



House of Representatives

General Assembly

File No. 485

January Session, 2023

Substitute House Bill No. 6809

House of Representatives, April 11, 2023

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING FINANCIAL INCENTIVES FOR CERTAIN
STREAMSIDE BUFFERS AND TRAINING FOR INLAND WETLAND
COMMISSION MEMBERS.***

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

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any
2 provision of the general statutes, the Department of Energy and
3 Environmental Protection may utilize funds available for stormwater
4 infrastructure for the purpose of acquiring conservation easements
5 located along streams and rivers in the state provided any such
6 conservation easement requires the property owner to maintain a buffer
7 along such stream or river in a vegetated condition. The Commissioner
8 of Energy and Environmental Protection may determine the percentage
9 of such funds to be utilized for the purposes described in this section.
10 For purposes of this section, "vegetated condition" means the retention
11 of native trees, shrubs and herbaceous cover in lieu of lawn.

12 Sec. 2. Subsections (l) and (m) of section 22a-39 of the general statutes
13 are repealed and the following is substituted in lieu thereof (*Effective*

14 October 1, 2023):

15 (l) Develop a comprehensive training program for inland wetlands
16 agency members. Not later than June 1, 2024, the commissioner shall
17 update such comprehensive training program to include all statutory
18 changes applicable to such inland wetland agencies and any common
19 law developments applicable to the considerations and authority of
20 such agencies. The commissioner shall concomitantly submit a copy of
21 such updated comprehensive training program to the joint standing
22 committee of the General Assembly having cognizance of matters
23 relating to the environment;

24 (m) Adopt regulations in accordance with the provisions of chapter
25 54 establishing reporting requirements for inland wetlands agencies,
26 which shall include provisions for reports to the commissioner on
27 permits, orders and other actions of such agencies and development of
28 a form for such reports. Such reports shall include, but not be limited to,
29 a statement from each inland wetlands agency that confirms whether
30 each member of such agency completed the training required pursuant
31 to section 22a-42, as amended by this act; and

32 Sec. 3. Subsection (d) of section 22a-42 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective October*
34 *1, 2023*):

35 (d) [At least one] Each member of the inland wetlands agency [or]
36 and staff of the agency shall be a person who has completed the
37 comprehensive training program developed by the commissioner
38 pursuant to section 22a-39, as amended by this act. The commissioner
39 shall make such training program available online. Any existing
40 member of the inland wetlands agency and staff of the agency shall
41 complete such training program not later than June 1, 2025, and any
42 member of such agency and staff of the agency who is appointed or
43 hired, as applicable, after the effective date of this section shall complete
44 such comprehensive training program not later than one year after such
45 appointment or hiring, as applicable. Each member of the inland
46 wetlands agency shall complete such comprehensive training program

47 not less than every five years thereafter. [Failure to have a member of
 48 the agency or staff with training shall not affect the validity of any action
 49 of the agency.] The commissioner shall annually make such program
 50 available to one person from each town without cost to that person or
 51 the town. Each inland wetlands agency shall hold a meeting [at least]
 52 not less than once annually at which information [is] shall be presented
 53 to the members of the agency [which] that summarizes the provisions
 54 of the training program. The commissioner shall develop such
 55 information in consultation with interested persons affected by the
 56 regulation of inland wetlands and shall provide for distribution of
 57 online video presentations and related written materials [which] that
 58 convey such information to inland wetlands agencies. In addition to
 59 such materials, the commissioner, in consultation with such persons,
 60 shall prepare materials [which] that provide guidance to municipalities
 61 in carrying out the provisions of subsection (f) of section 22a-42a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2023</i>	22a-39(l) and (m)
Sec. 3	<i>October 1, 2023</i>	22a-42(d)

Statement of Legislative Commissioners:

In Section 2(m), "confirms that" was changed to "confirms whether" for accuracy.

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: None

Municipal Impact: None

Explanation

The bill broadens the current training requirement for municipal inland wetlands agencies, provided by the Department of Energy and Environmental Protection (DEEP), by requiring all municipal staff to take the training. While training enrollment will increase significantly under the bill's provisions, there is no fiscal impact since the online program is currently automated and self-paced.

The bill also allows DEEP to use available funds for stormwater infrastructure to acquire conservation easements along streams and rivers. The Governor's Recommended Budget includes \$5 million in American Rescue Plan Act funds for FY 24 that may potentially be used for this purpose.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6809*****AN ACT CONCERNING FINANCIAL INCENTIVES FOR CERTAIN STREAMSIDE BUFFERS AND TRAINING FOR INLAND WETLAND COMMISSION MEMBERS.*****SUMMARY**

This bill (1) requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the department's inland wetlands training program and (2) broadens the current training requirement for municipal inland wetlands agencies by requiring all agency members and staff to be trained instead of only one person (§§ 2 & 3).

The bill also allows the DEEP commissioner to use funds available for stormwater infrastructure to acquire conservation easements along streams and rivers in the state. It requires the commissioner to do this regardless of any state statute requiring otherwise and allows her to set the percentage of stormwater infrastructure funds that may be used for it. The property owner of an acquired conservation easement must keep native trees, shrubs, and herbaceous cover along the stream or river instead of lawn (i.e., a vegetated condition buffer) (§ 1).

EFFECTIVE DATE: October 1, 2023, except the conservation easement provision is effective upon passage.

INLAND WETLANDS AGENCY TRAINING***Updated Program***

By law, the DEEP commissioner must develop a comprehensive training program for inland wetlands agency members. The bill requires her to update the training program by June 1, 2024, to include (1) all statutory changes that apply to these agencies and (2) any common law

developments that apply to these agencies’ considerations and authority. The commissioner must give a copy of the training to the Environment Committee when she updates it.

Under current law, the commissioner distributes the training via video presentations and related written materials. The bill requires her to distribute it online.

Agency Member & Staff Requirement

Current law requires at least one inland wetlands agency member or agency staff person to complete DEEP’s comprehensive training program. The bill instead requires each agency member and staff person to complete the training. Relatedly, it eliminates a provision specifying that failure to have a trained agency member or staff person does not invalidate an agency’s actions.

Under the bill, existing inland wetlands agency members and staff must complete the updated training program by June 1, 2025. Those who are appointed or hired, as applicable, after October 1, 2023, must complete the training within one year after their appointment or hiring date. Agency members must then complete the training at least every five years. Current law has no retraining requirement.

The bill requires inland wetlands agencies to confirm to DEEP, as part of their existing reporting requirements, whether each agency member has completed the training.

Existing law, unchanged by the bill, requires the commissioner to annually make the training available to one person in each town for free.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 28 Nay 5 (03/24/2023)