

Office of Legislative Research
Connecticut General Assembly



Environment



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TO THE READER

This report provides highlights of new laws (Public Acts) affecting the environment enacted during the 2007 legislative session. At the end of each summary we indicate the Public Act (PA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2007 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 (<http://cga.ct.gov/olr/>).

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: (<http://cga.ct.gov>).

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AGRICULTURE (Also See Open Space and Farmland Preservation)

Farmers' Markets

This act permits sellers at Department of Agriculture-certified farmers' markets to sell unprocessed fruits and vegetables directly to restaurants and other food service establishments. It requires food service establishments to ask for, and the farmer or person selling the produce to provide, an invoice indicating the source of the produce and the date it was sold.

PA 07-252 effective upon passage

AIR POLLUTION

School Bus Emission Reductions

This act requires municipalities and school boards to retrofit certain full-size school buses with emissions-reducing equipment by September 1, 2010, as long as the work can be done within the grant amounts the act establishes. The Department of Environmental Protection (DEP) must provide the grants from available appropriations. It makes the retrofitting and registration requirements contingent on whether the state can develop contracts setting price levels for

the purchase, installation and warranty of the equipment for less than the act's grant amounts. However, the DEP commissioner must reimburse municipalities and school boards that retrofit their buses voluntarily, even if the state contracts do not cover all their costs. DEP also must develop an outreach plan to educate municipalities, school boards, and bus companies about the emission and procurement contract requirements and help them retrofit their buses.

PA 07-4, June Special Session effective July 1, 2007

Fuel Efficiency and State Vehicles

This act modifies fuel efficiency requirements for state fleet vehicles. By law, the average fuel efficiency of cars and light duty trucks must be at least 40 miles per gallon. The act additionally requires that, starting January 1, 2008, each car or light duty truck have an efficiency rating that is in the top third of the vehicles in its class. The act also and increases the proportion of state vehicles that must be alternatively fueled.

PA 07-242 effective upon passage

Fuel Efficiency and State Vehicles

By law, the state fleet must meet federal requirements for the

proportion of vehicles that run on alternative fuel. At least 75% of vehicles bought by the state (with certain exceptions) must be alternative fuel (these include electric vehicles and vehicles capable of operating on ethanol, but not hybrid vehicles).

The act modifies fuel efficiency requirements for state fleet vehicles. It requires, starting January 1, 2008, that:

1. at least half the cars the state purchases or leases be alternative-fueled, hybrid electric or plug-in electric vehicles;
2. all alternative fueled vehicles purchased or leased be certified to the California Air Resources Board (CARB) Low Emission Vehicle (LEV) II Ultra Low Emission Vehicle standard; and
3. all gasoline-powered light duty and hybrid vehicles purchased or leased must be certified, at least to the CARB's LEV II Ultra Low Emission Vehicle standard.

It requires that all state cars and light duty trucks be alternative-fueled, hybrid electric or plug in electric vehicles starting July 1, 2012. If the administrative services (DAS) commissioner determines that such vehicles are not available for purchase or lease, he must include an explanation of that determination in the annual reports the bill requires.

Under prior law the alternative fuel requirements did

not apply to vehicles purchased for law enforcement or other special purposes as designated by DAS. The act instead exempts from the above requirements any Department of Public Safety (DPS) vehicle the public safety commissioner designates as needed for DPS to carry out its mission, provided the DAS commissioner approves the designation, and, in consultation with the public safety commissioner, explains why the provisions should not apply to these vehicles.

It requires, by August 1, 2007, the DEP commissioner, in consultation with the DAS commissioner, to try to determine if (1) the state qualifies for a waiver from the alternative fuel acquisition requirements of the federal Energy Policy Act of 2005, and (2) it is in the state's best interest to apply for such a waiver. The DAS commissioner must immediately apply for a waiver if the DEP commissioner, in good faith, finds the state qualifies and that it is in the state's best interest to apply.

PA 07-4, June Special Session effective upon passage

Biodiesel Programs

This act creates several grant programs to encourage the production and use of biodiesel fuel for transportation and heating. It provides grants to biodiesel producers and distributors, and encourages the use of biodiesel in state buildings, requires creation a fuel diversification program for certain state institutions, and makes other changes.

PA 07-4, June Special Session, various effective dates.

Sales Tax Exemption for Fuel Efficient Vehicles

PA 07-242 exempts passenger cars that get at least 40 miles per gallon (city or highway) from the sales tax from January 1, 2008 to July 1, 2010. This act expands the exemption to apply to all passenger motor vehicles that get this mileage.

PA 07-4, June Special Session effective January 1, 2008 and applicable to sales on or after that date.

Optional Property Tax Exemption for High-Mileage Vehicles.

This act establishes a local option property tax exemption for hybrid vehicles and those with fuel efficiencies of at least 40 miles per gallon

PA 07-242 effective January 1, 2008 (**PA 07-4, June Special Session** expands the exemption

to apply to all passenger motor vehicles that get this mileage).

BROWNFIELDS

Implementing the Recommendations of the Brownfields Task Force

This act expands the state's capacity to clean up and redevelop contaminated property (i.e., brownfields). It establishes a new program to finance these activities and authorizes the Department of Economic and Community Development (DECD) to administer it. It allows the Connecticut Development Authority (CDA) to guarantee bank loans and issue bonds on behalf of municipalities for redeveloping brownfields. The act allows tax assessors to reduce the value of contaminated business property when owners agree to remediate it.

The act gives property owners more latitude when voluntarily cleaning up contaminated properties. It expands the role of licensed environmental professionals in overseeing that process and specifies procedures for documenting, verifying, and auditing their work. The act also broadens the conditions under which the DEP commissioner can enter into covenants not to sue with parties that agree to remediate contaminated sites according to DEP standards. It also makes it easier for state agencies to develop contaminated property in floodplains.

The act establishes a pilot program for identifying brownfields in areas where the Office of Policy and Management (OPM) secretary recommends targeting state development funds. It reestablishes the Brownfields Task Force and requires it to recommend additional brownfield remediation options to the legislature by February 1, 2008.

The act expands Office of Brownfield Remediation and Development's (OBRD) duties and makes it a unit of DECD. It also increases the number of municipalities OBRD must select for the Brownfields Pilot Program from four to five. **PA 07-233**, effective July 1, 2007.

DAMS

Dam Safety

This act makes several changes to the laws on dams and dam inspections. It:

1. authorizes municipal officials to inspect certain dams they believe pose a public safety concern;
2. requires the DEP commissioner to notify a dam owner if a dam needs to be repaired or maintained to keep it safe;
3. requires owners of property with "high hazard" or "significant hazard" dams to record the dams' presence and classification in municipality land records; and

4. tightens permit requirements for people constructing dams and related structures in certain situations.

PA 07-61 effective October 1, 2007

DOMESTIC ANIMALS

Dogs That Attack Domestic Animals or Livestock

This act creates a process to address dogs that bite other dogs and animals similar to the process for dogs and other animals that bite people. It requires (1) anyone whose animal is attacked by a dog to report the incident to an animal control officer (ACO) and (2) the ACO to investigate. The act allows the agriculture commissioner or an ACO to order the restraint or disposal of such an attacking dog after an ACO's investigation.

Under the act, if the owner or keeper of an attacking dog fails to comply with an ACO's order, an ACO may seize the dog to ensure compliance. The owner or keeper is (1) responsible for any expenses resulting from the seizure and (2) subject to a fine of up to \$250, up to 30 days in prison, or both. Anyone aggrieved by an order may request a hearing before the commissioner no later than 14 days after the order is issued.

The act exempts from its provisions dogs that a state or local police agency owns if they (1) are under the direct

supervision, care, and control of an assigned police officer; (2) have received yearly vaccinations; and (3) are subject to routine veterinary care.

PA 07-59 effective October 1, 2007

Expansion of the Animal Population Control Program

This act expands the state's Animal Population Control Program by requiring the agriculture commissioner to establish programs to (1) sterilize and vaccinate the pets of low-income people and (2) assist registered nonprofit rescue groups with feral cat sterilization and vaccination. The commissioner must use program funds to pay for the two new programs. It eliminates a provision of prior law that allowed the commissioner to set aside program funds to assist in the sterilization of feral cats.

PA 07-105 effective October 1, 2007, except a conforming change is effective upon passage.

Establishing an Equine Advisory Council

This act establishes an Equine Advisory Council to help the DEP study state horse trail preservation.

PA 07-42 effective upon passage

Evacuation of Pets and Service Animals

This act broadens the definition of "civil preparedness" to include measures addressing, where appropriate, the nonmilitary evacuation of pets and service animals. It prohibits the emergency management and homeland security commissioner from approving any local emergency operations plan that he determines does not address such evacuation and other civil preparedness activities and measures specified in existing law.

PA 07-11 effective October 1, 2007

Civil Preparedness

This act requires municipalities to consider whether to address the nonmilitary evacuation of livestock and horses in their emergency plans of operation and submit current plans annually for state approval.

PA 07-173 effective October 1, 2007

Revisions to Statutes Relating to Veterinarians

This act specifies that graduates of foreign veterinary schools must graduate from a program acceptable to the American Veterinary Medical Association as required to receive certification by the Educational

Commission for Foreign
Veterinary Graduates.

PA 07-252 (§ 48), effective
upon passage

ENVIRONMENTAL REGULATIONS

Federal Environmental Standards and Procedures

By law, the DEP commissioner may adopt regulations regarding activities for which there are federal standards or procedures. When proposing these regulations, prior law required DEP to clearly distinguish, either in regulations or through supplemental documentation, those provisions that differed from the applicable federal standards or procedures. This act requires DEP to clearly distinguish these proposed regulatory provisions from any federal standards or procedures, not just those that are applicable.

PA 07-45 effective October 1, 2007

GREEN BUILDINGS

State-Funded Buildings

This act broadens and increases the state's "green building" requirements. Under prior law, state facilities costing \$ 5 million or more, funded on or after January 1, 2007 (with limited exceptions), had to meet specified energy and environmental standards. This

act modifies the requirements by eliminating the exceptions and limiting the green building requirements to those state facilities where at least \$ 2 million of the funding comes from the state. The act also extends the requirements to the following types of projects with at least \$ 2 million or more in state funding: (1) renovations to state facilities approved and funded on or after January 1, 2008, (2) new school construction projects authorized by the legislature on or after January 1, 2009 that cost \$ 5 million or more, and (3) school renovation projects authorized by the legislature on or after this date costing at least \$ 2 million. The act also requires all of these facilities to exceed current building code energy efficiency standards by at least 20%.

The act increases, by two percentage points, but not more than 100%, the reimbursement rate under the school construction grant program for those projects subject to the green building requirements. The school district must certify to the Education Department that the school will meet the standards.

PA 07-242 effective October 1, 2007 for the increase in school construction grants, and January 1, 2008 for the remaining provisions.

PA 07-249 eliminates the funding provision for school buildings.

PA 07-213 specifies that that the standards apply only to state projects for which all budgeted

bond funds are allocated by the State Bond Commission on or after January 1, 2007.

Green Building Standards in the State Building Code

This act requires the state building inspector and the Codes and Standards Committee to amend the State Building Code to require (1) buildings costing \$ 5 million or more built after January 1, 2009 and (2) renovations costing \$ 2 million or more starting January 1, 2010 to meet the Leadership in Energy and Environmental Design (LEED) silver standard or its equivalent. The requirements apply to private and public sector projects, other than residential buildings with up to four units. The act requires the inspector and the committee to waive these requirements if the Institute for Sustainable Energy finds that the cost of compliance significantly outweighs the benefits.

By law, the State Building Code requires that buildings and building elements be designed to provide optimum cost-effective energy efficiency over a building's life. The act requires the state building inspector and the committee to revise the code starting January 1, 2008, and specifically includes residential buildings in this mandate.

PA 07-242 effective October 1, 2007

“Green Building” Standard Changes

The act reverses certain statutory changes adopted by PA 07-242. It restores a provision that applies the green building standards to all state facilities projected to cost \$5 million or more and that are funded on or after January 1, 2008. PA 07-242 limited that requirement to state buildings where at least \$2 million of the funding comes from the state.

The act also reverses a provision of PA 07-242 that requires the Institute for Sustainable Energy, rather than the OPM secretary, to determine whether the cost of complying with the green standards significantly outweighs the benefits. Finally, it requires the OPM secretary to consult with the institute, as well as the public works commissioner, when exempting any facility from the standards.

PA 07-249 effective January 1, 2008

Repeal of Green School Bonus

The act repeals a provision of PA 07-242 that gave school districts a two-percentage-point bonus in their school construction grant reimbursement rates (but no more than 100% reimbursement) for school projects subject to the green building requirements, and requiring a school district to certify to the Education

Department that the school will meet the standards.

PA 07-249 effective October 1, 2007

Bonding for Renewable Energy in State Buildings

This act authorizes \$30 million in bonds for Connecticut Innovations, Inc. to fund the net project costs of renewable energy and cogeneration projects in state buildings. To be eligible, the building must be certified in the Leadership in Energy and Environmental Design (LEED) program or in the process of being certified.

PA 07-242 effective July 1, 2007

Energy and Environmental Standards

This act specifies to which facilities certain energy and environmental standards apply. Prior law required most state facility construction projects approved and funded on or after January 1, 2007 to meet certain energy and environmental standards. The act specifies that the requirement applies to facilities for which the State Bond Commission allocates all bonds on or after January 1, 2007. It also specifies that it does not require the redesign of a facility if it was designed in accordance with the standards and before the implementing regulations are adopted.

PA 07-213 effective upon passage

The Use of Cleaning Products in State Buildings

This act bans the use of cleaning products that do not meet certain guidelines or environmental standards in state-owned buildings. To be eligible for use, the cleaning products must minimize the potential harmful impact on human health and the environment to the maximum extent possible.

PA 07-100 effective October 1, 2007

HUNTING AND FISHING

Lifetime Hunting, Fishing, and Trapping License Fees for Physically Disabled, Blind, and Mentally Retarded People

The act allows blind people and people with mental retardation to get free lifetime sport fishing licenses, instead of requiring them to renew their licenses every year and provide proof of disability each time. It makes the same change to allow free lifetime hunting, sport fishing, or trapping licenses for (1) Connecticut residents who have lost, or permanently lost the use of, one or more limbs and (2) nonresidents with the those physical disabilities, if their home states have reciprocal laws.

PA 07-133 effective July 1, 2007

Maintenance of Lists of Private Hunting Grounds by Town Clerks

This act establishes a means by which certain residential property sellers and real estate licensees may notify buyers how to discover if hunting or shooting sports regularly take place in the area.

PA 07-214 effective July 1, 2007

HAZARDOUS SUBSTANCES AND HAZARDOUS WASTE

Banning Pesticide Use on School Grounds

This act:

1. expands a ban on applying lawn care pesticides at preschools and elementary schools to schools with students through grade eight, but allows a school superintendent and other appropriate authorities to authorize emergency applications of lawn care pesticides in health emergencies at such schools;
2. extends, for one year, an exemption to the ban for pesticides applied according to certain integrated pest management plans (IPMs); and
3. makes DEP responsible for administering and enforcing school pesticide applications.

Under prior law, the DEP commissioner could designate DEP officers or employees to enforce pesticide laws. The act (1) permits the commissioner to authorize any such enforcement actions only within available appropriations, and (2) authorizes her to designate officers and employees to enforce school pesticide applications.

Also under prior law, the commissioner (1) had to annually review a sampling of state department, agency, or institution pest control management plans required by regulation and (2) could review an application of pesticides at the departments, agencies, or institutions to determine whether they used IPM at their facilities if the commissioner provided a model IPM plan pertaining to those facilities. The act applies these provisions to schools and requires that the commissioner's annual review of pest control management plans be conducted within available appropriations.

PA 07-168 effective October 1, 2007

Mercury and Antiques

The law prohibits anyone from selling or distributing for promotional purposes certain products that contain mercury or a mercury compound, and requires sellers and distributors to label other such products. This act exempts such products if an antiques dealer certifies in writing that, to the best of his

knowledge, they were made before January 1, 2004. It requires product owners to retain the written certification. For the purposes of the act, an antiques dealer is a person whose primary business is buying or selling items that are at least 25 years old.

PA 07-223 effective October 1, 2007

Funding On-Board Oil Refining Systems

This act allows municipalities that acquire and install certain on-board oil refining systems to have their costs reimbursed from the Local Capital Improvement Program Fund. The refining systems must consist of filtration and evaporation canisters that remove solid and liquid contaminants from lubricating oil.

PA 07-177 effective July 1, 2007

INVASIVE SPECIES

Invasive Species Account

The act creates an Invasive Species Detection and Control Account as a separate, nonlapsing account in the Conservation Fund. The DEP commissioner must use the account to control invasive species, including hiring an invasive species coordinator, developing an early detection and rapid response policy, educating the public about invasive species,

funding agriculture department and Connecticut Agricultural Experiment Station inspectors, and making grants to municipalities to control invasive species on publicly accessible land and waters.

PA 07-4, June Special Session effective July 1, 2007

LICENSED ENVIRONMENTAL PROFESSIONALS

Licensed Environmental Professionals

This act expands the sanctions that can be imposed on licensed environmental professionals (LEPs) who falsify information, engage in professional misconduct, or otherwise violate environmental laws or regulations. It makes use of an LEP to verify the investigation and remediation of contaminated property standard procedure unless the DEP commissioner chooses to review and approve the clean-up herself. It specifies that the law on investigating and remediating contaminated real property applies to political subdivisions of the state that own such land. It requires an LEP to submit documentation to the commissioner when a site investigation required by the Transfer Act has been completed, and to notify the commissioner when remediation begins. It makes other minor and conforming changes.

PA 07-81 effective October 1, 2007

LOBSTERING AND SHELLFISH

Preserving Maritime Heritage Land

This act gives certain licensed commercial lobstermen a property tax break by treating portions of waterfront property they own and use for lobstering (“maritime heritage land”) as “490 program” land. Under the 490 program, farm, open space, and forest land is assessed at its current use value, rather than fair market value, for property tax purposes.

The act defines maritime heritage land as the portion of waterfront real property that a licensed commercial lobster fisherman owns and uses for commercial lobstering. It excludes buildings the lobsterman does not use exclusively for commercial lobstering. The lobsterman must have earned at least 50% of his or her adjusted gross income in the prior tax year, as determined for federal income tax purposes, from commercial lobster fishing. The lobsterman must provide satisfactory proof to the municipal assessor where the property is located.

By law, a conveyance tax is imposed on land in the 490 program when (1) its use classification changes or (2) it is sold or transferred within 10 years of its classification (with

certain exceptions). The act extends the same conveyance tax penalty, as well as other 490 program provisions, to property classified as maritime heritage land.

The act also adds a municipal option for an additional 50% commercial property tax break for land classified as maritime heritage land.

PA 07-127 effective July 1, 2007

Identification of Harvested Shellfish

This act transfers jurisdiction over the Cockenoe Flats shellfish grounds in Westport from the state to the town of Westport, gives the Westport Shellfish Commission jurisdiction over recreational clamming in the shellfish grounds, and allows the commission to issue recreational clamming permits for use of the grounds by all state residents.

It allows the agriculture department, upon a municipality’s written request, to enter into a memorandum of understanding with the municipality authorizing the municipal health department or a similar agency to collect sea water samples for shellfish harvest water classification. It specifies duties with respect to the memorandum and sampling and allows the municipality to assist the department with sample collection under certain circumstances.

It also requires the agriculture department to assign a unique confidential code for tag identification information about shellfish harvest locations.

It requires a buoy to meet certain specifications if it marks (1) the line between private and public or natural shellfish beds and (2) an area in municipality beds for planting or cultivating shellfish (marker buoy).

It also limits the area authorized by a resource assessment permit, which the department issues to assess the viability of a shellfish area, to 100 acres or less.

PA 07-74 effective upon passage, except for the provision concerning buoys, which is effective July 1, 2007.

OPEN SPACE AND FARMLAND PRESERVATION

The Face of Connecticut

This act increases grant ceilings for, and makes adjustments to, the Open Space and Watershed Acquisition Grant Program. It also creates a loan program to help municipalities purchase agricultural land.

By law, grants under the Open Space and Watershed Acquisition Grant Program are capped at certain percentages of a desired property's fair market value. The act increases the percentages.

Under prior law, a grant to a municipality was 50% of the land's fair market value or

interest. The act increases the amount to 65%. (By law, a grant to a municipality for acquisition of land for class I and class II water supply protection is already capped at 65 %.)

The act also increases the cap amount on the percentage of land value:

1. from 50% to 65% for grants to nonprofit land conservation organizations for acquisition of land for open space or watershed protection,
2. from 40% to 65% for grants to water companies to acquire land that is eligible to be classified as class I or II land, and
3. from 65% to 75% for grants to distressed municipalities, targeted investment communities, or the entity they approve for open space acquisition.

It also increases, from 2% to 5%, the percentage of grant funds that the DEP may use for certain administrative expenses related to the program.

The act requires the agriculture commissioner to administer a program that provides eligible municipalities with loans to purchase agricultural land. The act provides that municipalities (1) are eligible for the loan if they provide at least 20% of the purchase price for the land and (2) may apply for it on a form the agriculture commissioner prescribes. Under the act, the loan term cannot exceed five

years and is not subject to interest.

The act establishes the “municipal purchasing of agricultural land account” as a separate, non-lapsing account within the General Fund. The agriculture commissioner must use account funds to provide municipalities the interest-free agricultural land acquisition loans.

The act authorizes the agriculture commissioner to adopt regulations that establish the criteria for the agricultural land acquisition loans and the terms governing the loans.

PA 07-131 effective July 1, 2007

The Creation of a Farmland Preservation Advisory Board

This act requires the State Bond Commission to vote on whether to issue, at certain times and when available, bonds that the legislature approved for agricultural land preservation programs but the commission has not allocated. It creates a 12-member Farmland Preservation Advisory Board to help the agriculture department with its purchase of development rights program and other efforts to preserve agricultural lands.

PA 07-162 effective July 1, 2007

Environmental Review of Certain Land Transfers

This act establishes a procedure to review proposed sales and transfers of state property to determine if it has significant natural and recreational resources that should be preserved.

It requires state agencies, departments, and institutions to notify the Council on Environmental Quality, OPM secretary, and DEP commissioner before selling or transferring state land, with certain exceptions. It requires the DEP commissioner to develop a policy for reviewing the notices and making a draft recommendation to OPM as to whether all or a portion of the land or land interest should be preserved by (1) transferring or granting a conservation easement to DEP; (2) imposing restrictions or conditions on the transfer; or (3) transferring all or a portion, or granting a conservation easement, to an appropriate third party.

After the OPM secretary receives DEP’s recommendation, he must make a final determination concerning the land.

The act states that it does not limit the applicability of the Connecticut Environmental Policy Act (CEPA), which requires state agencies to evaluate, in writing, the impact a proposed action would have on the environment. It exempts state

agencies, departments, and institutions from CEPA's notice and public comment requirements if they prepared an (1) environmental impact evaluation according to CEPA or (2) environmental statement pursuant to certain other state or federal laws. The act establishes an environmental review account as a separate, nonlapsing account in the General Fund to support the notice and other requirements described above.

PA 07-213 effective October 1, 2007

Tax Abatements for Property Conveyed to a Nonprofit Land Conservation Organization

The law exempts nonprofit land conservation organizations from paying taxes on their real and personal property. But if an organization acquires a property, it must pay any taxes or interest on delinquent taxes that were due and unpaid before it acquired the property. This act allows municipalities to abate these payments, with their legislative bodies' approval.

PA 07-170, effective upon passage and applicable to assessment years beginning October 1, 2007.

RECYCLING

Collecting and Recycling Covered Electronic Devices

This act creates a mandatory recycling program for discarded

computers and televisions. Starting January 1, 2009, manufacturers must participate in a program to implement and finance the collection, transportation, and recycling of these covered electronic devices (CEDs). They may participate in the statewide program or a private program.

It requires each CED manufacturer to register with the DEP and pay an annual registration fee, which DEP must use to administer the program. Each registered manufacturer also must pay recyclers the reasonable costs of transporting and recycling its CEDs. The act sets a maximum transportation and recycling reimbursement rate of 50 cents per pound.

The act prohibits, with some exceptions, retailers from selling CEDs manufactured by noncompliant manufacturers. It requires municipalities to provide for the convenient recycling of CEDs generated within their borders and arrange for bringing CEDs to DEP-approved recyclers.

The act prohibits, starting January 1, 2011, anyone (1) from knowingly discarding a CED at a solid waste disposal facility other than a transfer station, and (2) charging a fee to state residents bringing seven or fewer CEDs to a collector (apparently a transfer station or solid waste hauler) at any one time.

It creates two separate, nonlapsing accounts within the Environmental Quality Fund. DEP must use funds from the (1)

“electronic device recycling program account” to carry out the act’s provisions and (2) “covered electronic recycler reimbursement account” to reimburse recyclers for their unpaid qualified expenses.

The commissioner must adopt regulations to implement the act. The regulations must include provisions establishing

1. annual registration and reasonable fees for administering the program;
2. a process for approving recyclers;
3. a table of qualified reimbursable costs for recyclers;
4. standards for the operation, accounting, and auditing of recyclers;
5. a list of CEDs not limited to those the act specifies, such as printers; and
6. any other requirements needed to carry out the act.

The commissioner may help create and implement a regional, multi-state organization or compact to help carry out its provisions.

PA 07-189 effective October 1, 2007, except for the provision requiring DEP to adopt regulations, which takes effect July 1, 2007, and the provision allowing the commissioner to take part in a regional organization or compact, which takes effect upon passage.

RESOURCES RECOVERY

Authorizing Municipal Taxation of Certain Connecticut Resources Recovery Authority Property

This act allows a municipality to tax certain property owned by the Connecticut Resources Recovery Authority (CRRA) and leased to someone else. It requires the lessee to pay the tax. Under prior law, all CRRA property was exempt from local property taxes.

PA 07-255 effective July 1, 2007

Long-Term Contracts with Electric Companies

This act eliminates a requirement that electric companies enter into long-term contracts with resources recovery facilities in which the company pays the facility owner the company's retail rate for the power the facility produces. The act requires the companies to continue paying the rate set in existing contracts for the remainder of the contract. But for contracts entered into and approved in 1999, the company must pay the rate set by Department of Public Utility Control (DPUC).

PA 07-228 effective upon passage

UNDERGROUND STORAGE TANKS

Underground Storage Tanks

This act makes several changes to the Underground Storage Tank (UST) Petroleum Clean-Up program. Among other things, it:

1. allows certain owners and operators of USTs to store certain records off-site;
2. broadens eligibility for reimbursement from the account;
3. limits the attorney general's ability to sue in certain cases;
4. changes requirements for obtaining payment or reimbursement from the board that approves UST clean-up payments;
5. modifies the requirements for written approvals accompanying reimbursement and payment applications;
6. requires the DEP commissioner to adopt certain regulations concerning the removal of residential heating oil storage tank systems; and
7. makes technical and conforming changes.

PA 07-192 various effective dates

WATER POLLUTION

A Municipal Stormwater Authority Pilot Program, Clean Water Fund Disbursements and the Definition of Unimproved Land for Tax Purposes

This act requires the DEP commissioner to create a municipal stormwater authority pilot program in up to four municipalities adjoining Long Island Sound by September 1, 2007, and authorizes her to provide up to \$1 million in grants to the participating municipalities. Each stormwater authority may adopt regulations to implement a stormwater management program and may, with the commissioner's approval, enter into contracts with any municipal or regional entity to accomplish its purposes.

It defines unimproved land, for purposes of the commercial real estate conveyance tax, as farm, forest, or open space. (The conveyance of commercial real estate valued at \$2,000 or more is taxed at a rate of 1% of the sale price. Unimproved land is taxed at a 0.5% rate. The seller pays the tax.)

By law, regional water pollution control authorities finance their water pollution control projects with a combination of grants and loans from the Clean Water Fund. Under prior law, starting in FY 07, eligible projects could receive only loans, and not grants. The act repeals this provision,

allowing regional authorities to continue to receive project grants.

PA 07-154 effective upon passage, except that the conveyance tax provision takes effect July 1, 2007.

Approval of Small Alternative On-Site Sewage Treatment Systems

This act requires the Department of Public Health (DPH) commissioner, by December 31, 2008, to establish and define discharge categories for alternative on-site sewage treatment systems that have a daily capacity of 5,000 gallons or less. It gives the commissioner jurisdiction over such systems once he has done so and requires him to establish minimum requirements for the systems. **(PA 07-1, June Special Session,** requires the commissioner to accomplish these tasks within available appropriations.) DEP, which under prior law had jurisdiction over all alternative on-site sewage treatment systems, retains jurisdiction over any system not under DPH's jurisdiction.

PA 07-231 effective July 1, 2007

Emergency Plans of Operations of Shoreline Communities and the Designation of Liquefied Natural Gas Hazard and Security Zones

This act requires:

1. the Connecticut attorney general to recommend to the U.S. Coast Guard that it designate a hazard zone around any liquefied natural gas (LNG) terminal located on or proposed for Long Island Sound that will affect Connecticut (e.g., the proposed Broadwater facility);
2. the attorney general to recommend to the federal government that it designate a security zone around any such facility;
3. state legislative and executive approval of any designation before it takes effect; and
4. any private security service operating in "state waters" to get prior state legislative and executive approval following specified procedures.

The act also requires each shoreline municipality's emergency operations plan to address any emergency caused by any existing LNG terminal on the Sound. It requires the Public Safety and Security Committee and Department of Emergency Management and Homeland Security commissioner to approve the plans.

PA 07-94 effective July 1, 2007 for the hazard and security zone designations; October 1, 2007 for the emergency plans and security service provisions.

WATER SUPPLY

OPM Responsibilities Regarding the Water Planning Council

The bill requires OPM to:

1. review and rank the recommendations and goals the Water Planning Council developed before October 1, 2007;
2. compile information from other reports or studies on water resources planning in the state;
3. establish a mechanism to perform an in-depth analysis of existing DEP, DPH, and Department of Public Utility Control (DPUC) statutes and regulations in areas of overlapping and conflicting or inefficient procedures;
4. review and summarize other states' regulatory programs and structure relating to water resource planning, including their approaches to water allocation;
5. identify processes and funding needs for the evaluation of existing water diversion data and approaches to basin planning projects, and coordinate water data

collection from, and analysis among, the DEP, DPH, DPUC, OPM, and the U. S. Geological Survey, and recommend supplemental data

6. evaluate existing water conservation programs and recommend ways to enhance them to promote a water conservation ethic and to provide for appropriate drought response and enforcement capabilities;
7. identify funding requirements and mechanisms for ongoing efforts in water resources planning in the state; and
8. transfer sufficient funds to DEP for data collection and analysis.

The bill requires OPM, by February 1 annually, to report the findings of this study, together with proposed legislative changes, to the council and the Appropriations and Energy and Technology committees.

PA 07-4, June Special Session effective October 1, 2007

By law, the Water Planning Council must address issues involving water companies, water resources, and state drinking water policies. The act allows the council to establish an advisory council. The advisory council must be balanced between water consumers and other interests.

PA 07-4 June Special Session effective July 1, 2007

Connecticut Valley Hospital Reservoir Study

This act requires the DEP, in consultation with among others, Connecticut Valley Hospital (CVH) and the city of Middletown, to study the permanent protection of the reservoirs, watershed, aquifers, and other water supply lands located on or abutting CVH's grounds and buildings. DEP must submit a report on the study's findings to the Environment and Public Health committees by February 1, 2008. Besides CVH and Middletown, DEP must consult with the departments of Mental Health and Addiction Services and Public Health, OPM, and state community colleges, including Middlesex Community College.

PA 07-4, June Special Session effective upon passage

Application for a Certificate of Public Convenience and Necessity, Protecting Public and Private Water Supplies from Contamination and Authorizing the Lease of Certain Water Company Owned Class I and Class II Lands

This act amends the certificate of public convenience and necessity applicable to certain water company construction and expansion by (1) adding "state agency" to the definition of water company, (2) creating two distinct processes

for issuing certificates to residential and non-residential water systems, (3) establishing ownership responsibilities for new water supplies, and (4) establishing clearer ties to the Water Utility Coordinating Committee drinking water supply planning process.

The act makes changes to the permit process for replacement wells and wells on residential properties.

The act prohibits an owner of a private residential well that (1) currently supplies or previously supplied water to another household and (2) provides or previously provided continuous water service to that household for at least 50 years, from discontinuing the water service without an alternative, available water source. Each household receiving water from the private residential well must contribute equally to the well's maintenance costs.

The act allows the city of New Britain to change the use of some of its water company owned lands to allow for extraction of stone or other materials from defined acreage in Plainville, through a leasing process that is part of a contract with New Britain as a party.

Finally, the act requires notice to abutting property owners in certain cases of subsurface sewage disposal system (septic system) repair or new construction.

PA 07-244 effective October 1, 2007 except for the restriction

on discontinuing service by a private residential well, the subsurface sewage disposal system provision, and the New Britain water company land lease and contract provisions are effective upon passage.

Sale or Disposition of Water Company Land

Under this act, a public auction or other procedure for public sale is not required for the sale or other disposition of real property by a water company to the state, a municipality, or land conservation organization if (1) at least 70% of the area of the real property sold or disposed of is to be used for open space or recreational purposes and (2) the consideration received is not less than the appraised value of the property (§ 86).

PA 07-252 effective July 1, 2007

Aquifer Protection Area Program

This act specifies when public and private water companies must submit maps of new well fields to DEP, amends aquifer protection agencies' hearing and decision schedules, authorizes municipalities to fine people who violate municipal aquifer regulations, and makes minor changes.

PA 07-85 effective October 1, 2007

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