



Acts Affecting Environment

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Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting the environment enacted during the 2022 legislative session. OLR's other Acts Affecting reports, including Acts Affecting Animals and Agriculture and Acts Affecting Energy and Utilities, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. Complete summaries of public acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrsums.asp>.

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

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Air Pollution

Carbon Emissions Reduction

This session, the legislature passed a law mainly aimed at reducing carbon emissions in the transportation sector. Among other things, the new law:

1. requires a minimum number of electric vehicle (EV) charging stations at certain new state facilities, school building projects, and commercial or multi-unit residential buildings;
2. exempts from the property tax (a) level two EV charging stations on commercial or industrial property, (b) EV charging stations on residential property, (c) fuel cell EV refueling equipment, and (d) zero-emission school buses;
3. establishes “right-to-charge” provisions for unit owners in condominiums and common interest communities and renters;
4. modifies the schedule for electrifying the state’s fleet and prohibits the state, beginning January 1, 2024, from procuring, purchasing, or leasing diesel-fueled transit buses;
5. requires (a) all school buses in the state to be zero-emission by 2040 (by 2030 for school districts with environmental justice communities) and (b) the Department of Energy and Environmental Protection (DEEP) to administer a grant program to help certain entities maximize federal funds for zero-emission school buses and EV charging or refueling infrastructure (the act implementing the FY 23 budget authorizes an additional \$20 million in bonds to fund the school bus matching grant program (see [PA 22-118](#), § 314)); and
6. requires the Office of Policy and Management (OPM) secretary to annually report to the legislature on (a) the amount of Clean Air Act (CAA) fee revenue collected in the prior fiscal year and (b) state funds spent during the prior fiscal year to implement the federal CAA, improve air quality, and reduce transportation sector emissions ([PA 22-25](#), various sections and effective dates).

Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) Program

The legislature made numerous changes to the CHEAPR program (which offers incentives to purchase or lease certain vehicles), including:

1. transferring the program’s administration from the CHEAPR board to DEEP;
2. making the CHEAPR board advisory-only and adding new members, including representatives of EV manufacturers and an organization that promotes walking and bicycling, and the Public Utilities Regulatory Authority chairperson;
3. expanding rebate eligibility to businesses, municipalities, and nonprofits, subject to certain limits;

4. establishing incentives for e-bike purchases; and
5. requiring DEEP to give priority for rebates to residents of environmental justice communities and recipients of certain state and federal assistance programs.

It also increased funding to CHEAPER by directing to it all of the greenhouse gas reduction fee, rather than just \$3 million of fee revenue as under prior law, and some Regional Greenhouse Gas Initiative funds ([PA 22-25](#), §§ 7, 10 & 18, effective July 1, 2022).

Eliminating Electric Sector Emissions

The state's Global Warming Solutions Act (GWSA) requires the state to reduce greenhouse gas emissions in the state to various levels in 2020, 2030, and 2050. In practice, these targets apply economy-wide to various sectors including transportation, agriculture, and electricity consumption. A new law sets a requirement within the GWSA that the state eliminate greenhouse gas emissions from electricity supplied to electric customers in the state by January 1, 2040 ([PA 22-5](#), effective July 1, 2022).

Medium- and Heavy-Duty Truck Emissions

Part of a new law aimed at reducing carbon emissions (1) authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards in Connecticut and (2) establishes a DEEP-administered voucher program to support the use of zero-emission medium- and heavy-duty vehicles. Under the federal CAA, all new vehicles sold in the United States must comply with emission standards set by either the U.S. Environmental Protection Agency or California ([PA 22-25](#), §§ 14 & 15, the regulations provision is effective July 1, 2022, and the voucher program is effective October 1, 2022).

Motor Vehicle Emissions Re-Testing Extension

For FYs 23 and 24, a new law requires the motor vehicles commissioner to grant an extension of time for vehicles to obtain needed repairs after failing an emissions inspection, so long as a licensed new or used car dealer or licensed repairer or limited repairer certifies, in writing, that the part needed to repair the associated problem is delayed due to market conditions. If granted, the extension is valid for 180 days from the certification date ([PA 22-44](#), § 37, effective July 1, 2022).

Boating

Lake Authority Enforcement Retention Fees

Under a new law, the DEEP commissioner must establish a schedule of retention fees that lake authorities may keep for issuing fines to violators of state boating laws. By law, any two or more

towns that have a body of state water within their territorial limits may establish a lake authority by ordinance. The lake authority must cooperate with the DEEP commissioner to enforce boating laws on the water (CGS § 7-151a) ([PA 22-144](#), § 3, effective July 1, 2022).

Local Boating Ordinances

A provision in a new law allows the DEEP commissioner to disapprove local boating ordinances that duplicate state law or regulation. By law, towns may adopt local boating ordinances but must submit them to DEEP. The law already allows the commissioner to disapprove these ordinances for other reasons (e.g., being unreasonable or unnecessarily restrictive) ([PA 22-144](#), § 1, effective October 1, 2022).

Marine Pilot Extension-of-Route

A new law allows Connecticut-licensed marine pilots to use experience gained while piloting under the authority of a federal pilotage endorsement when applying for an “extension-of-route.” By law, the Connecticut Pilot Authority issues pilotage licenses for specific geographic areas of the Long Island Sound and allows licensees to apply for an expansion of the areas in which they may operate (i.e., “extension-of-route”) ([PA 22-40](#), § 24, effective July 1, 2022).

Vessel Safety Signals

The legislature included a provision in an act to allow law enforcement and fire rescue vessels to use either an audible signal device or flashing lights, rather than both, to indicate that nearby vessels must slow and, if able, alter course. That act also requires someone operating a vessel within 200 feet of a commercial vessel that is responding to or towing a vessel in distress and using its flashing lights to slow to a slow-no-wake speed ([PA 22-144](#), § 2, effective October 1, 2022).

Forest Practices and Resources

Fire Support

The legislature passed a law this session that expands the applicability of the Northeastern Interstate Forest Fire Protection Compact’s interstate aid provisions by allowing mutual aid to or from any state that belongs to a regional forest fire protection compact if that state’s legislature agrees to the provisions. By doing this, it allows Connecticut to exchange forest fire protection and control resources with up to 43 other states.

This same law also makes a minor change to clarify that the state forest fire warden can supplement state forest fire control personnel with temporary emergency workers to help fight a

forest fire in another state with which Connecticut has agreed to provide reciprocal aid, rather than only for in-state fires ([PA 22-143](#), §§ 5 & 6, effective upon passage).

Forest Practices Advisory Board

A new law designates the specific qualifications for appointed members to the Forest Practices Advisory Board. Among other things, the board advises DEEP on forestry policy and program and certifying forest practitioners ([PA 22-143](#), § 7, effective October 1, 2022).

Forest Practitioner Certification

Changes were made to forest practitioner (i.e., forester and forest products harvester or supervising harvester) certification this session. An act allows for a 60-day extension to submit a certification renewal application and providing an additional way for forest practitioners to be certified without examination. And instead of completing continuing education requirements biennially, the act requires the practitioners to do so according to a regulatory schedule ([PA 22-143](#), §§ 8 & 9, effective October 1, 2022).

Land Use

Brownfield Remediation Programs

This year the legislature made changes to both the Abandoned Brownfield Cleanup (ABC) program and the Brownfield Remediation and Revitalization program (BRRP). Specifically, a new law:

1. allows short-term lessees to be considered for participation in the programs;
2. expressly requires program participants to remain in compliance with the respective programs' obligations to receive the programs' liability protections; and
3. requires applicants to acquire title to a property within two years after the Department of Economic and Community Development (DECD) commissioner designates it for program inclusion and authorizes him to extend this deadline at the applicant's request.

This new law also makes program-specific changes. For the ABC program, among other things, it generally (1) sets a deadline by which participants must enter into the state's voluntary remediation program and (2) requires the DEEP commissioner to determine whether to audit the verification of a property and complete this audit within specified timeframes. For the BRRP, it requires the DECD commissioner to accept property nominations from Connecticut brownfield land banks ([PA 22-68](#), effective October 1, 2022).

Release-Based Remediation Regulations

A new law requires the DEEP commissioner, at least 60 days before posting a notice of intent to adopt, amend, or repeal regulations to carry out the release-based remediation program, to (1) provide a draft of the regulations to members of an existing advisory working group (of which she is a co-chairperson) and (2) allow the group to give advice and feedback, which it must do within 30 days after receiving the draft. (The state switches to a release-based system for pollution releases (e.g., spills) once the new regulations are adopted.)

Additionally, the commissioner must (1) convene at least one monthly meeting of the group at least 15 days before she posts the notice and after she provides the draft regulations and (2) provide a revised draft for the members' review before posting the notice ([PA 22-50](#), § 6, and [PA 22-118](#), § 159, effective upon passage).

State Plan of Conservation and Development (POCD)

The legislature adopted the 2018-2023 POCD this session ([HJR 107](#)). The POCD helps state agencies make decisions consistent with the state's development and conservation goals. The legislature also passed an act specifying completion dates for the POCD's next revision cycle, requiring OPM to submit the 2025-2030 POCD to the legislature before the 2025 legislative session begins ([PA 22-71](#), effective upon passage).

Outdoor Recreation

Bait Species Limit and Free Fishing Guide

A new law prohibits a person from taking or landing, per day, 200 pounds or more of the following bait species: tidewater silverside, Atlantic silverside, sand lance or sand eels, and bay anchovy. Each violation is a separate infraction.

This new law also requires the DEEP commissioner to make available to the public, for free, a printed fishing guide for the 2023 season ([PA 22-51](#), effective October 1, 2022, except the fishing guide provision is effective upon passage).

Portable Wastewater Containers

In advance of the summer camping season, the legislature passed a new law allowing the use of portable wastewater holding tanks (e.g., "blue boy" tanks) to transport wastewater from an internal camping unit holding tank to a sanitary disposal station at a state or private campground ([PA 22-52](#), effective upon passage).

State Park and Campground Hazardous Tree Removal

In response to recent DEEP tree removal activity, the legislature passed a new law concerning tree maintenance at state parks and campgrounds that requires the following:

1. the DEEP commissioner to develop, finalize, and publish on the department's website a hazardous tree mitigation policy on designating, removing, and mitigating hazardous trees;
2. DEEP, in consultation with state park or forest advocacy groups or organizations, to implement a tree planting demonstration project at Housatonic Meadows State Park; and
3. the DEEP commissioner to submit a report to the Environment Committee on replanting strategies for removed hazardous trees and any related funding needs ([PA 22-143](#), § 17, effective upon passage).

Trail Funding

The budget implementer act authorizes up to \$3 million in bonding for DEEP to use for the bikeway, pedestrian walkway, recreational trail, and greenway grant program ([PA 22-118](#), § 335, effective July 1, 2022).

Pesticides

Chlorpyrifos Ban

Beginning January 1, 2023, using or applying chlorpyrifos on golf courses or for cosmetic or nonagricultural uses will be banned due to an act passed this session. The act allows the DEEP commissioner to assess a civil penalty of up to \$2,500 for violations. Chlorpyrifos is a pesticide used mainly to control foliage and soil-born insect pests. A federal rule already prevents its use (1) on land and greenhouse food crops and (2) for certain commercial livestock purposes ([PA 22-142](#), effective January 1, 2023).

Information for Public Officials

Part of a new law focused primarily on pesticide applications to private lakes and ponds also requires DEEP to give a public official all information it has about a scheduled or made pesticide application (whether to land or water) when the official asks about it ([PA 22-83](#), effective October 1, 2022).

Notice of Applications to Private Lakes and Ponds

A new law eliminates the requirement that pesticide application businesses provide newspaper notice of an upcoming pesticide application to a private lake or pond with more than one shoreline property owner. Instead, shoreline owners or tenants must generally be directly notified beforehand

by telephone, mail, personal notice, or leaving a conspicuous notice ([PA 22-83](#), effective October 1, 2022).

Pesticide Applicator Certification and Pesticide Registration

Under a new law, the DEEP commissioner must provide certified pesticide applicators at least 60 days' notice that their certification will expire. The new law also gives the applicators a year to renew their certification without needing to be reexamined, but a late fee applies. It permits the commissioner to register pesticides either on an annual basis or, as is already the law, for five-year periods ([PA 22-143](#), §§ 10 & 11, effective upon passage, except the annual pesticide registration option takes effect January 1, 2023).

Renewable Energy

Clean Energy Program Expansion

The legislature expanded the following two state clean energy programs during the 2022 legislative session: Non-Residential Energy Solutions program (NRES) and Shared Clean Energy Facility (SCEF) program. Under these programs, Eversource and United Illuminating enter long-term contracts with selected renewable energy projects (e.g., solar projects) and participating customers may benefit by offsetting their energy use. Under a new law, these programs' size is generally doubled by lifting the caps on the amount of energy available under them. The new law also (1) increases the maximum size of individual projects under the programs, (2) allows commercial and industrial customers in the NRES program to use their entire rooftops to site projects, and (3) increases the proportion of SCEF projects that must benefit low-income customers ([PA 22-14](#), §§ 1-4, effective October 1, 2022).

Hydrogen Power Task Force

This year, the legislature established a task force to study hydrogen-fueled energy in the state's economy and infrastructure. The task force must, among other things, (1) review regulations and legislation needed to achieve economies of scale for the hydrogen ecosystem in the state, (2) examine how the state can take advantage of programs created by the federal Infrastructure Investment and Jobs Act, and (3) examine potential clean hydrogen sources. It must make recommendations on workforce initiatives, funding and tax preferences for brownfield site facilities, funding sources to develop hydrogen-fueled energy programs and infrastructure, and potential end uses of hydrogen-fueled energy. The task force must report its findings to the Energy and Technology Committee by January 15, 2023 ([SA 22-8](#), effective upon passage).

Solar Projects and Property Tax Study

A new law requires OPM to study how property taxes apply to commercial solar generation projects with a nameplate capacity rating of at least 50 kilowatts. The act (1) requires OPM to summarize the current statutory framework for personal and real estate property taxes on these projects and (2) recommend changes that would remove inconsistencies in these statutes and allow for equitable property tax treatment of these projects across the state. OPM must report its findings to the Energy and Technology and Planning and Development committees by January 1, 2023 ([PA 22-14](#), § 5, effective upon passage).

Solid Waste Management

Food Donation Task Force

This session, the legislature established a task force to make recommendations on establishing a supermarket food donation program that (1) alleviates hunger, reduces food waste, and supports food relief organizations' operations and (2) ensures that all food donated is safe and fit for human consumption. A report of the task force's findings and recommendations is due to the General Law Committee by January 1, 2023 ([PA 22-28](#), § 3, effective upon passage).

Gas Cylinder Stewardship Program

This session, the legislature added gas cylinders used for personal, family, or household use to the list of discarded products to be managed through a statewide product stewardship program. Under the new law, gas cylinder producers must be part of an approved and implemented stewardship program by October 1, 2025. Failure to do so prohibits them from supplying, selling, or offering gas cylinders for sale in Connecticut.

As with the state's other stewardship programs, a gas cylinder program must minimize public sector involvement in managing the discarded products. Stewardship plans must be submitted to DEEP by July 1, 2023, for approval. The new law includes audit and reporting requirements and allows DEEP to assess a reasonable administrative fee and civilly enforce program requirements ([PA 22-27](#), effective July 1, 2022).

Landfill Funding

The budget implementer act authorizes up to \$5 million in bonding in FY 23 for grants for landfills, including the Hartford landfill ([PA 22-118](#), § 314, effective July 1, 2022).

Redemption Center Grants

The budget implementer act expands the availability of grants under the beverage container recycling grant program in the following two ways: (1) allowing grant funds to be used to expand beverage container redemption centers, instead of only for new centers and (2) eliminating the \$150,000 cap on awarded grant funds. By law, this program supports redemption centers in urban centers and environmental justice communities that lack access to them ([PA 22-118](#), § 162, effective July 1, 2022).

Solid Waste Management Working Group

This session the legislature established a working group to (1) study solid waste management in the state and (2) recommend a strategic plan for short- and long-term solid waste management and disposal. Group members include, among others, the Environment Committee's chairpersons and ranking members, the DEEP commissioner (or her designee), and a director of the Materials Innovation and Recycling Authority. The group must submit its report to the Environment and Energy and Technology committees by January 1, 2023 ([SA 22-11](#), effective upon passage).

Sustainable Materials Management Program

A new law requires the DEEP commissioner to establish and administer a sustainable materials management program to support solid waste reduction in the state. It requires the payments for failing to meet the state's Class II Renewable Portfolio Standard to be deposited into a new account to support the program, rather than being refunded to electric ratepayers as prior law required.

The program's funding must support programs and projects that promote affordable, sustainable, and self-sufficient waste management by reducing solid waste generation or diverting it from disposal. It may be used for grants, revolving loans, technical assistance, consulting services, and waste characterization studies that support those programs and projects implemented by entities that include municipalities, nonprofits, and regional waste authorities ([PA 22-118](#), §§ 163-167, effective October 1, 2022).

Water Quality

Private and Semipublic Well Testing

A new law makes several changes affecting water quality testing for private and semipublic wells. It requires clinical laboratories to report test results to the Department of Public Health and local health departments within 30 days after completing the testing. Prior law only required this if the testing was related to a real estate transaction. Among other things, the new law also requires (1) property owners, starting October 1, 2022, to test the water quality of their newly constructed

private or semipublic wells and (2) prospective homebuyers and renters to be given educational materials on well testing ([PA 22-58](#), § 60, effective October 1, 2022).

Reporting Sodium Chloride Damage

A provision in a new law requires each local health district to (1) set up an electronic reporting system for owners of homes or wells directly damaged by sodium chloride to report the damage and (2) annually submit the reports to OPM. It allows the OPM secretary to (1) identify available financial resources to help the owners with remediation, mitigation, or repair costs and (2) establish criteria and procedures for issuing the financial assistance ([PA 22-118](#), § 141, effective upon passage).

Salt Applicator Training Program and Registration

Provisions in the budget implementer act (1) require DEEP and the Department of Transportation (DOT) to work with UConn's Training and Technical Assistance Center (T2 Center) to conduct certain training for state, municipal, and private roadside applicators on winter maintenance (e.g., use of sodium chloride). Either DEEP and DOT or T2 Center personnel must provide the training, which must occur at least once in each county, and DEEP and DOT must provide the regional councils of governments with information about it. The agencies must report to the Environment and Transportation committees about the program and recommendations for legislation to reduce sodium chloride's effects on drinking water supplies.

The act also establishes a DEEP-administered salt applicator registration program for commercial applicators that allows the applicators to annually register and certify that they (1) received the roadside applicator training and (2) comply with required regulations ([PA 22-118](#), §§ 139 & 140, effective October 1, 2022, except the registration provision is effective upon passage).

Stormwater Authority Fee Reduction

The budget implementer act modifies the partial fee reduction that municipal stormwater authorities must provide to property owners by placing more requirements on its availability and establishes an optional reduction. The reductions are based on decreasing the amount of untreated stormwater entering a municipal separate storm sewer system. As under prior law, the reductions are in the form of a credit. The act also eliminates the requirement that the authorities consider a property's grand list valuation when setting stormwater fees ([PA 22-118](#), § 137, effective July 1, 2022).

Wastewater Plant Operator Certification

The legislature passed a new law that limits the exam requirement for class III and IV wastewater treatment operator certification applicants to a standardized national exam. Prior law required them to also pass additional questions from the DEEP commissioner. The new law also expands the commissioner's authority to adopt associated regulations, including provisions on the certification process and continuing education ([PA 22-143](#), § 1, effective upon passage).

Miscellaneous

Office of Aquatic Invasive Species

This year, the legislature created the Office of Aquatic Invasive Species within the Connecticut Agricultural Experiment Station. The new law enumerates the office's responsibilities, which include coordinating research efforts for aquatic invasive species control and eradication and being a liaison with state agencies, including DEEP ([PA 22-118](#), § 68, effective July 1, 2022).

Noise Control Ordinances

A provision in an act from this session eliminates the DEEP commissioner's role in approving municipal noise control ordinances. Prior law required her approval before these ordinances could take effect. The new act also requires these ordinances to be at least as stringent as applicable federal and state noise requirements, instead of only needing the ordinances to conform to them ([PA 22-143](#), § 3, effective upon passage).

Nuclear Facility Moratorium Exemption

Existing law bans starting construction on a new nuclear power facility unless and until DEEP finds that the federal government has identified and approved a way to dispose of high-level nuclear waste. A new law exempts from this moratorium any nuclear power generating facility currently operating in the state (i.e., the Millstone Power Station in Waterford) ([PA 22-76](#), effective October 1, 2022).

Radiation Source Regulation

Several provisions in a new law further the state's transition to "agreement state status" with the U.S. Nuclear Regulatory Commission (NRC). This status allows states to assume responsibility for regulating and licensing radiation byproduct material, source material, and certain amounts of special nuclear materials. Among the changes to advance the transition, the act (1) specifies that NRC keeps regulatory oversight over certain materials and activities; (2) allows the DEEP commissioner to enter into certain agreements for inspections and other control functions; and (3)

applies to the radiation and radioactive materials law existing penalties for failing to file, obtain, or display certain documents, or improperly maintaining a condition or activity involving radiation or radioactive material ([PA 22-143](#), §§ 12-16, effective upon passage).

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