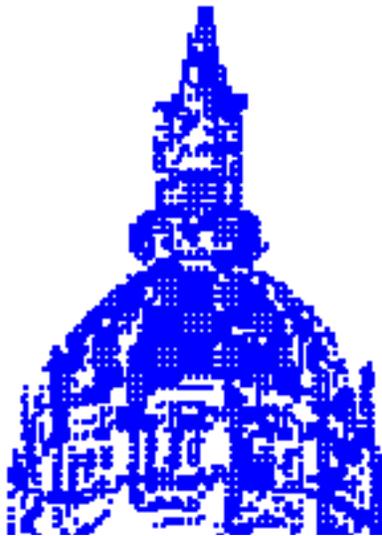


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

THE ENVIRONMENT



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TO THE READER

This report provides highlights of new laws (Public and Special Acts) affecting the environment enacted during the 2006 legislative session. At the end of each summary we indicate the Public Act (PA) or Special Act (SA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2006 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](#).

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](#)

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AGRICULTURE

Seizure of Milk Products

This act makes several changes to laws regulating milk and milk product safety, such as specifying what the commissioner must review when determining whether seized milk or milk products, including cheese, are safe for consumption. It establishes a process to follow when he determines that such products are safe.

(PA 06-41, effective October 1, 2006)

Farmers' Markets

This act makes several changes to the laws concerning farmers' markets. It allows markets participating in the Women, Infants, and Children (WIC) program to also sell "farm products," which include honey, maple syrup, flowers, meat, milk, and cheese. It also requires that at least two farmers participating in such markets sell Connecticut-grown fresh produce.

The act establishes requirements for "certified farmers' markets," which are markets the agriculture commissioner authorizes to operate (but not necessarily participate in the WIC program).

(PA 06-52, effective upon passage)

Promotion of Connecticut Agriculture

Under this act, the agriculture commissioner must design, plan, and implement a multiyear, statewide marketing and advertising campaign. It must include television and radio advertisements and promote the availability and advantages of buying Connecticut-grown farm products.

(PA 06-187, §§ 65-66, effective July 1, 2006)

Connecticut Grown Foods in Connecticut Schools

This act establishes a farm-to-school program within the agriculture department. It must be run in consultation with the state Department of Education (SDE) and help farmers sell Connecticut-grown products to school districts, schools, and other educational institutions. The act also requires SDE to establish the Connecticut-Grown for Connecticut Kids Week to be held every fall. Its purpose is to promote Connecticut agriculture and foods through school meal and classroom programs, at farms, farmers' markets and other community locations. SDE must work in consultation with the agriculture department, school food service directors, and interested farming organizations.

(PA 06-135, § 21, effective July 1, 2006)

Minor Revisions to the Department of Agriculture Statutes

This act makes several minor changes to the agriculture statutes, including (1) covering the camel family (llamas and camels) under the laws concerning domestic or commercial use and domestic animal diseases; (2) allowing the commissioner to determine alternate ways to identify livestock other than by branding; and (3) making discretionary, instead of mandatory, the \$100 fine for violating the agency's orders or regulations or obstructing or attempting to obstruct them.

(PA 06-19, effective October 1, 2006, except the fine provision is effective upon passage)

AIR POLLUTION

Ethanol Study

This act requires the public health (DPH) and environmental protection (DEP) commissioners to study the use of ethanol as a gasoline additive as a means of meeting federal Clean Air Act requirements.

(PA 06-53, effective upon passage)

Revisions to Environmental Protection Statutes

This act modifies filing requirements for certain DEP air pollution orders.

(PA 06-76, effective October 1, 2006)

DOMESTIC ANIMALS

Rabies Vaccine Exemptions

This act allows the agriculture commissioner, his designee, or the state veterinarian to grant an exemption from the rabies vaccine requirement, when a licensed veterinarian determines that a cat or dog may be harmed by vaccination due to disease or other medical considerations. The act specifies the process for granting the exemption.

It also requires the agriculture commissioner to adopt regulations instituting measures necessary to prevent animals from transmitting rabies in public settings (e.g., petting zoos and educational exhibits).

(PA 06-105, effective October 1, 2006)

Study of Animal Control Program Expansion

This act requires the agriculture commissioner to investigate, in consultation with the Environment Committee chairmen and ranking members and other designated entities (1) expanding the animal population control program to include spaying, neutering, and vaccinating companion animals (domesticated cats and dogs) owned or adopted by low-income individuals and (2) the needs of nonprofit organizations that

assist caretakers of feral cats (i.e., free-roaming domestic cats with no owners).

The commissioner must submit his findings and legislative recommendations to the Environment Committee by January 1, 2007.

(SA 06-5, effective upon passage)

ENERGY

Biomass

Under current law, electric utilities and competitive electric suppliers must buy part of their power from renewable resources under the state's renewable portfolio standard (RPS) or participate in a renewable energy credit trading program. This act (1) eliminates the option of purchasing power to meet this requirement, (2) sunsets the current credit trading program, and (3) establishes criteria for meeting the requirement under a new credit trading program.

The act modifies the type of wood and other biomass products that count as class I resources under the RPS, and allows certain construction and demolition wood to be disposed of at biomass gasification plants that qualify as a class I renewable energy resource.

(PA 06-74, effective October 1, 2006)

GREENHOUSE GASES

Clean Cars

This act requires the DEP commissioner, in consultation with the Department of Motor Vehicles commissioner, to (1) establish and teach the public about a greenhouse gas (GHG) labeling program for new motor vehicles weighing 10,000 pounds or less sold or leased in Connecticut beginning with the 2009 model year and (2) educate the public about GHGs. It funds these programs through a \$5 fee on new car registrations, starting January 1, 2007, and requires GHG labels on all 2009 or later model year motor vehicles sold or leased in Connecticut.

It requires the DEP, in consultation with the Governor's Steering Committee on Climate Change, to determine by October 1, 2006, the reduction in motor vehicle GHG emissions needed to meet the state's GHG goals. The DEP must submit its findings, together with any recommended legislation, to the Environment Committee in its 2007 annual climate change report.

The act also defines "hybrid passenger car" for the purposes of a sales tax exemption for new vehicles purchased between October 1, 2004 and October 1, 2008.

(PA 06-161, effective October 1, 2006)

HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE

Revisions to Environmental Protection Statutes

This act makes a number of changes in the Hazardous Waste Transfer Act and other environmental laws. Specifically, it:

1. exempts from the Transfer Act, which regulates conveyances of businesses that handle hazardous waste, (a) certain properties or businesses that deal solely with universal waste (e.g., batteries and pesticides) and (b) transfers of condominiums and similar residential communities that meet certain conditions;
2. in certain instances, allows sale or transfer of a remediated portion of land subject to the Transfer Act before the entire site is cleaned up, if notice of the sale or transfer is provided to the DEP commissioner within 30 days;
3. imposes criminal penalties for certain violations of laws governing the sale, labeling, and collection of mercury and products containing mercury;
4. reestablishes exemptions for certain packaging containing toxic materials and makes other changes

- affecting toxics in packaging;
5. eliminates the Connecticut Hazardous Waste Management Service and various laws and funds relating to low-level radioactive waste facilities; and
6. removes consideration of the siting of and planning for low-level radioactive waste facilities from the duties of the Connecticut Siting Council.

By law, the DEP commissioner may license terminals that load or unload petroleum, chemicals, and hazardous waste for up to three years, beginning annually on July 1. The act extends the maximum license period to 10 years from the date the license is issued.

(PA 06-76, effective October 1, 2006, except for the penalties for violating the mercury reduction laws, which take effect October 1, 2007)

Revisions to the Mercury Reduction and Asphalt Batching Plants Provisions

This act makes several changes to laws concerning mercury-containing products, and changes the law concerning the siting of asphalt batching plants.

Specifically, it:

1. bans the sale and distribution of button cell

- batteries containing mercury and products containing these batteries starting July 1, 2011, but exempts manufacturers from laws requiring their collection;
2. exempts, until July 1, 2013, certain high intensity discharge lamps containing mercury from a ban on their sale or distribution;
 3. modifies labeling requirements for fluorescent and high intensity discharge lamps and luminaires; and
 4. requires disposal of waste from mercury-containing equipment according to federal hazardous waste regulations until the DEP commissioner adopts regulations treating it as a universal waste.

The law bars the siting of an asphalt batching plant within one-third of a mile from a hospital, nursing home, school, area of critical environmental concern, watercourse, or residential area. The act exempts from this prohibition portable asphalt batching plants that do not require a DEP air pollution control permit.

(PA 06-181, effective July 1, 2006, except for the asphalt plant and mercury waste disposal provisions, which are effective upon passage)

LAND USE AND OPEN SPACE

Authorizing Municipalities to Abate Taxes on Open Space Land

This act sets conditions under which municipalities, including boroughs and special taxing districts, may abate property taxes on open space land. This abatement is separate from the property tax benefit available to open space land owners under the 490 program, under which certain land is taxed at a lower rate.

(PA 06-128, effective October 1, 2006 and the property tax provisions are applicable to assessment years beginning on or after that date)

Encroachment on Open Space Lands

This act prohibits people, without the owner's permission or other legal authorization, from encroaching or causing anyone to encroach on (1) open space land or (2) any land in which the state, its political subdivisions, or a nonprofit land conservation organization holds a conservation easement interest. It authorizes anyone with a property interest in such open space land, or the attorney general, to bring an action against the violator in Superior Court for the judicial district where the land is located. It specifies the orders, awards, fines, costs, and fees the court

may impose on people who encroach on open space land.

Under the act, the same penalties may be imposed on people who remove, prune, injure, or deface a shrub or ornamental or shade tree on public grounds or public ways without the appropriate legal permission.

(PA 06-89, effective October 1, 2006)

Municipal Plans of Conservation and Development

This act alters the process local planning commissions (or combined planning and zoning commissions) must follow when amending plans of conservation and development (plan of C&D) when they or individuals propose changes or revisions. The law requires commissions to revise their plans at least once every 10 years. The act sets or extends deadlines for certain actions and changes the sequence in which other actions must occur. It also shortens the process for acting on changes citizens propose.

(PA 06-17, effective October 1, 2006)

Municipal Plans of Conservation and Development and Interim Changes to The State Plan of Conservation and Development

This act modifies how the Office of Policy and Management (OPM) secretary can make interim changes to the state Plan

of Conservation and Development (state plan of C&D) in the years between its revision and adoption by the legislature.

Also, under prior law, municipal planning commissions had to notify OPM of any inconsistency between their local plans of C&D and the state's. The act instead requires the commissions to (1) send a copy of their plans to OPM within 60 days of their adoption and (2) include a description of any inconsistencies with the state plan of C&D.

(PA 06-24, effective October 1, 2006)

LOBSTERS AND SHELLFISH

Interstate Shipment of Shellfish and Shellfish Harvesting Relay

This act requires the agriculture department to allow a shellfisherman to relay (transplant) shellfish from polluted sites to other grounds on the same day he harvests approved shellfish for market, as long as he first lands the market-approved shellfish. Under the act, a shellfisherman cannot harvest shellfish from market-approved grounds for the remainder of the day after beginning such a relay.

The act also requires all tag identification information about shellfish harvest locations to be confidential, if the harvester marks the tag with a unique code

corresponding to the harvest location.

(PA 06-116, effective upon passage)

Lobster Restoration Efforts

This act establishes a lobster trap (pot) allocation buy-back program and an economic assistance program for resident commercial lobster fishermen. It bases funding for these programs on whether the Atlantic State Marine Fisheries Commission establishes a v-notch program with equivalent conservation value to the approved or future requirements for Long Island Sound by November 1, 2006. (Connecticut's v-notch program requires the tails of mature female lobsters that licensed commercial fishermen land be marked with a V-shaped notch and then released in order to increase lobster egg production.)

The act establishes a Lobster Restoration Advisory Committee to advise the DEP commissioner on the development of a lobster v-notch conservation program.

Prior law prohibited anyone from buying, selling, giving away, offering for sale, or possessing, regardless of where taken, any lobster with a body shell (carapace) length less than 3 and 9/32 inches. Under the act, a seafood dealer, wholesaler, or shipper may possess and sell lobsters less than that length under certain conditions.

(PA 06-187, §§ 46-51, effective upon passage)

LONG ISLAND SOUND

Economic Incentives for Achieving Nitrogen Effluent Reductions to Long Island Sound

Under the Nitrogen Credit Exchange Program, the DEP commissioner must issue a general permit specifying the amount of nitrogen state or municipal sewage treatment plants can discharge. This act authorizes her to also issue general permits for private-sector entities that discharge nitrogen into state waters. The permit must establish nitrogen effluent limits and an annual compliance schedule for each entity, and may include marketable permit, effluent reduction credit, or other economic incentive programs.

(PA 06-82, effective October 1, 2006)

A Pilot Program to Evaluate Shoreline Erosion

This act requires the DEP commissioner to establish a grant program for preconstruction costs needed to establish pilot programs in Milford and Fairfield to permanently reverse hypoxia and shoreline erosion in Long Island Sound. Hypoxia is a condition in which there is too little dissolved oxygen in the water to sustain aquatic life. The system must include stabilizing bars parallel to the shoreline and a series of "fingers" extending into the

Sound perpendicularly from the bars, causing water currents to reverse erosion through natural water current force and wave motion.

(SA 06-8, effective July 1, 2006)

RECREATION AND NATURAL RESOURCES

Appointment of Special Conservation Officers

This act allows the commissioner to supplement the state's conservation officer force with any sworn federal law enforcement officer of the U.S. Fish and Wildlife Service or National Marine Fisheries Service. It also allows the commissioner to appoint any lake patrolman as a special conservation officer, solely to enforce boating laws within the patrolman's jurisdiction. The appointees are not considered state employees.

PA 06-76 contains similar provisions, plus a provision regulating a lake patrolman's ability to carry a firearm.

(PA 06-70, effective upon passage)

Personal Watercraft, Lake Patrolmen and the Appointment of Special Conservation Officers

This act prohibits personal watercraft (jet ski) passengers from riding (a) in front of a jet ski operator and (b) behind the operator unless they meet certain

physical requirements, and subjects violators to a fine of between \$60 and \$250. It also makes changes in the appointment of special conservation officers similar to those made by PA 06-70, with the additional requirement that lake patrolmen acting as special conservation officers may carry firearms only with the approval of the board of selectmen of the town or towns in which the lake on which the lake patrolman are serving is located.

(PA 06-76, effective October 1, 2006)

Designating Bantam Lake as a Heritage Lake and a Schedule for the Annual Water Level of Lake Beseck

This act adds Bantam Lake to the pilot heritage lake program, featuring Lake Waramaug, that the legislature enacted in 1999. The act also requires the DEP commissioner to enter into an agreement with the town of Middlefield and the Lake Beseck Association, by November 1, 2006, regarding a schedule for annual water level draw downs of Lake Beseck. It specifies the depth and timing of the draw downs.

(PA 06-191, effective upon passage)

RECYCLING

Promoting Industries Using Recycled Materials

Among other things, this act requires the Department of Economic and Community Development's (DECD) plan for promoting recycling industries to (1) include those that process or transport recycled materials and (2) recommend how existing recycling programs can address the plan's goals. The commissioner must complete the new plan by July 1, 2007.

(PA 06-27, effective upon passage)

REMEDIATION

Brownfields

This act establishes an office to help towns identify, clean up, and redevelop brownfield sites, which the office must do by implementing a pilot program in four towns. It places the office within DECD for administrative purposes. It also creates a task force to develop long-term solutions for cleaning up and redeveloping brownfields.

The act also provides various regulatory and financial incentives for other parties that clean up. It protects these parties from liability if they acquire a contaminated site from a town or its development agency and clean it up according to DEP standards. It also sets conditions under which the owners of

existing manufacturing facilities qualify for clean up dollars and exempts parties that acquired properties through tax warrant sales from the Transfer Act. The law already excludes owners who acquire a property from a town after it foreclosed on its tax lien.

DECD and DEP must administer the act within available funds and may use funds allocated to other programs for the act's purposes. These funds include the Urban Act and Special Contaminated Property Remediation programs. It also allows them to use funds allocated to the Urban and Industrial Sites Remediation Program.

The act sets narrow criteria under which development projects in more towns can qualify for business tax credits under the Urban and Industrial Sites Reinvestment Program.

(PA 06-184, effective July 1, 2006)

Dry Cleaning Remediation Account

This act makes several changes to the Dry Cleaning Remediation Fund program. For example, the act allows, instead of requires, the DECD commissioner to provide grants from the dry cleaning establishment remediation account to mitigate pollution from dry cleaning chemicals.

(PA 06-61, effective upon passage)

SOLID WASTE MANAGEMENT

Revisions to Environmental Protection Statutes

This act revises the permitting process for solid waste facilities, requires non-permitted solid waste disposal area owners to either submit closure plans to DEP or remediate the area, and changes other solid waste laws.

(PA 06-76, effective October 1, 2006)

WATER POLLUTION

The Presence of Volatile Organic Compounds and Notice of Polluting Events

This act tightens drinking water pollution notice requirements by requiring (1) sellers of homes that are or will be served by well water to notify prospective buyers of the results of any water test for volatile organic compounds and (2) the DEP commissioner to notify state, federal, and employee representatives about contaminated sites.

It sets various deadlines by which the recipient of the commissioner's order to test any private drinking well must notify the property owner, local health director, and others of findings of excessive contaminant levels.

(PA 06-81, effective October 1, 2006)

Revisions to Environmental Protection Statutes

This act authorizes the DEP to issue general permits for certain industrial wastewater discharges which previously required individual permits.

(PA 06-76, effective October 1, 2006)

WATER SUPPLY AND MANAGEMENT

Protection of Public Water Supply Sources

This act requires that the DPH commissioner receive notice of applications submitted to local agencies about activities on public water supply watersheds. It allows the DPH commissioner to adopt regulations that incorporate by reference federal drinking water regulations.

(PA 06-53, effective October 1, 2006)

Water Basins

This act requires UConn's Institute of Water Resources to study, using bond money allocated for that purpose, the scientific and legal structure needed to conduct effective water basin allocation planning. The study must (1) evaluate existing basin studies; (2) integrate diversion data into geospatial and modeling formats consistent with U.S. Geological Survey protocols for three sub-regional watersheds; (3) implement water

allocation planning studies for the three sub-regional watersheds; and (4) develop and document a water allocation planning model for a selected basin. The model must include (a) stakeholder involvement and (b) ways to best manage the water resources to promote ecological protection while providing for public health, flood control, industry, public utilities, water supply, public safety, agriculture, and other lawful water use needs and requirements.

The Institute must, by January 1, 2007, submit a status report to the Environment and Public Health committees and to the Environmental Protection and Public Health departments. It must submit the study to those committees and departments no later than two years after receiving the bond allocation.

(SA 06-9, effective July 1, 2006)

WILDLIFE

Wildlife Killed or Wounded by Motor Vehicles

This act permits a driver to keep a moose or black bear he kills or seriously wounds after the animal is inspected and a wildlife kill incident report is issued. It allows anyone to take the animal's carcass if the driver declines to do so.

(PA 06-4, effective October 1, 2006)

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