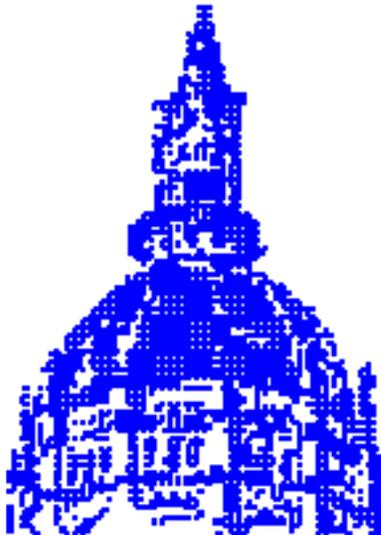


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

ENVIRONMENT



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NOTICE TO READERS

This report highlights 2003 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 environmental 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, [Office of the House Clerk-Home Page](#). 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 most analyses are now available on the OLR web site, [Office of Legislative Research](#).

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ADMINISTRATIVE

Minor Revisions To The Environmental Protection Provisions

This act requires the commissioner to state the differences between regulations the Department of Environmental Protection (DEP) proposes and existing federal standards and procedures when he gives notice of the proposed regulations, rather than at the public hearing. (PA 03-276, effective July 1, 2003)

AGRICULTURE

Locally Grown Farm Products

This act adds “Connecticut Grown” to the list of terms that may be used to sell or advertise farm products grown, and eggs produced, in Connecticut. Under prior law, other allowable terms were “native,” “native grown,” “local,” “locally grown,” and other unspecified terms. The act narrows the list to just specified terms. (PA 03-161, effective October 1, 2003)

Property Tax Exemption For Certain Farm Buildings

This act authorizes a municipality, with the approval of its legislative body, to exempt from property tax up to \$100,000 of the assessed value of any

building actually and exclusively used in farming, as defined by law. This exemption does not apply to farmers’ homes. Farmers must apply and qualify for the exemption according to law. (PA 03-234, effective July 1, 2003)

The Revisor’s 2003 Technical Corrections to the General Statutes and Making Revisions to Certain Provisions of the General Statutes and Certain Public Acts

By law, a Siting Council certificate is required to build a telecommunications tower owned or operated by a utility company or the state or used as part of a cellular system. The act bars the council from granting a certificate for such towers that are proposed to be built in areas subject to agricultural restriction under the state’s farmland preservation program unless the council finds that the tower will not materially decrease the acreage or productivity of arable land (land that is fit for cultivation). Under the program, the state purchases the development rights of farmland that is must subject to development pressure. See also PA 03- 221. (PA 03-278, effective October 1, 2003)

AIR QUALITY

Secondhand Smoke In Work Places

This act tightens restrictions on smoking in workplaces and buildings open to the public. It bans smoking inside restaurants and other establishments with liquor permits, beginning October 1, 2003, except for cafes and taverns, where it begins April 1, 2004. (PA 03-235 postpones the smoking ban for bowling alley bars from October 1, 2003 to April 1, 2004). It also bans smoking in state and municipal buildings, most health care institutions, and private college and university dorms. It allows smoking anywhere in outdoor areas of restaurants that do not serve alcohol and under certain conditions in outdoor areas of establishments that do. It limits smoking in most other places where five or more people work to specially ventilated smoking rooms and restricts the number of guest rooms in hotels and motels where smoking is allowed. And it extends the current ban on smoking in public areas of retail food stores to the entire store. (PA 03-45, effective October 1, 2003)

Mercury Emissions From Coal-Fired Electricity Generators

This act requires coal-burning electric plants to reduce the amount of mercury they emit, starting July 1, 2008. It (1) sets standards the plants must meet, (2) requires plant owners to test their generating units quarterly, and (3) requires owners to submit quarterly reports to the DEP commissioner on a form he prescribes. The act authorizes the commissioner to set alternative emission limits if the plants cannot meet its requirements with properly installed and operating control technology. The commissioner's implementation of these provisions does not suspend any underlying procedure or requirement in state regulations. The act applies to the Bridgeport and AES Thames (Uncasville) generating plants. The act also requires the commissioner to review the mercury emission limits by July 1, 2012, and authorizes him to adopt regulations imposing more stringent mercury emission limits on or after that date. (PA 03-72, effective upon passage)

Revisions To Certain Environmental Quality Programs

This act authorizes the DEP commissioner to incorporate California motor vehicle emission standards by reference. (PA 03-218, effective July 1, 2003)

Indoor Air Quality In Schools

The act makes several changes to improve and protect the indoor quality in Connecticut schools. These changes include:

1. making school boards responsible for maintaining their facilities;
2. requiring local and regional school districts to implement an inspection and evaluation program, such as the U.S. Environmental Protection Agency's (EPA) Tools for Schools, for new building constructions, extensions, renovations, and replacements;
3. allowing the education commissioner to approve school construction projects for certified school indoor air quality emergencies without putting them on the list for General Assembly approval;
4. requiring districts to conduct Phase 1 environmental site assessments of proposed school construction sites;
5. prohibiting the State Department of Education (SDE) from approving school construction projects or sites if certain conditions exist;
6. requiring operation and maintenance of heating, ventilating, and air conditioning (HVAC) systems in accordance with prevailing standards;
7. increasing the maximum square footage per pupil limit

under the school construction grant program if necessary to accommodate an HVAC system; and

8. allowing local and regional school boards to establish indoor air quality committees to increase staff and student awareness of indoor environmental quality. (**PA 03-220**, effective July 1, 2003)

ANIMALS

Dog Licenses

The act increases, from \$9 to \$12, the annual fee that an owner or keeper must pay for licensing each of his unneutered male or unspayed female dogs age six months or older. (**PA 03-103**, effective October 1, 2003).

Authorizing Municipal Animal Control Officers to Spay or Neuter Animals In Their Care

By law, a municipal animal control officer may euthanize, sell, or place, a dog, cat, or other animal in his custody if its owner has not claimed it within seven days after notice of the animal's capture is published. This act allows the officer to have a licensed veterinarian spay or neuter unclaimed, healthy cats, dogs, or other animals in his custody after the same seven day period before selling or placing them as pets. The act exempts veterinarians who perform these

procedures from civil liability, including for certain reconstructive surgery. (**PA 03-137**, effective October 1, 2003)

Adoption Of Animals From The Connecticut Humane Society

By law, people acquiring an unspayed or unneutered dog or cat from a pound must pay it \$45 for a voucher to sterilize the animal. This act exempts the Connecticut Humane Society (CHS) from paying the \$45 fee when the pound gives it an animal, if CHS sterilizes the animal before placing it for adoption. It requires CHS to biannually submit a report to the Animal Population Control Fund that includes (1) the town facility from which the cat or dog came; (2) the animal's impound number, species, and gender; and (3) the dates CHS received and sterilized the animal. It allows the agriculture commissioner to end the exemption and reinstate the \$45 fee if CHS fails to sterilize the animals or report as required. It exempts from sterilization an animal CHS receives if a veterinarian certifies in writing that it is medically unfit for the surgery.

It allows an animal owner or his employees to administer to the owner's animals without violating the prohibition on the practice of veterinary medicine without a license. (**PA 03-198**, effective October 1, 2003)

Animal Cruelty Prevention and Education

This act allows the court, as a condition of probation or conditional discharge, to require someone convicted of cruelty to animals to undergo psychiatric or psychological counseling or to participate in any existing animal cruelty prevention and education program available to the defendant. The court may use this condition with people convicted in regular criminal court, with children (under age 16) convicted as delinquent, with those (age 16 and 17) being granted youthful offender status, and with first-time offenders being granted accelerated rehabilitation. (**PA 03-208**, effective October 1, 2003)

Confinement and Tethering of Dogs

Under this act, anyone who confines or tethers a dog for an unreasonable period of time is subject to a fine of up to \$100 for a first offense, between \$100 and \$250 for a second offense, and between \$250 and \$500 for any subsequent offenses.

By law, anyone who has charge or custody of an animal and abandons it or fails to provide it with proper food,

drink, and protection from the weather commits the crime of cruelty to animals and is subject to a fine up to \$1,000, one year imprisonment, or both. (**PA 03-212**, effective October 1, 2003)

Revisions To Certain Department of Public Health Statutes

This act makes a number of changes to Department of Public Health (DPH) statutes. Among other things, it recognizes certification by the program for the Assessment of Veterinary Education equivalence when licensing foreign educated veterinarians, in addition to the already recognized Educational Commission for Foreign Veterinary Graduates. It also allows DPH to license by endorsement a veterinarian licensed in another state with requirements substantially similar to Connecticut's (**PA 03-252**, effective October 1, 2003)

Myofascial Trigger Point Therapy on Animals

This act allows people with experience performing myofascial trigger point therapy who practice it on animals to do so without violating the ban on practicing veterinary medicine without a license.

The act defines "myofascial trigger point therapy" as the use of specific palpation (examining by touch), compression, stretching, and corrective

exercise for promoting optimum athleticism. It defines "experienced people" as those who before October 1, 2003 have attended at least 200 hours of classroom, lecture, and hands on practice in myofascial trigger point therapy. Including:

1. animal musculoskeletal anatomy and biomechanics,
2. theory and application of myofascial trigger point therapy technique,
3. factors that cause a condition to reoccur, and
4. corrective exercise. (**PA 03-277**, effective October 1, 2003)

BOATING

Drunk Boating

This act makes the laws governing boating while under the influence of alcohol or drugs parallel in some ways to those governing driving while under the influence, thereby substantially increasing the penalties that apply under the boating laws.

Under the act, a boater is considered to have implicitly consented to tests to determine his blood alcohol content (BAC) when operating in state and federal waters. It requires an officer who arrests a person for boating while under the influence or related crimes to revoke temporarily that person's authority to engage in boating if he (1) refuses to submit to the

test or (2) has an “elevated” BAC. Under the act, an elevated BAC is (1) .02% if the person is under 21 and (2) .08% for anyone else. Under prior law, the criminal penalties for boating while under the influence applied to any boater with a BAC of .10% or more.

Certificate suspension and revocation. The act establishes an administrative procedure for suspending or revoking the person’s safe boating certificate or certificate of personal watercraft operation (“certificate”), which are required for legal boating, or his right to operate a vessel that requires a safe boating certificate to operate, depending on the offense. The procedure, which parallels the administrative *per se* law for drunk driving applies if the boater fails to submit to a test or has test results indicating an elevated BAC. The procedure is independent of criminal prosecutions for boating while under the influence. The act establishes a separate administrative suspension procedure if the boater was injured in an accident and arrested for operating under the influence and reckless boating.

Criminal penalties and proceedings. The act increases the criminal penalties for boating under the influence and applies them to boating with an elevated BAC. Under prior law, the

penalty was a fine of \$100 to \$500, regardless of the number of previous offenses. Under the act, the fine depends on the number of prior offenses. In addition, the act subjects a first-time offender to a prison term or probation with community service. For subsequent offenses, it subjects violators to a prison term, probation and community service. The act also requires suspending the person’s certificate for a first or second offense and revocation for a third offense. Under prior law, a boating safety certificate could not be revoked. The act also requires the DEP commissioner to adopt regulations governing reinstatement of the certificates and right to operate.

The act modifies the standards under which test results are admissible in criminal proceedings for boating under the influence, including allowing retesting standards to test for drugs other than or, in addition to, alcohol.

Other provisions. It expands the definition of reckless boating under the influence and increases the penalty for this crime.

The act requires all offenders to participate in an alcohol education and treatment program, including allowing first time offenders who qualify to participate in a pretrial alcohol education and prevention program.

The act makes engaging in activity contrary to the DEP boating regulations an infraction. It broadens the powers of peace officers to stop and seize boats for boating law violations, but limits who may enforce certain laws. It requires courts and DEP to keep certain records of violations of boating laws. It increases fines for several boating laws.

It also (1) subjects those who misuse a boat registration to a fine, imprisonment, or both; (2) changes the law on marked courses or jump ramps (water skiing courses); and (3) eliminates water skiing under the influence as a crime. (**PA 03-244**, effective October 1, 2003)

BUDGET

Reductions in FY 2002 Funds

This act eliminates the transfer from the FY 2002 General Fund of \$75,000 for DEP water program grants and \$1 million for DEP recreational fishing programs. The reduction means these programs will not receive any money from the FY 2002 General Fund. (**PA 03-2**, effective upon passage)

HAZARDOUS MATERIALS

Hazardous Waste Transfer Liability Of A Person Appointed By The Court To Sell, Convey Or Partition Real

Property Or A Trustee In Bankruptcy

This act exempts from the Transfer Act a person appointed by the Superior Court or any other court to sell, convey, or partition real property, or as a trustee in bankruptcy. The Transfer Act imposes disclosure and other procedural requirements and certain civil liability in connection with the transfer of parcels of land that might be contaminated by hazardous materials (**PA 03-82**, effective October 1, 2003)

Asbestos Abatement Workers, Site Supervisors And Training Programs

This act establishes fees for certifying asbestos abatement workers and site supervisors, as well as for approval of asbestos-related training and refresher training programs. It also allows for Connecticut certification by endorsement for certain out-of-state workers and supervisors.

By law, asbestos abatement workers and site supervisors must complete a DPH-approved training program and be certified by DPH. The act establishes initial and annual renewal license fees of \$25 for an asbestos worker certificate and \$50 for a site supervisor certificate. It allows DPH to certify a person licensed or certified in another state with standards substantially similar

to Connecticut's and who is not facing any unresolved complaints or pending disciplinary actions.

The act establishes a \$500 fee for each application or reapplication to DPH for approval of training programs for asbestos abatement workers, asbestos abatement site supervisors, and asbestos consultants. It also establishes a \$250 application fee for DPH's approval or re-approval of refresher training programs. (**PA 03-87**, effective October 1, 2003)

Membership of the Judicial Selection Commission and Conforming Certain Statutory Provisions to the Reduction in the Number of Congressional Districts

This act revises the election law and other statutes to reflect the reduction in Connecticut's U.S. Congressional delegation from six members to five. It changes the membership of certain commissions, including the Connecticut Hazardous Waste Management Service, whose membership is based on representation from congressional districts. The act requires the governor to appoint five of his appointees to the board of directors for the service from different congressional districts and the sixth appointee at-large. The total 11-person board membership and composition remains the same. It also ends the terms of the

appointed members of the service on January 1, 2004, and requires the appointment of new members (**PA 03-170**, effective upon passage)

Radon Mitigators

This act changes the certification requirement for contractors who advertise themselves as radon mitigators. Under prior law, radon mitigators had to attend a program and pass an examination that the public health commissioner approved before the consumer protection commissioner could certify them as radon mitigation contractors. The act instead requires people to provide satisfactory proof of certification from the National Radon Safety Board or the National Environmental Health Association before they can be certified.

By law, anyone who advertises himself as a contractor or salesperson must first obtain a certificate of registration from the consumer protection commissioner. The law exempts certain corporate officials already registered as contractors from also having to be certified as salespeople.

The act also set a \$250 minimum fine for violators of the certification requirement. Under prior law, the fines ranged from up to \$500 for the first violation, up to \$750 for the second violation occurring within three

years of the first, and up to \$1,500 for the third and subsequent violations occurring within three years of the prior violation. (**PA 03-186**, effective October 1, 2003)

Revisions to Certain Environmental Quality Programs

This act:

1. Makes additional polluted property eligible for assessment and remediation under the Urban Sites Remedial Action Program and changes the conditions under which the commissioner may remediate particular properties;
2. Excludes from Transfer Act requirements the conveyance of a hazardous materials “establishment” through foreclosure of a municipal tax lien and makes other changes to the Transfer Act;
3. requires that all new underground storage tanks, other than residential storage tanks, be of double-walled construction. (**PA 03-218**, effective July 1, 2003, except for the underground storage

tank requirements, which take effect October 1, 2003)

Revisions To Certain Department Of Public Health Statutes

This act makes a number of changes to DPH statutes. Among other things, it requires DPH to maintain a list of companies and individuals performing radon analytical measurement services and residential mitigation services, instead of a list based on a federal program. It repeals a requirement that DPH adopt regulations on certification criteria and procedures for lead inspectors and lead abatement and removal contractors. (**PA 03-252**, effective October 1, 2003)

Minor Revisions To The Environmental Protection Provisions

This act requires warning labels on packaging for high-intensity discharge lamps containing mercury by July 1, 2004, and delays for one year the assessment of administrative costs and interest for certain people on whose property is located a home from which DEP had lead paint removed in 2002. (**PA 03-276**, effective July 1, 2003, except the provision concerning lead paint removal is effective upon passage).

HUNTING AND FISHING

(See also **Wildlife and Endangered Species**)

Designating the Shad as the State Fish

This act names the American shad as the state fish. (**PA 03-41**, effective October 1, 2003)

Minor Revisions to the Environmental Protection Provisions

This act (1) allows non-resident, active, full-time members of the armed services to purchase firearms permits to hunt deer and bow-and-arrow permits to hunt deer and small game for the same fee as state residents; (2) expands the type of ammunition hunters may use in muzzle-loading rifles; and (3) requires bow hunters to use a bow with a draw weight of at least 40 pounds, rather than one able to propel a 400 grain hunting arrow 150 yards, to obtain a DEP bow-and-arrow deer hunting permit. (**PA 03-276**, effective July 1, 2003)

Fishermen's Sales Tax Exemption

By law, sales of vessels, machinery, and equipment used exclusively for commercial fishing are exempt from the sales tax. The act relaxes the conditions a fisherman must meet to qualify

for the exemption. It also requires fishermen to get exemption permits from DRS and requires the DRS commission to adopt regulations that require fishermen to register periodically for the permits. (**PA 03-225**, effective October 1, 2003, and applicable to sales on or after that date.)

LAND USE AND OPEN SPACE

West Rock Ridge State Park

This act makes several changes in the statute and special acts governing the way in which the DEP commissioner can obtain additional property for the 1,600-acre West Rock Ridge State Park, located mostly in Hamden. (**PA 03-131**, effective upon passage)

Consistency In Municipal Land Use Administrative Review Processes

This act standardizes the schedules land use commissions must follow when acting on applications and the requirements for notice that the commissions must give the public and other parties about public hearings they hold on these matters. In doing so, it changes the schedules for wetlands commissions' actions and the extent to which all land use commissions can extend the schedules for acting on applications.

The act requires sewer districts and water pollution control authorities to act on certain applications or requests within 65 days after the day they were received, unless an applicant agrees to an extension. This requirement applies to requests to determine the sewer capacity of proposed land uses, approvals for sewer connections for which the applicant must pay, and any other applicant-funded proposal for treating or disposing of wastewater. The act does not limit the number of requests for extensions, but it limits the total number of days for all extensions to 65. (**PA 03-177**, effective October 1, 2003 and applicable to land use applications filed on or after the date.

Tax Credits for Open Space Acquisition

This act increases credits against business taxes from 40% to 60% of any amount a business donates to a municipal fund for acquiring open space, among other things. (**PA 03-225**, effective July 1, 2003, and applicable to income years starting on or after January 1, 2003.)

LONG ISLAND SOUND

Moratorium On Projects In Long Island Sound

This act extends for one year, until June 3, 2004, a moratorium on state agency consideration or final decision on any electric power line, gas pipeline, or telecommunications crossing of Long Island Sound. It specifies that the moratorium applies to any facility that requires either (1) a certificate of environmental compatibility and public need from the Connecticut Siting Council or (2) approval by the Federal Energy Regulatory Commission (FERC). As under prior law, the moratorium does not apply to maintenance, repair, or replacement work necessary for repairing electric power lines, gas pipelines, or telecommunications crossing currently serving customers located on islands or peninsulas off the Connecticut coast or harbors, embayments, tidal rivers, streams, or creeks. It also does not affect a project in the Sound extending from Norwalk to Northport, New York to replace existing electric cables. (**PA 03-148**, effective upon passage)

Protection Of Long Island Sound

This act:

1. bars the agriculture department, and certain other state agencies, from entering agreements with parties to Connecticut Siting Council hearings and proceedings concerning certificate

- applications that require the agencies to refrain from participating in, or withdrawing from, the proceedings;
2. requires the council to consult with, and solicit written comments from, the agriculture department, before holding a hearing;
 3. requires fishermen leasing shellfish beds from the state or fishing shellfish beds designated or granted by towns to make a good faith effort to cultivate and harvest them;
 4. prohibits shellfishermen from entering into contracts in which they agree not to cultivate or harvest the beds, or from agreeing with a third party not to carry out their lease obligations without the approval of, in the case of state leases, the agriculture department and attorney general, and, in the case of town grants, towns, the shellfish commission or selectmen;
 5. requires that utility line or public use structure owners whose project impacts a shellfish bed pay the shellfisherman the costs of removing or relocating the shellfish;
 6. authorizes the DEP commissioner, when considering an application to dredge, build any structure, or place any fill in the state's coastal, tidal, or navigable

- waters, to hold a public hearing if he believes it will serve the public interest;
7. requires him to hold such a hearing if at least 25 people request it, and certain other conditions are met, and
 8. adds the attorney general and agriculture department to the list of state and town officials the commissioner must notify before acting on a dredging application.

By law, the Siting Council must find a public need exists before approving gas pipelines, aboveground electric transmission lines, and substations. Under the act, a public need exists if an energy facility is needed for the reliability of the state's electric power supply. (**PA 03-263**, effective upon passage)

RECREATION AND NATURAL RESOURCES

Invasive Plants

This act creates a nine-member Invasive Plants Council to:

1. educate the public, merchants, and plant buyers about problems associated with invasive plants;
2. recommend ways to control and abate invasive plants;
3. make available information on invasive plants to anyone who requests it;

4. annually publish and periodically update a list of plants considered invasive or potentially invasive; and
5. support state agencies researching the control of invasive plants through such means as eradicating and managing existing invasive species and developing alternative species that do not harm the environment.

The act authorizes the council, by a two-thirds vote of its membership, to recommend to the Environment Committee that it prohibit the import, export, wholesale or retail sale, and purchase of plants the council determines are invasive or potentially invasive. The act sets the criteria the council may consider in making such a recommendation, as well as the criteria the council must consider in classifying a plant as invasive or potentially invasive.

The act prohibits state agencies, departments, or institutions from buying plants the council determines are invasive or potentially invasive unless the agency must do so to honor a state contract in effect when the plant is listed as invasive or potentially invasive. But a state agency, department, or institution may transport invasive or potentially invasive plants for educational or research purposes.

It bars the importation, transport, sale, purchase, possession, cultivation, or

distribution of seven specific plants, regardless of any municipal ordinance to the contrary. Violators of this provision are subject to a fine of up to \$100. It prohibits, until May 5, 2004, municipalities from adopting ordinances regarding the retail sale or purchase of any invasive plant.

The act requires DEP-approved safe boating courses to instruct boaters how to properly inspect boats and boat trailers for vegetation and dispose of it. A boater who fails to properly inspect and dispose of vegetation before transporting a boat or trailer faces a fine of up to \$100 for each violation. The act authorizes conservation officers, special conservation officers, and patrolmen appointed by the DEP commissioner to enforce this. **(PA 03-136**, effective upon passage)

Revisions To Certain Environmental Quality programs

This act gives certain utility company special police officers, conservation officers, special conservation officers, and patrolmen joint jurisdiction over land the state and the Nature Conservancy purchased for conservation purposes in 2001 (the Kelda lands.) **(PA 03-218**, effective July 1, 2003)

Minor Revisions To The Environmental Protection Provisions

This act prohibits anyone from operating a snowmobile or all-terrain vehicle (ATV) on any land, rather than just fenced farmland or posted land, without the owner's written permission, and requires the operator to carry the written permission on his person while operating the vehicle on such land. (**PA 03-276**, effective July 1, 2003)

RECYCLING

The Beneficial Reuse of Glass

This act allows the use of crushed recycled glass as fill material. It may be used as aggregate for asphalt, concrete, or any other subgrade construction application in which it would substitute for sand or stone aggregate, provided the crushed recycled glass does not constitute more than 10% of clean fill by volume, as defined by regulations. (**PA 03-65**, effective upon passage)

UTILITIES

Renewable Resources/Electric Restructuring

This act, which revises the electric restructuring law, makes changes in the requirement that electric suppliers obtain part of their power from renewable

resources, such as wind, water and solar power (the renewable portfolio standard, or RPS). The act (1) reduces the total amount of renewable power suppliers must obtain, (2) modifies what counts as renewable resources and where it can be produced, and (3) extends the modified RPS to apply to utilities in the service they provide to customers who do not choose suppliers. The act extends to utilities other environmental provisions that currently apply to suppliers. (**PA 03-135**, the above provisions are effective July 1, 2003).

Energy Facility Siting

This act expands the responsibilities of the Connecticut Energy Advisory Board (CEAB) to include energy planning and the identification of alternative solutions to the state's energy infrastructure needs. It requires CEAB to prepare an annual plan, using existing data, on the need for new energy resources, transmission facilities, and energy conservation initiatives in the state. This requirement supersedes a mandate that the Office of Policy and Management (OPM) develop a similar plan every four years and that CEAB report its recommendations on energy policy every other year.

CEAB must issue a request for proposals (RFP) when the Siting Council receives an

application on or after December 1, 2004 for a certificate to build an energy facility (electric transmission line, power plant, substation, or gas transmission line) in order to identify alternative solutions. The act allows the board to issue an RFP on its own initiative to address the needs identified in its annual plan. The act requires CEAB to develop guidelines by December 1, 2004 for evaluating alternative proposals for addressing the state's energy infrastructure needs, and requires it to evaluate any proposals received in response to the RFP, as well as the original application, using those guidelines. CEAB must report its findings to the Siting Council. The report becomes part of the record upon which the Siting Council must make its decision.

The act also:

1. requires an applicant for a Siting Council certificate for an energy facility to pay a \$25,000 fee to reimburse the potential host municipality or municipalities for expenses they incur in participating in the Siting Council process;
2. requires the council to hold a consolidated hearing on the original application and any applications submitted in response to the RFP;
3. requires the council, when it holds a consolidated hearing, to grant a certificate to the

- applicant that represents the most appropriate alternative based on the council's findings and determinations;
4. extends the deadline for the council to hold its hearings and issue its decision to account for the time taken up in the CEAB review process;
5. imposes more stringent council approval standards for underwater transmission lines and changes the decision criteria for other energy and telecommunications facilities regulated by the council. (**PA 03-140**, various effective dates)

Utility Company Land Sales

This act eliminates the requirement that utilities, other than a water company, obtain the Department of Public Utility Control's approval before selling or otherwise disposing of improved property worth less than \$250,000, rather than \$50,000, (separate provisions apply to water company land dispositions). The act appears to extend to dispositions of small parcels of unimproved land provisions that already apply to dispositions of larger parcels. Among other things, these provisions give state agencies and municipalities a right of first refusal to purchase the property. (**PA 03-163**, various effective dates)

Electric Restructuring

This act modifies the electric restructuring law, as amended by PA 03-135, with regard to its renewable energy requirements. Among other things, this act modifies the types of biomass (crop waste and crops grown for energy production) facilities that count towards the RPS requirements and the penalties that apply if a utility or supplier does not meet the requirements.

By law, a Siting Council certificate is needed to build telecommunications towers owned by the state or a utility company, and those used to provide wireless service. This act bars the council from granting a certificate for towers to be built on land under agricultural restriction unless it finds that the tower will not materially reduce the acreage and productivity of arable land. "Agricultural restrictions," as defined by a subsequent act (PA 03-278), are those imposed under the state's farmland preservation program. (**PA 03-221**, effective July 1, 2003)

Siting Council Review of Application for Certain Electric Transmission Lines

This act creates a presumption that certain electric transmission line proposals will meet applicable Connecticut Siting Council standards for approval. By law, the council

applies different standards in approving (1) overhead and (2) underground and underwater lines. The council cannot approve an overhead line unless it finds it is needed to ensure the reliability of the state's electric supply (the "public need" standard). It cannot approve an underground or underwater line unless it finds it necessary either (1) for the reliability of the state's electric supply or (2) to develop a competitive market for electricity (the "public benefit" standard).

This act creates a presumption that certain overhead lines will meet the public need standard and that certain underground lines will meet the public benefit standard. A party or intervenor to the council proceedings may present evidence to rebut (overcome) this presumption. The act affects plans for transmission lines (1) with a capacity of 345 kilovolts or more, (2) submitted on or after May 1, 2003, and (3) that propose placing the line underground in residential areas and overhead in industrial and open space areas. (**PA 03-248**, effective upon passage)

WATER QUALITY

MTBE as a Gasoline Additive

This act links the state's phaseout of the gasoline additive methyl tertiary butyl ether (MTBE) to New York's plan to eliminate MTBE starting January

1, 2004. Leaks of MTBE, added to gasoline to reduce air pollution, have contaminated some state water supplies.

Under prior law, the DEP commissioner, working in conjunction with the Northeast Regional Fuels Task Force, was to develop and implement a plan to phase out MTBE starting October 1, 2003. The act extends that deadline by three months, to January 1, 2004, provided New York proceeds with plans to ban MTBE starting then. If New York postpones its ban, the act requires the commissioner to develop and implement a plan to phase out MTBE in Connecticut starting July 1, 2004.

The phaseout only apply to gasoline intended for sale to Connecticut end users and does not prevent anyone from selling, offering for sale, distributing, or blending motor fuel containing up to one-half of one percent by volume of MTBE. The act extends by one year (through January 1, 2004) a requirement that the commissioner report annually to the Environment Committee on plans to eliminate MTBE. (**PA 03-122**, effective upon passage)

Enforcement of Pollution Abatement Orders

By law, people, companies, and municipalities must have a DEP permit to discharge any water, substance, or material in state waters, and the attorney general may file an action in

court to halt an illegal discharge. This act authorizes the DEP commissioner to request that the attorney general ask a court to order the clean up of the effect of an illegal discharge. By law, the attorney general must bring these actions in Hartford Superior Court, and such requests take precedence over other civil actions. (**PA 03-125**, effective July 1, 2003)

Revisions to Certain Environmental Quality Programs

This act makes certain water quality project costs eligible for grants, rather than loans (**PA 03-218**, effective July 1, 2003)

Revisions to Certain Department of Public Health Statutes

This act makes a number of changes to DPH statutes. Among other things, it gives DPH the authority to certify people who test backflow prevention devices, (devices that prevent contamination during periods of low water pressure) and perform cross-connection surveys, and requires DPH to adopt related regulations. (**PA 03-252**, effective October 1, 2003)

WATER SUPPLY

Exemptions from the Water Diversion Permitting Process

This act (1) eliminates certain notice and comment provisions for general permit applications under the Connecticut Water Diversion Policy Act (CWDPA), and makes others optional, (2) exempts certain water diversions needed for the security of public water supplies from permit and notice requirements, and (3) requires the Water Planning Council to issue recommendations by February 2004.

By law, anyone may comment on the issuance, renewal, modification, revocation, or suspension of a general permit for minor activities under the CWDPA for 30 days following publication of notice of intent to issue the permit by the DEP commissioner in a major newspaper in the affected area. The act eliminates a provision allowing inland wetlands agencies, zoning commissions, and conservation commissions, or any person in the affected area, to comment on activities covered by the general permit to the commissioner 25 days before the activity is to start. The act allows, instead of requires, a general permit under CWDPA to require any person or town intending to undertake an activity covered by the permit to give written notice to the inland wetlands agency, zoning commission, and conservation commission of any town that will or may be affected by the action.

It eliminates the requirement that the person or town that plans to conduct the activity give such notice at least 60 days before the action and that the DEP receive and make the notice publicly available.

The act adds water diversion necessary for the security of public water supplies to the list of diversions exempt from CWDPA permit and notification provisions and makes these and other diversions exempt from general permit for minor activity requirements.

It also requires the Water Planning Council, by February 1, 2004, to issue recommendations for (1) a water allocation plan, based on water budgets for each watershed; (2) funding for water budget planning, giving priority to the most highly stressed watersheds; and (3) the feasibility of merging the data collection and regulatory functions of the DEP Inland Water Resources program and the public health department's water supplies section. The Water Planning Council was created in 2001 to address a wide variety of water issues. By law, it must report its preliminary findings and any proposed legislative changes annually to the Environment, Public Health, and Energy and Technology committees. **(PA 03-141**, effective July 1, 2003)

Water Conservation

This act requires businesses

and state agencies that begin installing automatic lawn sprinkling systems on or after October 1, 2003 to equip the system with a sensor that overrides it when adequate rainfall has occurred. It allows municipalities to adopt parallel ordinances that can apply to all entities installing such systems on or after October 1, 2003, rather than just businesses and state agencies. **(PA 03-175, effective October 1, 2003).**

***Revisions to Certain
Department of Public Health
Statutes***

This act makes a number of changes to DPH statutes. Among other things, it changes criteria related to DPH's determination of fees for water supply testing. **(PA 03-252, effective October 1, 2003)**

WETLANDS

***Minor Revisions to the
Environmental Protection
Provisions***

This act tightens the requirements petitioners must meet when asking the environmental protection commissioner to hold a hearing on whether to allow a regulated activity on a wetland. **(PA 03-276, effective July 1, 2003)**

WILDLIFE AND ENDANGERED SPECIES

***Department of Environmental
Protection Endangered Species
Programs***

This act:

1. sets conditions for administering drugs, pesticides, vaccines, and immunocontraceptives to wild animals;
2. allows hunters to use bait to kill deer in areas the DEP commissioner designates;
3. requires the commissioner to issue free private land deer permits, for use on farms that are limited liability corporations, to the corporation's partners or their immediate family members;
4. authorizes the commissioner to permit towns, homeowners associations, and nonprofit land-holding organizations to kill deer and take Canada geese under certain conditions;
5. expands the commissioner's power to control fish and wildlife to protect natural or agricultural ecosystems, and to acquire property for wildlife management purposes, requires that he document any such use of these and other specified powers, and subjects such uses to disclosure under the Freedom of Information Act;

6. gives the commissioner authority to dispose of undesirable wildlife detrimental to livestock, endangered or threatened species, or causing severe property damage;
7. permits people to kill rock doves (pigeons), monk parakeets, and certain other birds in certain situations;
8. increases the fine for distributing, hunting, taking, killing, or attempting to kill a bald eagle, and also imposes criminal penalties on people who (a) disturb an active bald eagle nest, or (b) enter a posted no access area for a bald eagle or active bald eagle nest;
9. expands the definition of dangerous animals, increases the penalty for illegally possessing them, and authorizes DEP to bill a person who illegally possesses one for the costs of its confiscation, care, maintenance, and disposal;
10. expands the law concerning the commissioner's authority over the possession, importation, and transport of fish and wildlife;
11. bans the sale or purchase of snakehead fish;
12. require that hunters taking migratory game birds use types of nontoxic shot that at least meet U.S. Fish & Wildlife Service standards. (**PA 03-192**, effective October 1, 2003)

PF:eh