



Senate Bill No. 224

Public Act No. 22-23

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT.

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

Section 1. Section 7-255 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) The water pollution control authority may establish and revise fair and reasonable charges for connection with and for the use of a sewerage system. The owner of property against which any such connection or use charge is levied shall be liable for the payment thereof. Municipally-owned and other tax-exempt property which uses the sewerage system shall be subject to such charges under the same conditions as are the owners of other property, but nothing herein shall be deemed to authorize the levying of any property tax by any municipality against any property exempt by the general statutes from property taxation. No charge for connection with or for the use of a sewerage system shall be established or revised until after a public hearing before the water pollution control authority at which the owner of property against which the charges are to be levied shall have an opportunity to be heard concerning the proposed charges. Such hearing

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may be conducted in person or by means of electronic equipment. Notice of the time, place and purpose of such hearing shall be published at least ten days before the date thereof in a newspaper having a general circulation in the municipality and on the Internet web site of the municipality. A copy of the proposed charges shall be on file in the office of the clerk of the municipality and available for inspection by the public for at least ten days before the date of such hearing. When the water pollution control authority has established or revised such charges, it shall file a copy thereof in the office of the clerk of the municipality and, not later than five days after such filing, shall cause the same to be published in a newspaper having a general circulation in the municipality and on the Internet web site of the municipality. Such publication shall state the date on which such charges were filed and the time and manner of paying such charges and shall state that any appeals from such charges must be taken within twenty-one days after such filing. In establishing or revising such charges the water pollution control authority may classify the property connected or to be connected with the sewer system and the users of such system, including categories of industrial users, and may give consideration to any factors relating to the kind, quality or extent of use of any such property or classification of property or users including, but not limited to, (1) the volume of water discharged to the sewerage system, (2) the type or size of building connected with the sewerage system, (3) the number of plumbing fixtures connected with the sewerage system, (4) the number of persons customarily using the property served by the sewerage system, (5) in the case of commercial or industrial property, the average number of employees and guests using the property, and (6) the quality and character of the material discharged into the sewerage system. The water pollution control authority may establish minimum charges for connection with and for the use of a sewerage system. Any person aggrieved by any charge for connection with or for the use of a sewerage system may appeal to the superior court for the judicial district wherein the municipality is located and shall bring any such appeal to a return

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day of said court not less than twelve or more than thirty days after service thereof. The judgment of the court shall be final.

(b) Any municipality may, by ordinance, provide for the payment to the water pollution control authority by such municipality of the whole or a portion of such charges for specified classifications of property or users, provided such classifications are established by the water pollution control authority in accordance with the provisions of subsection (a) of this section and meet the requirements of the federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended from time to time.

(c) Any municipality may, by ordinance, provide for optional methods of payment of sewer use charges to the water pollution control authority by (1) elderly taxpayers who are eligible for tax relief under the provisions of section 12-129b, section 12-170aa or a plan of tax relief for elderly taxpayers provided by such municipality in accordance with section 12-129n, or (2) any taxpayer under the age of sixty-five who is eligible for tax relief under the provisions of a plan for tax relief provided by such municipality in accordance with subdivision (2) of section 12-129n.

Sec. 2. Section 8-2p of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted

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under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2.

Sec. 3. Subsection (c) of section 8-26c of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(c) In the case of a subdivision plan approved on or after October 1, 1977, failure to complete all work within such five-year period or any extension thereof shall result in automatic expiration of the approval of such plan provided the commission shall file on the land records of the town in which such subdivision is located notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the town clerk of such town, and no additional lots in the subdivision shall be conveyed by the subdivider or his successor in interest as such subdivider except with approval by the commission of a new application for subdivision of the subject land. If lots have been conveyed during such five-year period or any extension thereof, the municipality shall call the bond or other surety on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots. "Work" for purposes of this section means all physical improvements required by the approved plan, other than the staking out of lots, and includes, but is not limited to, the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping, and installation of retaining walls or other structures.

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Sec. 4. Subdivision (3) of subsection (a) of section 2-79a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(3) On and after July 1, 2019, the commission shall consist of the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, the Secretary of the Office of Policy and Management, the Commissioner of Education, the Commissioner of Energy and Environmental Protection and the Commissioner of Economic and Community Development, or their designees, and seventeen additional members as follows: (A) Six municipal officials appointed by the Governor, four of whom shall be selected from a list of nominees submitted to the Governor by the Connecticut Conference of Municipalities and two of whom shall be selected from a list submitted by the Council of Small Towns. One of such six officials shall be from a town having a population of ten thousand or less persons, one shall be from a town having a population of more than ten thousand but less than twenty thousand persons, two shall be from towns having populations of more than twenty thousand but less than sixty thousand persons and two shall be from towns having populations of sixty thousand or more persons; (B) two local public education officials appointed by the Governor, one of whom shall be selected from a list of nominees submitted to the Governor by the Connecticut Association of Boards of Education and one of whom shall be selected from a list submitted by the Connecticut Association of Public School Superintendents; (C) one representative of a regional council of governments appointed by the Governor from a list of nominees submitted to the Governor by the Connecticut Association of Councils of Governments; (D) one representative of organized labor appointed by the Governor from a list of nominees submitted to the Governor by the Connecticut AFL-CIO; (E) five persons who do not hold elected or appointed office in state or local government, one of whom shall be

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appointed by the Governor, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the minority leader of the Senate and one of whom shall be appointed by the minority leader of the House of Representatives; (F) one representative of the Connecticut Conference of Municipalities appointed by said conference; and (G) one representative of the Council of Small Towns appointed by said council.

Sec. 5. Subsection (a) of section 7-131e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Grant award decisions under the protected open space and watershed land acquisition grant program established under section 7-131d or under the Charter Oak open space grant program established under section 7-131t shall be made by the Commissioner of Energy and Environmental Protection at least semiannually. All complete and eligible grant applications shall be acted upon by the commissioner as soon as practicable. A single project may receive a grant in more than one grant cycle, subject to future availability of funds and subject to the limitations set forth in this section and sections 23-78, 12-498 and 7-131d. Up to five per cent of the grant funds may be used for administrative expenses including, but not limited to: (1) Contractors to assist the Department of Energy and Environmental Protection in the review and evaluation of grant proposals and baseline data collection for conservation easements; (2) appraisals or appraisal reviews; and (3) preparation of legal and other documents. Administrative expenses may not be used for staff salaries. Not later than September 1, 1998, for the protected open space and watershed land acquisition grant program established under section 7-131d, and not later than September 1, 2000, for the Charter Oak open space grant program account established under section 7-131t, the commissioner shall develop written guidelines

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and a ranking system for consistency and equity in the distribution of grant awards under the protected open space and watershed land acquisition grant program established under section 7-131d or under the Charter Oak open space grant program account established under section 7-131t based on the criteria listed in subsections (b) and (c) of section 7-131d. Consistent with such criteria, additional consideration shall be given to: (A) Protection of lands adjacent to and complementary to adjacent protected open space land or class I or class II water company lands; (B) equitable geographic distribution of the grants; (C) proximity of a property to urban areas with growth and development pressures or to areas with open space deficiencies and underserved populations; (D) protection of land particularly vulnerable to development incompatible with its natural resource values including the protection of a public water supply source; (E) consistency with the [state's] state plan of conservation and development; (F) multiple protection elements, such as water quality and supply protection, scenic preservation and farmland preservation; (G) the extent to which the presence of already constructed buildings or other man-made improvements diminish or overshadow the natural resource value of a proposed acquisition, or its value relative to its cost; and (H) preservation of forest lands and bodies of water which naturally absorb significant amounts of carbon dioxide.

Sec. 6. Subsection (d) of section 12-217ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(d) The commissioner shall determine whether (1) the taxpayer making the application is eligible for the tax credit, and (2) the proposed job growth (A) is economically viable only with use of the tax credit, (B) would provide a net benefit to economic development and employment opportunities in the state, and (C) conforms to the state plan of conservation and development prepared pursuant to [section 16a-24]

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part I of chapter 297. The commissioner may require the applicant to submit such additional information as may be necessary to evaluate the application.

Sec. 7. Section 16a-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

As used in this chapter:

(1) "Process" means the procedure for adopting, amending, revising and implementing a state plan of conservation and development;

(2) "Existing plan" means the plan promulgated by Executive Order No. 28, September 27, 1974;

(3) "Secretary" means the Secretary of the Office of Policy and Management;

(4) "Committee" means the continuing legislative committee on state planning and development established pursuant to section 4-60d;

(5) "Adoption year" means the calendar year which is no later than five years subsequent to the year in which the plan was last adopted in accordance with the process established in this chapter;

(6) "Revision year" means the calendar year immediately preceding the adoption year;

(7) "Prerevision year" means the calendar year immediately preceding the revision year;

(8) "State agency" means any state department, institution, board, commission or official; and

(9) "Plan", when referring to the state plan [for] of conservation and development, means the text of such plan and any accompanying

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locational guide map.

Sec. 8. Subsection (a) of section 16a-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Each revision of the state plan of conservation and development shall be initiated by the secretary and shall be undertaken in accordance with the process outlined in this chapter.

Sec. 9. Subdivision (8) of subsection (a) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(8) To coordinate the activities of public agencies to ensure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan [for] of conservation and development adopted pursuant to part I of chapter 297;

Sec. 10. Subsection (a) of section 22a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) All major state plans, other than the state plan [for] of conservation and development adopted pursuant to part I of chapter 297, which affect the coastal area shall be consistent with the goals and policies stated in section 22a-92, as amended by this act, and existing state plans, other than the state plan [for] of conservation and development adopted pursuant to part I of chapter 297, which affect the coastal area shall, on or before July 1, 1981, be revised, if necessary, to [insure] ensure consistency with this chapter. Agencies responsible for revising state plans, other than the state plan [for] of conservation and development adopted pursuant to part I of chapter 297, shall consult with the commissioner in making such revisions.

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Sec. 11. Subsection (a) of section 22a-352 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Not later than July 1, 2017, the Water Planning Council, established pursuant to section 25-33o, shall, within available appropriations, prepare a state water plan for the management of the water resources of the state. In developing such state water plan, the Water Planning Council shall: (1) Design a unified planning program and budget; (2) consider regional water and sewer facilities plans; (3) identify the appropriate regions of the state for comprehensive water planning; (4) identify the data needs and develop a consistent format for submitting data to the council, applicable state agencies and regional councils of governments for use in planning and permitting; (5) consider the potential impact of climate change on the availability and abundance of water resources and the importance of climate resiliency; (6) seek involvement of interested parties; (7) solicit input from the advisory group established pursuant to section 25-33o; (8) consider individual water supply plans, water quality standards, stream flow classifications, as described in regulations adopted pursuant to section 26-141b, water utility coordinating committee plans, the state plan of conservation and development, as described in [section 16a-30] part I of chapter 297, and any other planning documents deemed necessary by the council; (9) promote the adoption of municipal ordinances based on the State of Connecticut Model Water Use Restriction Ordinance for municipal water emergencies; and (10) examine appropriate mechanisms for resolving conflicts related to the implementation of the state water plan.

Sec. 12. Subsection (k) of section 22a-430 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(k) The commissioner shall not deny a permit under this section if the

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basis for such denial is a determination by the commissioner that the proposed activity for which application has been made is inconsistent with the state plan of conservation and development adopted under [section 16a-30] part I of chapter 297.

Sec. 13. Subdivision (9) of subsection (b) of section 22a-471 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(9) Notwithstanding any provision of this section and the [cost sharing] cost-sharing formula established in section 22a-471-1 of the regulations of Connecticut state agencies, for any area of a municipality that is adjacent to a site listed on the State of Connecticut Superfund Priority List where a water line extension component to such project has been installed by a municipal or private water company, the minimum size water main required to address pollution may be upgraded in order to carry fire flow or address public water supply needs that are consistent with an adopted municipal plan of conservation and development and the municipality shall only be responsible to pay the incremental project cost, which may be funded by such water company, another person or available local, state or federal funds.

Sec. 14. Subsection (h) of section 22a-478 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(h) The Department of Public Health shall establish and maintain a priority list of eligible drinking water projects and shall establish a system setting the priority for making project loans to eligible public water systems. In establishing such priority list and ranking system, the Commissioner of Public Health shall consider all factors which he deems relevant, including but not limited to the following: (1) The public health and safety; (2) protection of environmental resources; (3) population affected; (4) risk to human health; (5) public water systems

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most in need on a per household basis according to applicable state affordability criteria; (6) compliance with the applicable requirements of the federal Safe Drinking Water Act and other related federal acts; (7) applicable state and federal regulations. The priority list of eligible drinking water projects shall include a description of each project and its purpose, impact, cost and construction schedule, and an explanation of the manner in which priorities were established. The Commissioner of Public Health shall adopt an interim priority list of eligible drinking water projects for the purpose of making project loans prior to adoption of final regulations, and in so doing may utilize existing rules and regulations of the department relating to the program. To the extent required by applicable federal law, the Department of Public Health shall prepare any required intended use plan with respect to eligible drinking water projects; (8) consistency with the state plan of conservation and development; (9) consistency with the policies delineated in section 22a-380; and (10) consistency with the coordinated water system plan in accordance with subsection (f) of section 25-33d.

Sec. 15. Subsection (d) of section 25-68d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(d) Any state agency proposing an activity or critical activity within or affecting the floodplain may apply to the commissioner for exemption from the provisions of subsection (b) of this section. Such application shall include a statement of the reasons why such agency is unable to comply with said subsection and any other information the commissioner deems necessary. The commissioner, at least thirty days before approving, approving with conditions or denying any such application, shall publish once in a newspaper having a substantial circulation in the affected area notice of: (1) The name of the applicant; (2) the location and nature of the requested exemption; (3) the tentative decision on the application; and (4) additional information the

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commissioner deems necessary to support the decision to approve, approve with conditions or deny the application. There shall be a comment period following the public notice during which period interested persons and municipalities may submit written comments. After the comment period, the commissioner shall make a final determination to either approve the application, approve the application with conditions or deny the application. The commissioner may hold a public hearing prior to approving, approving with conditions or denying any application if in the discretion of the commissioner the public interest will be best served thereby, and the commissioner shall hold a public hearing upon receipt of a petition signed by at least twenty-five persons. Notice of such hearing shall be published at least thirty days before the hearing in a newspaper having a substantial circulation in the area affected. The commissioner may approve or approve with conditions such exemption if the commissioner determines that (A) the agency has shown that the activity or critical activity is in the public interest, will not injure persons or damage property in the area of such activity or critical activity, complies with the provisions of the National Flood Insurance Program, and, in the case of a loan or grant, the recipient of the loan or grant has been informed that increased flood insurance premiums may result from the activity or critical activity. An activity shall be considered to be in the public interest if it is a development subject to environmental remediation regulations adopted pursuant to section 22a-133k and is in or adjacent to an area identified as a regional center, neighborhood conservation area, growth area or rural community center in the [State Plan of Conservation and Development] state plan of conservation and development pursuant to chapter 297, or (B) in the case of a flood control project, such project meets the criteria of subparagraph (A) of this subdivision and is more cost-effective to the state and municipalities than a project constructed to or above the base flood or base flood for a critical activity. Following approval for exemption for a flood control project, the commissioner shall provide notice of the hazards of a flood

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greater than the capacity of the project design to each member of the legislature whose district will be affected by the project and to the following agencies and officials in the area to be protected by the project: The planning and zoning commission, the inland wetlands agency, the director of civil defense, the conservation commission, the fire department, the police department, the chief elected official and each member of the legislative body, and the regional council of governments. Notice shall be given to the general public by publication in a newspaper of general circulation in each municipality in the area in which the project is to be located.

Sec. 16. Subsection (b) of section 25-102gg of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(b) The assembly shall, from time to time, review, and may, after public hearing of which at least fifteen [days] days' notice has been given in a newspaper or newspapers having a circulation in the conservation zone, revise the standards established pursuant to special act 79-77, as amended by special act 81-1. Such revisions shall be consistent with the state plan [for] of conservation and development adopted pursuant to part I of chapter 297 and the purposes of this chapter. A copy of the proposed revisions shall be furnished at least fifteen days prior thereto to the conservation commission, zoning commission, the planning commission or combined planning and zoning commission of the municipalities to be affected thereby and shall be filed at least ten days prior to the hearing in the office of the town or city clerk of the municipalities affected thereby.

Sec. 17. Section 25-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

For the purposes of sections 25-200 to 25-210, inclusive:

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(1) "Approved map" means a map approved by the commissioner pursuant to section 25-205;

(2) "Approved river corridor protection plan" means a river corridor protection plan approved by the commissioner pursuant to section 25-205;

(3) "Clear cutting" means removal of all standing woody vegetation greater than one inch diameter at breast height within a designated river corridor;

(4) "Commissioner" means the Commissioner of Energy and Environmental Protection or his agent;

(5) "Designation" means designation, by act of the General Assembly, of a river corridor for protection and preservation in accordance with an approved river corridor protection plan and the provisions of sections 25-200 to 25-210, inclusive;

(6) "Designated river corridor" means that portion of a river corridor defined on a map prepared in accordance with section 25-204, as amended by this act, and which has been designated by the General Assembly pursuant to sections 25-200 to 25-210, inclusive;

(7) "Eligible river corridor" means a river corridor which is included on the list adopted by the commissioner pursuant to section 25-202;

(8) "Local drainage basin" means a local drainage basin referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(9) "Member municipality" means a municipality which is a member of a river committee established pursuant to section 25-203;

(10) "Major state plan" means the plan for development of outdoor recreation adopted pursuant to section 22a-21, the state-wide solid

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waste management plan adopted pursuant to section 22a-228, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, as amended by this act, the state-wide environmental plan adopted pursuant to section 22a-8, the plan for the disposal of dredged material for Long Island Sound, the historic preservation plan adopted under the National Historic Preservation Act, as amended, the state-wide facility and capital plan adopted pursuant to section 4b-23, the water quality management plan adopted under the federal Clean Water Act, the marine resources management plan, the plan for managing forest resources, the wildlife management plans and the salmon restoration plan;

(11) "Person" means "person" as defined in section 22a-2;

(12) "River corridor" means any river, river segment or river system, together with its floodplains, wetlands and uplands, contributing overland runoff to such river, river segment or river system;

(13) "River committee" means a river committee established pursuant to section 25-203;

(14) "River system" means a river, its tributaries and any lands draining into such river or its tributaries;

(15) "Secretary" means the Secretary of the Office of Policy and Management or his agent;

(16) "State rivers assessment data base" means the state-wide assessment of the state's rivers prepared by the commissioner pursuant to subdivision (3) of subsection (c) of section 25-102qq;

(17) ["State plan for conservation and development"] "State plan of conservation and development" means the state plan [for] of conservation and development prepared pursuant to part I of chapter 297;

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(18) "Subregional drainage basin" means a subregional drainage basin as depicted on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981; and

(19) "Water-dependent use" means a use which, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and which therefore cannot be located upland and shall include such recreational uses as riverside trails and bicycle paths.

Sec. 18. Subsection (e) of section 25-204 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(e) After adoption pursuant to subsection (d) of this section of an inventory, statement of objectives and map, the river committee shall prepare a report on all federal, state and municipal laws, plans, programs and proposed activities which may affect the river corridor defined in such map. Such laws shall include regulations adopted pursuant to chapter 440 and zoning, subdivision and site plan regulations adopted pursuant to section 8-3. Such plans shall include plans of conservation and development adopted pursuant to section 8-23, the state plan [for] of conservation and development adopted under part I of chapter 297, water utility supply plans adopted pursuant to section 25-32d, coordinated water system plans adopted pursuant to section 25-33h, municipal open space plans, the commissioner's fish and wildlife plans, and publicly-owned wastewater treatment facility plans. State and regional agencies shall, within available resources, assist the river committee in identifying such laws, plans, programs and proposed activities. The report to be prepared pursuant to this section shall identify any conflicts between such federal, state, regional and municipal laws, plans, programs and proposed activities and the river committee's objectives for river corridor protection and preservation as reflected in the statement of objectives. If conflicts are identified, the

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river committee shall notify the applicable state, regional or municipal agencies and such agencies shall, within available resources, attempt with the river commission to resolve such conflicts.

Sec. 19. Subsection (d) of section 25-206 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(d) (1) Every major state plan other than the state plan [for] of conservation and development, to the extent that it affects a designated river corridor, shall be consistent with the approved river corridor protection plan for such corridor, and any state plan which is inconsistent with such approved river corridor protection plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner at the next scheduled revision of such plan.

(2) If the commissioner finds that the state plan [for] of conservation and development is inconsistent with an approved river corridor protection plan for a designated river corridor, he shall apply to the secretary for a revision pursuant to section 16a-32, as amended by this act.

(3) Every regional plan of conservation and development adopted pursuant to section 8-35a, to the extent that it affects a designated river corridor, shall be consistent with the approved river corridor protection plan for such corridor and any regional plan of conservation and development which is inconsistent with such approved river corridor protection plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner.

(4) Every municipal plan of conservation and development adopted pursuant to section 8-23, to the extent that it affects a designated river corridor, shall be consistent with the approved river corridor protection plan for such corridor and any municipal plan of conservation and

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development which is inconsistent with such approved river corridor protection plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner.

(5) The commissioner may notify any applicable federal agency of the designation of a river corridor and may take any other appropriate action to assure consideration of such designation in federal programs or activities.

Sec. 20. Section 25-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

As used in sections 25-230 to 25-238, inclusive:

(1) "Approved river corridor management plan" means a river corridor management plan approved by the commissioner pursuant to section 25-235;

(2) "Commissioner" means the Commissioner of Energy and Environmental Protection or his agent;

(3) "Local drainage basin" means a local drainage basin as referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(4) "Major state plan" means any of the following: The plan for development of outdoor recreation adopted pursuant to section 22a-21, the state-wide solid waste management plan adopted pursuant to section 22a-228, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, as amended by this act, the state-wide environmental plan adopted pursuant to section 22a-8, the historic preservation plan adopted under the National Historic Preservation Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted pursuant to section 4b-23, the state's consolidated plan for housing and community development prepared pursuant to section 8-

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37t, the water quality management plan adopted under the federal Clean Water Act, 33 USC 1251 et seq., any plans for managing forest resources adopted pursuant to section 23-20 and the Connecticut River Atlantic Salmon Compact adopted pursuant to section 26-302;

(5) "Member municipality" means a municipality which is a member of a river commission established pursuant to section 25-232;

(6) "Person" means person, as defined in section 22a-2;

(7) "River advisory board" means any of the following: The Five Mile River Commission established pursuant to section 15-26a, the Connecticut River Gateway Commission established pursuant to section 25-102e, the Connecticut River Assembly established pursuant to section 25-102dd, the Bi-State Pawcatuck River Commission established pursuant to section 25-161, the Niantic River Gateway Commission established pursuant to section 25-109e, the Housatonic Estuary Commission established pursuant to section 25-170, the Farmington River Coordinating Committee established pursuant to the National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-Bantam River Board or a river committee established pursuant to section 25-203;

(8) "River corridor" means any river, river segment or river system, together with its floodplains, wetlands and uplands, contributing overland runoff to such river, river segment or river system;

(9) "River commission" means a river commission established pursuant to section 25-232;

(10) "River system" means a river, its tributaries and any lands draining into such river or its tributaries;

(11) "Secretary" means the Secretary of the Office of Policy and Management or his agent;

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(12) "State rivers assessment database" means the state-wide assessment of the state's rivers prepared by the commissioner pursuant to subdivision (3) of subsection (c) of section 25-102qq;

(13) ["State plan for conservation and development"] "State plan of conservation and development" means the state plan [for] of conservation and development prepared pursuant to part I of chapter 297;

(14) "Subregional drainage basin" means a subregional drainage basin as referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(15) "Water-dependent use" means a use which, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and which therefore cannot be located upland, and includes such recreational uses as riverside trails and bicycle paths;

(16) "Use" means agriculture, public and private water supply, power generation, waste assimilation, transportation, recreation, including, but not limited to, boating, swimming, fishing, camping and hiking and residential, commercial, industrial and other water-dependent uses; and

(17) "Resource" means any riparian waters of the state, related fisheries and wildlife habitat and adjacent shorelands, both developed and undeveloped; any vegetation, fish and wildlife; endangered and threatened species, species of special concern and essential habitat identified by the commissioner pursuant to chapter 495; tidal and inland wetlands; unique geologic features; scenic areas; forest lands, as defined in section 23-65f; agricultural lands, as defined in section 22-26bb; and archaeological and other historical resources.

Sec. 21. Subsection (e) of section 25-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October*

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1, 2022):

(e) After adoption of an inventory, statement of objectives and map, pursuant to subsection (d) of this section, the river commission shall prepare a report on all federal, state, regional and municipal laws, plans, programs and proposed activities that may affect the river corridor defined in such map. Such federal, state, regional and municipal laws shall include regulations adopted pursuant to chapter 440, and zoning, subdivision and site plan regulations adopted pursuant to section 8-3. Such federal, state, regional and municipal plans shall include plans of development adopted pursuant to section 8-23, the state plan [for] of conservation and development adopted under part I of chapter 297, water utility supply plans submitted pursuant to section 25-32d, coordinated water system plans submitted pursuant to section 25-33h, plans prepared by regional planning organizations, as defined in section 4-124i, and plans of publicly owned wastewater treatment facilities whose discharges may affect the subject river corridor. State and regional agencies shall, within available resources, assist the river commission in identifying such laws, plans, programs and proposed activities. The report to be prepared pursuant to this section shall identify any conflicts between such federal, state, regional and municipal laws, plans, programs and proposed activities and the river commission's objectives for river corridor management as reflected in the statement of objectives. If conflicts are identified, the river commission shall notify the applicable state, regional or municipal agencies and such agencies shall, within available resources and in consultation with the river commission, attempt to resolve such conflicts.

Sec. 22. Subdivisions (1) and (2) of subsection (e) of section 25-236 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(e) (1) Every major state plan, other than the state plan [for] of

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conservation and development, to the extent that such major state plan affects any river corridor for which the commissioner has approved a river corridor management plan, shall be consistent with such management plan. Any major state plan, other than the state plan [for] of conservation and development, which is inconsistent with a river corridor management plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner at the next scheduled revision of such plan.

(2) If all the member municipalities of a river commission have amended their applicable laws and plans pursuant to subsection (b) of this section and if the commissioner finds that the state plan [for] of conservation and development is inconsistent with the subject river corridor management plan, he shall apply to the secretary for a revision pursuant to section 16a-32, as amended by this act.

Approved May 10, 2022