



General Assembly

January Session, 2023

**Raised Bill No. 1145**

LCO No. 4605



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***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2 of the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2023*):

4 (a) The Commissioner of Energy and Environmental Protection shall  
5 adopt regulations, in accordance with the provisions of chapter 54, to  
6 establish a schedule setting forth the amounts, or the ranges of amounts,  
7 or a method for calculating the amount of the civil penalties which may  
8 become due under this section. Such schedule or method may be  
9 amended from time to time in the same manner as for adoption  
10 provided any such regulations which become effective after July 1, 1993,  
11 shall only apply to violations which occur after said date. The civil  
12 penalties established for each violation shall be of such amount as to  
13 insure immediate and continued compliance with applicable laws,  
14 regulations, orders and permits. Such civil penalties shall not exceed the

15 following amounts:

16 (1) For failure to file any registration, other than a registration for a  
17 general permit, for failure to file any plan, report or record, or any  
18 application for a permit, for failure to obtain any certification, for failure  
19 to display any registration, permit or order, or file any other information  
20 required pursuant to any provision of section 14-100b or 14-164c,  
21 subdivision (3) of subsection (b) of section 15-121, section 15-171, 15-172,  
22 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter  
23 441, sections 22a-134 to 22a-134d, inclusive, subsection (b) of section 22a-  
24 134p, sections 22a-148 to 22a-162a, inclusive, section 22a-171, 22a-174,  
25 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a,  
26 22a-209, 22a-213, 22a-200a, as amended by this act, 22a-220, 22a-231, 22a-  
27 245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p,  
28 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405, inclusive,  
29 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-  
30 447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461, 22a-462 or 22a-  
31 471, or any regulation, order or permit adopted or issued thereunder by  
32 the commissioner, and for other violations of similar character as set  
33 forth in such schedule or schedules, no more than one thousand dollars  
34 for said violation and in addition no more than one hundred dollars for  
35 each day during which such violation continues;

36 (2) For deposit, placement, removal, disposal, discharge or emission  
37 of any material or substance or electromagnetic radiation or the causing  
38 of, engaging in or maintaining of any condition or activity in violation  
39 of any provision of section 14-100b or 14-164c, subdivision (3) of  
40 subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
41 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections 22a-  
42 134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b) of  
43 section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-162,  
44 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184,  
45 22a-190, 22a-200a, as amended by this act, 22a-208, 22a-208a, 22a-209,  
46 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a,  
47 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405,  
48 inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-433,

49 inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-461,  
50 22a-462 or 22a-471, or any regulation, order or permit adopted  
51 thereunder by the commissioner, and for other violations of similar  
52 character as set forth in such schedule or schedules, no more than  
53 twenty-five thousand dollars for said violation for each day during  
54 which such violation continues;

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

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

59 (1) "Direct emissions" means greenhouse gas emissions from sources  
60 that are owned or operated, in whole or in part, by an entity or facility,  
61 including, but not limited to, emissions from: [factory stacks,  
62 manufacturing processes and vents, and company owned or leased  
63 motor vehicles] (A) sources combusting heating or transportation fuels,  
64 (B) any building stack, vent or structure, (C) any distribution system, or  
65 (D) any residential, commercial, institutional, industrial or agricultural  
66 waste management or manufacturing process;

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

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

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

79 (5) "Indirect emissions" means greenhouse gas emissions associated  
80 with the consumption of purchased electricity, steam and heating or  
81 cooling by an entity or facility and the sale or distribution of  
82 transportation fuels or heating fuels;

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

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

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

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

93 (1) Not later than January 1, 2020, to a level at least ten per cent below  
94 the level emitted in 1990;

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

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

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

102 (5) [All of the levels referenced in this subsection shall be determined  
103 by the Commissioner of Energy and Environmental Protection] Not  
104 later than January 1, 2025, the Commissioner of Energy and  
105 Environmental Protection shall, in a report prepared and posted on the  
106 Department of Energy and Environmental Protection's Internet web  
107 site, establish sector-specific subtargets for commercial and industrial

108 heating and cooling, residential heating and cooling, industrial  
109 processes, natural gas distribution and service, natural and working  
110 lands and any other sector or source the commissioner may designate  
111 as necessary to meet the levels in subdivisions (1) to (4), inclusive, of this  
112 subsection, provided the subtarget for electricity supply shall be the  
113 level specified in subdivision (3) of this subsection. Sector-based state-  
114 wide greenhouse gas emission subtargets for a given year shall not, in  
115 the aggregate, exceed the state-wide greenhouse gas emissions level for  
116 the year. Subtargets shall be expressed in tons of carbon dioxide  
117 equivalents and shall be determined to be necessary by the  
118 commissioner for meeting each state-wide greenhouse gas emissions  
119 level established in this subsection. In a report issued pursuant to  
120 subsection (c) of this section or subsection (a) of section 22a-200b, as  
121 amended by this act, and released on or before December 31, 2040, the  
122 commissioner shall review and, as necessary, update sector subtargets  
123 established pursuant to this section. The commissioner may update  
124 subtargets more frequently if, at any time, the commissioner determines  
125 that current subtargets will not result in meeting each state-wide  
126 greenhouse gas emissions level established in this subsection.

127 (b) On or before January 1, 2010, and biannually thereafter, the state  
128 agencies that are members of the Governor's Steering Committee on  
129 Climate Change shall submit a report to the Secretary of the Office of  
130 Policy and Management and the Commissioner of Energy and  
131 Environmental Protection. The report shall identify existing and  
132 proposed activities and improvements to the facilities of such agencies  
133 that are designed to meet state agency energy savings goals established  
134 by the Governor. The report shall also identify policies and regulations  
135 that could be adopted in the near future by such agencies to reduce  
136 greenhouse gas emissions in accordance with subsection (a) of this  
137 section.

138 (c) Not later than January 1, 2012, and every three years thereafter,  
139 the Commissioner of Energy and Environmental Protection shall, in  
140 consultation with the Secretary of the Office of Policy and Management  
141 and the Governor's Steering Committee on Climate Change, report, in

142 accordance with the provisions of section 11-4a, to the joint standing  
143 committees of the General Assembly having cognizance of matters  
144 relating to the environment, energy and transportation on the  
145 quantifiable emissions reductions achieved pursuant to subsection (a)  
146 of this section. The report shall include a schedule of proposed  
147 regulations, policies and strategies designed to achieve the limits of  
148 greenhouse gas emissions imposed by said subsection, an assessment of  
149 the latest scientific information and relevant data regarding global  
150 climate change and the status of greenhouse gas emission reduction  
151 efforts, including polices and regulations to increase negative emissions  
152 in other states and countries.

153 (d) At least one year prior to the effective date of any federally  
154 mandated greenhouse cap and trade program including greenhouse gas  
155 emissions subject to any state cap and trade requirements adopted  
156 pursuant to this section, the Commissioner of Energy and  
157 Environmental Protection and the Secretary of the Office of Policy and  
158 Management shall report, in accordance with the provisions of section  
159 11-4a, to the joint standing committees of the General Assembly having  
160 cognizance of matters relating to the environment, energy and  
161 technology and transportation. Such report shall explain the differences  
162 between such federal and state requirements and shall identify any  
163 further regulatory or legislative actions needed to achieve consistency  
164 with such federal program.

165 (e) The Commissioner of Energy and Environmental Protection may  
166 adopt regulations, in accordance with the provisions of chapter 54, to  
167 reduce indirect and direct emissions in order to achieve the greenhouse  
168 gas emission levels specified in subdivisions (1) to (4), inclusive, of  
169 subsection (a) of this section. Such regulations may include, but shall not  
170 be limited to, implementation of the policies, strategies, and any other  
171 actions identified in any report prepared pursuant to subsection (c) of  
172 this section, market-based compliance mechanisms developed  
173 independently or with interested states and Canadian provinces, or the  
174 recommended regulatory actions identified pursuant to subsection (a)  
175 of section 22a-200b of the general statutes, as amended by this act. Such

176 regulations shall, to the extent practicable, distribute environmental  
177 benefits equitably and in a manner that protects communities that are  
178 or have been overburdened by air pollution. Such regulations may  
179 prioritize emission reduction or abatement strategies over emission  
180 offset or removal strategies whenever any such reduction or abatement  
181 strategy is technically feasible, cost-effective for the state and is likely to  
182 be more durable than offset or removal strategies.

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

185       (a) The Commissioner of Energy and Environmental Protection shall,  
186 with the advice and assistance of a nonprofit association organized to  
187 provide scientific, technical, analytical and policy support to the air  
188 quality and climate programs of northeastern states: (1) Not later than  
189 December 1, 2009, publish an inventory of greenhouse gas emissions to  
190 establish a baseline for such emissions for the state and publish a  
191 summary of greenhouse gas emission reduction strategies on the  
192 Department of Energy and Environmental Protection's Internet web  
193 site, (2) not later than July 1, 2010, publish results of various modeling  
194 scenarios concerning greenhouse gas emissions, including, but not  
195 limited to, an evaluation of the potential economic and environmental  
196 benefits and opportunities for economic growth based on such  
197 scenarios, (3) not later than July 1, 2011, analyze greenhouse gas  
198 emission reduction strategies and, after an opportunity for public  
199 comment, make recommendations on which such strategies will achieve  
200 the greenhouse gas emission levels specified in section 22a-200a, as  
201 amended by this act, [and] (4) not later than [July 1, 2012] December 31,  
202 2023, and every three years thereafter, develop, with an opportunity for  
203 public comment, a schedule of recommended regulatory actions by  
204 relevant agencies, policies and other actions necessary to [show  
205 reasonable further progress towards achieving] achieve the greenhouse  
206 gas emission levels specified in section 22a-200a, as amended by this act,  
207 and to increase negative emissions, and (5) not later than July 1, 2025,  
208 adopt modeling scenarios to publish a baseline inventory of natural and  
209 working lands carbon fluxes and include a state-wide inventory of

210 negative emissions in the report prepared pursuant to subsection (c) of  
211 section 22a-200a, as amended by this act, and the recommended  
212 schedule of regulatory actions in subdivision (4) of this subsection.

213 (b) The commissioner may adopt regulations, in accordance with the  
214 provisions of chapter 54, to implement the provisions of this section.  
215 Nothing in section 4a-67h, 22a-200, as amended by this act, or 22a-200a,  
216 as amended by this act, or this section shall limit a state agency from  
217 adopting any regulation within its authority in accordance with the  
218 provisions of chapter 54.

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

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

228 (b) For the purposes of granting or modifying a permit for fossil-  
229 fueled electricity-generating units, the commissioner shall require an  
230 evaluation of the replacement of some or all of the fossil-fueled  
231 electricity-generating capacity with nonemitting energy or energy  
232 storage. Such evaluation shall be prepared by an independent contractor  
233 at the applicant's expense and shall include: (1) The technical feasibility  
234 of replacing or supplementing some or all of the fossil-fueled electricity-  
235 generating capacity with renewable energy or energy storage of a type  
236 that is in commercial use; and (2) the total project cost of replacing or  
237 supplementing some or all of the fossil-fueled electricity-generating  
238 capacity with renewable energy and energy storage that is technically  
239 feasible. If the commissioner determines that replacement of some or all  
240 of such fossil-fueled generators is technically and economically feasible,  
241 the commissioner may require the applicant to include such



242 nonemitting energy or energy storage as a condition of granting or  
243 modifying any permit pursuant to section 22a-174 or 22a-183.

244 Sec. 6. (NEW) (*Effective October 1, 2023*) On or before January 15, 2024,  
245 and annually thereafter, each municipal utility, as defined in section 12-  
246 265 of the general statutes, shall submit a report, in accordance with the  
247 provisions of section 11-4a of the general statutes, to the joint standing  
248 committee of the General Assembly having cognizance of matters  
249 relating to the environment and to the Department of Energy and  
250 Environmental Protection on the quantifiable progress of such utility's  
251 greenhouse gas emissions reduction. Such report shall be in a manner  
252 prescribed by the department and enable a determination of such  
253 municipal utility's contribution toward the state's greenhouse gas  
254 emissions reduction levels established in section 22a-200a of the general  
255 statutes, as amended by this act.

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

259 (B) The Connecticut Green Bank shall (i) develop separate programs  
260 to finance and otherwise support clean energy and environmental  
261 infrastructure investment in residential, municipal, small business and  
262 larger commercial projects and such others as the Connecticut Green  
263 Bank may determine; (ii) support financing or other expenditures that  
264 promote investment in clean energy sources and environmental  
265 infrastructure in accordance with a comprehensive plan developed by it  
266 to foster the growth, development and commercialization of clean  
267 energy sources, environmental infrastructure and related enterprises;  
268 and (iii) stimulate demand for clean energy and the deployment of clean  
269 energy sources within the state that serve end use customers in the state.  
270 In exercising the authority of this subparagraph, the Connecticut Green  
271 Bank shall do so in a manner that is consistent with the state's  
272 greenhouse gas emissions reduction levels established in section 22a-  
273 200a, as amended by this act.

274       Sec. 8. (NEW) (*Effective October 1, 2023*) (a) Not later than December  
275 31, 2033, the Commissioner of Energy and Environmental Protection  
276 shall adopt regulations, in accordance with the provisions of chapter 54  
277 of the general statutes, to implement the emission standards for small  
278 off-road engines of the state of California and shall amend such  
279 regulations from time to time, in accordance with changes in said  
280 standards. Such regulations shall be applicable to small off-road engines  
281 with a model year 2034 and later. Such regulations may incorporate by  
282 reference the California small off-road engine emission standards set  
283 forth in final regulations issued by the California Air Resources Board  
284 as may be amended from time to time. For the purposes of this section,  
285 "small off-road engines" includes, but is not limited to, lawn mowers,  
286 lawn tractors, string trimmers, leaf blowers, all other lawn and garden  
287 equipment and portable generators and pressure washers.

288       (b) For the fiscal years commencing July 1, 2023, and ending June 30,  
289 2033, each retailer that engages in the sale of any small off-road engine  
290 shall provide any person who purchases a battery-powered or electric  
291 small off-road engine with a rebate of not more than twenty per cent of  
292 the purchase price of such battery-powered or electric small off-road  
293 engine, provided such rebate shall not exceed one hundred dollars for  
294 any single battery-powered or electric small off-road engine. Any such  
295 retailer may seek reimbursement of any such rebate from the  
296 Department of Revenue Services' administration of the zero emissions  
297 small off-road engine account established pursuant to section 9 of this  
298 act.

299       Sec. 9. (NEW) (*Effective from passage*) There is established an account  
300 to be known as the zero emissions small off-road engine account which  
301 shall be a separate, nonlapsing account within the General Fund.  
302 Moneys in such account shall be used by the Department of Revenue  
303 Services to reimburse retailers for rebates provided by such retailers  
304 pursuant to section 8 of this act. Such account shall contain all moneys  
305 required by law to be deposited in such account. Such account may  
306 receive funds from private or public sources, including, but not limited  
307 to, any municipal government or the federal government.

308       Sec. 10. (*Effective July 1, 2023*) The sum of ten million dollars is  
309 appropriated to the Department of Revenue Services from the General  
310 Fund, for the fiscal year ending June 30, 2024, for the purpose of funding  
311 the zero emissions small off-road engine account established pursuant  
312 to section 9 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
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)
Sec. 8	<i>October 1, 2023</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>July 1, 2023</i>	New section

**Statement of Purpose:**

To enforce the state's greenhouse gas emissions goals through the establishment of certain sector subtargets and authorize emission standards for certain small off-road engines.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*