

**Proposed Substitute
Bill No. 1145**

January Session, 2023

LCO No. 6259

**AN ACT CONCERNING THE ESTABLISHMENT OF SECTOR SPECIFIC
SUBTARGETS FOR GREENHOUSE GAS EMISSIONS REDUCTIONS
AND REGULATING EMISSIONS OF SMALL-OFF ROAD ENGINES.**

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

1 Section 1. Subdivisions (1) and (2) of subsection (a) of section 22a-6b
2 of the general statutes are repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2023*):

4 (1) For failure to file any registration, other than a registration for a
5 general permit, for failure to file any plan, report or record, or any
6 application for a permit, for failure to obtain any certification, for failure
7 to display any registration, permit or order, or file any other information
8 required pursuant to any provision of section 14-100b or 14-164c,
9 subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172,
10 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter
11 441, sections 22a-134 to 22a-134d, inclusive, subsection (b) of section 22a-
12 134p, sections 22a-148 to 22a-162a, inclusive, section 22a-171, 22a-174,
13 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a,
14 22a-209, 22a-213, 22a-200a, as amended by this act, 22a-220, 22a-231, 22a-
15 245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p,
16 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,
17 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-
18 447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-
19 471, or any regulation, order or permit adopted or issued thereunder by
20 the commissioner, and for other violations of similar character as set
21 forth in such schedule or schedules, no more than one thousand dollars

22 for said violation and in addition no more than one hundred dollars for
23 each day during which such violation continues;

24 (2) For deposit, placement, removal, disposal, discharge or emission
25 of any material or substance or electromagnetic radiation or the causing
26 of, engaging in or maintaining of any condition or activity in violation
27 of any provision of section 14-100b or 14-164c, subdivision (3) of
28 subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
29 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-
30 134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b) of
31 section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-162,
32 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184,
33 22a-190, 22a-200a, as amended by this act, 22a-208, 22a-208a, 22a-209,
34 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a,
35 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405,
36 inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433,
37 inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461,
38 22a-462 or 22a-471, or any regulation, order or permit adopted
39 thereunder by the commissioner, and for other violations of similar
40 character as set forth in such schedule or schedules, no more than
41 twenty-five thousand dollars for said violation for each day during
42 which such violation continues;

43 Sec. 2. Section 22a-200 of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2023*):

45 As used in sections 22a-200, as amended by this act, to [22a-200b,
46 inclusive,] 22a-200d and 4a-67h:

47 (1) "Direct emissions" means greenhouse gas emissions from sources
48 that are owned or operated, in whole or in part, by an entity or facility,
49 including, but not limited to, emissions from: [factory stacks,
50 manufacturing processes and vents, and company owned or leased
51 motor vehicles] (A) sources combusting heating or transportation fuels,
52 (B) any building stack, vent or structure, (C) any distribution system, or
53 (D) any residential, commercial, institutional, industrial or agricultural

54 waste management or manufacturing process;

55 (2) "Entity" means a person, as defined in section 22a-2, that owns or
56 operates, in whole or in part, a source of greenhouse gas emissions from
57 a generator of electricity or a commercial or industrial site, which source
58 may include, but not be limited to, a transportation fleet;

59 (3) "Facility" means a building, structure or installation located on any
60 one or more contiguous or adjacent properties of an entity;

61 (4) "Greenhouse gas" means any chemical or physical substance that
62 is emitted into the air and that the Commissioner of Energy and
63 Environmental Protection may reasonably anticipate will cause or
64 contribute to climate change, including, but not limited to, carbon
65 dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons
66 and sulfur hexafluoride;

67 (5) "Indirect emissions" means greenhouse gas emissions associated
68 with the consumption of purchased electricity, steam and heating or
69 cooling by an entity or facility and the sale or distribution of
70 transportation fuels or heating fuels;

71 (6) "Negative emissions" means greenhouse gases that are removed
72 from the atmosphere through nature-based solutions such as soils,
73 forests, wetlands or working or natural lands and through negative
74 emissions technologies; and

75 (7) "Negative emissions technology" means any technology
76 determined by the Commissioner of Energy and Environmental
77 Protection to remove greenhouse gases from the atmosphere.

78 Sec. 3. Section 22a-200a of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2023*):

80 (a) The state shall reduce the level of emissions of greenhouse gas:

81 (1) Not later than January 1, 2020, to a level at least ten per cent below

82 the level emitted in 1990;

83 (2) Not later than January 1, 2030, to a level at least forty-five per cent
84 below the level emitted in 2001;

85 (3) Not later than January 1, 2040, to a level of zero per cent from
86 electricity supplied to electric customers in the state;

87 (4) Not later than January 1, 2050, to [a] an economy-wide net zero
88 level provided emissions of greenhouse gases are at least eighty per cent
89 below the level emitted in 2001; and

90 (5) [All of the levels referenced in this subsection shall be determined
91 by the Commissioner of Energy and Environmental Protection] Not
92 later than January 1, 2025, the Commissioner of Energy and
93 Environmental Protection shall adopt regulations, in accordance with
94 the provisions of chapter 54, to establish sector-specific subtargets for
95 commercial and industrial heating and cooling, residential heating and
96 cooling, industrial processes, natural gas distribution and service,
97 natural and working lands and any other sector or source the
98 commissioner may designate as necessary to meet the levels in
99 subdivisions (1) to (4), inclusive, of this subsection, provided the
100 subtarget for electricity supply shall be the level specified in subdivision
101 (3) of this subsection. Such regulations shall provide that sector-based
102 state-wide greenhouse gas emission subtargets for a given year shall
103 not, in the aggregate, exceed the state-wide greenhouse gas emissions
104 level for the year. Additionally, such regulations shall provide that such
105 subtargets shall be expressed in tons of carbon dioxide equivalents and
106 shall be determined to be necessary by the commissioner for meeting
107 each state-wide greenhouse gas emissions level established in this
108 subsection. In a report issued pursuant to subsection (c) of this section
109 or subsection (a) of section 22a-200b, as amended by this act, and
110 released on or before December 31, 2040, the commissioner shall review
111 and, as necessary, update such sector subtarget regulations. The
112 commissioner may update such sector subtarget regulations more
113 frequently if, at any time, the commissioner determines that current

114 subtargets will not result in meeting each state-wide greenhouse gas
115 emissions level established in this subsection.

116 (b) On or before January 1, 2010, and biannually thereafter, the state
117 agencies that are members of the Governor's Steering Committee on
118 Climate Change shall submit a report to the Secretary of the Office of
119 Policy and Management and the Commissioner of Energy and
120 Environmental Protection. The report shall identify existing and
121 proposed activities and improvements to the facilities of such agencies
122 that are designed to meet state agency energy savings goals established
123 by the Governor. The report shall also identify policies and regulations
124 that could be adopted in the near future by such agencies to reduce
125 greenhouse gas emissions in accordance with subsection (a) of this
126 section.

127 (c) Not later than January 1, 2012, and every three years thereafter,
128 the Commissioner of Energy and Environmental Protection shall, in
129 consultation with the Secretary of the Office of Policy and Management
130 and the Governor's Steering Committee on Climate Change, report, in
131 accordance with the provisions of section 11-4a, to the joint standing
132 committees of the General Assembly having cognizance of matters
133 relating to the environment, energy and transportation on the
134 quantifiable emissions reductions achieved pursuant to subsection (a)
135 of this section. The report shall include a schedule of proposed
136 regulations, policies and strategies designed to achieve the limits of
137 greenhouse gas emissions imposed by said subsection, an assessment of
138 the latest scientific information and relevant data regarding global
139 climate change and the status of greenhouse gas emission reduction
140 efforts, including polices and regulations to increase negative emissions
141 in other states and countries.

142 (d) At least one year prior to the effective date of any federally
143 mandated greenhouse cap and trade program including greenhouse gas
144 emissions subject to any state cap and trade requirements adopted
145 pursuant to this section, the Commissioner of Energy and

146 Environmental Protection and the Secretary of the Office of Policy and
147 Management shall report, in accordance with the provisions of section
148 11-4a, to the joint standing committees of the General Assembly having
149 cognizance of matters relating to the environment, energy and
150 technology and transportation. Such report shall explain the differences
151 between such federal and state requirements and shall identify any
152 further regulatory or legislative actions needed to achieve consistency
153 with such federal program.

154 (e) The Commissioner of Energy and Environmental Protection may
155 adopt regulations, in accordance with the provisions of chapter 54, to
156 reduce indirect and direct emissions in order to achieve the greenhouse
157 gas emission levels specified in subdivisions (1) to (4), inclusive, of
158 subsection (a) of this section. Such regulations may include, but shall not
159 be limited to, implementation of the policies, strategies, and any other
160 actions identified in any report prepared pursuant to subsection (c) of
161 this section, market-based compliance mechanisms developed
162 independently or with interested states and Canadian provinces, or the
163 recommended regulatory actions identified pursuant to subsection (a)
164 of section 22a-200b of the general statutes, as amended by this act. Such
165 regulations shall, to the extent practicable, distribute environmental
166 benefits equitably and in a manner that protects communities that are
167 or have been overburdened by air pollution. Such regulations may
168 prioritize emission reduction or abatement strategies over emission
169 offset or removal strategies whenever any such reduction or abatement
170 strategy is technically feasible, cost-effective for the state and is likely to
171 be more durable than offset or removal strategies.

172 Sec. 4. Section 22a-200b of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2023*):

174 (a) The Commissioner of Energy and Environmental Protection shall,
175 with the advice and assistance of a nonprofit association organized to
176 provide scientific, technical, analytical and policy support to the air
177 quality and climate programs of northeastern states: (1) Not later than

178 December 1, 2009, publish an inventory of greenhouse gas emissions to
179 establish a baseline for such emissions for the state and publish a
180 summary of greenhouse gas emission reduction strategies on the
181 Department of Energy and Environmental Protection's Internet web
182 site, (2) not later than July 1, 2010, publish results of various modeling
183 scenarios concerning greenhouse gas emissions, including, but not
184 limited to, an evaluation of the potential economic and environmental
185 benefits and opportunities for economic growth based on such
186 scenarios, (3) not later than July 1, 2011, analyze greenhouse gas
187 emission reduction strategies and, after an opportunity for public
188 comment, make recommendations on which such strategies will achieve
189 the greenhouse gas emission levels specified in section 22a-200a, as
190 amended by this act, [and] (4) not later than [July 1, 2012] December 31,
191 2023, and every three years thereafter, develop, with an opportunity for
192 public comment, a schedule of recommended regulatory actions by
193 relevant agencies, policies and other actions necessary to [show
194 reasonable further progress towards achieving] achieve the greenhouse
195 gas emission levels specified in section 22a-200a, as amended by this act,
196 and to increase negative emissions, and (5) not later than July 1, 2025,
197 adopt modeling scenarios to publish a baseline inventory of natural and
198 working lands carbon fluxes and include a state-wide inventory of
199 negative emissions in the report prepared pursuant to subsection (c) of
200 section 22a-200a, as amended by this act, and the recommended
201 schedule of regulatory actions in subdivision (4) of this subsection.

202 (b) The commissioner may adopt regulations, in accordance with the
203 provisions of chapter 54, to implement the provisions of this section.
204 Nothing in section 4a-67h, 22a-200, as amended by this act, or 22a-200a,
205 as amended by this act, or this section shall limit a state agency from
206 adopting any regulation within its authority in accordance with the
207 provisions of chapter 54.

208 Sec. 5. Section 22a-186a of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective October 1, 2023*):

210 (a) No permit under section 22a-174 or 22a-183, except a permit for
211 the burning of brush under subsection (f) of said section 22a-174, shall
212 be granted, renewed or modified unless the commissioner considers air
213 pollution emitted from all sources on the land where the activity
214 requiring the permit is located and [he] determines that each source
215 conforms to regulations adopted under section 22a-174 and does not
216 pose a health hazard.

217 (b) For the purposes of granting or modifying a permit for fossil-
218 fueled electricity-generating units, the commissioner shall require an
219 evaluation of the replacement of some or all of the fossil-fueled
220 electricity-generating capacity with nonemitting energy or energy
221 storage. Such evaluation shall be prepared by an independent contractor
222 at the applicant's expense and shall include: (1) The technical feasibility
223 of replacing or supplementing some or all of the fossil-fueled electricity-
224 generating capacity with renewable energy or energy storage of a type
225 that is in commercial use; and (2) the total project cost of replacing or
226 supplementing some or all of the fossil-fueled electricity-generating
227 capacity with renewable energy and energy storage that is technically
228 feasible. If the commissioner determines that replacement of some or all
229 of such fossil-fueled generators is technically and economically feasible,
230 the commissioner may require the applicant to include such
231 nonemitting energy or energy storage as a condition of granting or
232 modifying any permit pursuant to section 22a-174 or 22a-183.

233 Sec. 6. (NEW) (*Effective October 1, 2023*) On or before January 15, 2024,
234 and annually thereafter, each municipal utility, as defined in section 12-
235 265 of the general statutes, shall submit a report, in accordance with the
236 provisions of section 11-4a of the general statutes, to the joint standing
237 committee of the General Assembly having cognizance of matters
238 relating to the environment and to the Department of Energy and
239 Environmental Protection on the quantifiable progress of such utility's
240 greenhouse gas emissions reduction. Such report shall be in a manner
241 prescribed by the department and enable a determination of such
242 municipal utility's contribution toward the state's greenhouse gas

243 emissions reduction levels established in section 22a-200a of the general
244 statutes, as amended by this act.

245 Sec. 7. Subparagraph (B) of subdivision (1) of subsection (d) of section
246 16-245n of the general statutes is repealed and the following is
247 substituted in lieu thereof (*Effective from passage*):

248 (B) The Connecticut Green Bank shall (i) develop separate programs
249 to finance and otherwise support clean energy and environmental
250 infrastructure investment in residential, municipal, small business and
251 larger commercial projects and such others as the Connecticut Green
252 Bank may determine; (ii) support financing or other expenditures that
253 promote investment in clean energy sources and environmental
254 infrastructure in accordance with a comprehensive plan developed by it
255 to foster the growth, development and commercialization of clean
256 energy sources, environmental infrastructure and related enterprises;
257 and (iii) stimulate demand for clean energy and the deployment of clean
258 energy sources within the state that serve end use customers in the state.
259 In exercising the authority of this subparagraph, the Connecticut Green
260 Bank shall do so in a manner that is consistent with the state's
261 greenhouse gas emissions reduction levels established in section 22a-
262 200a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22a-6b(a)(1) and (2)
Sec. 2	<i>October 1, 2023</i>	22a-200
Sec. 3	<i>October 1, 2023</i>	22a-200a
Sec. 4	<i>October 1, 2023</i>	22a-200b
Sec. 5	<i>October 1, 2023</i>	22a-186a
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>from passage</i>	16-245n(d)(1)(B)