



General Assembly

**Substitute Bill No. 1145**

January Session, 2023



**AN ACT CONCERNING THE ESTABLISHMENT OF SECTOR SPECIFIC  
SUBTARGETS FOR GREENHOUSE GAS EMISSIONS REDUCTIONS.**

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

1 Section 1. Subdivisions (1) and (2) of subsection (a) of section 22a-6b  
2 of the general statutes are repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2023*):

4 (1) For failure to file any registration, other than a registration for a  
5 general permit, for failure to file any plan, report or record, or any  
6 application for a permit, for failure to obtain any certification, for  
7 failure to display any registration, permit or order, or file any other  
8 information required pursuant to any provision of section 14-100b or  
9 14-164c, subdivision (3) of subsection (b) of section 15-121, section 15-  
10 171, 15-172, 15-175, 22a-5, 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-  
11 45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, subsection (b)  
12 of section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-  
13 171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-  
14 208, 22a-208a, 22a-209, 22a-213, 22a-200a, as amended by this act, 22a-  
15 220, 22a-231, 22a-245a, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-  
16 349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to  
17 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-  
18 433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-

19 461, 22a-462 or 22a-471, or any regulation, order or permit adopted or  
20 issued thereunder by the commissioner, and for other violations of  
21 similar character as set forth in such schedule or schedules, no more  
22 than one thousand dollars for said violation and in addition no more  
23 than one hundred dollars for each day during which such violation  
24 continues;

25 (2) For deposit, placement, removal, disposal, discharge or emission  
26 of any material or substance or electromagnetic radiation or the  
27 causing of, engaging in or maintaining of any condition or activity in  
28 violation of any provision of section 14-100b or 14-164c, subdivision (3)  
29 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,  
30 22a-6, 22a-7, 22a-32, 22a-39 or 22a-42a, 22a-45a, chapter 441, sections  
31 22a-134 to 22a-134d, inclusive, section 22a-69 or 22a-74, subsection (b)  
32 of section 22a-134p, sections 22a-148 to 22a-162a, inclusive, section 22a-  
33 162, 22a-171, 22a-174, 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-  
34 184, 22a-190, 22a-200a, as amended by this act, 22a-208, 22a-208a, 22a-  
35 209, 22a-213, 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-  
36 349a, 22a-354p, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to  
37 22a-405, inclusive, 22a-411, 22a-411a, 22a-416, 22a-417, 22a-424 to 22a-  
38 433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458, 22a-  
39 461, 22a-462 or 22a-471, or any regulation, order or permit adopted  
40 thereunder by the commissioner, and for other violations of similar  
41 character as set forth in such schedule or schedules, no more than  
42 twenty-five thousand dollars for said violation for each day during  
43 which such violation continues;

44 Sec. 2. Section 22a-200 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2023*):

46 As used in [sections 22a-200 to 22a-200b, inclusive,] this section,  
47 sections 22a-200a and 22a-200b, as amended by this act, and sections  
48 22a-200d and 4a-67h:

49 (1) "Direct emissions" means greenhouse gas emissions from sources  
50 that are owned or operated, in whole or in part, by an entity or facility,

51 including, but not limited to, emissions from: [factory stacks,  
52 manufacturing processes and vents, and company owned or leased  
53 motor vehicles] (A) Sources combusting heating or transportation  
54 fuels, (B) any building stack, vent or structure, (C) any distribution  
55 system, or (D) any residential, commercial, institutional, industrial or  
56 agricultural waste management or manufacturing process;

57 (2) "Entity" means a person, as defined in section 22a-2, that owns or  
58 operates, in whole or in part, a source of greenhouse gas emissions  
59 from a generator of electricity or a commercial or industrial site, which  
60 source may include, but not be limited to, a transportation fleet;

61 (3) "Facility" means a building, structure or installation located on  
62 any one or more contiguous or adjacent properties of an entity;

63 (4) "Greenhouse gas" means any chemical or physical substance that  
64 is emitted into the air and that the Commissioner of Energy and  
65 Environmental Protection may reasonably anticipate will cause or  
66 contribute to climate change, including, but not limited to, carbon  
67 dioxide, methane, nitrous oxide, hydrofluorocarbons,  
68 perfluorocarbons and sulfur hexafluoride;

69 (5) "Indirect emissions" means greenhouse gas emissions associated  
70 with the consumption of purchased electricity, steam and heating or  
71 cooling by an entity or facility and the sale or distribution of  
72 transportation fuels or heating fuels;

73 (6) "Negative emissions" means greenhouse gases that are removed  
74 from the atmosphere through nature-based solutions such as soils,  
75 forests, wetlands or working or natural lands and through negative  
76 emissions technologies; and

77 (7) "Negative emissions technology" means any technology  
78 determined by the Commissioner of Energy and Environmental  
79 Protection to remove greenhouse gases from the atmosphere.

80 Sec. 3. Section 22a-200a of the general statutes is repealed and the

81 following is substituted in lieu thereof (*Effective October 1, 2023*):

82 (a) The state shall reduce the level of emissions of greenhouse gas:

83 (1) Not later than January 1, 2020, to a level at least ten per cent  
84 below the level emitted in 1990;

85 (2) Not later than January 1, 2030, to a level at least forty-five per  
86 cent below the level emitted in 2001;

87 (3) Not later than January 1, 2040, to a level of zero per cent from  
88 electricity supplied to electric customers in the state;

89 (4) Not later than January 1, 2050, to [a] an economy-wide net zero  
90 level provided emissions of greenhouse gases are at least eighty per  
91 cent below the level emitted in 2001; and

92 (5) [All of the levels referenced in this subsection shall be  
93 determined by the Commissioner of Energy and Environmental  
94 Protection] Not later than January 1, 2025, the Commissioner of Energy  
95 and Environmental Protection shall adopt regulations, in accordance  
96 with the provisions of chapter 54, to establish sector-specific subtargets  
97 for commercial and industrial heating and cooling, residential heating  
98 and cooling, industrial processes, natural gas distribution and service,  
99 natural and working lands and any other sector or source the  
100 commissioner may designate as necessary to meet the levels in  
101 subdivisions (1) to (4), inclusive, of this subsection, provided the  
102 subtarget for electricity supply shall be the level specified in  
103 subdivision (3) of this subsection. Such regulations shall provide that  
104 sector-based state-wide greenhouse gas emission subtargets for a given  
105 year shall not, in the aggregate, exceed the state-wide greenhouse gas  
106 emissions level for the year. Additionally, such regulations shall  
107 provide that such subtargets shall be expressed in tons of carbon  
108 dioxide equivalents and shall be determined to be necessary by the  
109 commissioner for meeting each state-wide greenhouse gas emissions  
110 level established in this subsection. In a report issued pursuant to  
111 subsection (c) of this section or subsection (a) of section 22a-200b, as

112 amended by this act, and released on or before December 31, 2040, the  
113 commissioner shall review and, as necessary, update such sector  
114 subtarget regulations. The commissioner may update such sector  
115 subtarget regulations more frequently if, at any time, the commissioner  
116 determines that current subtargets will not result in meeting each  
117 state-wide greenhouse gas emissions level established in this  
118 subsection.

119 (b) On or before January 1, 2010, and biannually thereafter, the state  
120 agencies that are members of the Governor's Steering Committee on  
121 Climate Change shall submit a report to the Secretary of the Office of  
122 Policy and Management and the Commissioner of Energy and  
123 Environmental Protection. The report shall identify existing and  
124 proposed activities and improvements to the facilities of such agencies  
125 that are designed to meet state agency energy savings goals  
126 established by the Governor. The report shall also identify policies and  
127 regulations that could be adopted in the near future by such agencies  
128 to reduce greenhouse gas emissions in accordance with subsection (a)  
129 of this section.

130 (c) Not later than January 1, 2012, and every three years thereafter,  
131 the Commissioner of Energy and Environmental Protection shall, in  
132 consultation with the Secretary of the Office of Policy and  
133 Management and the Governor's Steering Committee on Climate  
134 Change, report, in accordance with the provisions of section 11-4a, to  
135 the joint standing committees of the General Assembly having  
136 cognizance of matters relating to the environment, energy and  
137 transportation on the quantifiable emissions reductions achieved  
138 pursuant to subsection (a) of this section. The report shall include a  
139 schedule of proposed regulations, policies and strategies designed to  
140 achieve the limits of greenhouse gas emissions imposed by said  
141 subsection, an assessment of the latest scientific information and  
142 relevant data regarding global climate change and the status of  
143 greenhouse gas emission reduction efforts, including polices and  
144 regulations to increase negative emissions in other states and

145 countries.

146 (d) At least one year prior to the effective date of any federally  
147 mandated greenhouse cap and trade program including greenhouse  
148 gas emissions subject to any state cap and trade requirements adopted  
149 pursuant to this section, the Commissioner of Energy and  
150 Environmental Protection and the Secretary of the Office of Policy and  
151 Management shall report, in accordance with the provisions of section  
152 11-4a, to the joint standing committees of the General Assembly having  
153 cognizance of matters relating to the environment, energy and  
154 technology and transportation. Such report shall explain the  
155 differences between such federal and state requirements and shall  
156 identify any further regulatory or legislative actions needed to achieve  
157 consistency with such federal program.

158 (e) The Commissioner of Energy and Environmental Protection may  
159 adopt regulations, in accordance with the provisions of chapter 54, to  
160 reduce indirect and direct emissions in order to achieve the  
161 greenhouse gas emission levels specified in subdivisions (1) to (4),  
162 inclusive, of subsection (a) of this section. Such regulations may  
163 include, but shall not be limited to, implementation of the policies,  
164 strategies, and any other actions identified in any report prepared  
165 pursuant to subsection (c) of this section, market-based compliance  
166 mechanisms developed independently or with interested states and  
167 Canadian provinces, or the recommended regulatory actions identified  
168 pursuant to subsection (a) of section 22a-200b, as amended by this act.  
169 Such regulations shall, to the extent practicable, distribute  
170 environmental benefits equitably and in a manner that protects  
171 communities that are or have been overburdened by air pollution.  
172 Such regulations may prioritize emission reduction or abatement  
173 strategies over emission offset or removal strategies whenever any  
174 such reduction or abatement strategy is technically feasible, cost-  
175 effective for the state and is likely to be more durable than offset or  
176 removal strategies.

177 Sec. 4. Section 22a-200b of the general statutes is repealed and the

178 following is substituted in lieu thereof (*Effective October 1, 2023*):

179 (a) The Commissioner of Energy and Environmental Protection  
180 shall, with the advice and assistance of a nonprofit association  
181 organized to provide scientific, technical, analytical and policy support  
182 to the air quality and climate programs of northeastern states: (1) Not  
183 later than December 1, 2009, publish an inventory of greenhouse gas  
184 emissions to establish a baseline for such emissions for the state and  
185 publish a summary of greenhouse gas emission reduction strategies on  
186 the Department of Energy and Environmental Protection's Internet  
187 web site, (2) not later than July 1, 2010, publish results of various  
188 modeling scenarios concerning greenhouse gas emissions, including,  
189 but not limited to, an evaluation of the potential economic and  
190 environmental benefits and opportunities for economic growth based  
191 on such scenarios, (3) not later than July 1, 2011, analyze greenhouse  
192 gas emission reduction strategies and, after an opportunity for public  
193 comment, make recommendations on which such strategies will  
194 achieve the greenhouse gas emission levels specified in section 22a-  
195 200a, as amended by this act, [and] (4) not later than [July 1, 2012]  
196 December 31, 2023, and every three years thereafter, develop, with an  
197 opportunity for public comment, a schedule of recommended  
198 regulatory actions by relevant agencies, policies and other actions  
199 necessary to [show reasonable further progress towards achieving]  
200 achieve the greenhouse gas emission levels specified in section 22a-  
201 200a, as amended by this act, and to increase negative emissions, and  
202 (5) not later than July 1, 2025, adopt modeling scenarios to publish a  
203 baseline inventory of natural and working lands carbon fluxes and  
204 include a state-wide inventory of negative emissions in the report  
205 prepared pursuant to subsection (c) of section 22a-200a, as amended by  
206 this act, and the recommended schedule of regulatory actions in  
207 subdivision (4) of this subsection.

208 (b) The commissioner may adopt regulations, in accordance with  
209 the provisions of chapter 54, to implement the provisions of this  
210 section. Nothing in section 4a-67h, 22a-200, as amended by this act, or

211 22a-200a, as amended by this act, or this section shall limit a state  
212 agency from adopting any regulation within its authority in  
213 accordance with the provisions of chapter 54.

214 Sec. 5. Section 22a-186a of the general statutes is repealed and the  
215 following is substituted in lieu thereof (*Effective October 1, 2023*):

216 (a) No permit under section 22a-174 or 22a-183, except a permit for  
217 the burning of brush under subsection (f) of said section 22a-174, shall  
218 be granted, renewed or modified unless the commissioner considers  
219 air pollution emitted from all sources on the land where the activity  
220 requiring the permit is located and [he] determines that each source  
221 conforms to regulations adopted under section 22a-174 and does not  
222 pose a health hazard.

223 (b) For the purposes of granting or modifying a permit for fossil-  
224 fueled electricity-generating units, the commissioner shall require an  
225 evaluation of the replacement of some or all of the fossil-fueled  
226 electricity-generating capacity with nonemitting energy or energy  
227 storage. Such evaluation shall be prepared by an independent  
228 contractor at the applicant's expense and shall include: (1) The  
229 technical feasibility of replacing or supplementing some or all of the  
230 fossil-fueled electricity-generating capacity with renewable energy or  
231 energy storage of a type that is in commercial use; and (2) the total  
232 project cost of replacing or supplementing some or all of the fossil-  
233 fueled electricity-generating capacity with renewable energy and  
234 energy storage that is technically feasible. If the commissioner  
235 determines that replacement of some or all of such fossil-fueled  
236 generators is technically and economically feasible, the commissioner  
237 may require the applicant to include such nonemitting energy or  
238 energy storage as a condition of granting or modifying any permit  
239 pursuant to section 22a-174 or 22a-183.

240 Sec. 6. (NEW) (*Effective October 1, 2023*) On or before January 15,  
241 2024, and annually thereafter, each municipal utility, as defined in  
242 section 12-265 of the general statutes, shall submit a report, in



243 accordance with the provisions of section 11-4a of the general statutes,  
 244 to the joint standing committee of the General Assembly having  
 245 cognizance of matters relating to the environment and to the  
 246 Department of Energy and Environmental Protection on the  
 247 quantifiable progress of such utility's greenhouse gas emissions  
 248 reduction. Such report shall be in a manner prescribed by the  
 249 department and enable a determination of such municipal utility's  
 250 contribution toward the state's greenhouse gas emissions reduction  
 251 levels established in section 22a-200a of the general statutes, as  
 252 amended by this act.

253       Sec. 7. Subparagraph (B) of subdivision (1) of subsection (d) of  
 254 section 16-245n of the general statutes is repealed and the following is  
 255 substituted in lieu thereof (*Effective from passage*):

256       (B) The Connecticut Green Bank shall (i) develop separate programs  
 257 to finance and otherwise support clean energy and environmental  
 258 infrastructure investment in residential, municipal, small business and  
 259 larger commercial projects and such others as the Connecticut Green  
 260 Bank may determine; (ii) support financing or other expenditures that  
 261 promote investment in clean energy sources and environmental  
 262 infrastructure in accordance with a comprehensive plan developed by  
 263 it to foster the growth, development and commercialization of clean  
 264 energy sources, environmental infrastructure and related enterprises;  
 265 and (iii) stimulate demand for clean energy and the deployment of  
 266 clean energy sources within the state that serve end use customers in  
 267 the state. In exercising the authority of this subparagraph, the  
 268 Connecticut Green Bank shall do so in a manner that is consistent with  
 269 the state's greenhouse gas emissions reduction levels established in  
 270 section 22a-200a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22a-6b(a)(1) and (2)
Sec. 2	<i>October 1, 2023</i>	22a-200

Sec. 3	<i>October 1, 2023</i>	22a-200a
Sec. 4	<i>October 1, 2023</i>	22a-200b
Sec. 5	<i>October 1, 2023</i>	22a-186a
Sec. 6	<i>October 1, 2023</i>	New section
Sec. 7	<i>from passage</i>	16-245n(d)(1)(B)

**Statement of Legislative Commissioners:**

In Section 2, the introductory language was amended for clarity and accuracy.

**ENV**      *Joint Favorable Subst.*