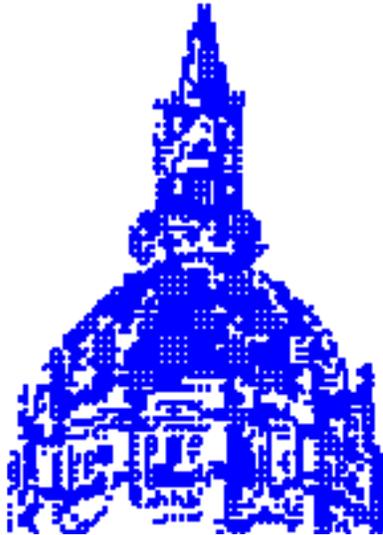


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

Environment



Paul Frisman, Associate Analyst,
Joseph Holstead, Research Analyst
2005-R-0571
July 22, 2005

TO THE READER

This report provides highlights of new laws (public and special acts) affecting the environment enacted during the 2005 regular and June Special legislative sessions. At the end of each summary we indicate the public act (PA) or special act (SA) number.

Not all provisions of the acts are included here. Complete summaries of all 2005 public acts will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage: [Office of Legislative Research \(1\)](#)

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: [Welcome to the Connecticut General Assembly](#)

Table of Contents

AGRICULTURE.....	5
Revising and Modernizing Milk Regulation Statutes/Licensing of Poultry Dealers	5
Custom Slaughter Houses	5
Increasing the Membership of the Milk Regulation Board and Studying the Connecticut Dairy Industry	5
Preserving and Using Agricultural Lands and Conservation and Preservation Restrictions	5
AIR POLLUTION.....	6
Banning Certain Outdoor Wood Burning Furnaces	6
Changes to Pollutant Emissions Standards.....	6
Developing A Clean Diesel Plan.....	7
BOATING	7
Increasing the Fine for Failing to Submit to Motorboat Noise Level Tests	7
Using Vessels Registered with a Marine Dealer’s Registration Number and Regulating Motorboat Noise	7
Boating Safety	8
BONDING.....	8
DOMESTIC ANIMALS	9
Changes in the Law Concerning Biting Dogs	9
ENVIRONMENTAL HEALTH.....	9
Requiring Mobile Home Parks To Provide Residents With Notice Of Certain Health And Safety Hazards.....	9
FISH AND WILDLIFE	9
Implementing a Lobster Restoration Program.....	9
GREENHOUSE GASES	10
Developing A Clean Car Incentive Program.....	10
LAND USE AND OPEN SPACE	10
Preserving and Using Agricultural Lands, and Conservation and Preservation Restrictions	10
Farm Land Preservation, Land Protection, Affordable Housing And Historic Preservation	11
Plans Of Conservation And Development	11

Wetland Buffers and the “490” Program	11
Developments Near Large Lakes.....	12
Geospatial Information Systems (GIS) Council	12
Land Use Education	12
Open Space and Economic Development in the City of Shelton	12
NATURAL RESOURCES	13
Designating the Eightmile River Watershed a National Wild and Scenic River System	13
Creating A Bi-State Long Island Sound Committee.....	13
Proclaiming “Frederick Law Olmsted Day”.....	13
PESTICIDES.....	13
Banning the Use of Lawn Care Pesticides At Schools.....	13
Banning the Use of Lawn Care Pesticides at Day Care Facilities	14
POLLUTION AND REMEDIATION	14
Third-Party Liability For Contaminated Property	14
Changes to the Dry Cleaning Establishment Remediation Account.....	14
Expanding the Special Contaminated Property Remediation and Insurance Fund	15
Revising the Commercial Underground Storage Tank Program	15
Extending The Program Authorizing Bond Funds For Information Technology Projects And Remediation Projects And The Tax Incremental Financing Program	16
Changes to the Urban and Industrial Sites Reinvestment Program..	16
WATER SUPPLY AND MANAGEMENT	17
Revising Water Flow Regulations.....	17
Changes to the Flood Management Program	17
Permitting Certain Operations As Of Right in Stream Encroachment Channels.....	17
Changing the General Permit Notification Process for Minor Activities within Stream Channel Encroachment Lines.....	17

AGRICULTURE

Revising and Modernizing Milk Regulation Statutes/Licensing of Poultry Dealers

This act (1) makes various changes to the regulation of raw milk, milk and milk products, and the Milk Regulation Board and (2) replaces the licensing procedure for, and regulation of, poultry dealers.

Specifically, the act requires the agriculture commissioner to regulate raw milk producers the same way as producers of milk for pasteurization. It streamlines and updates several processes related to the sale and regulation of milk.

The act expands the entities dealing with poultry that must be licensed and establishes record keeping requirements. It allows the agriculture commissioner to adopt regulations, as under existing law, but includes several requirements that must be incorporated, including setting the license fee.

(PA 05-175, effective October 1, 2005 for the milk regulation provisions and January 1, 2006 for new poultry licensing provisions.)

Custom Slaughter Houses

This act requires the agriculture commissioner to adopt regulations concerning custom slaughter facilities that

slaughter livestock intended for the animal owners' personal consumption. It requires the regulations to include sanitation standards and provides that they do not apply to slaughter facilities licensed and inspected according to federal law by the U.S. Department of Agriculture. (PA 05-164, effective October 1, 2005)

Increasing the Membership of the Milk Regulation Board and Studying the Connecticut Dairy Industry

This act adds two appointees actively engaged in milk processing to the Milk Regulation Board, bringing the total number of appointed members to eight. It requires the board to conduct a comprehensive study of the state's dairy industry and submit a report to the Environment Committee by January 1, 2006. The commissioner must adopt regulations in consultation with the board based on the report's recommendations.

(PA 05-130, effective July 1, 2005)

Preserving and Using Agricultural Lands and Conservation and Preservation Restrictions

This act extends, from seven to 10 years, the validity of the Agriculture Department permit allowing people to farm or plant a garden on vacant state land. The

act splits the permit fees for agricultural uses (there is no fee for gardening permits) equally between the department and the state agency responsible for the land. Under prior law, the agency received the entire fee. **(PA 05-124**, effective October 1, 2005)

AIR POLLUTION

Banning Certain Outdoor Wood Burning Furnaces

This act bans the installation or operation of outdoor wood-burning furnaces unless they meet certain requirements and makes operating a furnace in violation of these restrictions an infraction. It prohibits anyone from building, installing, establishing, modifying, operating, or using a furnace until U.S. Environmental Protection Agency (EPA) regulations governing furnaces take effect. It exempts outdoor wood-burning furnaces built or in use before July 11, 2005 and furnaces that:

1. are installed at least 200 feet from the nearest home not heated by the furnace;
2. have a chimney shorter than 55 feet but at least as tall as the roof peaks of homes (a) located within 500 feet of the furnace and (b) not heated by it;
3. burn only wood that has not been chemically treated; and

4. are installed and operated according to the manufacturer's written instructions, provided the instructions comply with the act.

Anyone who operates a furnace in violation of the act commits an infraction, punishable by a fine of up to \$90.

(PA 05-227, effective upon passage)

Changes to Pollutant Emissions Standards

This act eliminates a requirement that the Department of Environmental Protection (DEP) commissioner set emissions standards for carbon monoxide and mercury for power plants serving the state, whether they are located in Connecticut or elsewhere in North America, and changes the circumstances under which DEP can implement such standards for other pollutants. Among other things, it permits DEP to implement a standard for a particular pollutant without waiting for other states to adopt one.

The act modifies the requirements for the emission standards and requires the Department of Public Utility Control (DPUC) to investigate whether these standards will have a negative impact on electric reliability and rates. The DPUC must complete its investigation by May 1, 2006. If the study does not find a

negative impact, the DEP commissioner, in conjunction with DPUC, must adopt the standards the act requires, by regulation, by July 1, 2006. (**PA 05-227**, effective October 1, 2005)

Developing A Clean Diesel Plan

This special act requires the DEP commissioner to develop a diesel emission reduction strategy and submit it, together with recommendations for implementing legislation, to the Environment Committee by January 15, 2006.

The report must recommend programs, policies and legislation to reduce diesel particulate matter (PM) consistent with the targets of the 2005 Connecticut Climate Change Action Plan. Among other things, the strategy must provide:

1. a description of the sources of PM emissions, and recommendations for maximizing PM reductions from the identified sources;
2. strategies to reduce diesel PM emissions from (a) certain publicly-owned and funded buses, (b) school buses, and (c) construction equipment on state construction projects;
3. estimates of the costs and benefits to the state or municipalities of the above strategies;

4. a strategy for securing and leveraging funds from the federal government and other sources to help pay the costs of meeting the above goals; and
5. recommendations to raise awareness of the health risks and climate impacts associated with PM pollution and the solutions available for reducing emissions.

(**SA 05-7**, effective upon passage)

BOATING

Increasing the Fine for Failing to Submit to Motorboat Noise Level Tests

This act increases the fine for failing to submit one's motorboat to an on-site noise test from between \$100 and \$500 to between \$350 and \$550 for a first offense and between \$450 and \$650 for each subsequent offense. The fine for failing to submit to the noise test is set at \$170. Exceeding the permitted noise level was set at \$220. (**PA 05-203**, effective July 1, 2005)

Using Vessels Registered with a Marine Dealer's Registration Number and Regulating Motorboat Noise

This act expands the circumstances under which marine dealers can operate, or direct their full-time employees to operate, a vessel with a marine dealer's registration number to

include (1) personal use, (2) obtaining or delivering repair parts, and (3) business-related use.

The act adds the term “muffler system” to laws regarding motorboat mufflers. It requires the DEP commissioner to allow the installation and operation of muffler system cutouts, bypasses, or similar devices that, to her satisfaction, operate in accordance with the law. (PA 05-76, effective upon passage)

Boating Safety

This act establishes criminal penalties for operating a vessel on state waters when (1) the required safe boating or personal watercraft operation certificate has been revoked, suspended, or refused or (2) the vessel’s registration has been suspended or revoked. It imposes the same penalties on anyone who refuses to stop certain vessels when directed to do so by a law enforcement officer.

The act’s penalties are greater for operating a vessel on state waters when the operator’s certificate or right to operate has been (1) refused, suspended, or revoked for operating under the influence of drugs or alcohol, or with an elevated blood alcohol content or (2) suspended or revoked for 2nd or 3rd degree reckless operation while under the influence. In these situations, minimum prison time

cannot be waived without mitigating circumstances.

The act makes refusal to stop a vessel for an officer a (1) class A misdemeanor for a first offense and (2) class D felony for repeat offenses or for injuring or killing someone while trying to elude such an officer.

By law, the court may suspend for up to two years the right of anyone to operate any vessel on state waters who is convicted of 1st or 2nd degree reckless boating while under the influence. The act extends this authority to cases involving people convicted of boating while under the influence or who refuse to stop for a law enforcement officer.

It specifies that anyone in a boating accident must notify the law enforcement agency having jurisdiction and makes technical and conforming changes. (PA 05-133, effective October 1, 2005)

BONDING

For FY ’06 and ’07, this act authorizes \$18 million in General Obligation (GO) bonds for farmland preservation; \$1 million in GO bonds for the Special Contaminated Property Remediation and Insurance Fund; and \$40 million in GO bonds and \$100 million in revenue bonds for Clean Water Fund Projects. It makes Enfield eligible for an extra Clean Water Fund grant of up to \$2.8 million to pay for additional costs in

upgrading its wastewater treatment plan.

It allows any municipality with a population of greater than 100,000 (Bridgeport, Hartford, New Haven, Stamford and Waterbury) to create, by ordinance, a water authority, and transfer all or parts of its water supply system to the authority. **(PA 05-5**, June Special Session, effective July 1, 2005, except for the Enfield and water authority provisions, which are effective upon passage)

DOMESTIC ANIMALS

Changes in the Law Concerning Biting Dogs

This act eliminates a requirement that the agriculture commissioner adopt regulations by January 1, 2005, to provide for an expedited appeal and hearing process regarding the restraint or disposal of a dog that bit a person. The law required the regulation to include a provision requiring the commissioner to make a final determination about the disposal of a biting dog no later than 60 days after the owner makes an appeal.

(PA 05-175, effective upon passage)

ENVIRONMENTAL HEALTH

Requiring Mobile Home Parks To Provide Residents With Notice Of Certain Health And Safety Hazards

This act requires mobile manufactured home park owners to notify their park residents of a violation, or possible violation, of an environmental law enforced by DEP if its commissioner has given the owner written notice of her determination that there is a violation, or possible violation, on the park's grounds. The act's requirements do not apply to record-keeping or reporting violations.

(PA 05-222, effective upon passage)

FISH AND WILDLIFE

Implementing a Lobster Restoration Program

This act requires the DEP commissioner to establish a lobster restoration program. Under the program, the tails of mature female lobsters that licensed commercial fishermen land are marked with a V-shaped notch and then released in order to increase lobster egg production. The commissioner must adopt implementing regulations and may select a contractor to implement the program.

The act requires DEP to compensate, if funds become available, each commercial fisherman who (1) lands, has marked, and releases lobsters

and (2) reports it as required by law. The compensation must equal the average market value, which the commissioner determines.

(PA 05-281, effective upon passage for the notching program and July 1, 2005 for the commissioner to do what is necessary to apply for, qualify for, and accept any federal and state funds for lobster restoration or any funds for the program.

GREENHOUSE GASES

Developing A Clean Car Incentive Program

This special act requires the DEP commissioner to develop a plan to decrease the sales tax by up to 3% on new motor vehicles that have low greenhouse gas (GHG) emissions and increase it up to an additional 3% for new motor vehicles that have high GHG emissions. She must do so in consultation with the chairmen and ranking members of the Environment Committee, the EPA, the Governor's Steering Committee on Climate Change, and representatives of the business community, the automotive industry, environmental organizations, and public health interests. She must submit the plan to the Environment Committee by January 1, 2006.

(SA 05-6, effective upon passage)

LAND USE AND OPEN SPACE

Preserving and Using Agricultural Lands, and Conservation and Preservation Restrictions

This act prohibits anyone from filing a permit application with a state or local land use agency, local building official, or health director, relating to property that is subject to a conservation or preservation restriction, unless the applicant shows proof that he provided written notice of the application to the restriction holder at least 60 days before filing the application. It creates a process for (1) allowing permit work, (2) disapproving the permit if the restriction holder proves the work does not comply with the restriction, and (3) reversing permit approval when an applicant failed to provide notice.

The act allows the commissioner to enter into joint ownership agreements with nonprofit organizations to acquire the development rights to qualified agricultural land if the nonprofit's mission is the permanent protection of agricultural land for continued agricultural use.

The act specifies that the attorney general may bring an action in Superior Court to enforce public interest in conservation and preservation restrictions.

(PA 05-124, effective October 1, 2005, except the provision

concerning the attorney general is effective July 1, 2005)

Farm Land Preservation, Land Protection, Affordable Housing And Historic Preservation

This act creates new farmland preservation programs and institutes a new \$30 document-recording fee to fund these and several existing programs, including affordable housing, open space acquisition, and historic preservation. The towns collect the fee for each document they record in their land records and keep \$3 to fund local capital improvement projects.

The act reinstates the purchase of fee simple title to agriculture property program and extends the current property tax exemption for agricultural buildings to those housing seasonal agricultural employees. That exemption is for up to \$100,000 of assessed value.

Lastly, the act allows towns to create quasi-public authorities to help preserve land for farming, recreation, or open space. (PA 05-228, effective July 1, 2005, except the property tax exemption is effective upon passage and applicable to assessment years beginning on or after October 1, 2005.)

Plans Of Conservation And Development

This act makes many changes in the requirements and

processes for preparing state, regional, and local land-use plans. It requires the State Plan of Conservation and Development (Plan of C&D) to target development funding. It requires regional planning agencies to revise their existing plans of development by July 1, 2008 and at least once every 10 years. It modifies the process for adopting these plans and requires them to (1) identify any inconsistencies with six growth management principles, which are included in the current state Plan of C&D and (2) note on the record any inconsistencies with that plan and the reasons for them. It expands the contents of local plans of C&D, requires them to address specified growth management principles, modifies the process for adopting the plans, and establishes a process under which anyone may request plan changes.

(PA 05-205, effective July 1, 2005.

Wetland Buffers and the "490" Program

This act makes many changes to the "490" program, in which eligible farm, forest, or open space land is assessed based on its current use, rather than its full market value. Among other things, the act modifies when transactions involving the land or changes in its use make it subject to a conveyance tax.

Under the act, if an inland wetland agency permit requires

that land serve as a buffer (thereby subjecting it to development restrictions), the municipality must assess the land as though it were wetlands. **(PA 05-190**, the wetland provision is effective upon passage and the 490 program provisions are effective July 1, 2005)

Developments Near Large Lakes

This act repeals, as of October 1, 2006, a law that bars certain developments within 2,000 feet of a lake that is larger than 500 acres. Under the law, municipal zoning regulations cannot permit the construction of structures, accessory structures, or improvements having a total area of 12,000 square feet in such areas. The act significantly restricts the scope of the law until October 1, 2006. **(PA 05-263**, effective upon passage except for the repealer, which is effective October 1, 2006)

Geospatial Information Systems (GIS) Council

This act establishes a 21-member council to coordinate, within available appropriations, a GIS capacity for the state, regional planning agencies, municipalities and others as needed. The council includes municipal and regional representatives. The council must, within available

appropriations, provide technical assistance to towns and regional planning agencies for developing GISs.

(PA 05-03, June Special Session, effective upon passage)

Land Use Education

This act requires the Office of Policy and Management secretary to report on the land use training and education programs available to members of local land use agencies and the extent to which members participate in them. He may include any recommendations for improving or expanding the programs, including recommendations for changing state law. In preparing the report, the secretary must consult with regional council of governments, regional planning agencies, and others.

(PA 05-03, June Special Session, effective upon passage)

Open Space and Economic Development in the City of Shelton

This act requires the Department of Economic and Community Development (DECD) commissioner to revise the Assistance Agreement it has with the Shelton Economic Development Corporation, so that:

1. the parcel of land identified in Phase I of the agreement is designated for open space purposes,

2. the parcel of land identified in Phase II of the agreement is designated for economic development, and
3. the state and Shelton and their agents and assigns are held harmless with respect to these designations.

(PA 05-285, effective upon passage)

NATURAL RESOURCES

Designating the Eightmile River Watershed a National Wild and Scenic River System

This act declares it state policy that the portion of the Eightmile River Watershed being studied for designation as a national Wild and Scenic River be preserved according to the federal Wild and Scenic Rivers Act. The Eightmile River watershed is a 62 square-mile area with more than 160 miles of river and streams, located mostly in East Haddam, Lyme, and Salem. Congress enacted the federal Wild and Scenic Rivers Act to protect free-flowing rivers with important scenic, natural, recreational, historic, cultural or similar values.

(PA 05-18, effective October 1, 2005)

Creating A Bi-State Long Island Sound Committee

This act replaces the Connecticut-New York Bi-State

Long Island Sound Marine Resources Committee with the Bi-State Long Island Sound Committee. It requires the new committee to recommend legislation to avoid, minimize, and mitigate the impact of the proposed industrialization and private use of the Sound's public trust resources.

(PA 05-137, effective upon New York's enactment of similar legislation.)

Proclaiming "Frederick Law Olmsted Day"

This act requires the governor to proclaim April 26 of each year "Frederick Law Olmsted Day" to celebrate his legacy as the founder of American landscape architecture.

(PA 05-179, effective October 1, 2005)

PESTICIDES

Banning the Use of Lawn Care Pesticides At Schools

This act bans the application of lawn care pesticides at public and private preschools starting January 1, 2006 except in emergencies. It restricts the application of lawn care pesticides on the grounds of public or private elementary schools starting January 1, 2006, and completely prohibits their application starting July 1, 2008, except in emergencies. It allows an emergency application of a lawn care pesticide at a

public or private preschool or elementary school to eliminate a threat to human health, as determined by the local health director, public health commissioner, DEP commissioner; or school superintendent in the case of a public elementary school. (PA 05-252, effective January 1, 2006)

Banning the Use of Lawn Care Pesticides at Day Care Facilities

This act prohibits the application of lawn care pesticides on the grounds of any child day care center or group day care home except to eliminate an immediate threat to human health, including mosquitoes, ticks, and stinging insects. It specifically bans, even in emergency situations, the application of a restricted use pesticide as a lawn care pesticide on their grounds. A restricted use pesticide is a pesticide classified as such by the EPA. Child day care centers provide care to more than 12 children. Group day care homes provide care to between seven and 12 children. (PA 05-252, effective October 1, 2005)

POLLUTION AND REMEDIATION

Third-Party Liability For Contaminated Property

This act relieves a property owner of liability, except to a state or the federal government, for costs or damages resulting from pollution that occurred or existed before he took title to the property, if (1) in the DEP commissioner's determination, the owner did not pollute state waters; (2) the owner did not create any other pollution or source of pollution; (3) the owner is not affiliated with the person responsible for the pollution; and (4) the commissioner has approved pollution investigation and remediation reports.

The act requires a property owner to send to adjoining landowners (1) notice he is going to investigate or remediate his property, and (2) the investigation and remediation reports.

It specifies when an owner may be found liable for pollution, and imposes a civil penalty of up to \$100,000 or the cost of remediation, whichever is more, on a property owner affiliated with a person responsible for polluting his property. (PA 05-90, effective October 1, 2005)

Changes to the Dry Cleaning Establishment Remediation Account

This act (1) allows owners of property on which there are eligible dry cleaning businesses to apply for grants from the Dry Cleaning Establishment Remediation Account, (2) sets a

maximum grant of \$300,000 per applicant and increases from \$50,000 to \$300,000 the maximum grant an applicant can receive in a calendar year,(3) allows the account to be used to fund environmental site assessments, and (4) makes other related changes. The legislature created the account to provide grants to dry cleaner owners and operators to contain and clean up pollution resulting from the discharge of chemicals or hazardous waste from their sites. It is funded through a one percent surcharge on dry cleaning gross receipts. (PA 05-176, effective upon passage)

Expanding the Special Contaminated Property Remediation and Insurance Fund

This act expands the purposes for which Special Contaminated Property Remediation and Insurance Fund (SCPRIF) loans can be used. Under prior law, SCPRIF provided loans to towns, businesses, and developers only to assess sites and demolish structures in preparation for remediation and development. Under the act, these entities can also use the loans to remediate contaminated property. The act also allows the DECD commissioner to extend the periods for repaying these loans.

The act eliminates the SCPRIF advisory board's authority to approve loans and DECD's

administrative costs, thus making it advisory only. It also eliminates the requirements (1) that towns in which property was remediated pay a portion of the property tax revenue from it into SCPRIF and (2) that DECD report information about the SCPRIF program to the Environment Committee.

(PA 05-285, effective upon passage)

Revising the Commercial Underground Storage Tank Program

This act revises the commercial Underground Storage Tank (UST) clean-up program. Among the most significant changes are:

1. authorizing an inspection program of commercial USTs, and permitting private licensed environmental professionals (LEPs) to evaluate USTs for compliance with the law and regulations;
2. authorizing the DEP to stop deliveries to, and operation of, non-compliant commercial USTs;
3. expanding the categories of people eligible for reimbursement from the UST account;
4. allowing UST owners and operators to assign their claims;
5. requiring applicants to submit requests for

- reimbursement by certain deadlines, and to achieve remediation milestones;
6. requiring a compliance report before the board acts on a request for reimbursement, and allowing the commissioner to deny or reduce payment if she finds an applicant is not in compliance with UST regulations;
 7. allowing the commissioner to create a price schedule that limits the amount the board can reimburse applicants for the costs of labor, equipment and material;
 8. authorizing the UST review board, with an applicant's consent, to pay up to 90% of certain requested costs in exchange for a review of the claim within 90 days;
 9. requiring LEP or DEP commissioner approval of expenditures made after October 1, 2005;
 10. requiring UST owners and operators to reimburse the board if they receive payments for leaks from insurance or other sources; and
 11. authorizing the attorney general to recover damages from owners of property on which there is a leaking UST if certain conditions are met, and changing some of the conditions under which he may sue.

(PA 05-3, June Special Session, effective upon passage)

Extending The Program Authorizing Bond Funds For Information Technology Projects And Remediation Projects And The Tax Incremental Financing Program

This act extends, from July 1, 2005 to July 1, 2008, the Connecticut Development Authority's (CDA) ability to finance projects, including brownfield remediation, through two funding mechanisms. (PA 05-113, effective upon passage)

Changes to the Urban and Industrial Sites Reinvestment Program

This act makes several changes to the Urban and Industrial Sites Reinvestment Program, which can be used to clean up and redevelop contaminated properties. The program provides up to \$100 million in corporate tax credits to businesses that build, expand, or rehabilitate facilities. The act makes it easier for businesses to invest in smaller projects and specifically allows them to transfer credits to more than one taxpayer. (PA 05-276, effective upon passage)

WATER SUPPLY AND MANAGEMENT

Revising Water Flow Regulations

This act requires the DEP commissioner to revise water flow regulations for all rivers and streams where a dam impounds or diverts the water flow. It expands the scope of these regulations to all such streams, rather than just those DEP has stocked with fish. She must revise the regulations by December 31, 2006.

The act exempts certain flow management plans from the new regulations, and authorizes the commissioner to provide in the regulations for certain other special conditions or exemptions. It subjects municipally-owned dams to the new regulations. **(PA 05-142**, effective October 1, 2005)

Changes to the Flood Management Program

This act limits the DEP's authority to regulate certain state activities that affect natural or man-made storm drains to proposed state actions on state-controlled property and authorizes the commissioner to conditionally approve state agency (a) actions in a floodplain and (b) exemptions from the floodplain approval process. **(PA 05-174**, effective October 1, 2005)

Permitting Certain Operations As Of Right in Stream Encroachment Channels

By law, the DEP commissioner must establish, along certain inland waterways or flood-prone areas, boundaries beyond which no one may place any encroachment or hindrance. The law exempts from this prohibition agricultural or farming uses (but not farm buildings and structures). The act permits 15 other types of operations and uses within these boundaries as of right. These include (1) lawns, gardens, or vegetative plantings; (2) split rail fences; (3) demolishing existing structures; (4) backfilling foundations; (5) repairing or installing septic systems; (6) driveway and roadway repair and maintenance that does not raise the existing road grade more than three inches; and certain other operations.

(PA 05-174, effective October 1, 2005)

Changing the General Permit Notification Process for Minor Activities within Stream Channel Encroachment Lines

This act modifies the notification and comment process for general permits for minor activities within stream channel encroachment lines. **(PA 05-174**, effective October 1, 2005)

PF:dw