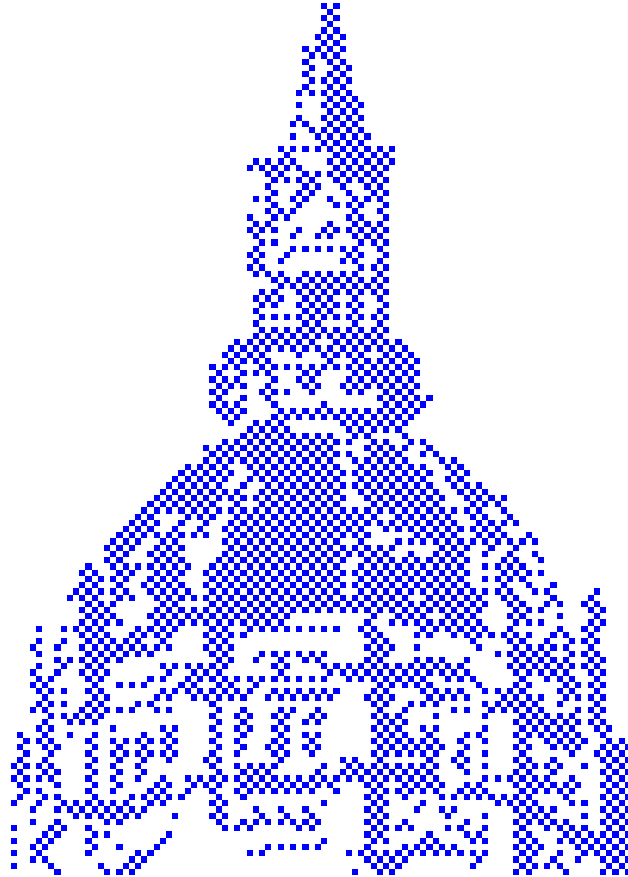




ACTS AFFECTING ENVIRONMENT



2015-R-0156

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NOTICE TO READERS

This report provides highlights of new laws (Public Acts) affecting the environment enacted during the 2015 regular and special legislative sessions. 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. Complete summaries of all 2015 Public Acts will be available on OLR's webpage:
<http://www.cga.ct.gov/olr/www.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://www.cga.ct.gov/default.aspwww.cga.ct.gov>).

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BOATING

Operating a Vessel for Water Skiing

A new law restricts the people who can operate a vessel for water skiing to those who are at least age 16 and who hold specified licenses and certificates, including a Department of Energy and Environmental Protection (DEEP)-issued safe water skiing endorsement. The new law requires DEEP to amend its regulations to set out the content of safe boating operation courses to (1) require safe water skiing instruction and (2) provide procedures for issuing and revoking safe water skiing endorsements ([PA 15-25](#), most sections effective October 1, 2015).

Another new law allows the amended regulations to have provisions establishing a fee for a safe water skiing endorsement and an alternative online course for the endorsement ([PA 15-5](#), June Special Session, § 412, effective upon passage).

Special Transportation Fund

New legislation allows Special Transportation Fund money to be used to pay for boating regulation and enforcement by DEEP ([PA 15-5](#), June Special Session, § 40, effective July 1, 2015).

BROWNFIELDS

Remediation Programs

New legislation changes several Department of Economic and Community Development (DECD)

brownfield remediation programs. Among other things, it:

1. adds new components to the Municipal Brownfield Grant program, which gives grants to municipalities and economic development agencies to assess and remediate contaminated property;
2. increases maximum loan amounts under the Brownfield Loan Program, which finances investigation, assessment, and remediation costs, from \$2 million per year for up to two years to \$4 million per year for an unlimited number of years;
3. makes it easier for developers that acquire brownfields they did not contaminate to participate in DECD's program that protects them from liability to the state and third parties; and
4. expands the range of brownfields DECD can remediate and market to include those the state owned and transferred to other parties ([PA 15-193](#), effective July 1, 2015).

Urban Industrial Site Grants

The bond act authorizes \$5 million in FY 17 for DEEP to give grants to identify, investigate, contain, remove, or mitigate contaminated urban industrial sites ([PA 15-1](#), June Special Session, § 32, effective July 1, 2016).

FISHING AND HUNTING

Commercial Fishing

New legislation updates the commercial fishing laws. Among other things, it:

1. expands the species DEEP regulates, by transferring authority to regulate whelk from the agriculture department to DEEP;
2. establishes, and sets fees for, a whelk license, a restricted commercial fishing license, and a restricted commercial lobster pot fishing license; and
3. makes a matter of public record (a) the identity of license, permit, registration, and endorsement holders and (b) total landings data grouped by species, month, and statistical catch area.

The new law also changes penalties for violating commercial fishing laws. It (1) increases the general penalty for violating the licensing statutes and the penalty for falsifying a quota-managed species report; (2) decreases the penalty for violating blue crab sport fishing; and (3) allows suspension of a person's license, permit, registration, or endorsement for failing to report certain required information ([PA 15-52](#), effective January 1, 2016).

Sunday Hunting

A new law allows Sunday deer hunting with a bow and arrow on private land in overpopulated deer management zones, but the hunting must (1) be in line with DEEP's wildlife management principles and practices and (2) occur no less than 40 yards of a blazed hiking trail. The hunter must also have the private landowner's written permission to hunt there and carry it while hunting. Prior law banned all Sunday hunting ([PA 15-204](#), effective October 1, 2015).

LAND USE AND OPEN SPACE

Adverse Possession

A new law prevents land with a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession. The law already prevents land owned by such organizations from being acquired this way. State law recognizes adverse possession as a way to acquire title to property, generally by an open, visible, exclusive, and uninterrupted possession of land for 15 years ([PA 15-211](#), § 30, effective October 1, 2015).

Lighthouse Bottomlands

A new law expands the DEEP commissioner's authority to lease, or otherwise allow the occupancy of, submerged lands under or associated with lighthouses in order to preserve these structures pursuant to the National Historic Lighthouse Preservation Act (NHLPA). Prior law

limited this authority to the Penfield Reef Lighthouse. The act extends it to include any lighthouse in Connecticut waters.

Under the new law, the leases must be (1) for 30 years and subject to renewal if the lighthouse is sold under the NHLPA or (2) coterminous with the lighthouse's lease. They must also ensure consistency with the state's coastal management law and other state interests ([PA 15-35](#), effective upon passage).

Open Space and Watershed Land Acquisition Grant Program

The legislature passed a new law that increases, from up to 70% to up to 90%, the amount of state and federal funds Open Space and Watershed Land Acquisition Grant Program grantees can use to fund projects, thus reducing the amount applicants must fund themselves. In certain circumstances, the new law also allows the DEEP commissioner to let a grantee use state and federal funds to cover 100% of the fair market value of their projects ([PA 15-23](#), effective upon passage).

Other Municipal Grants

The bond act authorizes \$8 million in both FYs 16 and 17 for DEEP to give grants to municipalities for open space land acquisition and development for conservation or recreation ([PA 15-1](#), June Special Session, §§ 13 & 32, effective July 1, 2015 and July 1, 2016, respectively).

LONG ISLAND SOUND

Harbors and Harbormasters

A new law transfers, from the Department of Transportation (DOT) to DEEP, the powers and duties of existing harbor boards and boards of harbor commissioners. It allows these boards, as they now do with DOT, to advise DEEP and perform the duties the DEEP commissioner delegates to them. The new law also places harbormasters under DEEP's direction and control, rather than DOT's, and transfers other harbor- and marine-related responsibilities to DEEP ([PA 15-5](#), June Special Session, §§ 12, 18-21, & 30-31, effective July 1, 2016).

Inventory and Resource and Use Plan

The legislature passed a new law establishing a process to (1) inventory Long Island Sound's (LIS) resources and uses and (2) create a plan to preserve and protect LIS. The new law establishes an advisory committee to help draft the inventory and plan and includes provisions for public involvement and requires the legislature to review and vote on the plan before it can take effect. Under the new law, DEEP and other state or local agencies must consider the plan when reviewing applications to conduct certain activities ([PA 15-66](#), effective July 1, 2015).

Stewardship and Resiliency Program Funding

The bond act authorizes \$20 million in FY 16 for DEEP for a LIS stewardship and resiliency program to protect coastal marshes and other natural buffer areas and for grants to increase the resiliency of wastewater treatment facilities ([PA 15-1](#), June Special Session, § 13, effective July 1, 2015).

PARKS AND RECREATION

Bikeway Grant Program

The bond act (1) authorizes \$5 million in bonds in FY 16 and FY 17 for an existing municipal grant program to establish bikeways, pedestrian walkways, and greenways and (2) expands the purposes of the program to allow a wider range of potential projects and grant recipients. It expands the program to cover recreational trails and allows private nonprofit institutions, agencies, districts, and other organizations to be eligible for grants ([PA 15-1](#), June Special Session, § 65, effective July 1, 2015).

Recreation and Natural Heritage Trust Program Funding

The bond act authorizes \$10 million in both FYs 16 and 17 for DEEP for the Recreation and National Heritage Trust Program, which DEEP uses to acquire land to expand the state's system of parks, forests, and other natural open spaces ([PA 15-1](#), June Special Session, §§ 2 & 21, effective July 1, 2015 and July 1, 2016, respectively).

State Park Construction Funding

The bond act authorizes \$25 million for FY 17 for DEEP for alternations, renovations, and new construction at state parks and other recreational facilities ([PA 15-1](#), June Special Session, § 21, effective July 1, 2016).

State Park Fees and Other Revenue

The legislature passed a new law on state park revenue. First, the new law requires anyone with a Department of Rehabilitation Services contract to operate a state park food service facility, vending machine, or stand, to report to DEEP on the revenue generated under the contract. It also requires DEEP's commissioner to:

1. obtain information and report on operating concessions, providing services, and offering recreational amenities at state parks;
2. set fees for renting state park property for certain special events based on the number of people attending; and
3. amend the Adopt-a-Park program to recognize those who donate at least \$2,500 ([PA 15-106](#), effective July 1, 2015, except the concession provisions are effective upon passage).

PESTICIDES

A new law makes several changes to the law's requirements for applying pesticide, including lawn care pesticide, to (1) municipal playgrounds, (2) school grounds, and (3) state agency properties.

Municipal Playgrounds

The new law generally (1) bans lawn care pesticide applications on municipal playgrounds and (2) requires that only certified applicators apply other pesticides on these grounds.

School Grounds

The new law exempts certain products from the existing ban on nonemergency lawn care pesticide application on the grounds of schools with students in grades eight or lower. It also (1) replaces postal notice, with electronic notice, of applications of pesticide on school grounds to those who register for it and (2) requires schools to post notice of pesticide applications online, through social media, or by an alert system and in a handbook or manual.

State Agency Properties

The new law requires the DEEP commissioner to adopt regulations on how state agencies, departments, and institutions must keep pesticide application records.

([PA 15-5](#), June Special Session, §§ 436-440, the (1) school notice and playground requirements take effect October 1, 2015 and (2) lawn care

product exemption and regulations provision are effective upon passage.)

WATER POLLUTION

Clean Water Fund

The bond act increases the statutory bond authorization limits for grants and loans under the Clean Water Fund, setting the authorization for (1) grants at \$47.5 million for FY 16 and \$92.5 million for FY 17 and (2) loans at \$58 million for FY 16 and \$180 million for FY 17 ([PA 15-1](#), June Special Session, §§ 63-64, effective July 1, 2015).

Potable Water Grants

A new law prohibits DEEP from reducing the grant amount certain municipalities receive for projects to provide long-term potable water supply facilities. Under the new law, if these municipalities upgrade the minimum size water main needed to address the pollution for fire flow purposes, they must only pay the incremental cost ([PA 15-105](#), effective upon passage).

Microbeads

The legislature passed a new law phasing in, starting in December 2017, a ban on manufacturing, importing, selling, or offering for sale personal care products and over-the-counter drugs with microbeads (synthetic solid plastic particles of five millimeter or less)([PA 15-5](#), June Special Session, § 50, effective upon passage).

Nitrogen Credit Exchange Program

A new law phases out DEEP's obligation to purchase all nitrogen credits publicly owned wastewater treatment facilities create under the Nitrogen Credit Exchange Program. (The program helps these facilities comply with nitrogen discharge limits and reduce the amount of nitrogen entering LIS.) Under the new law, DEEP must purchase only the credits needed to meet the purchasing facilities' nitrogen discharge requirements (**PA 15-38**, effective upon passage).

Nonpoint Source Pollution

The bond act authorizes \$20 million in FY 16 to DEEP for grants to municipalities for reducing nonpoint source pollution through low impact design of green municipal infrastructure (**PA 15-1**, June Special Session, § 13, effective July 1, 2015).

MISCELLANEOUS

Dam and Flood Control Repairs

The bond act authorizes \$8.35 million in FY 16 and \$8.075 in FY 17 for DEEP to make dam repairs. It also authorizes \$5 million in both FYs 16 and 17 for DEEP to make flood control improvements, flood and erosion damage repairs, and municipal dam repairs (**PA 15-1**, June Special Session, §§ 2 & 21, effective July 1, 2015 and July 1, 2016, respectively).

Environmental Laboratories

A new law excludes the following two facility types from a requirement that the public health department approve and certify certain environmental laboratories that test drinking water, sewage, soil, and other environmental samples for contaminants:

1. publicly owned treatment works that only perform physical, residue, microbiological, and biological oxygen demand tests for their own facilities and
2. pollution abatement facilities that test for pH, turbidity, conductivity, salinity, oxidation-reduction potential, and residual chlorine for their own facilities.

The exclusion applies only if the test results are required by or submitted to DEEP for compliance with water discharge permits or emergency authorizations (**PA 15-242**, § 21, effective October 1, 2015).

Firewood Transport

The legislature passed a new law reducing the penalty, from a fine ranging from \$500 to \$2,500 to a warning or \$85 or \$200 fine, depending on the circumstances, for transporting firewood in violation of a Connecticut Agricultural Experiment Station quarantine or regulation. The new law allows violators to pay fines without appearing in court (**PA 15-92**, effective upon passage).

Long-term Energy Contracts

A new law allows DEEP to solicit long-term contracts for various energy resources, including natural gas pipeline capacity, renewable energy sources, hydropower, energy storage, and liquefied natural gas.

The new law also allows the DEEP commissioner to select one or more proposals and direct electric companies to enter into long-term contracts. It requires the electric companies, through a charge on customer bills, to (1) recover net costs and (2) credit customers for net revenues from sales of products purchased through the contracts ([PA 15-107](#), effective upon passage).

State Water Plan Funding

The bond act authorizes \$500,000 in both FYs 16 and 17 for the Office of Policy and Management to develop a

comprehensive state-wide water plan ([PA 15-1](#), June Special Session, §§ 2 & 21, effective July 1, 2015 and July 1, 2016, respectively).

Vapor Recovery

A new law establishes a procedure for enforcing proper operation of stage I vapor control recovery systems at gasoline dispensing facilities. (Stage I systems prevent the discharge of gasoline vapors into the air when gas is transferred from a delivery vehicle to a facility.) The new law allows DEEP to place a disabling device on a facility's dispenser if the system (1) was not tested within the past year or (2) is improperly operating. It also allows DEEP to enforce the law on sulfur content of home heating oil and off-road diesel fuel ([PA 15-160](#), effective July 1, 2015).

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