



Senate

General Assembly

File No. 163

February Session, 2024

Substitute Senate Bill No. 290

Senate, March 28, 2024

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENT RELATED STATUTES.

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

1 Section 1. Subdivision (10) of section 22a-255h of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (10) "Intentionally introduced" means deliberately utilized regulated
5 metal or PFAS in the formulation of a package or packaging component
6 where the continued presence of such metal or PFAS is desired in the
7 final package or packaging component to provide a specific
8 characteristic, appearance or quality. The use of a regulated metal or
9 PFAS as a processing agent or intermediate to impart certain chemical
10 or physical changes during manufacturing where the incidental
11 retention of a residue of said metal or PFAS in the final package or
12 packaging component is neither desired nor deliberate shall not be
13 considered intentional introduction for the purposes of this section
14 where such package or component is in compliance with subsection (c)

15 of section 22a-255i. The use of post-consumer recycled materials as
16 feedstock for the manufacture of new packaging materials where some
17 portion of the recycled materials may contain amounts of the regulated
18 metals or PFAS shall not be considered intentional introduction for the
19 purposes of this section provided the new package or packaging
20 component is in compliance with subsection (c) or (e) of section 22a-255i,
21 as applicable.

22 Sec. 2. Subsection (a) of section 22a-6 of the 2024 supplement to the
23 general statutes is repealed and the following is substituted in lieu
24 thereof (*Effective from passage*):

25 (a) The commissioner may: (1) Adopt, amend or repeal, in accordance
26 with the provisions of chapter 54, such environmental standards,
27 criteria and regulations, and such procedural regulations as are
28 necessary and proper to carry out the department's functions, powers
29 and duties; (2) enter into contracts with any person, firm, corporation or
30 association to do all things necessary or convenient to carry out the
31 functions, powers and duties of the department; (3) initiate and receive
32 complaints as to any actual or suspected violation of any statute,
33 regulation, permit or order administered, adopted or issued by the
34 department. The commissioner shall have the power to hold hearings,
35 administer oaths, take testimony and subpoena witnesses and evidence,
36 enter orders and institute legal proceedings including, but not limited
37 to, suits for injunctions, for the enforcement of any statute, regulation,
38 order or permit administered, adopted or issued by the department; (4)
39 in accordance with regulations adopted by the department, require,
40 issue, renew, revoke, modify or deny permits, under such conditions as
41 the commissioner may prescribe, governing all sources of pollution in
42 Connecticut within the department's jurisdiction; (5) in accordance with
43 constitutional limitations, enter at all reasonable times, without liability,
44 upon any public or private property, except a private residence, for the
45 purpose of inspection and investigation to ascertain possible violations
46 of any statute, regulation, order or permit administered, adopted or
47 issued by the department and the owner, managing agent or occupant
48 of any such property shall permit such entry, and no action for trespass

49 shall lie against the commissioner for such entry, or the commissioner
50 may apply to any court having criminal jurisdiction for a warrant to
51 inspect such premises to determine compliance with any statute,
52 regulation, order or permit administered, adopted or enforced by the
53 department, provided any information relating to secret processes or
54 methods of manufacture or production ascertained by the commissioner
55 during, or as a result of, any inspection, investigation, hearing or
56 otherwise shall be kept confidential and shall not be disclosed except
57 that, notwithstanding the provisions of subdivision (5) of subsection (b)
58 of section 1-210, such information may be disclosed by the
59 commissioner to the United States Environmental Protection Agency
60 and the Nuclear Regulatory Commission pursuant to the federal
61 Freedom of Information Act of 1976, (5 USC 552) and regulations
62 adopted thereunder or, if such information is submitted after June 4,
63 1986, to any person pursuant to the federal Clean Water Act (33 USC
64 1251 et seq.); (6) undertake any studies, inquiries, surveys or analyses
65 the commissioner may deem relevant, through the personnel of the
66 department or in cooperation with any public or private agency, to
67 accomplish the functions, powers and duties of the commissioner; (7)
68 require the posting of sufficient performance bond or other security to
69 assure compliance with any permit or order; (8) provide by notice
70 printed on any form that any false statement made thereon or pursuant
71 thereto is punishable as a criminal offense under section 53a-157b; (9)
72 construct or repair or contract for the construction or repair of any [dam
73 or flood and erosion control system] service road, trail, greenway,
74 bridge, dam, flood prevention, climate resilience and erosion control
75 system, as defined in section 25-85, or other civil or natural resource
76 infrastructure under the department's control and management, on and
77 after July 1, 2024, involving an expenditure of one million dollars or less,
78 and, with prior approval of the Commissioner of Administrative
79 Services, involving an expenditure of more than one million dollars but
80 not more than three million dollars, provided not later than July 1, 2024,
81 and annually thereafter, the Commissioner of Administrative Services
82 shall adjust such threshold expenditures by the percentage change in
83 the Producer Price Index by Commodity: Construction

84 (Partial)(WPU80), not seasonally adjusted, or its successor index as
85 calculated by the United States Department of Labor, over the preceding
86 calendar year, rounded to the nearest multiple of one hundred dollars,
87 and shall post such adjusted dollar amounts on the Internet web site of
88 the Department of Administrative Services; (10) make or contract for the
89 making of any alteration, repair or addition to any other real asset under
90 the department's control and management, on and after July 1, 2024,
91 including rented or leased premises, involving an expenditure of [five
92 hundred thousand] one million dollars or less, and, with prior approval
93 of the Commissioner of Administrative Services, make or contract for
94 the making of any alteration, repair or addition to such other real asset
95 under the department's control and management involving an
96 expenditure of more than [five hundred thousand] one million dollars
97 but not more than [one] three million dollars, provided not later than
98 July 1, 2024, and annually thereafter, the Commissioner of
99 Administrative Services shall adjust such threshold expenditures by the
100 percentage change in the Producer Price Index by Commodity:
101 Construction (Partial)(WPU80), not seasonally adjusted, or its successor
102 index as calculated by the United States Department of Labor, over the
103 preceding calendar year, rounded to the nearest multiple of one
104 hundred dollars, and shall post such adjusted dollar amounts on the
105 Internet web site of the Department of Administrative Services; [(10)]
106 (11) in consultation with affected town and watershed organizations,
107 enter into a lease agreement with a private entity owning a facility to
108 allow the private entity to generate hydroelectricity provided the project
109 meets the certification standards of the Low Impact Hydropower
110 Institute; [(11)] (12) by regulations adopted in accordance with the
111 provisions of chapter 54, require the payment of a fee sufficient to cover
112 the reasonable cost of the search, duplication and review of records
113 requested under the Freedom of Information Act, as defined in section
114 1-200, and the reasonable cost of reviewing and acting upon an
115 application for and monitoring compliance with the terms and
116 conditions of any state or federal permit, license, registration, order,
117 certificate or approval required pursuant to subsection (i) of section 22a-
118 39, subsections (c) and (d) of section 22a-96, subsections (h), (i) and (k)

119 of section 22a-424, and sections 22a-6d, 22a-32, 22a-134a, 22a-134e, 22a-
120 135, 22a-148, 22a-150, 22a-174, 22a-208, 22a-208a, 22a-209, 22a-342, 22a-
121 345, 22a-354i, 22a-361, 22a-363c, 22a-368, 22a-372, 22a-379, 22a-403, 22a-
122 409, 22a-416, 22a-428 to 22a-432, inclusive, 22a-449 and 22a-454 to 22a-
123 454c, inclusive, and Section 401 of the federal Clean Water Act, (33 USC
124 1341). Such costs may include, but are not limited to the costs of (A)
125 public notice, (B) reviews, inspections and testing incidental to the
126 issuance of and monitoring of compliance with such permits, licenses,
127 orders, certificates and approvals, and (C) surveying and staking
128 boundary lines. The applicant shall pay the fee established in
129 accordance with the provisions of this section prior to the final decision
130 of the commissioner on the application. The commissioner may
131 postpone review of an application until receipt of the payment. Payment
132 of a fee for monitoring compliance with the terms or conditions of a
133 permit shall be at such time as the commissioner deems necessary and
134 is required for an approval to remain valid; and [(12)] (13) by regulations
135 adopted in accordance with the provisions of chapter 54, require the
136 payment of a fee sufficient to cover the reasonable cost of responding to
137 requests for information concerning the status of real estate with regard
138 to compliance with environmental statutes, regulations, permits or
139 orders. Such fee shall be paid by the person requesting such information
140 at the time of the request. Funds not exceeding two hundred thousand
141 dollars received by the commissioner pursuant to subsection (g) of
142 section 22a-174, during the fiscal year ending June 30, 1985, shall be
143 deposited in the General Fund and credited to the appropriations of the
144 Department of Energy and Environmental Protection in accordance
145 with the provisions of section 4-86, and such funds shall not lapse until
146 June 30, 1986. In any action brought against any employee of the
147 department acting within the scope of delegated authority in
148 performing any of the above-listed duties, the employee shall be
149 represented by the Attorney General.

150 Sec. 3. Subsection (c) of section 22a-244b of the general statutes is
151 repealed and the following is substituted in lieu thereof (*Effective from*
152 *passage*):

153 (c) On April 1, 2022, and every six months thereafter, payment shall
 154 be remitted by each wholesaler to every municipality where any such
 155 beverage container was sold during the preceding six-month period by
 156 such wholesaler, provided any such payment remitted to a municipality
 157 by the last day of April or October, as applicable, shall be deemed timely
 158 and in compliance with the provisions of this subsection. Such payment
 159 shall be at the rate of five cents for every such beverage container sold
 160 within such municipality by such wholesaler. Concomitant with any
 161 payment made by a wholesaler to a municipality pursuant to this
 162 subsection, such wholesaler shall file a report with the Department of
 163 Revenue Services [and the Department of Consumer Protection's Liquor
 164 Control Division,] detailing the number of such beverage containers
 165 sold in each municipality by such wholesaler in the preceding six-month
 166 period.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-255h(10)
Sec. 2	<i>from passage</i>	22a-6(a)
Sec. 3	<i>from passage</i>	22a-244b(c)

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 makes changes regarding the types and costs of projects that the Department of Energy and Environmental Protection can execute independently, or with approval from the Department of Administrative Services. No fiscal impact is anticipated as no changes in project costs are expected. The bill additionally makes other technical and procedural changes that have no fiscal impact to the state or municipalities.

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

OLR Bill Analysis**sSB 290*****AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENT RELATED STATUTES.*****SUMMARY**

This bill increases (1) from \$500,000 to \$1 million, the threshold amount for when the Department of Energy and Environmental Protection (DEEP) must obtain prior Department of Administrative Services (DAS) approval for certain construction, alteration, or repair projects and (2) from \$1 million to \$3 million, the threshold for when DAS's project authority applies. It expands the list of projects to which the thresholds apply and requires that the thresholds be adjusted annually for inflation beginning by July 1, 2024 (§ 2).

The bill also specifies that the packaging material component law's definition of "intentionally introduced" does not include using PFAS (i.e., perfluoroalkyl and polyfluoroalkyl substances) as a processing agent or intermediate during manufacturing under certain circumstances. Under existing law, a parallel exemption applies to regulated metals (§ 1).

Lastly, the bill removes the Department of Consumer Protection's Liquor Control Division as a recipient of the semi-annual sales reports that nip wholesalers must provide on how many nips are sold in each town (§ 3).

EFFECTIVE DATE: Upon passage

DEEP PROJECT THRESHOLDS

Under current law, DAS has general supervisory authority over construction work involving most state property, but DEEP may,

without DAS’s prior approval, construct, repair, or contract for a dam or flood and erosion control system under its control or management. DEEP may also (1) alter, repair, or add to any other of its real assets (or contract to do it) if the cost is \$500,000 or less or (2) do these things if the cost is up to \$1 million and DAS approves.

Beginning July 1, 2024, the bill (1) increases, to \$1 million, the dollar threshold for DEEP to administer projects without DAS approval and (2) expands the list of projects to which this threshold applies to specifically include DEEP service roads, trails, and greenways; bridges; dams; flood prevention, climate resilience, and erosion control systems; and other civil or natural resource infrastructure.

The bill also, beginning the same date, (1) increases, from \$1 million to \$3 million, the threshold project amount for DEEP to obtain DAS’s prior approval to alter, repair, or add to its other real assets and (2) applies this \$3 million threshold to the expanded list of projects described above. As under existing law, projects above this threshold are subject to DAS’s authority.

Beginning July 1, 2024, the bill requires DAS to annually adjust the thresholds by the percentage change in the Producer Price Index by Commodity: Construction (Partial)(WPU80), not seasonally adjusted, or its successor index, as calculated by the U.S. Department of Labor, over the preceding calendar year. DAS must round the adjustment to the nearest multiple of \$100 and post the adjusted thresholds on its website.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/15/2024)