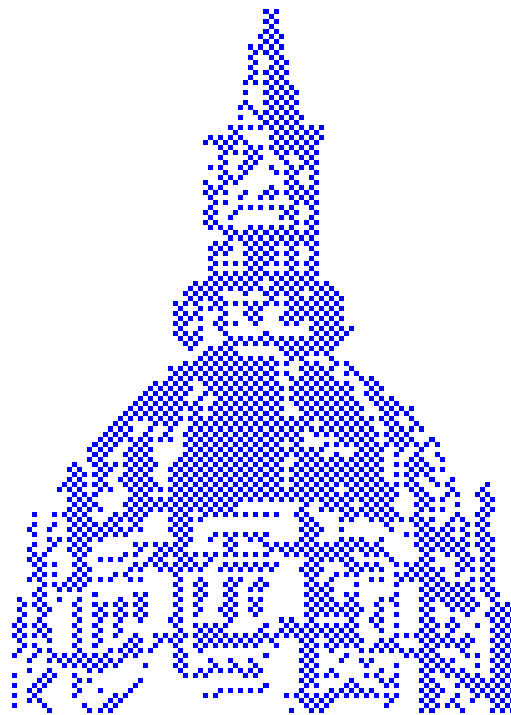


Office of Legislative Research
Connecticut General Assembly



ENVIRONMENT



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NOTICE TO THE READER

This report provides highlights of new laws (Public Acts and Special Acts) affecting the environment enacted during the 2013 regular legislative session. At the end of each summary we indicate the Public Act (PA) or Special Act (SA) number and the date the legislation takes effect.

Not all provisions of the acts are included. Complete summaries of all 2013 Public Acts will be available on OLR's webpage: www.cga.ct.gov/olr.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website (www.cga.ct.gov).

TABLE OF CONTENTS

ADMINISTRATIVE PROCEEDINGS	5
Environmental Protection Act Intervention	5
Uniform Administrative Procedure Act Actions	5
AIR POLLUTION	5
Gasoline Vapor Recovery Systems	5
Mercury Emissions Testing Frequency	6
BOATING	6
Clean Marinas	6
Electric Motor Boat Operation	6
BUILDING CONSTRUCTION	6
Asbestos and Hazardous Waste Removal	6
Spray Foam Safety Standards (VETOED)	7
Urea-Formaldehyde Insulation	7
COASTAL MANAGEMENT	7
Center for Coasts Study	7
Coastal Management Act and Permitting	7
Long Island Sound Assembly Grants	8
CONTAMINATED PROPERTY CLEAN-UP	8
Brownfield Funding	8
Brownfield Programs	8
DOT Property Contamination	9
Underground Storage Tank Petroleum Clean-Up Program	9
DAM SAFETY	9
Dam Registration, Inspection, and Construction	9
Funding for Dam Repairs	10
ENERGY	10
Clean Energy Goals	10
Commercial Property Assessed Clean Energy Program	11
Comprehensive Energy Strategy	11
State-owned Building Energy Efficiency Projects	11

FISHING, HUNTING, AND TRAPPING	11
Fishing Penalties	11
Interstate Wildlife Violator Compact.....	12
SOLID WASTE MANAGEMENT	12
Connecticut Resources Recovery Authority	12
Incinerator and Landfill Improvements	13
Mattress Stewardship Program	13
Mixed-Material Containers.....	13
Recycling and Composting.....	13
STATE PARKS AND TRAILS	14
All-terrain Vehicle Use (VETOED).....	14
New England National Scenic Trail.....	14
Recreation and Natural Heritage Trust Program Funds	14
TREES AND VEGETATION.....	15
Arborists	15
Running Bamboo.....	15
Tree Wardens	15
Utility Tree Trimming.....	15
WATER QUALITY	16
Clean Water Fund Priority List.....	16
Clean Water Fund Amounts.....	16
Pesticide Assessment and Groundwater Testing.....	16
Phosphorus Reduction.....	17
Potable Water	17
Stormwater Authorities.....	17
Water Pollution Control Authorities	18
MISCELLANEOUS.....	18
Animal Law Violations	18
Assorted Environmental Statutory Revisions.....	18
Connecticut Agricultural Experiment Station.....	19
Economic Development Advisory Commission.....	19
Emergency Recovery Assistance.....	19
Felony Violations	20
Mosquito Control.....	20
Open Space Acquisition Funds	21
Radiation and Radioactive Material.....	21
State Contract Carbon Footprint Study.....	21

ADMINISTRATIVE PROCEEDINGS

Environmental Protection Act Intervention

A new law sets conditions on parties seeking to use a verified pleading to intervene in a proceeding on, or judicial review of, conduct that could harm the state's natural resources. Specifically, the legislation requires verified pleadings in proceedings under the state's environmental protection act to:

1. contain specific factual allegations on the nature of the alleged unreasonable pollution, impairment, or destruction and
2. be sufficient to allow for the reviewing authority to determine whether the intervention affects an issue within its jurisdiction.

([PA 13-186](#), effective October 1, 2013)

Uniform Administrative Procedure Act Actions

New legislation requires all state agencies taking certain regulatory actions under the Uniform Administrative Procedure Act to cite the legal authority for the action. The agencies must do this when rendering final decisions or taking actions against a license.

The new law also requires an agency to provide this information to people or businesses affected by other specified regulatory actions if these parties request it. These actions include those involving (1) applications, permits, or requests for permits, licenses, approvals, or other permissions to conduct business or (2) the use of private property.

([PA 13-279](#), effective October 1, 2013)

AIR POLLUTION

Gasoline Vapor Recovery Systems

A new law repeals the requirement that gasoline dispensing facilities install stage II vapor recovery systems. It also requires these facilities to decommission such systems. The systems have been superseded by on-board vehicle technologies, and the U.S. Environmental Protection Agency has lifted the requirement that facilities in Connecticut and certain other areas have such systems.

The new law also requires owners of gasoline dispensing facilities with stage I vapor recovery systems to annually perform a pressure decay test of the system. Federal stage I requirements, which address emissions of air toxics, remain in effect.

([PA 13-120](#), effective upon passage)

Mercury Emissions Testing Frequency

New legislation allows the owner or operator of a coal-burning electric power plant to reduce the frequency of mercury emissions stack testing, from quarterly to annually, if the plant complies with the law's mercury emissions requirements for eight consecutive calendar quarters. But, if the annual stack testing demonstrates non-compliance, the owner or operator must resume quarterly testing.

([PA 13-58](#), effective October 1, 2013)

BOATING

Clean Marinas

New legislation increases, by 10%, the Department of Transportation (DOT) harbor improvement grant amount for, and gives priority to, eligible projects proposed by “certified clean marinas.” These are facilities (1) committed to the Department of Energy and Environmental Protection’s (DEEP) voluntary clean marina program and (2) trying to exceed DEEP's regulatory compliance standards.

([PA 13-202](#), effective July 1, 2013)

Electric Motor Boat Operation

Legislation adopted this session allows certain people to operate electric motor boats without having a (1) safe boating certificate from DEEP or (2) valid operator license from the U.S. Coast Guard. It applies to anyone operating a boat between one hour before sunrise and one hour after sunset with an electric motor rated at 106 pounds of thrust or less on inland waters where motor boats over 10 horsepower are banned.

By law, a boat owner is prohibited from knowingly letting a child under age 16 operate the boat unless the child has a safe boating certificate or is supervised by a person age 18 or older who has held a safe boating certificate for at least two years. The new law waives this provision for someone operating an electric motor boat under the circumstances described above.

([PA 13-98](#), effective October 1, 2013)

BUILDING CONSTRUCTION

Asbestos and Hazardous Waste Removal

The bond act authorizes \$10 million for both FYs 14 and 15 for the Department of Administrative Services to remove or encapsulate asbestos and hazardous materials in state-owned buildings.

([PA 13-239](#), §§ 2 & 21, effective July 1, 2013 and July 1, 2014, respectively)

Spray Foam Safety Standards (VETOED)

The legislature adopted a law requiring the consumer protection commissioner, in consultation with the commissioners of public health and energy and environmental protection, to adopt regulations developing safety and certification standards for the spray foam insulation industry.

([PA 13-100](#), effective upon passage)

Urea-Formaldehyde Insulation

A new law bans installing urea-formaldehyde foamed-in-place insulation (UFFI), except for urethane and styrene foam insulation, in any building or structure. It also narrows the definition of UFFI and extends the ban on its installation to sales.

The new law also bans selling and installing other foamed-in-place insulating material, but not urethane and styrene foam insulation, unless the manufacturer or supplier certifies to the state building inspector that the material complies with the law's specifications.

It extends the penalty for unlawfully installing UFFI to its sale and the sale and installation of other foamed-in-place insulation.

([PA 13-43](#), effective upon passage)

COASTAL MANAGEMENT

Center for Coasts Study

A new law requires DEEP and UConn to report to the Environment Committee by February 15, 2014 on their joint efforts to establish a Connecticut Center for Coasts. The report must include, among other things, a (1) description of the center's mission; (2) proposed governing structure; (3) plan to perform such things as mapping, engineering and impact assessment studies, coastal infrastructure inventory and risk assessment, and providing coastal protection information; and (4) list and description of resources used to perform the center's responsibilities. It must also include the funding sources and amounts they intend to secure or have secured to establish the center.

([SA 13-9](#), effective upon passage)

Coastal Management Act and Permitting

A new law makes a number of changes to the state's Coastal Management Act and the laws on conducting certain activities (e.g.,

building seawalls) in the state's tidal wetlands and coastal, tidal, or navigable waters. Among other things, it:

1. allows towns and property owners to temporarily fortify property above the coastal jurisdiction line before a hurricane or tropical storm;
2. expands the types of structures and activities eligible for a certificate of permission from DEEP; and
3. allows shoreline flood and erosion control structure applicants to request a hearing and an advisory engineering evaluation when DEEP makes a tentative determination to deny a permit application made under certain laws.

The new law also requires the state and towns to consider federal National Oceanic and Atmospheric Administration sea level change scenarios when developing certain plans and programs, such as plans of conservation and development.

([PA 13-179](#), most provisions take effect October 1, 2013)

Long Island Sound Assembly Grants

A new law makes up to \$150,000 of funds appropriated to and unexpended by DEEP for environmental conservation available for grants, in the amount of \$75,000 each, to the Long Island Sound Assembly

(LISA) in FYs 14 and 15. LISA, comprised of three regional advisory councils and representing 36 coastal and watershed communities, submits annual reports to the legislature on the use and preservation of Long Island Sound.

([PA 13-247](#), § 75, effective July 1, 2013)

CONTAMINATED PROPERTY CLEAN-UP

Brownfield Funding

The bond act authorizes \$20 million for FY 14 and \$10 million for FY 15 for the Department of Economic and Community Development (DECD) for brownfield remediation and redevelopment projects. It also authorizes \$5 million for both FYs 14 and 15 for DEEP for grants to identify, investigate, contain, remove, or mitigate contaminated urban industrial sites.

([PA 13-239](#), §§ 13 & 32, effective July 1, 2013 and July 1, 2014, respectively)

Brownfield Programs

Legislation adopted this session makes many changes to the state's brownfield programs and related environmental laws. Among other things, the new law (1) consolidates brownfield funds into a separate, nonlapsing account in the General Fund and (2) separates the existing DECD brownfield grant and loan

program, to give each its own statutory section. It also establishes a new DEEP-administered brownfield liability program for municipalities.

The new law changes the standards for determining if DEEP must be notified when technical environmental professionals or property owners become aware of pollution causing a significant environmental hazard and the requirements for further investigation, mitigation, and monitoring. It also establishes a new form of an environmental use restriction, called a notice of activity and use limitation, to be used and recorded in cases of certain remediated releases.

([PA 13-308](#), most provisions take effect July 1, 2013)

DOT Property Contamination

The bond act also authorizes \$5 million for FY 14 and \$13.99 million for FY 15 for DOT for such things as environmental compliance, soil and groundwater remediation, hazardous materials abatement, storage tank replacement, and environmental emergency response at or near state-owned property or related to DOT operations.

([PA 13-239](#), §§ 40 & 46, effective July 1, 2013 and July 1, 2014, respectively)

Underground Storage Tank Petroleum Clean-Up Program

The state's underground storage tank petroleum clean-up program, for a certain time, provides reimbursement for investigation and remediation costs incurred from releases of petroleum from underground storage tanks. State law provides a system for paying claims, but the program is being phased-out.

A new law modifies the (1) circumstances under which program funds are redistributed among categories of participants and (2) status of entities that obtained an assignment of a claim before July 1, 2012, potentially advancing the date by which they will be paid.

([PA 13-247](#), § 238, effective upon passage)

DAM SAFETY

Dam Registration, Inspection, and Construction

The legislature adopted two laws this session that made changes to the state's dam safety laws.

- One act, among other things:
1. requires owners of certain unregistered dams or similar structures to register them by October 1, 2015;

2. generally shifts, from the DEEP commissioner to owners, requirements for regular inspections and inspecting and supervising dam construction work; and
3. requires owners of high or significant hazard dams or similar structures to develop and implement emergency action plans.

([PA 13-197](#), §§ 1-6, effective October 1, 2013)

The other act allows the DEEP commissioner to electronically notify a dam construction permit applicant and certain municipal officials of his intent to grant or deny a permit.

([PA 13-209](#), § 8, effective October 1, 2013)

Funding for Dam Repairs

This year's bond act authorizes up to \$6 million in FY 14 and \$5 million in FY 15 for DEEP for dam repairs, including state-owned dams. It also authorizes up to \$4.5 million in FY 14 and \$6.9 million in FY 15 for DEEP for flood control improvements, flood repair, erosion damage repairs, and municipal dam repairs.

([PA 13-239](#), §§ 2 & 21, effective July 1, 2013 and July 1, 2014, respectively)

ENERGY

Clean Energy Goals

A new law modifies the state's renewable portfolio standard (RPS), which requires electric companies and competitive suppliers to get part of their power from renewable resources. Among other things, it:

1. expands the types of resources that count as Class I resources used to meet part of the RPS and
2. requires that the value of renewable energy credits (RECs) associated with certain biomass facilities be reduced. (Suppliers and companies use RECs to meet their RPS obligations.)

The new law also allows the DEEP commissioner to (1) solicit proposals from class I and large-scale hydropower generators and (2) direct the electric companies to enter into agreements with them. It allows large-scale hydropower to count towards the RPS under certain conditions.

Suppliers or companies that do not meet their RPS obligations must make an alternative compliance payment, which, under the new law, must be used to reduce electric rates.

([PA 13-303](#), effective upon passage)

Commercial Property Assessed Clean Energy Program

New legislation adds (1) district heating and cooling and (2) solar thermal or geothermal system projects to the types of energy efficiency and renewable energy improvements that may be financed under the commercial property assessed clean energy (C-PACE) program. Under the new law, a district heating and cooling system is a local system consisting of a pipeline or network providing hot water, chilled water, or steam from one or more sources to multiple buildings.

The C-PACE program allows qualifying commercial property owners in participating municipalities to finance energy improvements by paying a special assessment on their property tax bill. By law, energy efficiency and renewable energy improvements are eligible for the program.

([PA 13-116](#), effective upon passage)

Comprehensive Energy Strategy

A new law containing various changes to the state's energy-related laws includes several that affect the environment. Among other things, this new law:

1. contains various measures to expand the natural gas distribution system,

2. specifies conditions when telecommunications towers can be sited on water company land,
3. reduces the maximum sulfur content of heating oil, and
4. contains various measures to promote energy efficiency and renewable energy.

([PA 13-298](#), most provisions take effect upon passage)

State-owned Building Energy Efficiency Projects

The bond act also authorizes \$25 million in FY 15 for DEEP for energy efficiency and renewable energy projects in state-owned buildings.

([PA 13-239](#), § 21, effective July 1, 2014)

FISHING, HUNTING, AND TRAPPING

Fishing Penalties

New legislation alters the laws on, and penalties for violations of, various state fishing laws. It:

1. allows DEEP to suspend a marine waters fishing license for violating the marine sport fishing regulations, after notice and a hearing;

2. requires a marine waters fishing license to use certain seines, nets, and traps to take bait species and other species in the marine district for personal use;
3. requires finfish taken incidentally under a personal use lobster pot license to meet the sport fishing length and limits and seasons; and
4. authorizes DEEP to specify marking requirements for commercial fishing boats and gear in regulations and decreases the penalty for violating the requirements from a misdemeanor to an infraction.

([PA 13-83](#), §§ 4-8 & 12, most provisions take effect October 1, 2013)

Interstate Wildlife Violator Compact

A new law enacts, and commits Connecticut to the terms of, the Interstate Wildlife Violator Compact. It makes the DEEP commissioner, or his designee, Connecticut's compact administrator and authorizes DEEP to adopt regulations to carry out the compact.

The compact is an agreement requiring member states to recognize hunting, fishing, and trapping license sanctions in other member states and take reciprocal action. It establishes a process by which wildlife

violations by a non-resident of a member state are handled as if the person were a resident. Under the compact, violators are issued a ticket and released rather than arrested and having to post a cash bond as a condition of release. Thirty-nine other states participate in the compact.

This new law also repeals the Northeast Conservation Law Enforcement Compact, which is a mutual aid agreement for enforcing state fisheries, wildlife, and environmental laws.

([PA 13-248](#), most provisions take effect upon passage)

SOLID WASTE MANAGEMENT

Connecticut Resources Recovery Authority

This session the legislature adopted several pieces of legislation affecting the Connecticut Resources Recovery Authority (CRRA).

A new law requires DEEP and CRRA to enter into a memorandum of understanding requiring DEEP to assume all legal obligations from closing landfills in Ellington, Hartford, Shelton, Wallingford, and Waterbury.

([PA 13-247](#), § 236, effective upon passage)

Another new law requires, among other things, (1) DEEP to audit CRRA and (2) CRRA to develop a transition plan for achieving a sustainable business model to improve its long-term financial stability or dissolving it and disposing of its assets.

([PA 13-285](#), §§ 7, 9-10, & 12, effective upon passage)

Incinerator and Landfill Improvements

The bond act authorizes \$1.4 million in FY 14 and \$1 million in FY 15 for DEEP for municipal grants to improve incinerators and landfills, including bulky waste landfills.

([PA 13-239](#), §§ 13 & 32, effective July 1, 2013 and July 1, 2014, respectively)

Mattress Stewardship Program

A new law establishes a mattress stewardship program to manage discarded mattresses and funds it by imposing a fee on mattress sales. It requires mattress producers or their designees, by July 1, 2014, to join a nonprofit mattress recycling council, which must develop a plan to manage these mattresses by the same date. Producers who fail to participate in the council are prohibited from selling mattresses in Connecticut. DEEP must approve the plan and an auditor must review the fee and any proposed changes to it.

([PA 13-42](#), most provisions take effect October 1, 2013)

Mixed-Material Containers

New legislation allows for the sale or offer for sale of beer or other malt beverages in plastic containers containing aluminum or steel in the containers' basic structure. Prior law prohibited their sale or offer for sale and the law continues to ban selling or offering for sale these containers for mineral waters, soda water, and carbonated soft drinks.

([PA 13-27](#), effective upon passage)

Recycling and Composting

A new law makes many changes to the state's solid waste management laws related to recycling and composting. Among other things, it:

1. increases the information scrap metal processors must provide to DEEP to be exempt from needing a solid waste facility permit,
2. requires DEEP to consult with other agencies to identify opportunities to establish a new recycling infrastructure investment program or expand an existing one,
3. allows municipalities to adopt ordinances providing a property tax exemption for certain recycling machinery or equipment, and

4. broadens the scope of the law requiring certain organic material generators to separate the material from other solid waste and recycle them at composting facilities.

This new law also establishes a Resources Recovery Task Force to study the operations, financial stability, and business models for resource recovery facilities in the state.

([PA 13-285](#), §§ 1-6, 8, & 11, most provisions take effect October 1, 2013)

STATE PARKS AND TRAILS

All-terrain Vehicle Use (VETOED)

Legislation adopted this session requires DEEP to implement, by July 1, 2014, the all-terrain vehicle (ATV) proposals provided in its November 2002 publication entitled "All-Terrain Vehicle Policy and Procedures." The publication provides a procedure for DEEP and ATV organizations to designate state land for ATV use. It allows the organizations to submit to DEEP proposals identifying land appropriate for such use. An organization with an approved proposal must then enter into a concession agreement with DEEP for the land's development, operation, and maintenance.

([PA 13-237](#), § 1, effective upon passage)

New England National Scenic Trail

The New England National Scenic Trail is a continuous trail extending approximately 220 miles from the New Hampshire-Massachusetts border, through Massachusetts and Connecticut, to Long Island Sound in Guilford, Connecticut.

New legislation requires DEEP to preserve and maintain Connecticut's portion of the New England National Scenic Trail. It authorizes (1) DEEP to acquire land for the trail, including rights-of-way and easements and (2) other agencies to transfer land to DEEP. It specifies that the primary trail use is as a foot path, but that other uses may be permitted if they do not substantially interfere with this purpose.

([PA 13-231](#), § 1, effective upon passage)

Recreation and Natural Heritage Trust Program Funds

The bond act authorizes \$10 million for both FY 14 and FY 15 for DEEP for the Recreation and National Heritage Trust Program. The program is DEEP's primary program for acquiring land to expand the state's system of parks, forests, and other natural open spaces.

([PA 12-239](#), §§ 2 & 21, effective July 1, 2013 and July 1, 2014, respectively)

TREES AND VEGETATION

Arborists

A new law requires arborist businesses to (1) annually register with DEEP and pay a \$240 fee and (2) employ at least one licensed arborist at each place of business. It allows DEEP's commissioner to deny, revoke, or suspend registrations for certain actions. The new law requires these businesses to keep certain records for at least five years. Violators of the new arborist business requirements are fined up to \$5,000 for each day of violation.

The new law also increases, from \$50 to \$200, the nonreturnable arborist license application fee and, from \$190 to \$285, the license renewal fee. It establishes a new initial license fee of \$285. By law, an arborist license is valid for five years.

([PA 13-203](#), §§ 1-8, effective October 1, 2013)

Running Bamboo

Another new law makes people liable for failing to contain "running bamboo" (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property beginning October 1, 2013. It requires a 100-foot setback from (1) abutting property or (2) a public right of way, for running bamboo planted after that date, unless properly contained. People selling

or installing the bamboo must educate customers on the plant's growing habits, the new law, and containment methods.

It subjects violators of the (1) setback and containment provisions to a \$100 fine per day of violation and (2) education requirements to a \$100 fine per plant sold.

([PA 13-82](#), most provisions take effect upon passage)

Tree Wardens

New legislation generally requires municipal tree wardens to complete DEEP-approved coursework related to their position within one year after being appointed or reappointed. It requires wardens to keep coursework records and provide them upon request to DEEP and the appointing officials. The new law also extends, from one year to two, the term length of municipally appointed tree wardens.

([PA 13-203](#), §§ 9-10, effective October 1, 2013)

Utility Tree Trimming

A new law expands the ability of electric and telecommunication utilities to trim trees and other vegetation near their lines. It allows these utilities to perform vegetation management in the "utility protection zone" to secure reliable service by protecting wires and other infrastructure. Under the new law, before a

utility can prune or remove any tree or shrub for this purpose, it must generally notify the abutting property owner. The new law provides a procedure for the owner to object to the trimming.

([PA 13-298](#), § 60, effective July 1, 2013)

WATER QUALITY

Clean Water Fund Priority List

A new law expands the factors that the DEEP commissioner must consider when establishing the priority list and ranking system for making clean water fund grants and loans for eligible water quality projects. Specifically, it requires him to consider the necessity and feasibility of implementing measures designed to mitigate sea level rise impact over a project's life span. Under existing law, he must consider, among other things, public health and safety, protecting environmental resources, and attaining state water quality goals and standards. By law, the commissioner makes the grants and loans to municipalities based on the priority list order.

([PA 13-15](#), effective October 1, 2013)

Clean Water Fund Amounts

The bond act increases the statutory bond authorization limits for grants and loans under the Clean Water Fund. It sets the

bond authorization for fund grants at \$67 million for FY 14 and \$218 million for FY 15. The authorization for loans is set at \$380.43 million for FY 14 and \$331.97 million for FY 15.

This act also increases, from 30% to 50%, the share of the cost of phosphorus removal that is covered by state clean water funds for certain projects. Under the act, the first three construction contracts awarded by a municipality by July 1, 2018 that are eligible for clean water funds as phosphorus removal projects must receive a (1) grant of 50% of the project's phosphorus removal cost, (2) 20% grant for the project costs unrelated to phosphorus removal, and (3) loan for the rest. If there are more than three eligible projects, those with the lowest permitted phosphorus discharge limit are given priority, and then to those removing the most pounds of phosphorus per year. By law, other phosphorus removal projects are eligible for clean water financing as nutrient removal projects.

([PA 13-239](#), §§ 64-66, effective July 1, 2013)

Pesticide Assessment and Groundwater Testing

Legislation adopted this session requires DEEP, in consultation with the Department of Public Health, to assess the pesticide practices at UConn's Plant Science Research and Education Facility. The

assessment includes examining the facility's storage and application procedures and water testing regimen. The agencies must report to the Environment Committee on recommendations for legislation or revised practices at the facility.

The same legislation transfers up to \$100,000 to DEEP, from UConn's FY 14 appropriation, to investigate groundwater flow quality in bedrock.

([PA 13-247](#), §§ 56-57, effective upon passage and July 1, 2013, respectfully)

Phosphorus Reduction

By law, the DEEP commissioner, or his designee, must work with specified municipalities to evaluate and recommend a statewide strategy to reduce phosphorus in inland nontidal waters and comply with federal standards. A new law requires the commissioner to report to the legislature, by October 1, 2014, on these collaborative efforts.

([PA 13-129](#), effective upon passage)

Potable Water

New legislation eliminates a requirement that the DEEP commissioner, within available appropriations, provide potable water on a short-term basis to certain buildings and schools affected by groundwater pollution that creates or is reasonably expected to create an

unacceptable risk to people using the water for drinking or other domestic or personal use.

([PA 13-247](#), § 37, effective July 1, 2013)

The bond act authorizes \$1 million in FY 15 for DEEP to give grants to municipalities to provide potable water.

([PA 13-239](#), § 32, effective July 1, 2014)

Stormwater Authorities

A new law designates a municipal stormwater authority that meets certain conditions as a municipal quasi-public authority and allows the municipality, by ordinance, to grant it specific powers to carry out its duties. (New London is the only municipality that meets the law's conditions.)

It allows the ordinance establishing New London's stormwater authority to grant it the power to, among other things:

1. sue and be sued;
2. acquire, hold, and convey property;
3. contract;
4. recommend imposing a tax on real property in the authority's district; and
5. deposit and spend funds.

It subjects charges from a municipal stormwater authority that are over 30 days late to interest at the same rate the municipality's tax collector charges for delinquent property taxes. Unpaid charges are liens on the properties against which they were levied.

([PA 13-222](#), effective October 1, 2013)

Water Pollution Control Authorities

New legislation allows the ordinance establishing a water pollution control authority (WPCA) in a municipality that meets certain conditions to give the WPCA the power to recommend a levy on taxable real property for stormwater control systems. (Bridgeport is the only municipality that meets the law's conditions.) The new law makes levy charges unpaid after 30 days delinquent and subjects them to interest at the tax collector's delinquent property tax rate. It also makes delinquent charges liens against the real property subject to the levy.

([PA 13-247](#), §§ 85-86, effective October 1, 2013)

MISCELLANEOUS

Animal Law Violations

A new law lowers the fine, from up to \$1,000 to \$85, for importing, possessing, or liberating fish or aquatic invasive species and makes a violation an

infraction. It also exempts from the law that makes it illegal to possess a potentially dangerous animal (1) certain veterinarians and (2) people possessing cats certified by specified organizations.

([PA 13-83](#), §§ 2-3 & 9-10, effective upon passage)

Assorted Environmental Statutory Revisions

Two new laws make numerous changes to the environmental statutes to do such things as alter notice procedures and remove obsolete provisions. For example, these laws:

1. allow DEEP to provide certain notices electronically, instead of by mail;
2. eliminate DEEP's requirement to establish stream channel encroachment lines and revokes already established lines;
3. removes certain DEEP reporting requirements, including an inventory of contaminated wells and leaking underground storage tanks;
4. require the DEEP commissioner to issue and record a certificate of revocation when he revokes a final order to correct sources of or abate water pollution;

5. repeals the Mid-Atlantic States Air Pollution Control Compact; and
6. removes requirements for DEEP to adopt regulations on such things as farm resources management plans, official recycling symbols, and residential underground heating oil storage tank systems.

([PA 13-205](#), most provisions take effect October 1, 2013; [PA 13-209](#), effective October 1, 2013)

Connecticut Agricultural Experiment Station

By law, the Connecticut Agricultural Experiment Station (CAES) director is in charge of controlling insects or diseases that threaten plants of economic importance. He can (1) prohibit or regulate transporting plants and plant material likely to carry dangerous pests and (2) enforce other laws on plant and insect disease and infestation.

Among other things, a new law increases the minimum and maximum fines, from \$5 to \$500 and \$100 to \$2,500, for (1) interfering with the CAES director's duties or (2) violating quarantines or CAES regulations. This new law also explicitly allows the CAES director to issue permits or enter into compliance agreements.

([PA 13-33](#), effective upon passage)

Economic Development Advisory Commission

A new law reactivates a dormant economic development advisory commission. Among other things, it broadens the commission's charge to include policies encouraging defense contractors and subcontractors to engage in environmentally sustainable and civilian product manufacturing. The reactivated commission, called the Commission on Connecticut's Future, must perform the same advisory and analytical duties its predecessor had to perform, including preparing and reviewing short- and long-term defense conversion strategies. In devising these strategies, the new law requires it to emphasize environmentally sustainable and civilian product manufacturing.

([PA 13-19](#), effective upon passage)

Emergency Recovery Assistance

A new law establishes the Connecticut Coordinated Assistance and Recovery Endowment (CT CARE) as a federal tax exempt foundation to support coordinated emergency recovery in cases where state services are affected by natural disasters, acts of domestic terrorism, catastrophic events, or other unforeseen emergencies. It also establishes the Coordinated Emergency Recovery Fund, under the state treasurer's

custody, to receive and disburse private funds to CT CARE for (1) victims' relief and (2) assistance to individuals, towns, and nonprofit organizations affected by such emergencies.

The new law (1) designates the Department of Emergency Services and Public Protection (DESPP) as the state agency for which the foundation is established and (2) requires the foundation to have a written agreement with DESPP covering its use of DESPP's facilities and resources.

([PA 13-275](#), effective upon passage)

Felony Violations

Legislation adopted this session makes numerous changes to felony classifications, including many affecting the environment. Among other things, it:

1. classifies five environment-related unclassified crimes, such as violating the hazardous waste permit or records requirements or the used oil requirements, as class D felonies without changing their prison penalties or fines and

2. classifies four environment-related unclassified crimes, such as illegally discharging gasoline or violating mercury requirements, as class C felonies thereby adding a one year non-mandatory minimum prison penalty.

The [OLR Bill Analysis for sHB 983](#) summarizes the law's changes.

([PA 13-258](#), effective October 1, 2013)

Mosquito Control

New legislation requires the DEEP commissioner to take certain steps to prevent West Nile virus, including (1) coordinating with the public health commissioner and local health departments to survey lands for mosquitoes, (2) enforcing a ban on standing water on private property, and (3) encouraging public outreach programs on standing water risks and West Nile virus symptoms.

This new law also requires him to (1) establish a plan for using or applying larvicide to control mosquitoes and (2) update the plan for certain purposes including restricting using or applying methoprene or resmethrin in the state's coastal boundary. It also allows introducing these chemicals into certain storm drains, wetlands, or other water bodies if the commissioner recommends it.

([PA 13-197](#), §§ 7-8, effective upon passage)

Open Space Acquisition Funds

The bond act authorizes \$10 million in both FYs 14 and 15 for DEEP to make grants to municipalities for open space acquisition and development for conservation or recreational purposes.

([PA 13-239](#), §§ 13 & 32, effective July 1, 2013 and July 1, 2014, respectively)

Radiation and Radioactive Material

A new law expands the scope of the law governing radiation and radioactive material. It authorizes the DEEP commissioner to issue, modify, or revoke orders to correct violations of these laws. And among other things, it broadens his authority to seek an injunction and establishes criminal penalties for certain violations and making false statements.

([PA 13-205](#), §§ 3-7, 11-12, & 14, effective October 1, 2013)

State Contract Carbon Footprint Study

A new law requires the administrative services commissioner to study and report to the Government Administration and Elections Committee on the feasibility of including carbon footprint data as factors in awarding state contracts.

([PA 13-247](#), § 73, effective July 1, 2013)

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