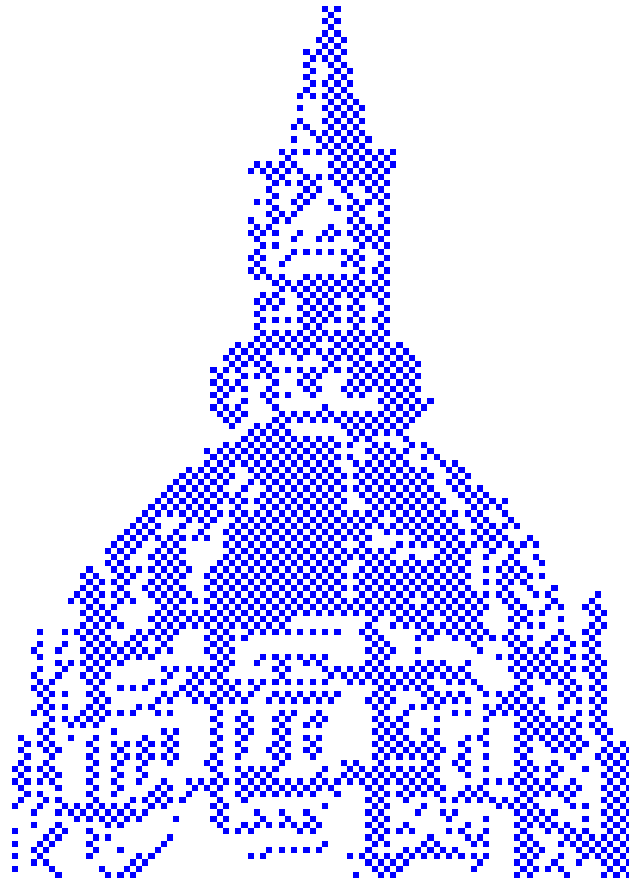




ACTS AFFECTING ENVIRONMENT



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NOTICE TO READERS

This report summarizes laws passed during the 2016 regular and May special sessions affecting the environment. In each summary, we indicate the public act (PA) or special act (SA) number. We do not include vetoed public acts, unless the legislature overrode the governor's veto.

Not all provisions of the acts are included. Complete summaries of all 2016 Public Acts will be available on OLR's webpage: <http://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.asp>).

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ENERGY AND UTILITIES

Electric Vehicles

A new law includes several provisions aimed at increasing the state's capacity to support electric vehicles. First, it requires Eversource and United Illuminating (UI) to integrate electric vehicle charging load projections into their distribution planning. The Department of Energy and Environmental Protection (DEEP) must also include an electric vehicle analysis in its integrated resource plan. The new law also (1) establishes requirements for public charging stations and (2) extends a requirement that the Public Utilities Regulatory Authority (PURA) consider time of day rates for electric vehicles ([PA 16-135](#), effective July 1, 2016).

Renewable Energy Credits

Since January 2012, Eversource and UI have had to solicit long-term contracts to purchase renewable energy credits (RECs) from owners or developers of certain electric generation projects. The law establishes a dollar amount of RECs that the companies must purchase each year. A new law expands the types of projects from which they must purchase RECs in 2017 to include larger, low-emission generation ([PA 16-196](#), § 2, effective July 1, 2016).

State Purchases and Contracts

DEEP operates an electricity purchasing pool to buy electricity for state use and certain low-income households. A new law restructures the pool by (1) eliminating requirements that DEEP solicit proposals from Class II trash-to-energy facilities and (2) removing authorization for municipalities to participate. Among other things, the new law also extends, from 15 to 20 years, the limit on the financing payback period for energy-savings measures implemented under an energy-savings performance contract by a municipality or state agency ([PA 16-173](#), effective upon passage for the purchasing pool and energy-savings performance contract provisions; other provisions take effect July 1, 2016).

Vegetation Management

The legislature passed a law imposing two new requirements on utilities when pruning or removing vegetation around utility poles and wires (i.e., vegetation management). It requires utilities intending to conduct these activities to annually provide certain information about them to the tree warden or chief elected official in the town where they will occur. It also requires utilities to remove or dispose of any debris these activities create in "utility protection zones" (within eight feet of either side of the wires and anywhere above or below them) ([PA 16-86](#), § 2, effective October 1, 2016).

ENVIRONMENTAL FUNDING

Bond Funds

This year's bond act authorizes \$10 million in FY 17 for DEEP to give grants to Glastonbury to acquire open space for conservation or municipal purposes. It also cancels over \$130 million in bond authorizations for various DEEP or environmentally-related projects ([PA 16-4](#), various sections, effective July 1, 2016).

Regional Greenhouse Gas Initiative (RGGI) Fund Sweep

A new law diverts the first \$3.3 million from the proceeds of the RGGI auction occurring on or after January 1, 2017 for deposit in the General Fund in FY 17. Once the \$3.3 million has been diverted, any subsequent auction proceeds must be calculated and allocated as required by current law and regulations for energy efficiency and renewable energy programs ([PA 16-3](#), May Special Session, § 181, effective upon passage).

FISHING, HUNTING, AND TRAPPING

Disability Certification for Free Lifetime Licenses

A new law allows advanced practice registered nurses to certify medical information in several situations that previously required a physician's certification, including certifying an individual's (1) physical disability to receive a free lifetime hunting, sport fishing, or trapping license or (2)

intellectual disability to receive a free lifetime sport fishing license ([PA 16-39](#), §§ 53 & 54, effective October 1, 2016).

Fishing and Hunting Licenses

A new law makes various changes to fishing and hunting laws. Among other things, it:

1. expands the types of birds that a person can hunt with a migratory bird conservation stamp and increases, from \$13 to \$17, the maximum fee DEEP can charge for the stamp;
2. requires a person seeking to hunt resident game birds to buy a resident game bird conservation stamp and sets related requirements for the stamp and stamp proceeds;
3. requires the DEEP commissioner to adopt regulations establishing a three-day out-of-state bird hunting license; and
4. authorizes the commissioner to adopt regulations establishing a trout stamp ([PA 16-27](#), effective July 1, 2016).

Hunting Under the Influence

Among other things, a new law lowers, from .10% to .08%, the blood alcohol content (BAC) level that triggers a presumptive violation of the law's ban on hunting while under the influence. It also (1) eliminates the offense of hunting while impaired by alcohol, which under prior law was hunting with a BAC of between .07% and .10% and

(2) sets a new and lower BAC threshold of .02% for anyone under age 21 ([PA 16-152](#), effective October 1, 2016).

Suspending Licenses

A new law expands the DEEP commissioner's authority to suspend fishing, hunting, and trapping licenses when a person cited for violating certain laws fails to appear in court or pay or plea to an infraction and an arrest warrant is issued. Under the new law, the commissioner must suspend the license until the person is adjudicated in court or pays the associated fine ([PA 16-160](#), effective October 1, 2016).

LAKES, RIVERS, AND VESSELS

Bashan Lake Drawdowns

A new law requires the DEEP commissioner to enter into an agreement with East Haddam and the Bashan Lake Association regarding a schedule for annual water level drawdowns of Lake Bashan to control weeds and to prevent property damage, erosion into the lake, and association property devaluation ([PA 16-141](#), effective upon passage).

Jetted Articulated Vessels

A jetted articulated vessel (JAV) is a watercraft comprised of a base pumping unit that sends pressurized water through a hose to propel the vessel and elevate an operator into the air. The legislature passed a new law establishing regulatory requirements for JAV operators similar to those for personal watercraft (e.g., jet skis)

operators. Under the new law, a JAV operator must be at least age 16 and hold a certificate of personal watercraft operation from DEEP ([PA 16-187](#), effective upon passage).

Wild and Scenic River Designation

A new law designates the northern section of the Housatonic River as a wild and scenic river to preserve it under the federal Wild and Scenic Rivers Act, which protects free-flowing rivers with outstanding value from certain federal activity. Under the new state law, the governor must apply to the U.S. interior secretary to complete the designation. If the secretary approves the designation, the river becomes part of the National Wild and Scenic Rivers System ([PA 16-38](#), effective upon passage).

POLLINATORS

A new law establishes numerous requirements aimed at protecting pollinators and preserving their habitat. Pollinators are organisms that spread pollen between flowers, such as bees and butterflies. Among other things, the new law:

1. generally prohibits applying neonicotinoid (a) insecticide to linden or basswood trees or (b) labeled for treating plants to plants with blossoms;
2. requires the DEEP commissioner to classify certain neonicotinoids as "restricted use" pesticides;

3. requires the Connecticut Agricultural Experiment Station (CAES) to compile a citizen's guide to model pollinator habitat that includes, among other things, information on how to protect pollinator nesting sites; and
4. establishes a Pollinator Advisory Committee comprised of CAES staff to inform legislators on pollinator issues ([PA 16-17](#), effective upon passage).

SOLID WASTE MANAGEMENT

Consumer Packaging Task Force

The legislature established a task force to study and recommend methods to reduce consumer packaging through source reduction, reuse, and recycling. The task force must report its findings and recommendations to the Environment Committee by January 1, 2017 ([SA 16-6](#), effective upon passage).

Littering Fines

It is illegal in Connecticut to dispose of litter on public land or property, in state waters, or on private property not owned by the litterer, and violators are subject to fines. Municipalities may also adopt anti-littering ordinances. A new law allows municipalities with the ordinances to assess, after a hearing, an additional administrative penalty of up to \$500 when the litter includes furniture, automobile parts, large

appliances, tires, bulky waste, hazardous waste, or other similar material ([PA 16-122](#), § 1, effective October 1, 2016).

Paint Stewardship Program Reports

A new law requires two additional reports by the nonprofit organization that implements the state's paint stewardship program (i.e., PaintCare). The program provides a way to manage unused architectural paint and is funded by an assessment on purchased paint. Under the new law, the nonprofit must report to (1) the Environment Committee on the program's fiscal surplus and efforts to make remanufactured paint available at retail and (2) DEEP annually with certified audited financial statements and the names of certain entities with which it contracts. Existing law requires it to annually report to DEEP certain information about the program, including its cost and the amount of paint collected ([PA 16-122](#), §§ 2 & 3, effective upon passage).

STATE PARKS

Fiscal Sustainability

A new law requires the DEEP commissioner, by January 1, 2017, to provide to the Environment Committee (1) a report on establishing a per-person admission fee at state parks and (2) copies of responses to a request for information from DEEP on operating or

offering concessions, services, and recreational amenities at state parks ([PA 16-5](#), effective upon passage).

Sales Tax on Parking Fees

A new law eliminates the sales tax on parking fees in seasonal lots with 30 or more spaces operated by the state (e.g., state parks) or political subdivisions (e.g., municipal beach lots) ([PA 16-72](#) and [PA 16-3](#), May Special Session, § 180, effective upon passage and applies to sales occurring on or after that date).

WATER QUALITY AND QUANTITY

Clean Water Fund Grants for Phosphorus Removal Projects

A new law expands eligibility for increased Clean Water Fund grants for municipalities undertaking eligible phosphorus removal projects. It also modifies the permitted phosphorus levels for eligible projects and eliminates a requirement that DEEP prioritize project funding based on permitted phosphorus discharge limits and the amount of phosphorus removed each year ([PA 16-57](#), effective upon passage).

Expansion and Construction of Water Systems

A new law revises the process for issuing certificates of public convenience and necessity for water companies seeking to expand or construct water systems. Among other things, it (1) requires certain companies to obtain the certificate from DPH,

instead of both DPH and PURA, and (2) under certain conditions requires PURA to determine if a water system owner has sufficient financial resources to provide adequate service and reliably and efficiently operate the system ([PA 16-197](#), effective October 1, 2016).

Fluoridation of Public Water

A new law reduces the mandated fluoride content of the public water supply to a monthly average that is no more than 0.15 milligrams per liter (mg/L) different from the U.S. Department of Health and Human Services' most recent recommendation for optimal fluoride levels in drinking water to prevent tooth decay (currently 0.7 mg/L). Prior law required the content to be between 0.8 and 1.2 mg/L ([PA 16-4](#), effective October 1, 2016).

State Water Plan

By law, the Water Planning Council (WPC) must prepare a state water plan by July 1, 2017 and submit it to four legislative committees by January 1, 2018. A new law modifies the process for submitting and approving the plan. Also, the plan takes effect when the legislature adopts it by an affirmative vote. If the legislature disapproves the plan, it must be returned to the WPC for revision and resubmission. If the legislature fails to adopt the plan within two years of its original submission, the plan is forwarded to the governor for adoption or rejection ([PA 16-137](#), effective October 1, 2016).

Study of Expenses to Administer Safe Drinking Water Standards

As part of the 2016 budget legislation, the legislature required the Department of Public Health (DPH) to report on the costs of ensuring continued administration of safe drinking water standards ([PA 16-2](#), § 17, effective July 1, 2016).

Water Main Grants for Potable Water

A new law prohibits DEEP from reducing the grant amount municipalities receive for certain projects involving long-term potable water supply facilities (e.g., water mains) in an area of a municipality next to a state Superfund Priority List site. Under the new law, if the municipality upgrades the minimum size water main needed to address the pollution for fire flow or public water supply purposes, it must pay only the incremental cost ([PA 16-88](#), § 1, effective upon passage).

MISCELLANEOUS

DEEP Permits

The legislature passed a new law requiring anyone applying for a permit to conduct a regulated activity in a wetland or certain activities in tidal, coastal, or navigable waters to provide notice of the proposed activity to the landowners whose properties are within 500 feet of the property where the activity will occur. Existing law requires newspaper notice and notification to the chief town official. This new law also prohibits the DEEP commissioner from

issuing a certificate or permit for a dock or other structure in an area that a harbor management plan designates as inappropriate for it ([PA 16-89](#), §§ 8 & 9, effective upon passage).

Regulations Affecting Small Business (VETOED; OVERRIDDEN)

Before adopting regulations that affect small businesses, the law requires agencies, including DEEP, to prepare a "regulatory flexibility analysis." The legislature made several changes to this law, including (1) expanding the types and amount of information that must be included in the analysis and (2) increasing, from 75 to 250, the maximum number of employees a business may have to be considered a small business for purposes of these analyses ([PA 16-32](#), effective October 1, 2016).

Reporting Environmental Spills

By law, anyone who discharges, spills, or otherwise releases certain substances, materials, or waste must report it to the state if it may threaten human health or the environment. A new law requires the DEEP commissioner to set in regulations numerical thresholds for determining whether the responsible party must report the release ([PA 16-199](#), effective October 1, 2016).

Water Company-Owned Land Study

A new law requires New Britain to commission an independent third-party environmental study of the potential impact of the city changing the use of its water company-owned land and allowing it to lease a tract it owns in Plainville for stone and mineral extraction. Under the new law, there must be a public hearing on the study and the WPC must report on it to the Environment and Public Health committees ([PA 16-61](#), § 1, effective upon passage).

VARIOUS ACTS MAKING MINOR CHANGES

In addition to the acts summarized above, a number of acts make minor changes affecting the environment. These acts include:

1. [PA 16-3](#), May Special Session, §§ 40 & 75, effective July 1, 2016 and upon passage respectively (requires the Office of Legislative Management to lease or sublease, as appropriate, the Old State House to DEEP and makes DEEP responsible for its care and operation);
2. [PA 16-51](#), § 3, effective October 1, 2016 (requires CAES, in consultation with DPH and DEEP and within available appropriations, to develop and publish guidelines and best practices for investigating and treating bed bug infestations);
3. [PA 16-55](#), § 1, effective October 1, 2016 (authorizes motor vehicle inspectors and police to enforce compliance with federal hazardous material regulations on commercial drivers who transport hazardous materials and establishes state penalties for the offenses);
4. [PA 16-86](#), § 1, effective October 1, 2016 (allows tree wardens to post notices of proposed shrub removal or pruning on groups of shrubs, instead of each individual shrub);
5. [PA 16-89](#), § 10, effective upon passage (makes changes related to agricultural noisemaking devices used to deter wildlife from damaging crops, including allowing the agriculture commissioner to institute a "best practical use procedure" at a municipality's request to limit excessive use of a device); and
6. [PA 16-185](#), § 14, effective July 1, 2016 (removes the ban on all of the governor's three appointees to the Materials Innovation and Recycling Authority board of directors belonging to the same political party).

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