



## ACTS AFFECTING ENVIRONMENT



2014-R-0149

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## **NOTICE TO THE READER**

This report provides highlights of new laws affecting the environment enacted during the 2014 regular legislative session. At the end of each summary we indicate the public act (PA) number and the date the legislation takes effect.

Not all provisions of the acts are included. Complete summaries of all 2014 Public Acts will be available on OLR's webpage: [www.cga.ct.gov/olr](http://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](http://www.cga.ct.gov)).

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## **HAZARDOUS WASTE**

### ***Brownfields***

A new law allows property owners participating in DEEP's voluntary cleanup program to submit interim verifications, signifying that a site was remediated according to DEEP standards, except for groundwater undergoing long-term remediation and monitoring. It also allows participants to submit interim or final verifications for part of a site instead of waiting until the entire site is remediated.

The new law also exempts from the Transfer Act properties where the waste consists of removed or abated building materials (e.g., asbestos) and sites municipalities take by eminent domain under any statute, not just those taken for redevelopment purposes ([PA 14-88](#), effective upon passage).

### ***Clean-Up Cost Liability***

New legislation prohibits the DEEP commissioner from seeking to recover from certain parties the costs and expenses DEEP incurs to contain, remove, or mitigate the human bodily effects of an injury or death (such as blood) on the state's land or water. It also allows the commissioner to make an agreement with the same parties to pay less than DEEP's full (1) costs and expenses to contain, remove, or mitigate such effects and (2) legal fees and court costs incurred when

trying to recover the costs and expenses ([PA 14-153](#), effective upon passage).

### ***Fracking Waste***

The legislature imposed a moratorium on certain activities associated with hydraulic fracturing ("fracking") waste until the DEEP commissioner adopts regulations to (1) control it as a hazardous waste and (2) impose certain licensing and disclosure requirements. The moratorium also applies to the sale, manufacture, and distribution of de-icing and dust suppression products derived from or containing these wastes.

Among other things, the new law (1) exempts certain research on small amounts of fracking waste and (2) requires anyone transporting fracking waste in the state, after the adoption of regulations, to obtain a DEEP permit ([PA 14-200](#), effective July 1, 2014).

## **INVASIVE SPECIES**

### ***Aquatic Invasive Species Grant Program***

A new law establishes an aquatic invasive species management grant and prevention and education program, under which DEEP may:

1. provide grants to municipalities for management efforts,
2. educate boaters on ways to prevent the spread of aquatic invasive species, and

3. conduct rapid response to aquatic invasive species populations in inland water bodies ([PA 14-217](#), § 248, effective July 1, 2014).

### ***Running Bamboo***

The legislature adopted a new law prohibiting people from planting, or letting anyone plant, “running bamboo” (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property within 40 feet of abutting property or a public right of way. Violators are subject to a \$100 fine.

This new law also declares running bamboo that grows beyond a person's property boundaries a nuisance. The law already makes a person liable for damage such bamboo causes to neighboring properties, including the cost of removing any bamboo that has spread to the property ([PA 14-100](#), effective upon passage).

## **LAND USE AND PRESERVATION**

### ***490 Program***

New legislation makes procedural changes to the “490 Program,” in which eligible farm, forest, open space, and maritime heritage land is assessed based on its current use, rather than full market value. Among other things, the new law:

1. requires landowners to file a new, instead of a revised, application when 490 land is sold;

2. establishes a date by which a forester’s report must be signed and dated; and
3. requires people who obtain title to land that is in the program and exempt from conveyance taxes to notify the municipal tax assessor on certain prescribed forms ([PA 14-33](#), §§ 3-6, effective October 1, 2014, and applies to assessment years starting on or after that date).

### ***DEEP Land Registry***

A new law allows the DEEP commissioner to designate department-owned lands as “lands of public use and benefit,” which includes land used for conservation, public enjoyment, or recreational purposes, or activities to improve or maintain these purposes. It requires him to establish a publicly accessible geographic information map system and database that has a registry of lands of public use and benefit that can provide identifying information on lands owned by the state, municipalities, and land conservation organizations.

This new law also specifically authorizes the DEEP and agriculture commissioners to place conservation or preservation restrictions on any lands their departments own ([PA 14-169](#), effective upon passage).

## ***Environmental Impact Evaluations***

By law, state agencies must consider environmental factors when deciding whether to fund a project or do other things that could significantly affect the environment (environment impact evaluations (EIEs)). Under a new law, any EIE the state completed for the Rentschler Field Development is deemed to include any planned, proposed, or state-certified industrial reinvestment project (IRP) under [PA 14-2](#). IRPs are large-scale projects manufacturers may propose to receive compensation for unused state research and development tax credits. The projects must involve at least \$100 million in eligible expenditures over a period of up to five years ([PA 14-217](#), § 226, effective upon passage).

## ***Land Preservation Funds***

The bond act (1) authorizes up to \$2 million in bonds to DEEP to purchase and preserve 924 acres in Old Saybrook and four acres in Westbrook, property commonly referred to as "The Preserve" and (2) allows the DEEP commissioner to convey the property to the Trust for Public Land under terms and conditions to preserve it as open space.

The bond act also authorizes \$20 million for FY 15 for grants or loans to municipalities for (1) acquiring land or public parks or (2) recreational and

water quality improvements ([PA 14-98](#), §§ 9(d), 58 & 59, effective upon passage).

## ***Recreation and Natural Heritage Trust Program Funding***

The bond act reduces, from \$10 million to \$8 million, the FY 15 bond authorization for DEEP for the Recreation and National Heritage Trust Program, which DEEP uses to acquire land to expand the state's system of parks, forests, and other natural open spaces ([PA 14-98](#), § 81, effective July 1, 2014).

## ***Savin Farm Property***

New legislation specifically authorizes the agriculture commissioner to place a conservation or preservation restriction on the state's "Savin Farm" property in Lebanon. It allows the restriction to (1) conserve the property for agricultural use and (2) enable the commissioner to lease, permit, or license the farm for agricultural purposes ([PA 14-80](#), effective upon passage).

## **LICENSING AND CERTIFICATION PROGRAMS**

### ***Environmental Laboratories***

A new law makes several changes to the state's environmental laboratory certification program. Among other things, it:

1. expands the list of material these labs may test to include such things as animal and plant tissues and certain building materials, but eliminates air, hazardous waste, food, and food utensils from the list;
2. requires labs to be registered and certified before testing analytes (substances or chemicals) if the Department of Public Health (DPH) commissioner believes it is needed to protect public health or the environment; and
3. eliminates the license fee exemption for labs that only provide services and information to its owners or operators.

The new law authorizes the commissioner, when finding a violation has occurred, to impose a daily civil penalty, revoke or limit a lab's license, or issue other necessary orders. It also permits her to order unregistered laboratories to close ([PA 14-231](#), § 42, effective October 1, 2014).

### ***Water Professional and General Permit Studies***

A new law requires DPH to study the feasibility of licensing or certifying water professionals who are qualified to help it carry out the requirements of (1) the Safe Drinking Water Act and (2) state law on overseeing safe and adequate public drinking water. It also requires DPH, in consultation with the Water Planning Council (WPC), to study the feasibility of establishing a

general permit for minor activities that will cause minimal environmental and public health effects and not adversely impact water or water bodies ([PA 14-163](#), §§ 2 & 7, effective October 1, 2014 for the water professionals study and July 1, 2014 for the general permit study).

## **SOLID WASTE MANAGEMENT**

### ***Connecticut Resources Recovery Authority***

A new law dissolves the Connecticut Resources Recovery Authority (CRRRA) and establishes as CRRRA's successor the Materials Innovation and Recycling Authority (MIRA). In doing so, it transfers CRRRA's functions, powers, and duties to MIRA and makes several changes to them such as decreasing the statutory cap, from 75 to 45, on how many people the authority can employ, and requiring a two-thirds vote of the board of directors before spending at least \$50,000 for an outside consultant.

Other related changes include:

1. requiring the DEEP commissioner, with MIRA, to seek proposals to redevelop the Connecticut Solid Waste Management System Project;
2. repealing CRRRA's authority to establish ash residue disposal sites in the state; and



3. establishing a nonprofit corporation to promote and support research, education, and grant programs related to solid waste management ([PA 14-94](#), various sections, most provisions are effective upon passage).

### ***Mattress Stewardship Program***

A new law makes changes to the state's mattress stewardship program. It (1) expands the mattresses covered under the program to include renovated foundations and (2) specifies that certain items such as unattached mattress pads or toppers or pads for certain juvenile products are excluded. The new law also sets the date by which the program's stewardship fee takes effect if the auditor concludes the fee is reasonable: at least 90 days after the auditor notifies the DEEP commissioner. It specifies that the fee must be added to the retailers' mattress purchase price ([PA 14-170](#), effective upon passage).

### ***Solid Waste Facility Permits***

New legislation exempts certain solid waste facilities from obtaining modified permits before they substantively change their volume process or operation. It applies to facilities that (1) add less than 75 tons per day of mattresses or certain designated recyclables, (2) do not exceed its permitted storage capacity, and (3) notify DEEP within 30 days ([PA 14-94](#), § 16, effective upon passage).

### ***Solid Waste Management Plan***

A new law requires the DEEP commissioner to revise the state's solid waste management plan by July 1, 2016 and consult with municipalities when doing so. It also requires the revised plan to include source reduction and reuse in its strategy and increases, to 60%, the strategy's amount of solid waste that must be diverted by reduction, reuse, and recycling by 2024 ([PA 14-94](#), § 2, effective upon passage).

## **WATER QUALITY AND SUPPLY**

### ***Clean Water Fund Grants***

A new law expands the number of municipalities eligible to receive increased Clean Water Fund (CWF) grants for phosphorus removal projects. It does so by extending eligibility for the increased grants, which cover 50% of removal costs, to all municipalities with contracts entered into by July 1, 2018. Prior law limited eligibility to the first three construction contracts entered into by that date ([PA 14-13](#), effective upon passage).

The legislature also adopted a new law that increases, by 5%, the amount of CWF grant funds Norwich will receive for the design and construction phase costs of certain eligible water quality projects ([PA 14-217](#), § 86, effective July 1, 2014).

### ***Deficient Well Systems***

A new law allows the Public Utilities Regulatory Authority, under certain circumstances and in consultation with DPH, to order a water company to extend its system to supply water to properties served by a deficient well system ([PA 14-94](#), §§ 50 & 53, effective upon passage).

### ***Drinking Water Project Funding***

The bond act (1) establishes a new grant program for eligible drinking water projects that are also approved for DPH loans under the Drinking Water State Revolving Fund program and (2) authorizes \$50 million in FY 15 for the program ([PA 14-98](#), § 46, effective July 1, 2014).

### ***Drinking Water Supply Emergency***

A new law expands the DPH commissioner's authority to declare a public drinking water supply emergency by allowing her to declare one if an emergency can reasonably be expected to occur without immediately implementing conservation practices. It also authorizes her to allow or require implementing such practices by public water systems and municipalities if an emergency exists ([PA 14-163](#), § 3, effective July 1, 2014).

### ***State Water Plan***

New legislation requires the WPC, within available appropriations, to prepare a state water plan by July 1,

2017, replacing the state's long-range water resources management plan, which was never adopted. It (1) specifies the plan's content and how it must be developed, (2) creates a procedure for public notice and comment, and (3) requires the plan to be submitted to the General Assembly for review and approval.

The legislation also allows the WPC's advisory group to include representatives of regional councils of government and a public health district ([PA 14-163](#), § 1 & 5, effective July 1, 2014).

### ***Water Utility Coordinating Committees***

A new law increases, from \$200,000 to \$250,000, the cap on contracts the DPH commissioner may enter into with consultants to provide services to Water Utility Coordinating Committees (WUCCs) ([PA 14-217](#), § 200, effective July 1, 2014).

Another new law requires the DEEP commissioner to comment on water quality, flood management, recreation, and aquatic habitat issues in draft WUCC coordinated water system plans ([PA 14-163](#), § 6, effective July 1, 2014).

## **MISCELLANEOUS**

### ***Abandoned Vessels***

The legislature revamped the procedure for seizing and disposing of abandoned vessels and established a new administrative process for implementing it.

Among other things, the legislature also (1) made abandoning a vessel punishable by a fine of between \$300 and \$500, unless the abandonment occurs during, and because of conditions that caused, a declared emergency and (2) deemed, under certain conditions, waste oil, fuel, antifreeze, or other hazardous materials stored on an abandoned vessel to be household hazardous waste for disposal purposes (**PA 14-57**, effective July 1, 2014).

### ***Energy Efficiency Standards***

A new law modifies certain product energy efficiency compliance standards and requires DEEP to adopt new regulations for state building energy efficiency standards, including a standard for including electric vehicle recharging stations (**PA 14-94**, §§ 18 & 19, effective October 1, 2014).

### ***Heritage Parks***

By law, the DEEP commissioner must develop criteria and guidelines for designating heritage parks consisting of sites in a region linked by a common social, historical, or economic theme. A new law allows

him to designate or alter a heritage park without (1) getting approval from affected municipalities' legislative bodies and (2) appointing a board to advise him on the park's boundaries, name, and theme, as prior law required. The act also requires him to create a plan to develop and promote a heritage park, but eliminates the need to appoint an advisory board (**PA 14-43**, effective upon passage).

### ***Hunting and Fishing Licenses***

The legislature adopted a new law making several changes to the state's hunting and fishing license laws, including:

1. exempting certain students participating in school events from needing a fishing license;
2. changing certain hunting and fishing license fees;
3. requiring hunting, trapping, and archery safety course instructors to offer courses online or in a classroom; and
4. requiring providers of hunting or fishing guide services to register annually with DEEP (**PA 14-201**, most provisions take effect January 1, 2015).

### ***Outdoor Wood-Burning Furnaces***

A new law (1) makes permanent the restrictions on outdoor wood-burning furnaces that do not meet certain installation and operation requirements (e.g., chimney height) and (2) requires all outdoor wood-burning furnaces, not just those built

or in use on or after July 8, 2005, to burn only non-chemically treated wood ([PA 14-92](#), effective upon passage).

### ***Road Treatment Study***

Legislation adopted this session requires the transportation commissioner to analyze the corrosive effects of chemical road treatments on (1) state snow and ice equipment vehicles, (2) state infrastructure including bridges and highways, and (3) the environment. The analysis must determine the cost of corrosion and evaluate alternative treatments ([PA 14-199](#), § 6, effective upon passage).

### ***Shoreline Property Grants***

The bond act authorizes \$25 million in FY 15 for the housing department's Shoreline Resiliency Fund, a low-interest loan program for residents subject to coastal flooding.

The act also revises the allocation of bond funds for DEEP and the Department of Emergency Services and Public Protection (DESPP) to implement a buy-out program for grants to homeowners and businesses that receive federal emergency management funds for flood hazard mitigation or property damage due to storms in 2011 and subsequent years. It transfers, from DEEP to DESPP, \$1 million of DEEP's authorized \$2 million, thereby increasing DESPP's

authorization to \$3 million ([PA 14-98](#), §§ 9(f), 41 & 42, effective July 1, 2014).

### ***Vegetation Management***

A new law amends the process utilities must follow to perform vegetative management around poles and wires, such as pruning or removing trees or shrubs ([PA 14-151](#), effective upon passage).

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