



Senate

General Assembly

File No. 287

February Session, 2018

Substitute Senate Bill No. 343

Senate, April 5, 2018

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE EFFECTS OF CLIMATE CHANGE ON THE SAFETY PLANS OF CERTAIN CHEMICAL FACILITIES IN THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-610 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) As used in this section:

4 (1) "Tier I information" means information in aggregate terms for
5 hazardous chemicals in categories of health and physical hazards as set
6 forth under the Occupational Safety and Health Act of 1970 and
7 regulations promulgated thereunder, including (A) an estimate, in
8 ranges, of the maximum amount of hazardous chemicals in each
9 category present at the facility at any time during the preceding
10 calendar year, (B) an estimate, in ranges, of the average daily amount
11 of hazardous chemicals in each category present at the facility during

12 the preceding calendar year and (C) the general location of hazardous
13 chemicals in each category.

14 (2) "Tier II information" means information requested in accordance
15 with subsection (c) for hazardous chemicals including, but not limited
16 to, (A) the chemical name or common name of the chemical as
17 provided on the material safety data sheet, (B) an estimate, in ranges,
18 of the maximum amount of the hazardous chemicals present at the
19 facility at any time during the preceding calendar year, (C) an estimate,
20 in ranges, of the average daily amount of the hazardous chemicals
21 present at the facility during the preceding calendar year, (D) a brief
22 description of the manner of storage of the hazardous chemicals, (E)
23 the location at the facility of the hazardous chemicals and (F) an
24 indication of whether the owner elects to withhold location
25 information of a specific chemical from disclosure to the public under
26 Section 324 of the Emergency Planning and Community Right-to-
27 Know Act of 1986.

28 (3) "Hazardous chemical" means a chemical for which a material
29 safety data sheet is required under the Occupational Safety and Health
30 Act of 1970 (15 USC 651 et seq.) or a chemical on a list required to be
31 filed under section 22a-609.

32 (b) On or before March 1, 1990, and annually thereafter, the owner
33 or operator of any facility required to prepare or have available a
34 material safety data sheet for a hazardous chemical under the
35 Occupational Safety and Health Act of 1970 and regulations
36 promulgated thereunder shall, for any such hazardous chemical
37 present at the facility in an amount equal to or in excess of the
38 minimum threshold level specified in Part 370 of Title 40 of the Code
39 of Federal Regulations, as amended from time to time, prepare and
40 submit an emergency and hazardous chemical inventory form
41 containing tier I or tier II information to the appropriate local
42 emergency planning committee, the commission and the fire
43 department with jurisdiction over the facility. The owner or operator
44 may comply with this section by (1) providing information on the

45 inventory form on each element or compound in the mixture which is
46 a hazardous chemical or (2) providing information on the inventory
47 form on the mixture itself.

48 (c) (1) The owner or operator of a facility submitting an emergency
49 and hazardous chemical inventory form in accordance with subsection
50 (b) of this section shall provide tier II information for a facility to the
51 commission, a local emergency planning committee or a fire
52 department with jurisdiction over the facility upon request of such
53 commission, committee or department.

54 (2) Any state or municipal official may have access to tier II
55 information submitted in accordance with subsection (b) of this section
56 upon submitting a request to the commission or the local emergency
57 planning committee. Upon request for such information, the
58 commission or local committee shall request the owner or operator of
59 the facility for the tier II information and make available such
60 information to the official.

61 (d) The owner or operator of a facility which files an inventory form
62 under this section shall, upon request of the fire department with
63 jurisdiction over the facility, allow such fire department to conduct an
64 on-site inspection of the facility and provide to the fire department
65 specific location information on hazardous chemicals at the facility.

66 (e) For any such facility that the Department of Energy and
67 Environmental Protection identifies as being located in an area at high
68 risk of: (1) Flooding, (2) a severe weather event, or (3) a rise in sea
69 level, as identified in sea level change scenarios published by the
70 National Oceanic and Atmospheric Administration in Technical
71 Report OAR CPO-1 and updated pursuant to subsection (b) of section
72 25-68o, not later than January 1, 2019, the owner or operator of such
73 facility shall update the hazard mitigation plan and any applicable
74 evacuation plan for such facility to address such risk. Any such
75 updated hazard mitigation plan and evacuation plan shall be
76 submitted to the applicable local emergency planning committee not
77 later than sixty days after it is updated pursuant to this subsection.

78 Each such local emergency planning committee shall review such
79 submissions and determine any necessary changes to the applicable
80 community plans for chemical emergencies, including, but not limited
81 to, any enhanced community notification and emergency evacuation
82 procedures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	22a-610

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires, by January 1, 2019, owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address risks of flooding, severe weather, or sea level rise as it applies to facilities that the Department of Energy and Environmental Protection (DEEP) identifies as being in areas at high risk of these circumstances.

There is no fiscal impact, as DEEP currently has expertise to make this determination.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 343*****AN ACT CONCERNING THE EFFECTS OF CLIMATE CHANGE ON THE SAFETY PLANS OF CERTAIN CHEMICAL FACILITIES IN THE STATE.*****SUMMARY**

This bill requires, by January 1, 2019, owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address risks of flooding, severe weather, or sea level rise. The bill applies to facilities that the Department of Energy and Environmental Protection identifies as being in areas at high risk of these circumstances.

The bill also requires the updated hazard mitigation and evacuation plans to be submitted to the applicable local emergency planning committee within 60 days after the updates. The committee must review the plans and determine if there should also be changes to the community's plans for chemical emergencies, such as enhanced notification or evacuation procedures.

Under the bill, sea level rise is based on sea level change scenarios as published by the National Oceanic and Atmospheric Administration (NOAA) in Technical Report OAR CPO-1 and updated, within available resources, by UConn's Marine Sciences Division at least every ten years.

EFFECTIVE DATE: October 1, 2018

BACKGROUND***Hazardous Chemicals***

By law, hazardous chemicals are, generally, those for which a material safety data sheet is required under federal law.

NOAA Technical Report OAR CPO-1

The December 6, 2012 NOAA Technical Report OAR CPO-1 entitled, "Global Sea Level Rise Scenarios for the United States National Climate Assessment," provides sea level rise scenarios to help experts and stakeholders analyze vulnerability, impacts, and adaptation strategies. It identifies four global mean sea level rise scenarios ranging from eight inches to 6.6 feet by 2100. The report specifies that the scenarios should be used with local and regional information on climatic, physical, ecological, and biological processes and the coastal communities' culture and economy.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 1 (03/22/2018)