



Senate

General Assembly

File No. 350

February Session, 2022

Substitute Senate Bill No. 238

Senate, April 6, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENT RELATED STATUTES.

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 (c) of section 22-11h of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective from*
47 *passage*):

48 (c) Individual structures used for aquaculture as defined in section

49 22-11c, including, but not limited to, racks, cages or bags, as well as
50 buoys marking such structures, which [do not otherwise require]
51 received a permit under federal Army Corps of Engineers regulations
52 and do not interfere with navigation in designated or customary boating
53 or shipping lanes and channels, shall be placed in leased or designated
54 shellfish areas and shall be exempt from the requirements of sections
55 22a-359 to 22a-363f, inclusive.

56 Sec. 3. Subsection (c) of section 22a-73 of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective from*
58 *passage*):

59 (c) [No ordinance shall be effective until such ordinance has been
60 approved by the commissioner. No ordinance shall be approved unless
61 it is in conformity with] Any such municipal noise control ordinance
62 shall be at least as stringent as any state noise control plan, including
63 ambient noise standards, adopted pursuant to section 22a-69 or any
64 standards or regulations adopted by the administrator of the United
65 States Environmental Protection Agency pursuant to the Noise Control
66 Act of 1972 (P.L. 92-574) or any amendment thereto. Notwithstanding
67 the provisions of this subsection, any municipality may adopt more
68 stringent noise standards than those adopted by the commissioner. [,
69 provided such standards are approved by the commissioner.]

70 Sec. 4. Subsection (c) of section 22a-174 of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective from*
72 *passage*):

73 (c) The commissioner shall have the power, in accordance with
74 regulations adopted by him, (1) to require that a person, before
75 undertaking the construction, installation, enlargement or
76 establishment of a new air contaminant source specified in the
77 regulations adopted under subsection (a) of this section, submit to him
78 plans, specifications and such information as he deems reasonably
79 necessary relating to the construction, installation, enlargement, or
80 establishment of such new air contaminant source; (2) to issue a permit
81 approving such plans and specifications and permitting the

82 construction, installation, enlargement or establishment of the new air
83 contaminant source in accordance with such plans, or to issue an order
84 requiring that such plans and specifications be modified as a condition
85 to his approving them and issuing a permit allowing such construction,
86 installation, enlargement or establishment in accordance therewith, or
87 to issue an order rejecting such plans and specifications and prohibiting
88 construction, installation, enlargement or establishment of a new air
89 contaminant source in accordance with the plans and specifications
90 submitted; (3) to require periodic inspection and maintenance of
91 combustion equipment and other sources of air pollution; (4) to require
92 any person to maintain such records relating to air pollution or to the
93 operation of facilities designed to abate air pollution as he deems
94 necessary to carry out the provisions of this chapter and section 14-164c;
95 (5) to require that a person in control of an air contaminant source
96 specified in the regulations adopted under subsection (a), obtain a
97 permit to operate such source if the source (A) is subject to any
98 regulations adopted by the commissioner concerning high risk
99 hazardous air pollutants, (B) burns waste oil, (C) is allowed by the
100 commissioner, pursuant to regulations adopted under subsection (a), to
101 exceed emission limits for sulfur compounds, (D) is issued an order
102 pursuant to section 22a-178, or (E) violates any provision of this chapter,
103 or any regulation, order or permit adopted or issued thereunder; (6) to
104 require that a person in control of an air contaminant source who is not
105 required to obtain a permit pursuant to this subsection register with him
106 and provide such information as he deems necessary to maintain his
107 inventory of air pollution sources and the commissioner may require
108 renewal of such registration at intervals he deems necessary to maintain
109 such inventory; (7) to require a permit for any source regulated under
110 the federal Clean Air Act Amendments of 1990, P.L. 101-549; (8) to
111 refuse to issue a permit if the Environmental Protection Agency objects
112 to its issuance in a timely manner under Title V of the federal Clean Air
113 Act Amendments of 1990; and (9) notwithstanding any regulation
114 adopted under this chapter, to require that any source permitted under
115 Title V of the federal Clean Air Act Amendments of 1990 shall comply
116 with all applicable standards set forth in the Code of Federal

117 Regulations, Title 40, Parts 51, 52, 59, 60, 61, 62, 63, 68, 70, 72 to 78,
118 inclusive, and 82, as amended from time to time.

119 Sec. 5. Subsection (d) of section 23-37 of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective from*
121 *passage*):

122 (d) If the state forest fire warden determines that additional state
123 forest fire control personnel are required to assist in extinguishing a
124 forest fire in this state or in another state that is a member of a compact
125 authorized to provide reciprocal aid, the state forest fire warden may
126 temporarily supplement state forest fire control personnel with
127 temporary emergency workers who meet the training and qualification
128 requirements of the National Incident Management System: Wildland
129 Fire Qualification System Guide published by the National Wildfire
130 Coordinating Group, as amended from time to time. The Department of
131 Administrative Services shall assist the state fire warden in developing
132 appropriate classifications for such temporary emergency workers.

133 Sec. 6. Section 23-53 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective from passage*):

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

140 NORTHEASTERN INTERSTATE FOREST FIRE

141 PROTECTION COMPACT

142 ARTICLE I

143 The purpose of this compact is to promote effective prevention and
144 control of forest fires in the northeastern region of the United States and
145 adjacent areas in Canada by the development of integrated forest fire
146 plans, by the maintenance of adequate forest fire fighting services by the

147 member states, by providing for mutual aid in fighting forest fires
 148 among the states of the region and for procedures that will facilitate
 149 such aid, and by the establishment of a central agency to coordinate the
 150 services of member states and perform such common services as
 151 member states may deem desirable.

ARTICLE II

153 This agreement shall become operative immediately as to those states
 154 ratifying it whenever any two or more of the states of Maine, New
 155 Hampshire, Vermont, Rhode Island, Connecticut, New York and the
 156 Commonwealth of Massachusetts have ratified it and the Congress has
 157 given its consent. Any state not mentioned in this article which is
 158 contiguous with any member state may become a party to this compact.
 159 Subject to the consent of the Congress of the United States, any province
 160 of the Dominion of Canada which is contiguous with any member state
 161 may become a party to this compact by taking such action as its laws
 162 and the laws of the Dominion of Canada may prescribe for ratification.
 163 In this event, the term "state" in this compact shall include within its
 164 meaning the term "province" and the procedures prescribed shall be
 165 applied in the instance of such provinces, in accordance with the forms
 166 and practices of the Canadian government.

ARTICLE III

168 Each state joining herein shall appoint three representatives to a
 169 commission hereby designated as the Northeastern Forest Fire
 170 Protection Commission. One shall be the state forester or officer holding
 171 an equivalent position in such state who is responsible for forest fire
 172 control. The second shall be a member of the legislature of such state
 173 designated by the commission or committee on interstate cooperation
 174 of such state, or if there be none, or if said commission on interstate
 175 cooperation cannot constitutionally designate the said member, such
 176 legislator shall be designated by the governor thereof; provided that if
 177 it is constitutionally impossible to appoint a legislator as a commissioner
 178 from such state, the second member shall be appointed by the governor
 179 of said state in his discretion. The third member shall be a person

180 designated by the governor as the responsible representative of the
181 governor. In the event that any province of the Dominion of Canada
182 shall become a member of this commission, it shall designate three
183 members who will approximate this pattern of representation to the
184 extent possible under the law and practices of such province. This
185 commission shall be a body corporate with the powers and duties set
186 forth herein.

187 ARTICLE IV

188 It shall be the duty of the commission to make inquiry and ascertain
189 from time to time such methods, practices, circumstances and
190 conditions as may be disclosed for bringing about the prevention and
191 control of forest fires in the area comprising the member states, to
192 coordinate the forest fire plans and the work of the appropriate agencies
193 of the member states and to facilitate the rendering of aid by the member
194 states to each other in fighting forest fires.

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

199 The commission shall, more than one month prior to any regular
200 meeting of the legislature in any signatory state, present to the governor
201 and to the legislature of the state its recommendations relating to
202 enactments to be made by the legislature of that state in furthering the
203 interests and purposes of this compact.

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

208 The commission shall have power to recommend to the signatory
209 states any and all measures that will effectuate the prevention and
210 control of forest fires.

211

ARTICLE V

212 Any two or more member states may designate the Northeastern
213 Forest Fire Protection Commission as a joint agency to maintain such
214 common services as those states deem desirable for the prevention and
215 control of forest fires. Except in those cases where all member states join
216 in such designation for common services, the representatives of any
217 group of such designating states in the Northeastern Forest Fire
218 Protection Commission shall constitute a separate section of such
219 commission for the performance of the common service or services so
220 designated provided that, if any additional expense is involved, the
221 state so acting shall appropriate the necessary funds for this purpose.
222 The creation of such a section as a joint agency shall not affect the
223 privileges, powers, responsibilities or duties of the states participating
224 therein as embodied in the other articles of this compact.

225

ARTICLE VI

226 The commission may request the United States Forest Service to act
227 as the primary research and coordinating agency of the Northeastern
228 Forest Fire Protection Commission, in cooperation with the appropriate
229 agencies in each state and the United States Forest Service may accept
230 the initial responsibility in preparing and presenting to the commission
231 its recommendations with respect to the regional fire plan.
232 Representatives of the United States Forest Service may attend meetings
233 of the commission and of groups of member states.

234

ARTICLE VII

235 The commission shall annually elect from its members a chairman
236 and a vice-chairman. The commission shall appoint such officers or
237 employees as may be required to carry the provisions of this compact
238 into effect, shall fix and determine their duties, qualifications and
239 compensation, and may at its pleasure, remove or discharge any such
240 officer or employee. The commission shall adopt rules and regulations
241 for the conduct of its business. It may establish and maintain one or
242 more offices for the transaction of its business and may meet at any time

243 or place but must meet at least once a year.

244 A majority of the members of the commission representing a majority
245 of the signatory states shall constitute a quorum for the transaction of its
246 general business, but no action of the commission imposing any
247 obligation on any signatory state shall be binding unless a majority of
248 the members from such signatory state shall have voted in favor thereof.
249 For the purpose of conducting its general business, voting shall be by
250 state units.

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

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

259 ARTICLE VIII

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

264 Whenever the state forest fire control agency of a member state
265 requests aid from the state forest fire control agency of any other
266 member state in combatting, controlling or preventing forest fires, it
267 shall be the duty of the state forest fire control agency of that state to
268 render all possible aid to the requesting agency which is consonant with
269 the maintenance of protection at home.

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

274

ARTICLE IX

275 Whenever the forces of any member state are rendering outside aid
276 pursuant to the request of another member state under this compact, the
277 employees of such state shall, under the direction of the officers of the
278 state to which they are rendering aid, have the same powers (except the
279 power of arrest), duties, rights, privileges and immunities as
280 comparable employees of the state to which they are rendering aid.

281 No member state or its officers or employees rendering outside aid
282 pursuant to this compact shall be liable on account of any act or
283 omission on the part of such forces while so engaged, or on account of
284 the maintenance or use of any equipment or supplies in connection
285 therewith.

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

290 Any member state rendering outside aid pursuant to this compact
291 shall be reimbursed by the member state receiving such aid for any loss
292 or damage to, or expense incurred in the operation of any equipment
293 answering a request for aid, and for the cost of all materials,
294 transportation, wages, salaries, and maintenance of employees and
295 equipment incurred in connection with such request. Provided, that
296 nothing herein contained shall prevent any assisting member state from
297 assuming such loss, damage, expense or other cost or from loaning such
298 equipment or from donating such services to the receiving member state
299 without charge or cost.

300 Each member state shall provide for the payment of compensation
301 and death benefits to injured employees and the representatives of
302 deceased employees in case employees sustain injuries or are killed
303 while rendering outside aid pursuant to this compact, in the same
304 manner and on the same terms as if the injury or death were sustained
305 within such state.

306 For the purposes of this compact the term employee shall include any
307 volunteer or auxiliary legally included within the forest fire fighting
308 forces of the aiding state under the laws thereof.

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

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

316 The provisions of this article that relate to mutual aid in combating,
317 controlling or preventing forest fires shall be applicable to the provision
318 of such aid by any state that is party to this compact and any other state
319 that is party to a regional forest fire protection compact in another
320 region, provided the legislature of such other state assents to the mutual
321 aid provisions of this compact.

322 ARTICLE X

323 When appropriations for the support of this commission or for the
324 support of common services maintained by the commission or a section
325 thereof under the provisions of article V are necessary, the commission
326 or a section thereof shall allocate the costs among the states affected with
327 consideration of the amounts of forested land in those states that will
328 receive protection from the service to be rendered and the extent of the
329 forest fire problem involved in each state, and shall submit its
330 recommendations accordingly to the legislatures of the affected states.

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

335 The commission shall keep accurate books of account, showing in full
336 its receipts and disbursements, and said books of account shall be open

337 at any reasonable time to the inspection of such representatives of the
338 respective signatory states as may be duly constituted for that purpose.

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

342 ARTICLE XI

343 The representatives from any member state may appoint and consult
344 with an advisory committee composed of persons interested in forest
345 fire protection.

346 The commission may appoint and consult with an advisory
347 committee of representatives of all affected groups, private and
348 governmental.

349 ARTICLE XII

350 The commission may accept any and all donations, gifts and grants
351 of money, equipment, supplies, materials and services from the federal
352 or any local government, or any agency thereof and from any person,
353 firm or corporation, for any of its purposes and functions under this
354 compact, and may receive and utilize the same subject to the terms,
355 conditions and regulations governing such donations, gifts and grants.

356 ARTICLE XIII

357 Nothing in this compact shall be construed to authorize or permit any
358 member state to curtail or diminish its forest fire fighting forces,
359 equipment, services or facilities, and it shall be the duty and
360 responsibility of each member state to maintain adequate forest fire
361 fighting forces and equipment to meet normal demands for forest fire
362 protection within its borders.

363 Nothing in this compact shall be construed to limit or restrict the
364 powers of any state ratifying the same to provide for the prevention,
365 control and extinguishment of forest fires, or to prohibit the enactment

366 or enforcement of state laws, rules or regulations intended to aid in such
367 prevention, control and extinguishment in such state.

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

371 ARTICLE XIV

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

378 Sec. 7. Section 23-65g of the general statutes is repealed and the
379 following is substituted in lieu thereof (*Effective October 1, 2022*):

380 (a) There is established a Forest Practices Advisory Board consisting
381 of the State Forester or [his] the State Forester's designee, and nine
382 public members [, six of whom shall be appointed one each by the
383 president pro tempore of the Senate, the majority leader of the Senate,
384 the minority leader of the Senate, the speaker of the House of
385 Representatives, the majority leader of the House of Representatives,
386 the minority leader of the House of Representatives and three of whom
387 shall be appointed by the Governor. The members appointed shall
388 include a professional forester in private practice, a representative of the
389 forest products industry, an officer of an environmental organization
390 headquartered within the state which is concerned primarily with
391 forests, a professor of forestry or natural resources from a college or
392 university within the state, an owner of not less than ten nor more than
393 two hundred fifty acres of forest land, a representative of an
394 environmental organization not primarily concerned with forests and a
395 member of an inland wetlands agency] appointed as follows: (1) Three
396 by the Governor, one of whom shall be an officer of an environmental
397 organization headquartered in the state that is concerned primarily with

398 forests, one of whom shall be a representative of an environmental
399 organization not primarily concerned with forests, and one of whom
400 shall be a member of an inland wetlands agency; (2) one appointed by
401 the speaker of the House of Representatives, who shall be an owner of
402 not less than ten but not more than two hundred fifty acres of forest
403 land; (3) one appointed by president pro tempore of the Senate, who
404 shall be a professional forester in private practice; (4) one appointed by
405 the majority leader of the House of Representatives, who shall be a
406 representative of the forest products industry; (5) one appointed by the
407 majority leader of the Senate, who shall be a professor of forestry or
408 natural resources from a college or university in the state; (6) one
409 appointed by the minority leader of the House of Representatives, who
410 shall be a member of the public; and (7) one appointed by the minority
411 leader of the Senate, who shall be a member of the public.

412 (b) [The appointed members of the initial board shall be appointed so
413 that the terms of two members shall expire on December 31, 1993, the
414 terms of two members shall expire on December 31, 1994, the terms of
415 two members shall expire on December 31, 1995, and the term of one
416 member shall expire on December 31, 1996. Thereafter, each] Each
417 member shall be appointed for a term of four years. Vacancies on the
418 board shall be filled [in the same manner as the original appointments]
419 by the appointing authority, as provided in subsection (a) of this section.
420 Each member of the board shall serve until [his] such member's
421 successor is appointed, provided the term of any member serving as of
422 October 1, 2022, shall expire on October 1, 2022.

423 (c) The State Forester or [his] the State Forester's designee shall serve
424 as chairman of the board. The board shall meet [at least] not less than
425 three times, annually, at such time and place as shall be designated by
426 the chairman, or upon the written request of a majority of the members
427 of the board. A majority of the members shall constitute a quorum for
428 the transaction of business. The principal office of the board shall be the
429 State Forester's office.

430 (d) Members of the board shall be entitled to reimbursement for

431 travel expenses incurred in the performance of their duties.

432 (e) The Forest Practices Advisory Board shall have the following
433 powers and duties:

434 (1) To periodically review applicable regulations concerning forest
435 practices or the certification of forest practitioners and to issue
436 recommendations to the Commissioner of Energy and Environmental
437 Protection for changes to such regulations;

438 (2) To periodically review the programs and policies of the
439 department regarding forests, forest health and forest practices and to
440 issue recommendations to the commissioner for changes to such
441 programs and policies; and

442 (3) To provide advice and guidance to the commissioner regarding
443 the certification of technically proficient forest practitioners and the
444 revocation or suspension of such certification.

445 Sec. 8. Subsection (c) of section 23-65h of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective October*
447 *1, 2022*):

448 (c) An application for the certification as a forest practitioner shall be
449 made to the Commissioner of Energy and Environmental Protection and
450 shall contain such information regarding the applicant's qualifications
451 and proposed operations and other relevant matters as the
452 commissioner deems necessary.

453 (1) The commissioner shall require the applicant for forester
454 certification to demonstrate, upon examination, that [he] the applicant
455 possesses adequate knowledge concerning the proper application of
456 forest management techniques, the ecological and environmental
457 consequences of harvesting activity and mitigating measures to be
458 employed to minimize possible adverse impacts on environmental
459 conditions within the harvest area.

460 (2) The commissioner shall require the applicant for supervising

461 forest products harvester certification to demonstrate, upon
462 examination, that [he] the applicant possesses adequate knowledge
463 concerning techniques and procedures normally employed in the
464 conduct and supervision of a harvest operation, the safe and
465 environmentally responsible operation of harvesting equipment, and
466 mitigating measures to be employed to minimize possible adverse
467 impacts of harvesting activity on environmental conditions within the
468 harvest area.

469 (3) The commissioner shall require the applicant for forest products
470 harvester certification to demonstrate, upon examination, that [he] the
471 applicant possesses adequate knowledge concerning techniques and
472 procedures normally employed in the conduct of a harvest operation
473 and the safe and environmentally responsible operation of harvesting
474 equipment, except that an applicant who demonstrates to the
475 satisfaction of the commissioner that [he] the applicant has engaged in
476 commercial forest practices at least once per year for the ten years
477 immediately preceding October 1, 1991, shall be exempt from such
478 examination requirement.

479 (4) If the commissioner finds that the applicant is competent with
480 respect to the required qualifications, including those provided in
481 section 23-65o, [he] the commissioner shall certify the applicant to
482 perform such forest practices as appropriate to the requested
483 certification. The certification shall be valid for a period not to exceed
484 five years and may be renewed by the commissioner with or without
485 further examination. The commissioner may establish regulations for
486 forest practitioner certification so that one-fifth of the certificates expire
487 each year. The commissioner may certify a forest practitioner for less
488 than five years and prorate the registration fee accordingly to
489 implement the regulations established pursuant to this subsection. The
490 commissioner may grant a sixty-day extension for any forest
491 practitioner who failed to submit a complete application for renewal
492 prior to the expiration date of such forest practitioner's certification.
493 Such forest practitioner shall submit a complete application for renewal
494 not later than the end date of such sixty-day extension period. Any such

495 renewed certification issued by the commissioner following such a
496 sixty-day extension period shall not require reexamination by such
497 forest practitioner prior to such issuance but shall require the
498 submission of an additional fee, as determined by the commissioner.

499 (5) If the commissioner finds that the applicant is not competent with
500 respect to the requirements for the requested certification, the
501 commissioner shall refuse to issue the applicant a certificate. The
502 commissioner shall inform the applicant of the refusal in writing, giving
503 the reasons for such refusal. Any person aggrieved by such refusal may,
504 within thirty days from date of issuance of such denial, request a
505 hearing before the commissioner, which hearing shall be conducted in
506 accordance with chapter 54.

507 (6) The commissioner may certify without examination any person
508 who is certified in another state under a law which provides
509 substantially similar qualifications for certification [and which grants
510 similar privileges of certification without examination to residents of
511 this state certified under the provisions of this section] or through
512 examination by the Society of American Foresters, or a similar
513 organization, that provides substantially similar qualifications for
514 certification provided such person can demonstrate knowledge of the
515 forestry laws of this state to the commissioner's satisfaction.

516 (7) The commissioner may, by regulation, adopted in accordance
517 with the provisions of chapter 54, prescribe fees for applicants to defray
518 the cost of administering examinations and carrying out the provisions
519 of this chapter. A state or municipal employee who engages in activities
520 for which certification is required by this section solely as part of his
521 employment shall be exempt from payment of a fee. Any certificate
522 issued to a state or municipal employee for which a fee has not been
523 paid shall be void upon termination of such government employment.

524 (8) The commissioner may require the display of a decal or other
525 evidence, indicating that a commercial forest practitioner has met the
526 requirements of sections 23-65f to 23-65o, inclusive, in a prominent place
527 on any licensed motor vehicle used in the practitioner's operations. A

528 fee may be charged to the certified practitioner to cover the cost of the
529 decal or other evidence.

530 (9) The commissioner shall require all forest practitioners certified
531 under sections 23-65f to 23-65o, inclusive, to participate [biennially] in a
532 relevant program of professional education to improve or maintain
533 professional forestry skills that is sponsored by the Department of
534 Energy and Environmental Protection, the New England Society of
535 American Foresters, The University of Connecticut, Yale University or
536 the Connecticut cooperative extension system, or participation in
537 another program approved by the department. Participation in such
538 professional education shall occur during the recertification cycle and
539 be in accordance with the prescribed schedule set forth in regulations
540 adopted pursuant to sections 23-65f to 23-65o, inclusive.

541 Sec. 9. Section 23-65i of the general statutes is repealed and the
542 following is substituted in lieu thereof (*Effective October 1, 2022*):

543 (a) Each certified forester, except any state employee who engages in
544 activities regulated by sections 23-65f to 23-65o, inclusive, solely as part
545 of his employment, shall submit an annual report to the Commissioner
546 of Energy and Environmental Protection on or before June first of each
547 year in a form prescribed by the commissioner. Such report shall
548 include, but not be limited to, the following information:

549 (1) The number of forest management plans completed and acres
550 covered by said plans;

551 (2) The number and type of timber stand improvements completed
552 and acres so improved;

553 (3) The number of acres planted in reforestation, afforestation and in
554 Christmas tree plantations;

555 (4) The number of commercial forest product sales, the total number
556 of acres harvested in such sales, the type and total volumes of products
557 generated by such sales and total annual expenditure for the purchase
558 of such sales;

559 (5) [Evidence] Attestation of [biennial] participation in a relevant
560 program of professional education to improve or maintain professional
561 forestry skills that is sponsored by the Department of Energy and
562 Environmental Protection, the New England Society of American
563 Foresters, The University of Connecticut, Yale University or the
564 Connecticut cooperative extension system, or participation in another
565 program approved by the department, provided proof of such
566 participation shall be furnished to the commissioner upon request and
567 be in accordance with the prescribed schedule set forth in regulations
568 adopted pursuant to sections 23-65f to 23-65o, inclusive; and

569 (6) Other information which the commissioner deems necessary.

570 (b) Each certified supervising forest products harvester shall be
571 required to submit an annual report to the Commissioner of Energy and
572 Environmental Protection on or before June first of each year in a form
573 prescribed by the commissioner. Such report shall include, but not be
574 limited to, the following information:

575 (1) The number of commercial forest product sales harvested, and the
576 type and total volumes of products generated by such sales;

577 (2) [Evidence] Attestation of [biennial] participation in a relevant
578 program of professional education to improve or maintain forest
579 products harvesting skills that is sponsored by the Department of
580 Energy and Environmental Protection, the New England Society of
581 American Foresters, the University of Connecticut, Yale University, the
582 Connecticut cooperative extension system or is otherwise approved by
583 the department, provided proof of such participation shall be furnished
584 to the commissioner upon request and be in accordance with the
585 prescribed schedule set forth in regulations adopted pursuant to
586 sections 23-65f to 23-65o, inclusive; and

587 (3) Other information which the commissioner deems necessary.

588 (c) All certified forest products harvesters shall be required to submit
589 to the Commissioner of Energy and Environmental Protection, on or

590 before June first of each year, annual reports in a form prescribed by the
591 commissioner. Such reports shall include, but not be limited to, the
592 following information:

593 (1) [Evidence] Attestation of [biennial] participation in a relevant
594 program of professional education to improve or maintain forest
595 products harvesting skills that is sponsored by the Department of
596 Energy and Environmental Protection, the New England Society of
597 American Foresters, The University of Connecticut, Yale University, the
598 Connecticut cooperative extension system or is otherwise approved by
599 the department, provided proof of such participation shall be furnished
600 to the commissioner upon request and be in accordance with the
601 prescribed schedule set forth in regulations adopted pursuant to
602 sections 23-65f to 23-65o, inclusive; and

603 (2) Other information the commissioner deems necessary.

604 Sec. 10. Subsection (f) of section 22a-54 of the general statutes is
605 repealed and the following is substituted in lieu thereof (*Effective from*
606 *passage*):

607 (f) (1) The commissioner may by regulation adopted in accordance
608 with the provisions of chapter 54 prescribe fees for applicants to defray
609 the cost of administering examinations and assisting in carrying out the
610 purposes of section 22a-451, except the fees for certification and renewal
611 of a certification shall be as follows: [(1)] (A) For supervisory
612 certification as a commercial applicator, two hundred eighty-five
613 dollars; [(2)] (B) for operational certification as a commercial applicator,
614 eighty dollars; [,] and [(3)] (C) for certification as a private applicator,
615 one hundred dollars. A federal, state or municipal employee who
616 applies pesticides solely as part of his employment shall be exempt from
617 payment of a fee. Any certificate issued to a federal, state or municipal
618 employee for which a fee has not been paid shall be void if the holder
619 leaves government employment. The fees collected in accordance with
620 this section shall be deposited in the General Fund.

621 (2) Not less than sixty days before the date of expiration of a

622 certification, the commissioner shall provide notice of expiration and a
623 renewal application to each holder of a certification. If a signed renewal
624 application accompanied by the applicable renewal fee is not received
625 by the commissioner on or before midnight of the expiration date, or if
626 the expiration date is a Saturday, Sunday or a legal holiday, on or before
627 midnight of the next business day, the certification shall automatically
628 lapse. Failure of a holder of a certification to receive a notice of
629 expiration and renewal application shall not prevent a lapse of a
630 certification.

631 (3) The commissioner may renew any certification issued pursuant to
632 this section for the holder of a certification that has lapsed less than one
633 year, provided the holder of such certification submits to the
634 commissioner a signed renewal application, payment of the applicable
635 renewal fee and any late fee. Such late fee shall be calculated as follows:
636 Beginning on the first day that such certification lapses, ten per cent of
637 the applicable renewal fee plus one and one-quarter per cent per month,
638 or part thereof, for a period not to exceed one year. Any holder of a
639 certification that has lapsed one year or more shall be examined in
640 accordance with the requirements of this section and any regulation
641 adopted pursuant to the provisions of this section.

642 Sec. 11. Subsection (g) of section 22a-50 of the general statutes is
643 repealed and the following is substituted in lieu thereof (*Effective January*
644 *1, 2023*):

645 (g) The registrant shall pay a fee of [nine hundred forty dollars] one
646 hundred eighty-eight dollars per calendar year, or any portion thereof,
647 for each pesticide registered and for each renewal of a registration. [A
648 registration shall expire after five years.] The commissioner may register
649 a pesticide for a period of one year or a period of five years. For such
650 five-year registrations, the commissioner shall establish regulations to
651 phase in pesticide registration so that one fifth of the pesticides
652 registered expire each year. The commissioner may register a pesticide
653 for less than five years and prorate the registration fee accordingly to
654 implement the regulations established pursuant to this subsection. The

655 fees collected in accordance with this section shall be deposited in the
656 General Fund. There shall be no refund of a registration fee if a product
657 is voluntarily withdrawn or cancelled before the end of its registration
658 period.

659 Sec. 12. Section 22a-152 of the 2022 supplement to the general statutes
660 is repealed and the following is substituted in lieu thereof (*Effective*
661 *October 1, 2022*):

662 The Governor, on behalf of this state, is authorized to enter into
663 agreements with the [government of the United States] United States
664 Nuclear Regulatory Commission providing for [relinquishment]
665 discontinuance of certain of the programs of the government of the
666 United States with respect to sources of ionizing radiation and the
667 assumption thereof by this state, as provided for in the Atomic Energy
668 Act of 1954, as amended.

669 Sec. 13. Section 22a-153 of the general statutes is amended by adding
670 subsection (g) as follows (*Effective from passage*):

671 (NEW) (g) This section shall not be construed to confer authority to
672 regulate materials or activities reserved to the United States Nuclear
673 Regulatory Commission under 42 USC 2021(c) and 10 CFR Part 150.

674 Sec. 14. Section 22a-154 of the general statutes is amended by adding
675 subsection (d) as follows (*Effective from passage*):

676 (NEW) (d) Any person that has a license prior to the effective date of
677 an agreement pursuant to section 22a-152, as amended by this act, from
678 the federal government or agreement state relating to by-product
679 material, source material or special nuclear material and which license
680 will be subject to the control of this state upon the effective date of such
681 agreement, shall be considered to have a like license with this state until
682 the expiration date specified in such license from the federal
683 government or agreement state or until the end of the ninetieth day after
684 such person receives notice from the Department of Energy and
685 Environmental Protection that such license will be deemed expired.

686 Sec. 15. Section 16a-102 of the general statutes is amended by adding
687 subsection (e) as follows (*Effective from passage*):

688 (NEW) (e) The commissioner may enter into any agreement with the
689 United States Nuclear Regulatory Commission pursuant to Section 274i
690 of the Atomic Energy Act of 1954, as amended, or any other federal
691 government agency, state or interstate agency for the state to perform
692 on a cooperative basis with such commission, other federal government
693 agency, state or interstate agency, as applicable, inspections or other
694 functions relating to the control of sources of radiation.

695 Sec. 16. Subdivisions (1) and (2) of subsection (a) of section 22a-6b of
696 the general statutes are repealed and the following is substituted in lieu
697 thereof (*Effective from passage*):

698 (1) For failure to file any registration, other than a registration for a
699 general permit, for failure to file any plan, report or record, or any
700 application for a permit, for failure to obtain any certification, for failure
701 to display any registration, permit or order, or file any other information
702 required pursuant to any provision of section 14-100b or 14-164c,
703 subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172,
704 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter
705 441, sections 22a-134 to 22a-134d, inclusive, subsection (b) of section 22a-
706 134p, sections 22a-148 to 22a-162a, inclusive, section 22a-171, 22a-174, as
707 amended by this act, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-
708 184, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-220, 22a-231, 22a-245a, 22a-
709 336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-358, 22a-
710 359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive, 22a-411,
711 22a-411a, 22a-416, as amended by this act, 22a-417, 22a-424 to 22a-433,
712 inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461,
713 22a-462 or 22a-471, or any regulation, order or permit adopted or issued
714 thereunder by the commissioner, and for other violations of similar
715 character as set forth in such schedule or schedules, no more than one
716 thousand dollars for said violation and in addition no more than one
717 hundred dollars for each day during which such violation continues;

718 (2) For deposit, placement, removal, disposal, discharge or emission

719 of any material or substance or electromagnetic radiation or the causing
 720 of, engaging in or maintaining of any condition or activity in violation
 721 of any provision of section 14-100b or 14-164c, subdivision (3) of
 722 subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
 723 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-
 724 134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b) of
 725 section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-162,
 726 22a-171, 22a-174, as amended by this act, 22a-175, 22a-177, 22a-178, 22a-
 727 181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213, 22a-
 728 220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p, 22a-
 729 358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,
 730 22a-411, 22a-411a, 22a-416, as amended by this act, 22a-417, 22a-424 to
 731 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458,
 732 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted
 733 thereunder by the commissioner, and for other violations of similar
 734 character as set forth in such schedule or schedules, no more than
 735 twenty-five thousand dollars for said violation for each day during
 736 which such violation continues;

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>	22-11h(c)
Sec. 3	<i>from passage</i>	22a-73(c)
Sec. 4	<i>from passage</i>	22a-174(c)
Sec. 5	<i>from passage</i>	23-37(d)
Sec. 6	<i>from passage</i>	23-53
Sec. 7	<i>October 1, 2022</i>	23-65g
Sec. 8	<i>October 1, 2022</i>	23-65h(c)
Sec. 9	<i>October 1, 2022</i>	23-65i
Sec. 10	<i>from passage</i>	22a-54(f)
Sec. 11	<i>January 1, 2023</i>	22a-50(g)
Sec. 12	<i>October 1, 2022</i>	22a-152
Sec. 13	<i>from passage</i>	22a-153
Sec. 14	<i>from passage</i>	22a-154
Sec. 15	<i>from passage</i>	16a-102
Sec. 16	<i>from passage</i>	22a-6b(a)(1) and (2)

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 23 \$	FY 24 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Under 20,000	Under 20,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to environment-related statutes:

Section 10 authorizes the Department of Energy and Environmental Protection (DEEP) to renew certain lapsed pesticide applicator certifications without reexamination, but with payment of a late fee.¹ This is expected to result in a revenue gain to DEEP, anticipated to be minimal, as some amount of late fees are expected to be collected by the agency.

Additionally, **Section 11** authorizes DEEP to register pesticides either on an annual basis or, as under current law, for five-year periods. As DEEP is currently shifting this program to an e-licensing system, this could alter the distribution of revenue on an annual basis but is not anticipated to change the overall amount revenue collected under the program.

Lastly, **Section 16** of the bill applies existing penalties (of up to \$1,000

¹ 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.

for a violation, plus up to \$100 for each day that the violation continues) for failing to file certain documents under the radiation materials laws. This provision could result in a minimal revenue gain to DEEP to the extent violations occur.

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 the amount of fees remitted.

OLR Bill Analysis**sSB 238*****AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENT RELATED STATUTES.*****SUMMARY**

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

1. eliminates the Department of Energy and Environmental Protection (DEEP) commissioner's role in approving municipal noise ordinances (§ 3);
2. allows Connecticut to exchange forest fire protection and control resources with states beyond New England and New York (§ 6);
3. authorizes the commissioner to (a) grant a 60-day extension to renew a commercial forest practitioner certification and (b) certify additional forest practitioners without examination (§ 8);
4. changes the continuing education requirements and associated reporting requirements for forest practitioners (§§ 8 & 9);
5. requires the commissioner to notify certified pesticide applicators about an upcoming certification expiration (§ 10);
6. authorizes the commissioner to renew certifications for pesticide applicators whose certifications have lapsed for less than one year without reexamination, but with payment of a late fee (§ 10);
7. authorizes the commissioner to register pesticides either on an annual basis or, as under current law, for five-year periods (§ 11);
8. prohibits registration fee refunds for pesticide products that are voluntarily withdrawn or cancelled before the registration period

- ends (§ 11);
9. limits the examination requirement for class III and IV wastewater treatment plant operator certification applicants to the standardized national examination (§ 1);
 10. as part of Connecticut's shift to "agreement state status" with the U.S. Nuclear Regulatory Commission (NRC), (a) allows the commissioner to enter into agreements with NRC and certain other governmental agencies for inspections or other radiation control functions and (b) specifies that existing licenses that will become subject to state oversight will have a like-license until their expiration (§§ 14 & 15);
 11. applies existing penalties for failing to file registrations or certain documents or disposing of, discharging, or demitting material or electromagnetic radiation to violations of the state's radiation and radiation materials laws (§ 16);
 12. exempts certain aquaculture structures in tidal, coastal, or navigable waters from a DEEP permitting requirement (§ 2); and
 13. 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.) (§ 4).

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 fight a forest fire in a state with which Connecticut has agreed to provide reciprocal aid, rather than only for in-state fires (§ 5).

EFFECTIVE DATE: Upon passage, except technical changes to a radiation statute and the provisions on the Forest Practice Advisory

Board and forest practitioner certification take effect October 1, 2021, and the pesticide registration provision takes effect January 1, 2023.

§ 3 — NOISE REGULATION

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 and state 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 commissioner's approval requirement and (2) requires municipal noise ordinances to be at least as stringent as applicable federal and state noise standards or regulations.

§§ 6-9 — FOREST PRACTICES

Interstate Forest Fire Resources (§ 6)

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, fight, or prevent forest fires and address issues such as the powers and rights of responding forces, liability, and repayment for services.

Forest Practices Advisory Board (§ 7)

By law, the Forest Practices Advisory Board consists of the state forester, who also serves as the board's chair, and nine members appointed by the governor and legislative leaders.

The bill (1) allows the state forester to designate someone to serve in his place on the board and (2) designates qualifications to the board's

appointed members, as shown in Table 1, below. Current law provides qualifications, generally, for six appointments; it does not specify the qualifications for each appointment. Under the bill, the current board member's terms expire on October 1, 2022.

Table 1: Forest Practices Advisory Board Member Qualifications

<i>Appointing Authority</i>	<i>Designated qualifications</i>
Governor	<ul style="list-style-type: none"> • an officer of an environmental organization headquartered in Connecticut that is concerned mainly with forests* • a representative of an environmental organization not mainly concerned with forests* • an inland wetlands agency member*
House Speaker	<ul style="list-style-type: none"> • an owner of at least 10, but no more than 250, forest land acres*
Senate President Pro Tempore	<ul style="list-style-type: none"> • a professional forester in private practice*
House Majority Leader	<ul style="list-style-type: none"> • a forest products industry representative
Senate Majority Leader	<ul style="list-style-type: none"> • a professor of forestry or natural resources from a college or university in Connecticut*
House Minority Leader	<ul style="list-style-type: none"> • a member of the public
Senate Minority Leader	<ul style="list-style-type: none"> • a member of the public

*denotes a qualification generally listed in current law

By law, the advisory council's responsibilities are (1) reviewing and recommending changes to regulations on forest practices or certifying forest practitioners; (2) reviewing and recommending changes to DEEP's programs and policies about forests, forest health, and forest practices; and (3) advising the DEEP commissioner about certifying technically proficient forest practitioners and revoking or suspending certifications.

Forest Practitioner Certification and Continuing Education (§§ 8 & 9)

60-Day Extension for Renewals. The bill allows the DEEP commissioner to grant a certified forest practitioner a 60-day extension to submit a renewal application if he or she did not do so before the certification expired. A practitioner granted an extension must (1)

submit a complete application within the 60-day period and (2) pay a fee the commissioner sets in addition to the \$235 renewal fee (Conn. Agencies Regs. § 23-65h-1(r)). The bill specifies that the practitioner is not required to retake the certification examination.

By law, there are three classifications of certified forest practitioners: forester, supervising forest products harvester, and forest products harvester. Certifications must be renewed every four years (Conn. Agencies Regs. § 23-65h-1(k)).

Alternative Certification. The bill allows the DEEP commissioner to certify a forest practitioner without examination if he or she is certified through an examination given by the Society of American Foresters or a similar organization. The commissioner may do this only if the (1) organization's certification qualifications are substantially similar to Connecticut's and (2) practitioner can show knowledge of Connecticut's forestry laws to the commissioner's satisfaction.

The law already allows the commissioner to certify forest practitioners without examination if they are certified in another state with substantially similar certification qualifications and that state grants similar privileges to Connecticut residents.

Continuing Education. By law, certified forest practitioners must participate in continuing education programs to improve or maintain their professional forestry skills. Existing regulations provide that these practitioners must obtain continuing education credits, ranging from six to 12 credits depending on the certification involved, to renew their credential every four years (Conn. Agencies Regs. § 23-65h-1(k) & (q)).

The bill eliminates a requirement that practitioners participate in continuing education programs on a biennial basis, thus allowing them to fulfill their education requirements at any time during the four-year term. It requires practitioners to meet these requirements according to a schedule to be set out in regulations.

The bill also requires the practitioners to attest to, rather than provide

evidence of, their participation in continuing education programs as part of their annual forest practice activity reports to DEEP. But, if the DEEP commissioner requests it, practitioners must provide proof of program participation, in keeping with the regulations' set schedule.

§ 10 — 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.

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. But failing to receive the notice and application from DEEP does not prevent a certification's lapse.

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 applicator certifications are valid for five years.

§ 1 — WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION

The bill limits the exam requirement for class III and class IV wastewater treatment plant operator certification applicants to the standardized national exam 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. The bill also allows the commissioner to designate an agent to administer and proctor the exam.

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).

§§ 12-16 — RADIATION REGULATION

PA 21-2, June Special Session, §§ 40-50, requires the DEEP commissioner to adopt regulations to secure "agreement state status" with the NRC. This status authorizes states to assume NRC responsibility for regulating and licensing byproduct material (radioisotopes), source materials (uranium and thorium), and certain amounts of special nuclear materials. (NRC remains responsible for regulating nuclear power plants; uses of nuclear material, such as in nuclear medicine; and nuclear waste.)

The bill makes several minor and technical changes to carry out the state's shift to agreement state status and obtain additional oversight of radiation and radioactive materials. Among these changes, the bill:

1. specifies that NRC keeps regulatory oversight over certain materials and activities that federal law and regulations reserves to it (e.g., operation of uranium enrichment facilities; import or export of byproduct, sources, or special nuclear materials; disposing of certain products in the ocean; and storing spent fuel and radioactive waste);
2. requires the licenses (either with NRC or with another agreement state) in existence before the effective date of Connecticut's

agreement with NRC to be like-licenses with Connecticut until (a) the license's expiration date or (b) 90 days after the licensee is notified by DEEP that the license will be expired; and

3. allows the DEEP commissioner to enter into any agreement with NRC or any other federal governmental agency, state, or interstate agency for the state to perform inspections or other radiation sources control functions.

The bill applies to the state's radiation and radioactive materials law (or a regulation, order, or permit adopted under it), the penalties under existing law for failing to (1) file a required registration (other than a general permit), plan, report, record, permit application, or other document; (2) obtain a certification; or (3) display a registration, permit, or order. The penalty is a fine of up to \$1,000 for a violation, plus up to \$100 for each day that the violation continues.

The bill similarly applies to this law (and associated regulations, orders, or permits) existing law's penalties for (1) depositing, placing, removing, disposing, discharging, or emitting any material, substance, or electromagnetic radiation or (2) causing, engaging in, or maintaining a condition or activity that violates certain specified statutes. The penalty for these violations is up to a \$25,000 fine for each day a violation continues.

Existing law, unchanged by the bill, imposes criminal penalties (fines, imprisonment, or both) for criminally negligent violations of the radiation and radioactive materials law and knowingly making false statements in associated documents.

§ 2 — 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 things like racks, cages, bags, and buoys.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/21/2022)