payment of a fee. Any certificate issued to a federal, state or municipal
423 employee for which a fee has not been paid shall be void if the holder
424 leaves government employment. The fees collected in accordance with
425 this section shall be deposited in the General Fund.

426 (2) Not less than sixty days before the date of expiration of a
427 certification, the commissioner shall provide notice of expiration and a
428 renewal application to each holder of a certification. If a signed renewal

429 application accompanied by the applicable renewal fee is not received
430 by the commissioner on or before midnight of the expiration date, or if
431 the expiration date is a Saturday, Sunday, or a legal holiday, on or before
432 midnight of the next business day, the certification shall automatically
433 lapse. Failure of a holder of a certification to receive a notice of
434 expiration and renewal application shall not prevent a lapse of a
435 certification.

436 (3) The commissioner may renew any certification issued pursuant to
437 this section for the holder of a certification that has lapsed less than one
438 year, provided the holder of such certification submits to the
439 commissioner a signed renewal application, payment of the applicable
440 renewal fee and any late fee. Such late fee shall be calculated as follows:
441 Beginning on the first day that such certification lapses, ten per cent of
442 the applicable renewal fee plus one and one-quarter per cent per month,
443 or part thereof, for a period not to exceed one year. Any holder of a
444 certification that has lapsed one year or more shall be examined in
445 accordance with the requirements of this section and any regulation
446 adopted pursuant to the provisions of this section.

447 Sec. 9. Subsection (g) of section 22a-50 of the general statutes is
448 repealed and the following is substituted in lieu thereof (*Effective January*
449 *1, 2022*):

450 (g) The registrant shall pay a fee of [nine hundred forty dollars] one
451 hundred eighty-eight dollars per calendar year, or any portion thereof,
452 for each pesticide registered and for each renewal of a registration. [A
453 registration shall expire after five years.] The commissioner may register
454 a pesticide for a period of one year or a period of five years. For such
455 five-year registrations, the commissioner shall establish regulations to
456 phase in pesticide registration so that one fifth of the pesticides
457 registered expire each year. The commissioner may register a pesticide
458 for less than five years and prorate the registration fee accordingly to
459 implement the regulations established pursuant to this subsection. The
460 fees collected in accordance with this section shall be deposited in the
461 General Fund. There shall be no refund of a registration fee if a product

462 is voluntarily withdrawn or cancelled before the end of its registration
463 period.

464 Sec. 10. Section 22a-6f of the general statutes is amended by adding
465 subsection (h) as follows (*Effective October 1, 2021*):

466 (NEW) (h) Unless otherwise specified in a general permit issued on
467 or after October 1, 2021, any person or municipality authorized to
468 engage in a regulated activity covered by a general permit pursuant to
469 any provision of this title shall pay an annual fee as follows: (1) If the
470 person or municipality engaged in the regulated activity is required to
471 register with the Department of Energy and Environmental Protection
472 and obtain approval of the registration before the activity is authorized,
473 such annual fee shall be two hundred dollars; or (2) if the person or
474 municipality that intends to engage in the activity is only required to
475 register with the department before the activity is authorized, such
476 annual fee shall be one hundred dollars. No annual fee for a general
477 permit issued on or after October 1, 2021, shall exceed one thousand
478 dollars.

479 Sec. 11. Section 22a-6bb of the general statutes is repealed and the
480 following is substituted in lieu thereof (*Effective from passage*):

481 (a) Whenever the Commissioner of Energy and Environmental
482 Protection is required to hold a hearing prior to approving or denying
483 an application upon receipt of a timely filed petition signed by at least
484 twenty-five persons pursuant to sections 22a-32, 22a-39, 22a-42a, 22a-
485 45a, 22a-94, 22a-174, as amended by this act, 22a-208a, 22a-349a, 22a-361,
486 22a-363b, 22a-371, 22a-378a, 22a-403, 22a-411, 22a-430 and 25-68d, or any
487 regulation of the Connecticut state agencies provides that the
488 Commissioner of Energy and Environmental Protection shall hold a
489 hearing prior to approving or denying an application upon receipt of a
490 timely filed petition signed by at least twenty-five persons, such petition
491 [may] shall designate a person authorized to withdraw such petition.
492 Such authorized person may engage in discussions regarding an
493 application and, if a resolution is reached, may withdraw the petition.

494 (b) If a petition is withdrawn, the authorized person shall file written
 495 notice with the commissioner and serve a copy of the withdrawal notice
 496 upon all parties and intervenors, if any, to the proceeding. The
 497 withdrawal of a petition shall result in the termination of the hearing
 498 process initiated by the petition. If the commissioner receives more than
 499 one petition that requires the holding of a hearing, all such petitions
 500 shall be withdrawn for the hearing to terminate pursuant to this section.

501 (c) If the petition is withdrawn after notice of a public hearing has
 502 been published, the commissioner shall publish or cause to be
 503 published, at the applicant's expense, once in a newspaper having a
 504 substantial circulation in the affected area, notice of the termination of
 505 such hearing due to the withdrawal of a petition pursuant to this section.

506 (d) Notwithstanding the withdrawal of any petitions pursuant to this
 507 section, the commissioner may hold a public hearing, continue with a
 508 public hearing for which notice has been published or complete a public
 509 hearing that has already commenced prior to approving or denying an
 510 application, if the commissioner determines that holding or continuing
 511 such public hearing is in the public interest.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|------------|
| Section 1 | <i>from passage</i> | 22a-416(d) |
| Sec. 2 | <i>from passage</i> | 22a-523(a) |
| Sec. 3 | <i>from passage</i> | 22-11h(c) |
| Sec. 4 | <i>from passage</i> | 22a-73(c) |
| Sec. 5 | <i>from passage</i> | 22a-174(c) |
| Sec. 6 | <i>from passage</i> | 23-37(d) |
| Sec. 7 | <i>from passage</i> | 23-53 |
| Sec. 8 | <i>from passage</i> | 22a-54(f) |
| Sec. 9 | <i>January 1, 2022</i> | 22a-50(g) |
| Sec. 10 | <i>October 1, 2021</i> | 22a-6f |
| Sec. 11 | <i>from passage</i> | 22a-6bb |

Statement of Legislative Commissioners:

In Section 8(f)(2), technical conforming changes were made for adherence to standard drafting conventions.

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 22 \$ | FY 23 \$ |
|---|-----------------------------|------------------|------------------|
| Department of Energy and Environmental Protection | GF - Potential Revenue Gain | Less than 15,000 | Less than 15,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes numerous changes to various environment-related statutes.

It requires that anyone whose certification lapses for more than one year must retake the pesticide applicator examination and submit the associated late fees to the Department of Energy and Environmental Protection (DEEP). Currently, pesticide application certifications are valid for five years. This is expected to result in a revenue gain to DEEP, anticipated to be less than \$15,000 annually, as some amount of late fees are estimated to be collected by the agency.¹

Additionally, the bill establishes annual fees for people operating under various general permits issued by DEEP on or after October 1, 2021. It requires applicants to pay the annual fee in addition to the registration fee required currently. This is not anticipated to have a fiscal impact, although it may shift revenue collection from these

¹ Late fees under the bill are 10% of the renewal fee, plus 1.25% per month or part of a month, dating from when the certification lapsed.

permits from one fiscal year to the next.

Unless a general permit specifies otherwise, the bill requires anyone conducting a regulated activity under a general permit to pay an annual fee of either \$200 or \$100 depending on the circumstance.

The bill makes other changes that are not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the amount of late fees, and additional annual general permit fees submitted to DEEP.

OLR Bill Analysis**sHB 6501****AN ACT CONCERNING THE STREAMLINING OF CERTAIN PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.****SUMMARY**

This bill makes the following changes to environment-related statutes:

1. establishes annual fees for people operating under Department of Energy and Environmental Protection (DEEP) general permits (§ 10);
2. eliminates the DEEP commissioner's role in approving municipal noise ordinances (§ 4);
3. allows Connecticut to exchange forest fire protection and control resources with states beyond New England and New York (§ 7);
4. requires the commissioner to send certified pesticide applicators a notice about an upcoming certification expiration (§ 8);
5. authorizes the commissioner to renew certifications for pesticide applicators whose certifications have lapsed for less than one year without reexamination but upon payment of a late fee (§ 8);
6. authorizes the commissioner to register pesticides either on an annual basis or, as under current law, for five-year periods (§ 9);
7. prohibits registration fee refunds for pesticide products that are voluntarily withdrawn or cancelled before the registration period ends (§ 9);
8. limits the examination requirement for class III and IV

wastewater treatment plant operator certification applicants to the standardized national examination (§ 1);

9. authorizes the commissioner to require air pollution sources that are permitted under federal law (i.e., Title V of the Clean Air Act Amendments of 1990) to comply with applicable federal standards for incineration (40 C.F.R. Part 62), which have already been incorporated into state air regulations (Conn. Agencies Regs. § 22a-174-1 *et seq.*) (§ 5);
10. requires, instead of allows, a petition for a hearing on an application to designate a person authorized to withdraw the petition (§ 11);
11. exempts certain aquaculture structures in tidal, coastal, or navigable waters from a DEEP permitting requirement (§ 3); and
12. eliminates the requirement that the representative on the Nitrogen Credit Advisory Board from a municipality with a population of less than 20,000 must also be from a municipality that purchases nitrogen credits (§ 2).

Lastly, the bill makes technical and conforming changes and a minor change to clarify that the state's forest fire warden has the authority to supplement state forest fire control personnel with specially trained temporary emergency workers to help combat a forest fire outside Connecticut, rather than only for in-state fires (§ 6).

EFFECTIVE DATE: Upon passage, except the provision on general permit fees takes effect October 1, 2021, and the changes to the pesticide registration take effect January 1, 2022.

§ 10 — GENERAL PERMIT FEES

The bill establishes annual fees for people operating under general permits issued by DEEP on or after October 1, 2021. It requires them to pay the annual fee in addition to the registration fee required under existing law. (DEEP issues both individual and general permits to

regulate activities. It issues individual permits directly to an applicant. General permits authorize similar minor activities by one or more applicants (e.g., removal of derelict structures, minor seawall repair). The general permit may require an applicant to register with DEEP or both register and obtain DEEP approval.)

Unless a general permit specifies otherwise, the bill requires anyone authorized to conduct a regulated activity covered by a general permit to pay an annual fee of (1) \$200 when the permit requires both registering with DEEP and obtaining its approval of the registration before starting the activity or (2) \$100 when the permit requires only registration with DEEP before the activity is allowed.

The bill prohibits an annual fee for a general permit issued on or after October 1, 2021, from exceeding \$1,000.

§ 4 — NOISE REGULATION

The bill eliminates the DEEP commissioner's role in approving municipal noise ordinances.

By law, municipalities may adopt and enforce a noise control ordinance that includes certain elements set in statute, including noise levels and implementation procedures. Current law requires (1) that an ordinance conform to applicable federal noise standards or regulations and be at least as stringent as state and federal noise standards or regulations (e.g., Conn. Agencies Regs. § 22a-69-1 *et seq.*) and (2) the commissioner's approval before the ordinance can take effect.

The bill (1) eliminates the requirement to obtain the commissioner's approval and (2) allows municipal noise ordinances to be more stringent standards than those adopted by the commissioner.

§ 7 — INTERSTATE FOREST FIRE RESOURCES

The bill expands the applicability of the Northeastern Interstate Forest Fire Protection Compact's interstate aid provisions by allowing aid to or from any state that belongs to a regional forest fire protection compact, if that state's legislature agrees to the provisions. In doing so,

it allows Connecticut to exchange forest fire protection and control resources with up to 43 other states, instead of only member states. (Members of the northeastern compact include the New England states and New York.)

By law, the compact's interstate aid provisions seek to help control, combat, or prevent forest fires and address issues such as the powers and rights of responding forces, liability, and repayment for services.

§ 8 — PESTICIDE APPLICATOR CERTIFICATION RENEWAL

Notice and Certification Lapse

The bill requires the DEEP commissioner to provide a certified pesticide applicator, at least 60 days before his or her certification expires, notice of the upcoming expiration and a renewal application. But failing to receive the notice and application does not prevent a certification's lapse.

Under the bill, a certification lapses if the commissioner does not receive a signed renewal application with the applicable renewal fee by midnight on the expiration date or midnight on the next business day if the expiration date is on a weekend or legal holiday.

Renewal Without Reexamination

The bill allows the DEEP commissioner to renew a pesticide applicator's certification that has lapsed for less than one year if the applicator (1) submits a signed renewal application and (2) pays both the renewal fee and any late fee. By law, renewal fees range from \$80 to \$285, depending on the certification level. Under the bill, the late fee is equal to 10% of the renewal fee, plus 1.25% per month or part of a month, dating from when the certification lapsed.

Under the bill, anyone whose certification lapses for one year or more must retake the examination. By law, pesticide application certifications are valid for five years.

§ 1 — WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION

The bill limits the examination requirement for class III and class IV wastewater treatment plant operator certification applicants to the standardized national examination prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators. Current law requires them to also pass additional questions from the DEEP commissioner. It allows the commissioner to designate an agent to administer and proctor the examination.

The bill authorizes the commissioner to adopt regulations on wastewater treatment plant operators' certification application, renewal, and continuing education requirements. Current law allows her to adopt regulations on a regular state-certified training course for operators. The bill also requires the commissioner or her designated agent, in consultation with the state's operator certification advisory board, to approve continuing education and associated courses. The board advises and assists with administering the certification program (Conn. Agencies Regs. § 22a-416-10).

§ 11 — DESIGNATED PERSON TO WITHDRAW HEARING PETITION

Several statutes and regulations require the DEEP commissioner to hold a public hearing before acting on a permit application. Most require her to do so if at least 25 people sign a petition requesting a hearing. Current law allows them to designate in the petition a person authorized to discuss the application and, depending on the outcome of those discussions, withdraw the petition. The bill instead requires the designation of this authorized person.

§ 3 — AQUACULTURE STRUCTURES

Existing law requires a DEEP certificate or permit in order to conduct certain work, including erecting and maintaining structures, in the state's tidal, coastal, or navigable waters, waterward of the coastal jurisdiction line.

The bill exempts from this permitting requirement individual structures used for aquaculture in leased or designated shellfish areas that (1) have a federal Army Corps of Engineers permit and (2) do not

interfere with navigation in designated or customary boating or shipping areas. It eliminates current law's exemption for the structures that do not need an Army Corps permit and are in these areas.

Aquaculture includes the controlled rearing, cultivation, and harvest of aquatic plants and animals. Aquaculture structures include such things as racks, cages, bags, and buoys.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/12/2021)