



**PA 18-181**—sHB 5360  
*Environment Committee*

**AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND CERTAIN FARMLAND PRESERVATION PROGRAMS OF THE DEPARTMENT OF AGRICULTURE AND ESTABLISHING A WORKING GROUP ON MICROFIBER POLLUTION, AUTHORIZING SCHOOL INSTRUCTION AND CURRICULUM ON CLIMATE CHANGE, REQUIRING UPDATED HAZARDOUS MITIGATION PLANS FOR CERTAIN HAZARDOUS CHEMICAL FACILITIES, PERMITTING SUNDAY BOW HUNTING OF DEER THROUGHOUT THE STATE AND ESTABLISHING A PILOT PROGRAM ON THE SEPARATE COLLECTION OF GLASS FROM OTHER RECYCLING PROGRAMS**

**SUMMARY:** This act makes several revisions to the Department of Energy and Environmental Protection's (DEEP) environmental quality and conservation programs.

The act also (1) creates a limited circumstance under which the development rights of agricultural land owned by the state may be included with a sale of the land (§ 5); (2) requires the State Board of Education (SBE) to encourage and help school boards include climate change consistent with the Next Generation Science Standards as part of the program of instruction the law allows them to offer in public schools (§ 8); and (3) makes several technical changes, including updating two references to federal law in the laws governing the farmland preservation and community farms programs (§§ 10 & 11).

Regarding DEEP's environmental quality programs, the act:

1. expands the exemption from obtaining solid waste and water discharge permits for leaf composting facilities to include those facilities that add a certain amount of grass clippings to the leaf compost (§ 1);
2. requires the commissioner to convene a working group to develop a consumer awareness and education program on synthetic microfiber pollution and report on it to the Environment Committee (§ 6);
3. requires 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 (§ 7); and
4. requires DEEP, if asked, to authorize a municipal glass collection pilot program and report on it to the Environment Committee (§ 12).

And the act makes the following changes to DEEP's conservation programs:

1. requires anyone possessing, breeding, propagating, or selling more than

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- one fallow deer to obtain a game breeder's license (§ 2);
2. allows the commissioner to adopt regulations on establishing and issuing lifetime hunting and fishing authorizations (§ 3);
3. requires the commissioner to adopt regulations on taking carp by bow and arrow in certain waters and designates no closed season for taking carp by such means in those waters until the regulations are adopted (§ 4); and
4. expands the areas where Sunday bow and arrow deer hunting is permitted to include private land throughout the state, instead of only in overpopulated deer management zones (§ 9).

EFFECTIVE DATE: October 1, 2018, except the microfiber pollution working group provision and the technical updates referring to the federal agricultural programs are effective upon passage.

### § 1 — COMPOSTING LEAVES AND GRASS CLIPPINGS

By law, facilities that only compost leaves are exempt from needing to obtain a solid waste facility or water discharge permit from DEEP. The act expands the exemption to include facilities that add grass clippings to the leaf compost, but in an amount no greater than 25% of the compost (a 3:1 ratio of leaves to clippings).

The act correspondingly requires the DEEP commissioner to adopt regulations on the exempt facilities that compost leaves and grass clippings; current regulations address only leaf composting facilities. The regulations set out registration, siting, operation, and reporting requirements (Conn. Agencies Regs. § 22a-208i(a)-1).

### § 2 — FALLOW DEER

Existing law prohibits breeding, propagating, or possessing more than one live specimen of certain wild game quadrupeds without a game breeder's license from DEEP. The restriction under prior law applied to two members of the Cervidae (deer) family: sika (*Cervus nippon*) and white-tailed deer (*Odocoileus virginianus*). The act expands the restriction by also applying it to fallow deer (*Dama dama*).

Under existing law, anyone seeking a game breeder's license must apply in writing to DEEP. The license costs \$27 and is renewed annually. The law sets reporting requirements for licensees.

### § 3 — LIFETIME HUNTING AND FISHING AUTHORIZATION

The act allows the DEEP commissioner to adopt regulations for establishing and issuing lifetime hunting and fishing licenses, permits, and stamps, or combinations of them. Under existing law, DEEP generally issues hunting and fishing licenses, permits, and stamps annually, subject to specified fees (CGS § 26-27 *et seq.*).

### § 4 — CARP FISHING

The act requires the DEEP commissioner to adopt regulations on taking carp

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by bow and arrow in the following waters:

1. Thames River;
2. Connecticut River and its coves downstream of the Arrigoni Bridge;
3. Coginchaug River downstream of Route 3, including the Cromwell Meadows Wildlife Management Area;
4. Quinnipiac River downstream of Route 40; and
5. Housatonic River downstream of the Derby Dam.

Until the regulations are adopted, the act provides that there is no closed season for taking carp in these areas.

(Current regulations provide that people may take carp for commercial purposes throughout the year from the river systems of the above mentioned rivers, except the Coginchaug River, as well as the French, Quinebaug, and Shetucket rivers. But they prohibit taking carp by bow and arrow in streams stocked with trout, charr, or salmon. The regulations generally limit the daily creel limit for carp to five, with no more than one carp exceeding 30 inches in length. More restrictive requirements apply in Trophy Carp Waters (Conn. Agencies Regs. §§ 26-112-45 & 26-142a-4).)

### § 5 — AGRICULTURAL LAND PRESERVATION AND SALES

By law, the agriculture commissioner may, with the State Property Review Board's approval, acquire agricultural land and any associated personal property by purchase or gift. After acquiring title to the property, prior law required the commissioner to sell the property, but not its development rights, for agricultural purposes (but the law allows him to lease, transfer, assign, or manage it for certain purposes until the sale occurs).

The act creates a limited circumstance under which the agricultural land's development rights may be included in the sale. Under the act, if the purchaser is a municipality or nonprofit organization with one of its purposes being preserving agricultural lands, the development rights may also be sold with the property. But the sale is subject to the state's future purchase of the development rights, and the commissioner must enter into an agreement concerning the development right's purchase.

### § 6 — MICROFIBER POLLUTION WORKING GROUP

#### *Working Group Purposes*

The act requires the DEEP commissioner, by July 1, 2018, and in consultation with the consumer protection commissioner, to convene a working group of representatives from the apparel industry and the environmental community to develop a consumer awareness and education program about synthetic microfiber pollution. Under the act, the program must include at least the following:

1. consumer oriented information on how clothing sheds synthetic microfibers that end up in the state's waterways;
2. best practices for consumers to reduce and eliminate microfiber dispersal into the waterways; and
3. information on how apparel industry members, including brand labels, are

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working to reduce or eliminate microfibers in clothing.

### *Industry Representatives*

The act designates the following eight industry organizations for inclusion in the working group, the:

1. Sustainable Apparel Coalition;
2. American Apparel and Footwear Association;
3. American Apparel and Producer's Network;
4. Fashion Group International;
5. National Retail Federation;
6. Council of Fashion Designers of America;
7. Fashion Business, Inc.; and
8. Outdoor Industry Association.

### *Report*

The act requires the DEEP commissioner to report to the Environment Committee, by January 1, 2019, on the group's efforts and any recommendations for legislation on the consumer information program and reducing microfibers in the state's waterways.

## § 7 — CHEMICAL FACILITY SAFETY PLANS

The act 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 requirement applies to facilities that DEEP identifies as being in areas at high risk of these circumstances.

The act 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 community notification or evacuation procedures.

Under the act, 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. (PA 18-82 requires the division to publish a sea level change scenario for the state that is based on NOAA's report and other available scientific data that is necessary for creating a scenario that applies to the coast.)

## § 8 — CLIMATE CHANGE EDUCATION

The act requires SBE to encourage and help school boards include climate change instruction consistent with the Next Generation Science Standards as part of the program of instruction the law allows them to offer in the public schools. SBE must do this within available appropriations and using available resource

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materials, but the act additionally requires DEEP to be available to school boards to develop climate change curricula.

The public school program of instruction required by law includes science. The act specifies that science instruction may include the climate change curriculum provided in the Next Generation Science Standards.

The Next Generation Science Standards are K-12 research-based science content standards. Its foundational document provides that climate changes are significant and persistent changes in the average or extreme weather conditions of an area (National Research Council. 2012. *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas*, Washington, DC: The National Academies Press). SBE adopted the standards in 2015 with the intent of implementing them over a five-year period.

### § 9 — SUNDAY BOW AND ARROW HUNTING

The act expands the area where Sunday bow and arrow deer hunting is permitted to include private land throughout the state, instead of only in overpopulated deer management zones determined by DEEP. (Currently, 10 of DEEP's 13 deer management zones are considered overpopulated.) The act also eliminates a related provision requiring the hunting to be done in accordance with DEEP's wildlife management principles and practices.

As under existing law, the hunter must have the private landowner's written permission to hunt there and carry it while hunting. The hunting also cannot take place within 40 yards of a blazed (i.e., clearly marked) hiking trail. By law, no one can hunt deer by bow and arrow without first obtaining a DEEP bow and arrow permit. Hunters must also comply with associated deer hunting regulations, which address such things as the open season, reporting requirements, and bag limits. A violation of the Sunday hunting law is a class D misdemeanor (see Table on Penalties) (CGS § 26-81).

### § 12 — GLASS COLLECTION PILOT PROGRAMS

The act requires DEEP, if asked by a municipality, to authorize a two-year glass collection pilot program that is separate from the municipality's existing curbside recycling collection program. Under the act, the glass must be collected by at least one third party. The program must prohibit glass from being recycled through the existing curbside program and also include the following:

1. at least one location where glass is collected at no charge to residents,
2. information about the program for residents,
3. data collection for DEEP to measure the program's outcomes, and
4. any other elements DEEP requires.

The act requires DEEP to submit a report to the Environment Committee on such pilot programs, including any legislative recommendations, after they end.