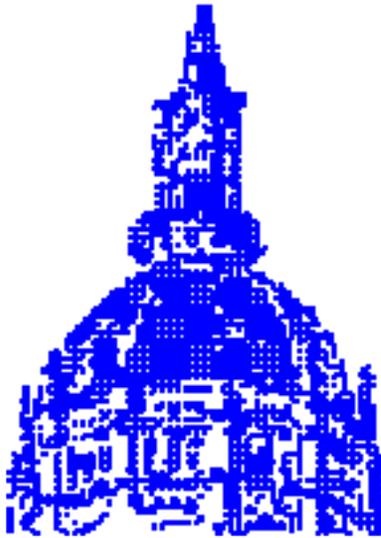


Office of Legislative Research  
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# OLR ACTS AFFECTING ENVIRONMENT



By:  
Paul Frisman, Associate Analyst  
Joseph R. Holstead, Research Analyst

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## **NOTICE TO READERS**

This report highlights 2002 acts affecting the environment. The acts are listed in numeric order by subject. In cases where a public act affects the environment and other areas, we have limited our summary to its environment provisions.

Readers should examine the full text of the acts that interest them. They can obtain the acts from the [Connecticut State Library](#) or the [House Clerk's office](#). Complete analyses of all public acts passed during the regular and special sessions will be available in early fall, when OLR releases its Public Act Summary book, but many analyses are now available on the [OLR web site](#).

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## **AGRICULTURE**

### ***Locally-Grown Farm Products***

This act allows farm products or eggs to be sold or advertised as “local” or “locally grown” when they are grown or produced in Connecticut or within a 10-mile radius of where they are sold. By law, use of “native,” “native-grown,” “Connecticut Grown,” and other similar terms applies to farm products and eggs grown or produced in the state. The act eliminates the “Connecticut Grown” designation.

If the agriculture commissioner asks, the act requires any person or business that uses “local” or “locally grown” in advertising or selling to prove that they grew or produced their products in Connecticut or within the specified 10-mile radius of where they are sold. Violators are subject to a fine of not more than \$25. (**PA 02-45**, effective July 1, 2002)

### ***Certification Of Organically Grown Foods***

This act allows the Agriculture Department to certify organically grown food and eliminates the ability of the Northeast Organic Farming Association of Connecticut to do so. It does not affect other groups recognized by the U.S. Department of Agriculture’s (USDA) National Organic Standards Board to certify organic food.

The act increases the maximum permitted amount of residues from

unintended or unavoidable contamination allowed in certified organic products and by-products from 1 % of the Environmental Protection Agency’s tolerance level for agricultural products to 5% of that level. (**PA 02-51**, effective October 1, 2002)

## **AIR QUALITY**

### ***School Bus Idling***

This act statutorily prohibits stopped school buses from idling their engines for more than three minutes, with certain exceptions. (Regulations already prohibit buses and other "mobile sources" from idling more than three minutes in most instances.) The act's exceptions are when:

1. a bus must remain motionless because of traffic conditions or mechanical problems over which the driver has no control;
2. it is necessary to operate heating, cooling, or auxiliary equipment needed for the bus's proper operation;
3. the outside temperature is below 20 degrees Fahrenheit;
4. the bus is being repaired;
5. it is necessary to maintain a safe temperature for special needs students; or
6. the driver is picking up or discharging passengers on a public highway or public road.

The act makes a first violation an infraction, for which the total amount due is \$102, if paid by mail. Subsequent offenses are punishable by fines of between \$100 and \$500. (**PA 02-56**, effective October 1, 2002)

### ***Reducing Sulfur Dioxide Emissions At Power Plants***

This act limits, as of January 1, 2005, the use of emissions credit trading as a means of meeting Department of Environmental Protection (DEP) regulatory standards for sulfur dioxide emissions from older power plants. It allows trading only when (1) the DEP commissioner orders its use to offset excess emissions when he suspends the standards due to a shortage of low-sulfur fuel or (2) the restriction threatens the reliability of electricity supply. The act specifies that these provisions do not suspend or alter any underlying procedures or requirements of DEP regulations regarding sulfur dioxide emissions.

The act also codifies with several changes, as of January 1, 2005, (1) the emissions standards that go into effect, under the regulations, on January 1, 2003 and (2) the regulatory provisions that allow the commissioner to suspend these standards.

The act specifies that its provisions do not impair the commissioner's ability to waive, with regard to a "must-run" plant, any sulfur dioxide emissions limit or other permit limits as may be permitted under current state or federal law. A "must-run" plant is

one ordered to run by the Independent System Operator, which administers the New England power grid. The act allows the commissioner to attach conditions on such a waiver he considers necessary to mitigate any adverse environmental or public health impacts.

The act broadens a law that allows a charge on end-use consumers' electric bills, for certain costs associated with the dislocation of employees as a result of restructuring the electric industry. (**PA 02-64**, effective January 1, 2004 for the dislocated employee provisions and January 1, 2005 for the emissions provisions)

## **ANIMALS AND FISHERIES**

### ***Costs Associated With Quarantined Animals***

This act imposes on all animal owners and keepers the same duty dog owners currently have to redeem their captured or impounded pets. It also (1) replaces the \$5 per day fee that animal owners must pay when their animals are quarantined in a public pound for biting or attacking someone with the fee structure for captured or impounded animals and (2) mandates that animal owners must pay all costs of care and detention for animals quarantined for rabies or biting. (**PA 02-14**, effective July 1, 2002)

### ***Animal Disease Control***

This act expands the agriculture commissioner's ability to cooperate with the USDA in controlling animal diseases including all livestock, not

just cattle, and allowing control as well as eradication of diseases.

Prior law authorized the commissioner to cooperate with a USDA national system for eradicating bovine tuberculosis or any other infectious or contagious bovine disease. The act expands the commissioner's areas of cooperation to include all contagious and infectious diseases affecting all livestock and birds that the USDA includes in the scope of a national system for control or eradication of infectious or contagious disease.

The act requires the governor to consult with the commissioner before accepting one of these plans. It authorizes USDA officials to perform the duties associated with the national plan only after the commissioner requests that they do so. These duties include inspecting, quarantining, and condemning diseased animals, as well as entering any grounds or premises to perform such duties. (**PA 02-35**, effective July 1, 2002)

### ***Protection Of Connecticut Fisheries***

This act prohibits anyone from taking or attempting to take any glass eel (transparent, post-larval eels), elver eel (young eels), or silver eel from state waters. Violators are subject to a maximum \$250 fine.

The act requires the environmental protection commissioner to adopt regulations to protect and restore eelgrass.

It increases to \$250 the fine for violating certain sport fishing and commercial license fishing laws.

Under prior law, the fines were \$154 and \$100, respectively. (**PA 02-50**, effective October 1, 2002, except the provision on requiring the commissioner to adopt regulations is effective upon passage)

### ***Cattle Crossings***

This act allows local traffic authorities to create distinct crossing areas for cattle and livestock by placing appropriate indicators at dangerous crossing paths and intersections used for guided cattle or livestock crossing, especially near farms. Indicators include devices, markers, or lines on the highway prescribed by State Traffic Commission regulations.

A local traffic authority can be a police chief, police commission, city or town manager, board of selectmen, or any other legally elected or appointed official or board, depending on the type of municipality. The State Traffic Commission is the legal traffic authority for state highways.

The act requires drivers to yield the right-of-way to guided cattle or livestock crossing in designated areas by slowing or stopping. Drivers may not overtake another vehicle that stops for such a crossing. Anyone guiding cattle or livestock must yield to an emergency vehicle displaying signals or audible warnings reasonably indicating it is operating in an emergency situation. But emergency vehicle drivers must exercise due care in avoiding people and guided cattle or livestock. A violation is an infraction. (**PA 02-57**, effective October 1, 2002)

### ***Dog License Fees***

This act raises, from \$5 to \$7, the annual fee for licensing a neutered male or spayed female dog and allocates the \$2 fee increase from each license to the Animal Population Control Fund. (**PA 02-61** effective October 1, 2002)

### ***Companion Animal Health Certificates And Cruelty To Animals – VETOED***

This act expands the animal abuse law by (1) requiring anyone in charge or in custody of an animal to provide proper shelter for it when it is kept outside, and (2) setting standards for that shelter, violations of which are subject to a fine of up to \$1,000, up to a year in prison, or both.

It also sets separate conditions for dog care, including:

1. requiring owners to keep female dogs in heat away from male dogs (other than for breeding purposes),
2. tethering and chaining standards, and
3. cable and line measurements.

People who violate these standards receive a warning for the first offense. Second and subsequent offenses are punishable by a \$100 fine.

It allows someone being prosecuted to claim, as an affirmative defense, that his violation of the tethering or confinement provision was not his

usual and customary conduct. The act specifies that it does not prevent a finding of a violation of the existing law barring cruelty to animals, fighting animals, or intentionally killing a police animal.

It specifies that the health certificate a person needs when importing a dog or cat into the state must be obtained no earlier than 30 days before importing the animal. (**PA 02-62**, effective October 1, 2002, except for health certificates, effective July 1, 2002)

### ***Conservation Fund/Fisheries Account Revenue***

For FY 2002-03, the act reduces by \$1 million, from \$3 million to \$2 million, the amount of tax revenue generated from the sale of motor fuel by distributors to boatyards, marinas, and other such facilities that must be transferred to the Conservation Fund. It reduces the allocation to the fisheries account within the fund by \$1.05 million, from \$2.05 million to \$1 million. For FY 2003-04 and thereafter, the act restores the annual \$3 million revenue transfer to the fund and increases the required allocation to the fisheries account to \$2 million.

The act eliminates a \$75,000 fisheries account allocation to the Department of Economic and Community Development for an economic study of the lobster industry in Long Island Sound and a minimum \$850,000 fisheries account allocation to DEP to enhance recreational fishing. (**PA 02-1**, May Special Session, effective upon passage)

### **Hunting and Fishing Guide Licenses**

The act eliminates licenses for hunting and fishing guides and their authorized assistants. The license fees are \$100 for a guide's license and \$50 for an assistant's license (**PA 02-1**, May Special Session, effective January 1, 2003)

### **ENVIRONMENTAL POLICY**

#### **Revisions To The Connecticut Environmental Policy Act**

This act requires a state agency to inform the public and other state agencies when it proposes an action that may significantly affect the environment and increases the amount of information it must provide.

It requires agencies proposing such actions ("sponsoring agencies") to hold a public "scoping" meeting if 25 people, or an association with at least that many members, requests one. It specifies the information the sponsoring agency and other state agencies must provide.

It requires the sponsoring agency to respond to substantive issues raised at the meeting and a subsequent comment period in its environmental impact evaluation (EIE) and increases the information EIEs must contain.

It requires the sponsoring agency to submit the EIE and its responses to public comment for and review comment to the Office of Policy and Management (OPM), as well as other agencies the law requires. OPM must review the agency's responses

in addition to reviewing the EIE and the comments as the law requires.

It requires the Council on Environmental Quality to post notices of the public scoping process in the *Environmental Monitor*, a publication the act creates. It specifies when notice must be published and who must receive the publication.

The act eliminates statutory references to "finding of no significant impact" or FONSIIs. However, FONSIIs also are required by regulation. It is not clear what impact the act has on these regulations. (**PA 02-121**, effective October 1, 2002)

### **FEE INCREASES**

The act increases a wide range of fish and wildlife license and permit fees, including those for sport hunting and fishing and various types of commercial fishing as shown in Table 1.

**Table 1: Previous and New Fees**

<i>License or Permit</i>	<i>Prior Law</i>	<i>The Act</i>
Resident firearms hunting	\$10	\$14
Resident fishing	15	20
Resident combination firearms hunting and fishing	21	28
Resident trapping	20	25
Nonresident firearms hunting	42	67
Nonresident fishing	25	40

Nonresident fishing for three consecutive days	8	16
Nonresident combination firearms hunting and fishing	55	88
Duplicate license to hunt, hunt and trap, or fish	5	7
Hunt fox or rabbits with organized pack of 10 or more hounds	25	35
Game breeder's license	15	21
Raw fur buyer - resident or nonresident	30	42
Resident raw fur buyer's authorized agent	20	28
Bait dealer	20	50
Nuisance wildlife controller	100	200
Regulated private shooting preserve	35	50
Turkey permit, tag, or stamp	10	14
Migratory game bird permit, tag, or stamp	2	3
Pheasant permit, tag, or stamp	10	14
Salmon permit, tag, or stamp	20	28
Wild turkey hunting permit	10	14
Hunting dog training permit	10	14
Field dog trial permit	5	7
Field dog trial where game will be shot		
On state-owned land	20	28
On private land	10	14
Taxidermy	60	84

Collect shellfish, crustaceans, and wildlife for scientific and educational purposes	10	20
Deer hunting with firearm		
Resident	10	14
Nonresident	30	50
Deer or small game hunting with bow and arrow		
Resident	22	30
Nonresident	44	100
Remove fish from private waters	50	70
Commercial blue crab	50	75
Take lobsters for personal use	50	60
Take lobsters, crabs (other than blue crabs), squid, sea scallops, and finfish by use of more than 10 lobster pots; by otter, balloon, or beam trawl; by sea scallop dredge; or similar device		225
Resident	150	1,25
Nonresident	225	0
Register each pound net to take finfish	100	225

Resident (1) taking finfish other than shad or bait species by various devices for commercial purposes; (2) in any waters seaward of the inland demarcation line, taking such fish by hook or line for commercial purposes; or (3) taking horseshoe crabs by hand	50	150
Resident taking any fish for commercial purposes by hook and line in excess of creel limit	100	300
Take bait species by various means in the inland or marine district for commercial purposes	20	50
Buy finfish, lobsters, crabs, sea scallops, squid, or bait species from commercial fishermen for resale	25	200
Fishing party boat, head boat, charter boat registration	25	250
Land finfish, lobsters, crabs, sea scallops, squid, or bait species	225	400

(PA 02-1, May Special Session, effective January 1, 2003)

## HAZARDOUS MATERIALS

### ***Mercury Education And Reduction***

This act establishes a comprehensive scheme governing the sale, use, distribution, disposal and notification requirements for mercury and many products that contain mercury.

It (1) requires manufacturers to notify the DEP commissioner of their products' mercury content and imposes other notice requirements; (2) restricts the sale of a number of mercury-added products, phasing down their maximum allowable mercury content; and (3) generally bans the sale, starting January 1, 2003, of mercury thermometers, mercury-containing novelties, and certain other products.

***Multi-state clearinghouse.*** The act requires the commissioner to participate in and consult with a multi-state clearinghouse and to serve as its designated agent to help coordinate and carry out the act's requirements.

***Labeling and collection requirements.*** The act requires mercury-added products (products to which mercury has been intentionally added) and their packaging to be labeled as to their mercury content. It requires their manufacturers to develop and implement plans for their collection and recycling and report to DEP on the system's effectiveness. The collection requirements do not apply to certain products, including cosmetics and pharmaceuticals, meant to be totally consumed during use. The commissioner must

review state regulations on the handling of mercury wastes and may, if necessary, amend them to facilitate collection.

***Requirements' effective dates.***

The act's notice requirements take effect January 1, 2003 and apply to mercury-added products manufactured after that date. Its collection requirements take effect July 1, 2003 and apply to mercury-added products manufactured after that date. Its labeling requirement and the first stage of its phase-down requirements take effect July 1, 2004 and apply to mercury-added products manufactured after January 1, 2004.

The act exempts motor vehicles manufactured before October 1, 2003 from its notice, phase-down, labeling, and collection requirements.

***Education and Outreach***

***Program.*** The act allows the DEP commissioner to implement an education, outreach, and assistance program for households and affected parties and to develop an awards program to recognize those who excel in reducing or eliminating mercury in air emissions. (PA 02-90, effective July 1, 2002)

**LAND USE**

***Certain Land Records And Adverse Possession Of Certain Class I And Class II Water Company Land***

The act prohibits adverse possession claims to Class I or Class II land (property at or near water supply sources) owned by investor-owned water companies. By law, a

landowner can lose title to his property by adverse possession if someone else openly and visibly occupies it continuously for 15 years. But the act specifies that this prohibition does not affect any adverse possession right in or to the land acquired before October 1, 2002. (PA 02-66, effective October 1, 2002)

***Zoning and the Municipal Plan of Conservation and Development***

This act requires zoning commissions to consider the town's plan of conservation and development when changing or repealing zoning regulations or zoning boundaries. The law already requires them to consider the plan when adopting regulations. The act also requires commissions to state on the record whether a proposal to adopt, change, or repeal a regulation or boundary is consistent with the plan (PA 02-74, effective October 1, 2002)

***Allowing Municipal Employees to Serve on Planning Boards, Zoning Boards and Inland-Wetlands Boards***

This act allows towns to adopt an ordinance allowing its employees to serve on bodies (1) exercising planning, zoning, or land use powers and (2) regulating inland wetlands and watercourses. Prior law prohibited all municipal employees from serving on these boards and a board of finance unless (1) the town's charter or home rule ordinance allowed it or (2) the employee served on these boards because of his membership on the town's legislative body. The ban on

service on a finance board or a governmental body that directly supervises the employee still applies.

The act also removes the ban on salaried municipal office holders' service on a planning commission if the town has adopted the ordinance. (**PA 02-83**, effective October 1, 2002)

## **MARINAS**

### ***Electrical Service At Marinas***

This act requires electric utilities to permit the installation of submeters at marina boat slips to monitor electricity use by individual boat owners. Existing law already allows submeter installation at recreational campgrounds and requires utilities to provide electricity to them at a rate no greater than the residential rate charged in the service area where the campground is located. The act does not specify a rate for marinas.

The act bars the installation of submeters for nonresidential use at campgrounds, marinas or other approved locations. It requires that nonresidential services, including general outdoor lighting, marina operations, repair facilities, and restaurant or other retail recreational facilities, be separately metered and billed at the appropriate rate. (**PA 02-17**, effective October 1, 2002)

**POWER LINES** (see **Water Pollution**)

## **RECYCLING**

## ***Beneficial Reuse Of Glass***

This act allows solid waste facility owners and operators to use crushed recycled glass as cover material. "Solid waste facilities" include solid waste disposal areas, volume reduction plants, transfer stations, wood-burning facilities, and biomedical waste treatment facilities. (**PA 02-11**, effective October 1, 2002)

## **SOLID WASTE DISPOSAL**

### ***Dumping***

This act requires that people who dump material at licensed dump sites be authorized to do so. The act applies to the dumping of more than one cubic foot of litter at one time, furniture, garbage bags and their contents, cars and car parts, large appliances, tires, bulky waste, certain hazardous wastes, and similar material. (**PA 02-15**, effective October 1, 2002)

### ***Delinquent Tipping Fees***

This act requires resources recovery and solid waste facility owners and operators to notify each municipality served by a solid waste collector when the collector has failed to pay the facility's tipping fees for three consecutive months. (**PA 02-116**, effective October 1, 2002)

## **SOLID WASTE MANAGEMENT**

### ***Connecticut Resources Recovery Authority***

This act:

1. vests the powers of the Connecticut Resources Recovery Authority's (CRRA) board of directors in members who took office on June 1, 2002;
2. increases, from two to five, the number of directors who must represent municipalities who are members of the authority, as defined in the act;
3. establishes criteria for certain other directors;
4. gives the attorney general authority to supervise legal matters and claims related to the CRRA-Enron-Connecticut Light and Power Company transaction;
5. allows CRRA to borrow up to \$115 million from the state, under certain conditions;
6. creates a steering committee made up of directors who must establish and implement a financial restructuring plan for the authority between June 1 and December 31, 2002;
7. requires the CRRA board to report on its efforts to mitigate the effects of lost revenue from the CRRA-Enron-Connecticut Light and Power Company transaction and to send copies of audit reports to the Finance, Revenue and Bonding Committee;
8. requires the state treasurer's approval before CRRA can issue any debt backed by a state capital reserve fund;
9. requires the board to develop written contract procedures that include standards for determining when to award contracts based on competitive bidding or competitive negotiation;
10. requires, rather than permits, the use of competitive bidding or competitive negotiation in the awarding of contracts for the authority's business, design, operating, management, transportation, marketing, planning, and research and development functions;
11. allows CRRA to become an electric supplier, if it gets a license from the Department of Public Utility Control;
12. requires performance incentive plans that CRRA offers to its officers and employees to be (a) based on the performance of the authority and the person, (b) written, (c) applicable to all officers and employees, and (d) approved by the board;
13. requires CRRA to post specified records and information on the Internet; and
14. requires the Program Review Committee to study whether CRRA's powers and duties should be exercised by a state agency or a quasi-public agency.

The act also prevents CRRA, other quasi-public agencies, and state agencies from retaining a lobbyist but does not prohibit their directors, officers, and employees from lobbying on the agencies' behalf. **(PA 02-46**, effective upon passage for the provisions on (1) the board of directors and steering committee, (2) the attorney general, (3) CRRA's audit reports and report on its mitigation efforts, (4) its authority to borrow and act as an electric supplier and the treasurer's approval for borrowing or issuing bonds, and (5) the program review study; and January 1, 2003 for the remaining provisions.

## **UNDERGROUND STORAGE TANKS**

### ***Underground Storage Tank Petroleum Clean-Up Account Reimbursement Limits***

*(Note: this act is affected by the following act)*

This act changes the share of petroleum products gross earnings tax revenue earmarked for the Underground Storage Tank Clean-Up Account from one-third of the quarterly total due to a flat \$3 million per quarter. It also eliminates a requirement that the comptroller stop crediting revenue to the account when its balance exceeds \$15 million and resume when it falls below \$5 million.

The act increases the account's reimbursement limit, from \$3 million to \$5 million, for clean-up costs for leaking tanks when a responsible party (1) reported the leak to DEP before December 31, 1987 and (2) spent more than \$500,000 to remediate it by June

19, 1991. The act allows the DEP commissioner to pay any part of the reimbursement that exceeds \$3 million in annual payments over a maximum of five years. **(PA 02-80**, effective October 1, 2002 for the change in the quarterly petroleum products gross earnings tax allocation and the elimination of the fund cap; July 1, 2002 for the higher reimbursement for certain tanks.

### ***Transfers To The Underground Storage Tank Fund Clean-Up Account***

The act prohibits transfers of petroleum products gross earnings tax payments due in FY 2002-03 to the Underground Storage Tank Clean-Up Account. Under current law, the fund receives one-third of the quarterly tax revenue but PA 02-80 (above) changes the transfer amount to a flat \$3 million per quarter starting October 1, 2002. **(PA 02-1**, May Special Session, effective upon passage)

## **WATER POLLUTION**

### ***Hydrogen Production Facilities And Hydrogen Conversion Technology And The Protection Of Long Island Sound - VETOED***

*(Note: please also see following act)*

This act establishes a one-year moratorium, effective upon passage, on consideration or final approval by state agencies of applications (including pending applications) relating to an electric power line or gas pipeline across Long Island Sound. The act affects, among others, the Connecticut Siting Council and DEP.

The act bars the construction of any electric power line within the Sound for one year to allow for a comprehensive environmental assessment and plan to be completed. This provision applies regardless of any provision of the statutes or any approval received before the act's effective date.

Any application for a gas pipeline or electric power line crossing Long Island Sound that the Siting Council or DEP considers after the assessment and plan are completed must be evaluated on the application's (1) likelihood to impair the public trust in the Sound, based on information in the assessment and plan; and (2) the extent to which the application is consistent with the assessment and recommendations in the plan.

These provisions do not apply to projects located in the mile-wide corridor across Long Island Sound from Norwalk to Northport, New York that are currently occupied by electric cables.

Within 15 days of its passage, the act requires the Siting Council to submit an advisory opinion to the Federal Energy Regulatory Commission (FERC) on behalf of the state. The opinion must ask FERC (1) not to approve any individual new power line or gas pipeline crossings for one year to allow for the completion of the assessment and plan and (2) avoid environmental damage to the Sound to the greatest extent possible when licensing any future gas pipelines, by considering the assessment and the plan's recommendations.

By law, Connecticut Innovations, Inc. (CII) administers the Renewable

Energy Investment Fund to promote several renewable energy resources. The act adds hydrogen production and conversion technologies to these resources. However, it bars CII from promoting renewable energy resources that relate to facilities, such as electric transmission lines, that cross the Sound and are regulated by the Siting Council. (**PA 02-7**, effective upon passage for the moratorium and related provisions; July 1, 2002, for the CII provisions)

### ***Protection Of Long Island Sound***

This act establishes moratoriums, effective on passage, on (1) consideration or final approval of proposals to build energy and telecommunications lines through Long Island Sound, and (2) final approval of overland electric transmission lines from Bethel to Norwalk.

It establishes a one-year moratorium on consideration or final approval of applications (including pending applications) to build a gas pipeline, electric power line, or telecommunications line across the Sound. It exempts from the moratorium applications limited solely to the maintenance, repair, or replacement of such lines already used to provide service to certain Connecticut customers. It specifically exempts the replacement of existing electric cables in the corridor from Norwalk to Northport, N.Y.

By the end of the one-year moratorium period, the act requires the preparation and completion of a comprehensive environmental assessment and plan ("assessment") of the Sound's natural resources. It

requires the Institute of Sustainable Energy at Eastern Connecticut State University to lead a task force in preparing the assessment.

Upon completion of the assessment, DEP, the Connecticut Siting Council, and any other state agency, must, when considering an application for an electric power line, gas pipeline, or telecommunications crossing of the Sound, evaluate the application for its (1) likelihood to impair the public trust in Long Island Sound based on information contained in the assessment; (2) consistency with the assessment's recommendations; and (3) individual and cumulative environmental impact, as anticipated by the assessment.

The act requires the Siting Council to request, within 15 days of the act's passage, that FERC not approve any new electric power line, gas pipeline or telecommunications crossing until the assessment is completed, and that FERC avoid environmental damage to the Sound to the greatest extent possible by considering the assessment's recommendations when licensing a project. If FERC does consider an application for an electric power line, gas pipeline or telecommunications crossing, the Siting Council and other state agencies having jurisdiction must review the project and recommend to FERC siting, construction procedures, and environmental mitigation measures that conform with the assessment, to the extent such information is available.

The act prohibits any state agency from granting final approval to applications, including pending

applications, relating to existing electric transmission lines from Bethel to Norwalk, until February 1, 2003. But it allows routine maintenance and repair of such lines. It requires the Institute for Sustainable Energy to lead a working group to study the economic, environmental, reliability, operational, technical, power, and safety aspects of installing such lines, and requires it to report its findings and recommend any necessary statutory changes by January 1, 2003. DEP and the Siting Council must determine, after the report is published, whether any decision or opinion rendered on any such application is consistent with the report's findings. The act bars any applicant who elects to proceed with his application despite the moratorium from accruing legal rights or financial entitlements. **(PA 02-95, effective upon passage)**

### ***Wastewater Discharges in Drinking Water Supply Watersheds***

This act bars the DEP commissioner from issuing a discharge permit for an alternative on-site sewage treatment system within a drinking water supply watershed, unless he determines the system is:

1. the only feasible solution to an existing water pollution problem and the new system's capacity does not exceed that of the failed on-site system or
2. for expanding a municipal or public school project or constructing a new one on the site of an existing municipal or public school

project in a town where a majority of the land is located within a drinking water supply watershed.

The act applies specifically to alternative on-site sewage treatment systems defined in the Public Health Code as "a system serving one or more buildings on one property which utilizes a method of treatment other than a subsurface sewage disposal system and which involves a discharge to the waters of the state." Subsurface sewage treatment systems include septic tanks and accompanying leaching systems.

Prior law required the commissioner to issue a discharge permit for any facility if the application was consistent with the federal Clean Water Act and (1) the discharge would not pollute state waters or (2) the system proposed to treat the discharge would protect state waters from pollution. (PA 02-129, effective October 1, 2002)

## **WATER SUPPLY AND WATER POLLUTION CONTROL AUTHORITIES**

### ***The Southeastern Connecticut Water Authority and the Water Planning Council***

This act makes the Water Planning Council permanent and requires it to report its preliminary findings and any proposed legislative changes to the Energy and Technology, Environment, and Public Health committees by January 1 annually. Under prior law, the council (1) had to submit its final report and proposed legislative changes to the committees by

January 1, 2003 and (2) went out of existence on that date or when it submitted the report, whichever came first. The council consists of the commissioners of public utility control, DEP, and public health, and the Office of Policy and Management secretary. It is charged with investigating a wide range of water policy issues that cross agency lines.

The act (1) increases the membership of the Southeastern Connecticut Water Authority (SCWA) governing board and makes related changes, (2) expands the powers and duties of SCWA's advisory board, and (3) requires SCWA to revise its water supply plan or adopt a new plan. (PA 02-76, effective upon passage)

### ***The South Central Connecticut Regional Water Authority And The Sale Of Water To Community Water Systems***

This act redefines the boundaries of regional water pollution control authorities' jurisdiction. Previously, the jurisdiction of an authority matched the outermost boundaries of its member towns. Under the act, an authority has jurisdiction only over areas agreed upon by the member towns. It specifies that a Superior Court within a judicial district that includes an area within the authority's boundaries has jurisdiction over an authority dispute.

The act tightens conditions under which a public water system can sell excess water. Under the act, the system must show that it has an abundant supply for 10 years. The act also requires the

purchasing system to agree to an emergency water usage restriction in concurrence with that of the supplying system. The act specifies that public water systems include those owned and operated by municipalities and political subdivisions.

The act expands the South Central Connecticut Regional Water Authority's purpose to include purchasing and managing wastewater systems and conserving water and makes many conforming technical changes to its charter. (**PA 02-85**, effective upon passage for changes to the South Central Connecticut Regional Authority's charter; October 1, 2002 for regional water pollution control authorities' jurisdiction; and January 1, 2003 for sale of excess water by public water systems)

### ***Water Supply Plans And Water Diversions***

This act:

1. requires water companies' supply plans, beginning January 1, 2004, to include an evaluation of source water protection measures for all sources of water supply;
2. requires water companies to give the Public Health Department (DPH) sabotage prevention and response procedures separate from their water supply plans and exempts these procedures from disclosure under the Freedom of Information Act;
3. changes the deadline for entities required to submit

information on their water diversions to DEP from July 1, 2002 to no later than six months after DEP publishes notice of the deadline and a form on which to submit the information;

4. changes the conditions under which local health directors may issue a permit for a new well on residential property within 200 feet of a public water supply and allows them to issue permits to replace wells under the same conditions;
5. requires the DPH commissioner to adopt regulations clarifying the conditions under which well permit exceptions can be granted when premises are connected to a public water supply; and
6. sets conditions under which a local health director, regardless of DPH regulations, can permit use of a well or installation of a replacement well for a single family home within 200 feet of a public water supply.

(**PA 02-102**, effective October 1, 2002, except for the water diversion data submission deadline change, which is effective on passage.

### ***Water Utility Coordinating Committees***

By law, a water utility coordinating committee (WUCC) establishes the exclusive service area of the water utilities in its area. If the WUCC cannot agree on the

exclusive service area boundaries, it has to consult with the Department of Public Utility Control (DPUC). If there is no agreement after the consultation, the DPH commissioner must establish the boundaries.

This act authorizes a WUCC to change the exclusive water service area boundaries. As under current law, the WUCC must consult with DPUC if there is no agreement on the changes. The act gives DPH the authority to also make a final determination when there is no agreement after the consultation with DPUC. In considering any change to the boundaries, the DPH commissioner must (1) maintain existing service areas, (2) consider established exclusive service areas, and (3) consider the orderly and efficient development of public water supplies.

By law, each WUCC must prepare a coordinated water system plan in the public water supply management area. DPH must approve the plan and adopt regulations establishing plan contents and the approval procedure. This act also requires DPH to adopt regulations on procedures for amending a plan. **(PA 02-139, effective October 1, 2002)**

## **WETLANDS**

### ***Mediation and Wetlands Appeals***

This act allows parties to resolve appeals from certain watercourse or wetland decisions through mediation. It amends the current mediation procedures that apply to land use appeals, and makes these amended procedures apply to wetlands appeals. By law, parties

can resolve disputes involving land use decisions or locally cited violations of state dumping laws through mediation instead of litigation. They can do this for appeals from decisions of zoning commissions, planning commissions, combined planning and zoning commissions, zoning boards of appeals, historic district commissions, and the Connecticut and Niantic rivers gateway commissions. They can also try mediation for appeals from local decisions enforcing stream and channel encroachment ordinances and state dumping laws.

The act makes eligible for these mediation procedures (1) appeals by someone aggrieved by a decision on a permit application for activities on tidal or inland wetlands regulated by the environmental protection commissioner and (2) appeals by the commissioner or an aggrieved person about regulations, orders, decisions, and actions by the commissioner, a district, or a municipality related to inland wetlands and watercourses.

The act also eliminates a requirement that the parties publish notice of mediation in a newspaper with substantial circulation in the municipality within 15 days of notifying the court about the mediation. It eliminates a provision allowing aggrieved parties to petition the court to participate in the mediation process. It also makes conforming changes. **(PA 02-132, effective October 1, 2002)**

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